
From: Glen Donaldson (Place)
Sent: 19 July 2023 15:49
To: Steven Gunn-Russell
Cc: Planning Comments (HPBC)
Subject: HPK/2022/0456 - Dinting Vale - Highways

Categories:

Hello Steven.

You will be aware of the Highway Authority's previous consultation responses raised a number of highway issues and in the intervening period a number of discussions have taken place to try and resolve the issues, which has culminated in the recent meeting (18 July 2023) where the following was discussed:

- A. Levels.
- B. Possible Active Travel Corridor.
- C. Public Right of Way (PRoW 50).
- D. Highway structures (retaining or supporting).
- E. Cycle/Pedestrian links.
- F. Street Trees, and
- G. Parking provision.

So from a highways aspect the submitted drawings at present are not considered acceptable until the above has been addressed and approved by the Local Planning Authority (LPA) and the Local Highway Authority (LHA). It also proposed that the access roads are put forward for adoption under a Section 38 Agreement with the County Council (although the exact information relating to which roads has still to be provided) or any existing public highway proposed to be improved under a Section 278 Agreement, but it should be noted that in order to implement any scheme a separate construction approval process with the Highway Authority will need to be progressed – this scrutinises construction details and will be necessary in order for the Highway Authority to enter into a Section 38/278 Agreement for any works.

The LPA will be well aware that future adoption of the estate streets is purely a voluntary act between the developer and the highway Authority and if the estate roads/footway/cycleways are to remain private in the future, the highway Authority 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 Highway Authority 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 developer should also be aware of the requirements of the Advance Payments Code part of the Highways Act 1980 and the obligations to secure the streets financially, where an adoption Agreement is not entered into. Street lighting/highway drainage design will need to be formally approved by the Highway Authority as part of any Section 278/38 Agreements pursued for these works. It is likely that amendments will be required to the proposals submitted and therefore no formal Highway Authority approval is given at this stage for the street lighting/highway drainage proposals. Construction may vary depending on whether the streets will be adopted or not, so again, no formal approval is given at this stage to any information that has been submitted as part of the application.

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.

It is not clear if the applicant intends to create a temporary site access for the construction phase or to construct the main site access before other works are undertaken. As there are no other access opportunities, other than the proposed site access serving the development, a suitably worded condition requiring the formation of the access prior

to any other works will be required. The access can then be completed along with the new footways on Lees Lane before the first occupation of the dwellings.

Therefore, it is considered that once the remaining issues have been addressed, appropriate conditions should be appended to the consent issued for this development and on this basis the Highway Authority would recommend the following Conditions/Notes are appended to any consent granted:

1. The development hereby approved shall not be commenced until the vehicular access to Dinting View in accordance with submitted plan reference (?????) has been created and completed up to at least base course level and is provided with the visibility splays also indicated on plan reference (?????). The access shall then be completed up to adoptable standard before the first occupation of the dwellings, with the visibility splays being permanently kept free of all obstructions over 0.6m in height above carriageway level thereafter.
2. The Development hereby approved shall not be occupied until the footway/cycleway works have been constructed and completed in accordance with plan reference (?????).
3. No individual dwelling in the development hereby approved shall be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.
4. Vehicle and cycle parking shall be provided prior to first occupation of each dwelling in accordance with details to be contained within the approval of any reserved matters permission. Such details shall include a scheme for enabling charging of electric plug-in and other ultra-low emission vehicles. Parking and charging points shall be maintained for this purpose thereafter.
5. No works or development shall take place until full details of all proposed street tree planting, root protection systems, future management plan, and the proposed times of planting, have been approved in writing by the local planning authority, and all tree planting shall be carried out in accordance with those details and at those times. the terms and conditions under which they are to be carried out.
6. 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.
7. An independent Stage 2 Road Safety Audit must be carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site. A programme for the delivery of that scheme and its interaction with delivery of any identified schemes under the section 38/278 Agreement must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site. Each item of the on/off-site highway works must be completed in accordance with the approved engineering details and programme.
8. 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.
9. The carriageways and footways/cycleways shall be constructed in accordance with the details approved to ensure that each dwelling, prior to occupation, has a properly consolidated and surfaced carriageway and footway/cycleway between the dwelling and the existing/proposed public highway. Until final surfacing is completed, the footway/cycleway 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, cycleways 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.

10. 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 writing. 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.
11. 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.
12. The garage spaces provided shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.
13. 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.
14. 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.
15. If the streets are remaining private, 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.
16. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road, structure or apparatus which will support or 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.

Section 106 Content

A resubmission of the Travel Plan document is required which acknowledges that targets should be set once the initial residential travel survey baseline figures are established. A 10% gross target reduction in SOV should then be set. This replaces the use of the 2011 dataset and the 'no change' SOV target proposed.

The following suggested main features should be considered for any revised / new Section 106 Agreement:-

- i. Travel Plan Monitoring fee is £1,265.00 pa x five years, total £6,325.00.
- ii. Funding for the improvement of public transport facilities (bus stop enhancements e.g. shelters, raised boarding areas, seating, signage or other associated works).
- iii. The contributions may be used for investigation, design or implementation of the works and the Authority's legal and administration costs (including advertising and public consultation).

Please also attach the following advisory notes to any consent granted for the information of the applicant:

- I. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out. Contact the Highway Authority's Implementation team allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions: • Drafting the Agreement • A Monitoring Fee • Approving the highway details • Inspecting the highway works Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.
- II. The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980. You must contact the Highway Authority's Implementation Team and you will be required to pay fees to cover the Council's costs in undertaking the following actions: • Drafting the Agreement • Set up costs • Approving the highway details • Inspecting the highway works You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority. The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.
- III. All new streets must be tree lines as required in the National Planning Policy Framework. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included, this includes root protections, watering and ongoing management. Street trees are likely to be subject to a commuted sum.
- IV. 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.
- V. 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.
- VI. 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).
- VII. If construction works require Temporary Traffic Management and possibly road closures/diversions, advice regarding procedures should be sought from the County Council Traffic Management Team.
- VIII. 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.

- IX. The applicant is advised to obtain a technical approval for all drainage with the turning head by obtaining details from the Local Highway Authority prior to the submission of such approved details to the Local Planning Authority to discharge Condition (1) of this consent.
- X. 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. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council.
- XI. Any structure built in, under, or over the highway. • Any retaining wall built within 3.65m of the highway boundary where the retained height above the adjacent highway is 1.4m or more. Any retaining wall or structure which supports the highway and where the distance between the highway boundary and the rear face of the wall or structure is less than twice the difference in level between the ground at the front of the wall and the highest level of the adjacent highway at any point along the length of the wall or structure. Highway-related structures, as considered within the 6Cs area, normally include: • Bridges. • Fences (including safety fences). • Retaining walls. • Corrugated-steel buried structures. • Reinforced soil and anchored earth structures. • Reinforced clay brickwork retaining walls of pocket-type and grouted-cavity construction. • Crib wall retaining walls of concrete or timber construction. • Environmental barriers (including noise fencing). • All drains, pipes and box culverts, sewers and drainage structures, other than bridges, that have a diameter or clear span of more than 900mm. All highway-related structures, whether to be adopted or not, shall be designed and constructed in accordance with current relevant Highways England standards, codes of practice and technical memoranda unless agreed otherwise. Design is normally subject to the technical approval procedure set out in BD 2/12 within DMRB and in the context of this design guide, the technical approval authority is the relevant LHA. The applicant must employ a qualified civil or structural engineer with experience in highway structures, with approval from the relevant LHA, to carry out design and oversee construction. Prior to construction, the applicant shall provide the LHA with a programme of supervision for approval. This programme shall give details of the level and amount of supervision provided and contain proposals for materials testing. The works will then be audited by the LHA at regular intervals for compliance with the construction programme.

Regards

Glen Donaldson | Project Engineer | Highways Development Control

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CONTROLLED

From: Steven Gunn-Russell **Sent:** 17 July 2023 23:45
To: Glen Donaldson (Place) **Subject:** HPK/2022/0456 - Dinting
Vale - Highways

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Hi Glen,

Thanks again for your highways response. I note your comment as follows:

"The County Council would wish to see the highway issues addressed prior to determination, however, should the LPA be minded to approve the application in its current form we would be grateful if the LPA could reconsult the Highway Authority so that consideration can be given to formulating appropriate Conditions/Notes which can be recommended to be appended to any consent issued. "

We have been advised by the agent that the applicant insists on the application being taken to the August committee. As things stand, the application is recommended for refusal. We will continue to work with the applicant to improve the scheme.

However, despite this, it is necessary to be aware that the elected members may still decide to approve the application. I would therefore be grateful if you can provide me with proposed conditions in the event of an approval.

Kind regards,
Steven

Steven Gunn-Russell
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