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Telephone:
Ask for: Glen Donaldson
Email:
Our ref: HPBC/2024/009347
Your ref: HPK/2024/0333
Date: 3 September 2024

Dear Rosie Dinnen

**TOWN AND COUNTRY PLANNING ACT 1990
(DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015
ARTICLE 18 CONSULTATION WITH HIGHWAY AUTHORITY**

PROPOSAL: Proposed demolition of existing buildings and erection of 9 No. four bedroomed detached dwellings with associated access, landscaping and detached garages

LOCATION: RELIANCE GARAGE GLOSSOP LTD
TURNLEE ROAD
SIMMONDLEY
GLOSSOP
SK13 6PW

APPLICANT: Caprice Construction Ltd

Derbyshire County Council, the Highway Authority (HA) acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, confirm that although there are no major objections to the proposals, the submitted drawings do not show enough information to fully assess the proposed internal layout (including access road), so the following comments apply:

It is the policy of the County Council that 'Any street which is being developed to serve six or more properties shall be capable of being laid out to a minimum standard, so that a street can be constructed which can be adopted as a highway maintainable at public expense'.

Before construction begins the developer must either:-

- Complete payment of the estimated cost of highway works in accordance with the Notice served under the Advance Payments Code, or
- Enter into a Section 38 Agreement which provides a bond for due completion of the works.

Where a developer wishes the streets to remain private, the HA may enter into a planning obligation with the developer where it is advised that the Local Planning Authority requires a copy of the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes. Such a planning obligation enables the developer to avoid making payments under the Advance Payments Code, as the highway authority can then be satisfied that the streets will not fall into such a condition that a Private Streets Work Scheme will be needed.

Notwithstanding the above information, 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.

The internal road layout of the site should be in accordance with the guidance contained in the County Council Design Guide (6C's) Delivering Streets and Places (DSP) Design Guide where the following applies:

1. Suitability of the layout for use by an appropriate Refuse Vehicle should be demonstrated by means of appropriate swept paths/turning head. The applicant will need to consult with the relevant refuse collection department to ascertain details of what will be acceptable to them in terms of number and location of bins and means of access including the removal of specialist waste. Bin storage should not obstruct the private drive access, parking or turning provision. Additionally a bin dwell area should be provided clear of the public highway, private access, parking and turning for use on refuse collection days.
2. Off-street parking should be provided at a level to satisfy your own Authority's standards, each space being of 2.4m x 4.8m which should be *increased in length to 6.5m where a space is in front of a garage. Single garages with minimum internal dimensions of 3m x 6m and any double garages 6m x 6m* minimum dimension with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge, fence, etc.
3. Measures to prevent surface water run-off from entering the public highway from any areas at a higher level will need to be shown.
4. Any redundant vehicular and pedestrian accesses shall be permanently closed with a physical barrier and the existing crossovers reinstated as footway.
5. No pedestrian crossings (tactile paving) shown at the proposed junction with Turnlee Road.
6. Bedroom numbers per dwelling should be made in line with the HA design guide (2 spaces per 2/3 bed property and 3 spaces per 4 bed property).
7. No visibility splays have been shown at the junction with Turnlee Road.

8. The DSP remains the Local design guide and requires 1 in 30 for the first 10m for a priority junction, it also applies different gradient for footways and cycleways, but in summary says 1 in 12 maximum. The applicant also needs to consider 'LTN 1/20' and 'Inclusive mobility' both of which address key considerations to promote active travel (including cycle storage) and ensure that persons with protected characteristics are catered for.
9. On 3 September 2024, the County Council Public Right of Way (PRoW) Team provided the LPA with the following response: *'A PRoW is shown to run through the centre of the site, so the County Council PROW team will need to be approached for comment to discuss if the proposals affect the PROW and (if required) undertake a the process of diverting or stopping up the existing PROW, which is a legal process, so to avoid any abortive works I suggest this is undertaken at an early stage by emailing . ETE.PROW@derbyshire.gov.uk. I can advise that Glossop Public Footpath No. 41 runs through the proposed development site, as shown in red on the attached plan taken from the Working Copy of the Definitive Map. It can be seen that the path is obstructed and has been so for some time. It appears to have been informally diverted around the building, but still requires a legal diversion as the definitive legal line of the path is not available for public use. If permission is granted for the proposals, FP 41 will be required to be permanently diverted. Providing there is a diversion for FP 41, the Rights of Way section would not object to the proposals. I note the welcome addition of the green corridor that has been incorporated in the plans for the northern section of the path. I should be grateful if you could advise the applicant the information as follows:*
 - *Every effort should be made to incorporate a path along its existing legal alignments as part of any proposed development. If this is not possible then a formal Diversion Order will be necessary and should be discussed at an early stage*
 - *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.*
 - *If a right of way is required to be permanently diverted then the council that determines the planning application (The 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.*
 - *To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping up or diversion of a public right of way can be considered concurrently with the application for the proposed development rather than await the granting of permission.'*

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 and should be addressed by the applicant prior to determination of the application, ideally through revised information/drawings. However should the proposals be acceptable in planning

terms and your Authority is minded to approve the application in its submitted form, I would welcome the opportunity to discuss possible highway related conditions and notes for inclusion in any decision notice issued.

Yours Sincerely

Glen Donaldson
Highways Development Control