



**High Peak Borough Council**

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boundary of the site in relation to drainage and noise matters. Without this further information it is not possible to judge whether the proposal is in accordance with Adopted High Peak Local Plan 2016 Policies SS1, EQ6, EQ10 EQ11 in particular and the NPPF.

3. Insufficient information has been submitted with the application relating to levels in order to assess adequately the impacts of the proposed development having regard to matters of character and appearance and amenity of both neighbouring properties and future residents of the development proposal. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Policies S1 and EQ6 of the Adopted High Peak Local Plan 2016 as well as the Council's High Peak Design Guide 2018 and Residential Design Guide 2005, and / or any other material considerations.
4. Insufficient information has been submitted with the application relating to matters of access in order to assess adequately the impacts of the proposed development having regard to matters of highway safety and design for the development proposal. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Policies S1, CF6 and Appendix 1 of the Adopted High Peak Local Plan 2016 and / or any other material considerations.
5. Insufficient information has been submitted with the application relating to drainage in order to assess adequately the impacts of the proposed development having regard to matters of local flood risk of the development proposal. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Policies S1 and EQ11 of the Adopted High Peak Local Plan 2016 and / or any other material considerations

### **Informatives**

1. The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraph 38 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. It was not possible to suggest amendments which could overcome the harm in principle identified above.

X *B.J. Haywood*

Signed by: Ben Haywood

**On behalf of High Peak Borough Council**





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### NOTES

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
2. If the decision to refuse planning permission is for a householder application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice. All other types of development have a 6 month deadline for submission of appeals. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <https://www.gov.uk/appeal-planning-inspectorate#other-ways-to-apply>. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.
3. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.



**From:** [Glen Donaldson \(Place\)](#)  
**To:** [Simpkin, Rachael.](#)  
**Cc:** [Planning \(HPBC\)](#)  
**Subject:** HPK/2020/0180 Land at Bridgemont, Whaley Bridge  
**Date:** 06 February 2022 21:36:46  
**Attachments:** [image001.png](#)  
[311106 02 P18 Proposed Site Plan.pdf](#)  
[311106 04 P8 Proposed Site Access.pdf](#)

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Hello Rachael.

As request, the County Council has looked at the amended drawings (see attached) for the above site and offer the following comments:

**P8 Proposed Site Assess:**

The Highway Authority has no objections to the proposals and should The Planning Authority be minded to permit the application, its recommended the following conditions and informative notes are included in any consent:-

1. 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. The facilities shall be retained free from any impediment to their designated use throughout the construction period.
2. Unless otherwise approved in writing by the Local Planning Authority, the development shall not be commenced until a detailed scheme of highway improvement works for the provision of a footway link between the site and that existing to the south of the proposed site access, 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 S278 Agreement with the Highway Authority in order to comply with the requirements of this Condition.
3. Before any other operations are commenced a new junction shall be formed to Bridgemont and provided with visibility sightlines in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object above ground level relative to adjoining nearside carriageway channel level.
4. 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 highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.

In addition, the following Advisory Notes may be included for the information of the applicant:-

- a. 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.
- b. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Executive Director of Economy Transport and Environment at County Hall,

Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

c. 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*.

**P18 Proposed Site Plan:**

Although there are no major objections to the proposals, the submitted drawing does not show enough information to fully assess the access road, so the following comments apply:

1. Notwithstanding the submitted information a subsequent reserved matters or full application shall include design of the internal layout of the site in accordance with the guidance contained in the Delivering Streets and Places Design Guide.
2. The previous information showed a gradient from 1:20 to 1:12 and the layout beyond the access did not form a part of the current application and it's recognised that gradients beyond the initial 10m of new access road are likely to be revised as the detailed scheme evolves. It's was requested that the access layout, for the purposes of this application, is terminated 10m into the site and recognised that allaying the major level differences beyond this may prejudice any potential future adoption of the road to be maintained in future at public expense, so can you confirm that this is still the case and the gradients will remain as previously proposed?
3. The proposed access drives to the proposed development road shall be no steeper than 1 in 12 for the first 6m from the rear of footway and 1 in 6 thereafter.
4. It's noted that the Transport Assessment states that a review of levels, retaining solutions and highway boundary issues will be required, so suitable details will need to be submitted to demonstrate that acceptable access arrangements can be delivered.
5. The proposed main site access does not comply with current design criteria. The gradient of the initial 10m of the access road should be no greater than 1 in 30 and 1 in 20 thereafter. Consideration may be given for steeper gradients beyond the initial 10m, however, these should be of short length and demonstrated as being necessary due to existing constraints e.g. topography.
6. Suitability of the layout for use by a Large Refuse Vehicle of 11.6m length should be demonstrated by means of appropriate swept paths.
7. Without benefit of details printed to scale, it isn't possible to ascertain the width of the proposed road widths, so carriageways and footways should be shown and annotated to be a minimum of 5.5m and 2.0m width respectively.
8. Off-street parking should be provided at a level to satisfy your own Authority's standards, each space being of 2.4m x 5.5m minimum dimension with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge, fence, etc.
9. Measures to prevent surface water run-off from entering the public highway from any areas at a higher level will need to be shown.
10. Areas of appropriate dimension should be provided for standing of waste bins on collection days adjacent to, but clear of, the highway. It's recommended that the views of the local collection service are sought with respect to entering the site if the internal layout is to remain private. In the event that collections aren't to be made from within the site, or any part of it, all premises should be located within the recommended maximum carry distance of 25m of a turning facility demonstrated as being suitable for use by a typical supermarket delivery type vehicle.

11. The Highway Authority no longer accept shared surfaces within the highway because of the impact that this has on the blind and partially sighted.
12. On street residential parking within the highway is no longer allowed by the Highway Authority. Wherever possible, the parking spaces should be provided within the curtilage of the property.
13. 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 gradients 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.
14. Any redundant vehicular and pedestrian accesses shall be permanently closed with a physical barrier and the existing crossovers reinstated as footway.
15. No Tactile paving shown within the site.
16. The access junction to the parking spaces to the rear of proposed dwelling No's 03 to 14 is a concern, generally junction spacing should be 70m, so this will need reassessing.
17. Until bedroom numbers per dwelling has been provided, parking provision cannot be assessed.

Therefore, whilst the above comments may not be exhaustive, it's recommended that the applicant is given opportunity to submit revised/ further details to satisfactorily address all of the issues highlighted.

Regards

**Glen Donaldson** | Project Engineer | Highways Development Control

**Place** | Derbyshire County Council

County Hall | Matlock | Derbyshire | DE4 3AG

Tel: ~~01332 866666~~ | Ext: **35544**

**E-mail:** [ete.devcontrol@derbyshire.gov.uk](mailto:ete.devcontrol@derbyshire.gov.uk)



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



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

**Application Details**

**Application Ref : HPK/2023/0061**

**Proposal : Outline planning application for affordable housing  
with access considered and all other matters reserved  
(resubmission of HPK/2020/0180)**

**Site : Land to the west of Bridgemont  
Whaley Bridge**

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**General Details**

**Planning Case Officer : Rachel Simpkin**

**Applicant : Treville Properties Ltd and Great Places**

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**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 previous County Council response to the refused application HPK/2020/0180 (Reason 4. *'Insufficient information has been submitted with the application relating to matters of access in order to assess adequately the impacts of the proposed development having regard to matters of highway safety and design for the development proposal. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Policies S1, CF6 and Appendix 1 of the Adopted High Peak Local Plan 2016 and / or any other material considerations.'*) identified various issues and the following points have not been addressed:

1. The latest requirements for trees in developments have been established in the July 2021 National Planning Policy Framework (NPPF) for England. The NPPF sets out what local planning authorities (LPAs) will require, when setting local policies and also considering planning applications for all developments. The NPPF states that: 'Planning policies and decisions should ensure that new streets are tree-lined and that opportunities are taken to incorporate trees elsewhere in developments'. This is backed up by other recent government and local guidance such as the National Model Design Code which says: 'All schemes will be expected to follow national policy by achieving a 10% net gain in biodiversity. All new streets should include street trees.', so does the submitted information satisfy this requirement?
2. The previous information showed a gradient from 1:20 to 1:12 and the layout beyond the access did not form a part of the current application and it's recognised that gradients beyond the initial 10m of new access road are likely to be revised as the detailed scheme evolves. It's was requested that the access layout, for the purposes of this application, is terminated 10m into the site and recognised that allaying the major level differences beyond this may prejudice any potential future adoption of the road to be maintained in future at public expense, so can you confirm if the access road/footways (turning head) shown in grey on submitted drawing 311106/03/P2 is being put forward for adoption with the County Council under a Section 38/278 Agreement or will the area beyond 10m into the site remain private?
3. No information provided regarding the proposed access drives which shall be no steeper than 1 in 12 for the first 6m from the rear of footway and 1 in 6 thereafter.
4. No review of levels, retaining solutions or highway boundary issues have been addressed to demonstrate that acceptable access arrangements can be delivered.
5. As per point 2 above, the gradient of the initial 10m of the access road should be no greater than 1 in 30 and 1 in 20 thereafter. Consideration may be given for steeper gradients beyond the initial 10m, however, these should be of short length and demonstrated as being necessary due to existing constraints e.g. topography.
6. No information has been provided regarding the suitability of the layout for use by a Large Refuse Vehicle of 11.6m length which should be demonstrated by means of appropriate swept paths.
7. The submitted drawing shows carriageway and footway widths of 5.5m and 2.0m width respectively, but no speed restraints shown.
8. Does the level of off-street parking satisfy your own Authority's standards? The County Council parking space size is as follows 2.4m x 4.8m minimum dimension with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge, fence, etc.
9. No measures to prevent surface water run-off from entering the public highway from any areas at a higher level have been shown.
10. No areas of appropriate dimension have been provided for standing of waste bins on collection days adjacent to, but clear of, the highway. It's recommended that the views of the local collection service are sought with respect to entering the site if the internal layout is to

remain private. In the event that collections aren't to be made from within the site, or any part of it, all premises should be located within the recommended maximum carry distance of 25m of a turning facility demonstrated as being suitable for use by a typical supermarket delivery type vehicle.

11. 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 gradients 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.

12. Any redundant vehicular and pedestrian accesses shall be permanently closed with a physical barrier and the existing crossovers reinstated as footway.

### **LHA Details**

| Date Received | Case Officer   | Reviewer       | Date Issued  |
|---------------|----------------|----------------|--------------|
| 14 March 2023 | Glen Donaldson | Glen Donaldson | 4 April 2023 |

Hi Liam,

Please find comments from Glen Donaldson County Highways based on the applicant's submission below as per the D&A:

- *Proposed site access plan (TADW drawing no. 46934004 P06)*
- *Proposed visibility splays and access dimensions – (SCP\_200341\_F03)*
- *Indicative site layout (TADW drawing no. 311106 03 P2)*

The access drawing will need to be clearly defined, plans should not be contradictory and the "access point" sought to be approved at this stage should be clearly defined.

The applicant will need to address the Highways M&M agreement within the s106 agreement HoTs. Travel Plan to be amended as recommended by County Highways.

Kind regards,

**Rachael Simpkin**  
**Senior Planning Officer (Majors & Commercial)**  
**Development Services**

High Peak Borough Council and Staffordshire Moorlands District Council

**From:** Glen Donaldson (Place)  
**Sent:** Monday, June 19, 2023 3:03 PM  
**To:** Simpkin, Rachael.  
**Subject:** HPK/2023/0061

Hello Racheal.

The HA comments relating specifically to the following submitted drawings (all attached) are as follows:

- *Proposed site access plan (TADW drawing no. 46934004 P06)*

This drawing does not reflect the information contained within drawing 'Proposed visibility splays and access dimensions – (SCP\_200341\_F03)' as the visibility splay (shown in orange below), footway widening and rumble strip were amended as part of previous requested changes by the HA and drawing number '200341\_F03' was provided, assessed and approved.



- *Proposed visibility splays and access dimensions – (SCP\_200341\_F03)*

This drawing does not show enough information to determine the exact extent of the proposed access. Drawing number 46934004 P06 (see extract above) shows the 'First 10m of new road from the existing channel to have maximum gradient of 1:30' and 'Next 7.5m of new access road to maximum gradient 1:12', so the same information must be shown on drawing 200341 F03, plus a red line boundary to identify what is being proposed for the purposes of planning application HPK/2023/0061 and what is being put forward to form part of the Highway Maintainable at Public Expense (HM@PE) under a Section 278/38 Agreement as it is unclear if it is 17.5m or 10m which attached drawing number 'Proposed Access Levels 311106 05 P2' also states, but again is unclear.

- *Indicative site layout (TADW drawing no. 311106 03 P2)*

You will note that the HA made various comments on 19 May 2023 relating to the access which are relevant to the Option 2 Plan 311106 03 P2, so I have taken extracts of the email for your information.

*'Point 1: Can be replaced with the following: 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 street 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. 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*