

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/2023/0025

Proposal : Demolition of redundant buildings including partial demolition of modern extensions to Redcourt and redevelopment of site to provide 24 dwellings (Use Class C3) including the retention and conversion of Redcourt together with access, parking and landscaping (resubmission of application reference HPK/2020/0334)

Site : Land South of, Hollin Cross Lane,
Glossop,
SK13 8JH

General Details

Planning Case Officer : Rachel Simpkin
Applicant : Glossop Eden Ltd

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 originally responded to planning application HPK/2020/0334 which was subsequently refused (not on highway grounds) at both the planning/appeal and Point 4 of the Appeal Decision stated:

'However, I note that the highway authority confirmed it could not substantiate an objection on highway safety grounds and the Council did not refuse planning permission on the basis of such matters. Based on my own observations on site and the evidence presented, I am not persuaded that the development would result in an unacceptable impact on highway safety.'

Nevertheless, I am dismissing the appeal for other reasons and this does not alter my decision.'

However, it has been noted that application HPK/2020/0334 included access drawing number VN201622-D103 Revision B which was agreed by the HA and LPA and recommended to be Conditioned, but this drawing has not been submitted under planning reference HPK/2023/0025, so I request that this drawing forms part of the approved drawings and I have added it to the recommended Conditions below (4).

It is also noted that the previously agreed proposed site plan (P15) has been superseded by drawing number P18, but the changes do not alter the previously agreed highway Conditions under planning application HPK/2020/0334 and I assume they are provided to as a response to the Appeal Refusal.

The applicant again fails to address all the previously highlighted layout issues the Highway Authority were seeking to achieve to ensure an adoptable form of development and adoption of the estate streets is a purely voluntary act between the developer and the Highway Authority and acceptance of the proposals for planning purposes does not in any way compel the Highway Authority to enter into an adoption Agreement at a future date. In the absence of any further amendments to the layout and for the avoidance of doubt, it is unlikely the streets would be eligible for adoption and they would need to remain privately maintained by the road owner or street frontagers where applicable. Purely from a planning perspective, the Highway Authority would not be able to demonstrate that the development proposals would result in a highway safety issue or have a severe impact on the existing highway network which would justify a recommendation of refusal from the Highway Authority, the tests to be met as identified in paragraph 111 of the National Planning Policy Framework document.

Therefore, should the proposals be otherwise acceptable from a planning perspective it is requested that the following conditions, or similar based on the same, be included in any consent issued.

1.Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

2.Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

3.The carriageway and margins to the proposed roads shall be constructed in accordance with details first to be submitted and agreed, in writing, by the Local Planning Authority. In addition, the same shall be constructed up to and including at least road base level prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageway and margins shall be constructed up to and including base course surfacing

to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway between the dwelling and the existing highway. Until final surfacing is completed, the margin base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the margin.

4. Before any other operations are commenced a vehicular junction shall be formed to Hollin Cross Lane and Slatelands Road in accordance with revised drawing VN201622-D103 Revision B. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) above ground level.

5. Prior to the occupation of any dwelling, any redundant vehicular and pedestrian accesses shall be permanently closed with a physical barrier and the existing crossovers reinstated as footway in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

6. There shall be no gates or other barriers on the accesses.

7. The proposed accesses to Hollin Cross Lane/Slatelands Road shall be no steeper than 1:30 for the first 10m and shall not exceed 1:20 thereafter. Individual driveways shall not exceed 1:14.

8. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established].

In addition, the following notes shall be included for the benefit of the applicant.

1. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department - Place 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

<https://www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx>

E-mail highways.hub@derbyshire.gov.uk or

Telephone Call Derbyshire on 01629 533190.

2. The Highway Authority recommends that the first 5m of the proposed access 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.

3. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken 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.

4.The following clause shall be included in the deeds of the dwellings to ensure that at no time will adoption of any part of the access road be sought:

“The lessee or purchaser shall not at any time, either alone or jointly with others, seek adoption of any part of the driveway intended to serve the development as a highway maintainable at the public expense, it being the intention that same shall at all times remain private up to the point where the same abuts upon the publicly maintainable highway”.

5.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.

6.Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Mr J Adams, Traffic Management, 01629 538628. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link - http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp

7.The applicant is advised that to discharge condition 9 that the Local Planning Authority requires a copy of a Private Management and Maintenance Company confirming funding, management and maintenance regimes completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

LHA Details

Date Received	Case Officer	Reviewer	Date Issued
7 March 2023	Glen Donaldson	Glen Donaldson	9 March 2023