

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/2022/0353

Proposal : Erection of 8 residential dwellings with associated landscaping

**Site : ZION METHODIST CHURCH
SIMMONDLEY LANE
SIMMONDLEY
GLOSSOP
SK13 6NS**

General Details

Planning Case Officer : James Stannard

Applicant : Mr Matthew Sharp (Mellor Homes 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

You will be aware of the County Council, acting as Local Highway Authority (LHA) previous consultation response raised a number of issues in connection with Public Right of Way (PRoW) which runs adjacent to the site, the internal layout and visibility splays onto Simmondley Lane and in the intervening period a number of discussions have taken place to try and resolve the issues which has culminated in the recently submitted revised drawings (A-0015-Rev C), so from a LHA aspect the drawings are now considered acceptable in principle although it should be noted that in order to implement the scheme a separate construction approval process with the LHA for the '*new demarked 1.5m wide footpath*' and the private internal road layout with County Council will need to be progressed – this scrutinises construction details and will be necessary in order for the LHA to agree any works.

The access road and turning areas will remain private, but the LHA will still need to ensure the streets are appropriately constructed and maintained to a satisfactory standard to protect future residents and to ensure they have a satisfactory access to their properties. The LHA would need to approve an appropriate construction for the private streets and would look for a Management Company to be set up to take on the future maintenance requirements for the private street(s). The construction of the works will inevitably lead to considerable disruption in the area which will affect a number of existing dwellings, so a construction management plan will therefore be an essential element, to be secured by condition.

Therefore, it is considered that the remaining issues may be addressed by appropriate conditions appended to the consent issued for this development and as the principle of development has already been accepted from a LHA/PRoW aspect and, as highlighted above, notwithstanding the information already submitted further minor modifications could well be required as part of the subsequent construction approval processes with the LHA and on this basis it is recommended that the following Conditions/Informative Notes are appended to any consent granted:

Conditions:

1. No development, including preparatory works, shall commence until the proposed access has been laid out in accordance with the approved plan(s), and visibility sightlines of 47m measured in each direction to the nearside edge of the carriageway, as measured from a point located centrally and 2.4m back into the access. The area within the sightlines shall thereafter be kept clear of any object greater than 1m in height (0.6m in the case of vegetation) above the nearside carriageway channel level.
2. The works in connection with the above condition shall be laid out and constructed in accordance with the approved details in a timescale to be agreed in writing with the Local Planning Authority prior to works commencing on site.
3. Notwithstanding any information submitted, no development shall take place, with the exception of the site clearance, until construction details of the turning head and footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.
4. The carriageways and footways shall be constructed in accordance with the details approved under condition (3) above, up to and including binder 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/proposed public highway. Until final surfacing is completed, the footway binder course shall be provided in a manner to avoid any upstands to gullies, covers or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.
5. The dwellings, the subject of the application, shall not be occupied until the site has been provided with suitable turning arrangements to enable service and delivery vehicles to turn, all as may be agreed in writing with the Local Planning Authority. In the case where interim turning arrangements are constructed these must remain available until any permanent turning head is available, in accordance with the approved

designs.

6. No dwelling shall be occupied until space has been provided within the site curtilage / plot for the parking and manoeuvring of residents and visitors vehicles associated with that dwelling, all to be laid out, constructed and approved in writing by the Local Planning Authority. The facilities shall be retained throughout the life of the development free from any impediment to their designated use.
7. No gates, including any part of their opening arc shall be permitted to open out over public highway limits. Any gates should therefore be set back an appropriate distance from the carriageway edge or be physically prevented from opening over the adjoining highway.
8. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the PRow. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.
9. 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.
10. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.
11. No development shall take place until a demolition management plan / demolition 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: i. Parking of vehicles for site operatives and visitors, ii. storage of plant and materials and site accommodation, iii. details / method of demolition of buildings on site. iv. method of prevention of mud / debris being carried onto the public highway, v. proposed temporary traffic management / restrictions, vi. arrangements for loading / unloading and turning vehicles within the site, vii. roadside fencing / hoarding.

Informative 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 PRow and public highway (Simmondley Lane). 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 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
- iii. Pursuant to Section 50 (Schedule 3) of the New Roads and Street Works Act 1991, before any excavation works are commenced within the limits of the public highway (including public Rights of Way), at least 6 weeks prior notification should be given to the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock (telephone: 01629 533190 and ask for the New Roads and Street Works Section).
- iv. 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.
- v. Prior to the first occupation of each dwelling, space shall be provided for the parking of vehicles associated with that dwelling in accordance with the approved plan(s) and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, such space shall be maintained throughout the life of the development free of any impediment to its designated use. For the avoidance of doubt, where a garage is to be counted as a parking space, the internal dimensions shall not be less than 3m wide by 6m long with any service or vehicular doors opening outwards. Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway(s) and to ensure that the facilities provided are reserved for the benefit of the development for which they are specifically required.
- vi. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, any garage(s)/parking space(s) to be provided in connection with the development shall not be used other than for the parking of vehicles except with the prior grant of planning permission pursuant to an application made to the Local Planning Authority in that regard.
- vii. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order) no gates / bollards / chains / other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.
- viii. Pedestrian visibility splays of 2m x 2m shall be provided to Plots 1, 2, 3 and 4 and permanently maintained on both sides of the access to each plot / dwelling. There shall be no obstruction to visibility between 0.6m and 2.0m above carriageway level.
- ix. Public Right of Way – Affected Public Right(s) of Way Glossop Footpath No. 50 as shown on the Derbyshire Definitive Map, must remain open, unobstructed and on its legal alignment at all times. There should be no disturbance to the surface of the route without prior authorisation from the Rights of Way Inspector for the area. Consideration should be given to members of the public using the route at all times. A temporary

closure of the route may be granted to facilitate public safety subject to certain conditions. Further information may be obtained by contacting the Rights of Way Section – ETE.PROW@derbyshire.gov.uk. If a structure is to be erected adjacent to the right of way, it should be installed within the site boundary so that the width of the right of way is not encroached upon.

LHA Details

Date Received	Case Officer	Reviewer	Date Issued
4 October 2022	Glen Donaldson	Glen Donaldson	10 May 2023