

Head of Development Services
High Peak Borough Council
Town Hall, Market Place
BUXTON
Derbyshire
SK17 6EL

Highway Officer: Adrian Martin
Our ref: HPBC/2024/009896
Your ref: HPK/2024/0401
Date: 5 November 2024

Dear Rachel Simpkin

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

PROPOSAL: 51 dwellings, comprising one bedroom flats and two and three bedroom houses

LOCATION: Land Off Cottage Lane, Gamesley, Glossop

Derbyshire County Council, the Highway Authority 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 **has no objection subject to conditions.**

Background

The application is a resubmission of a previous application (HPK/2025/0154) to which the LHA raised no objection, although there were a number of issues which required clarification or further details to be submitted concerning the internal layout.

This latest application essentially proposes the same scale and type of development as the previous application and the submitted TA and site layout are identical to the previous albeit pedestrian crossing points have now been added to the main site access road. I therefore refer to comments included in the original LHA response

relating to the principle of the development which remain valid in relation to this latest application:

“The application includes a transport statement in support of the application which assesses the potential impact of the proposed development on the highway network in the vicinity of the application site. Having reviewed the proposed development against Local and National policy, the LHA generally accepts the method of assessment and conclusions reached in the transport statement in that the development will not result in an unacceptable impact on highway safety or have a severe residual cumulative impact on the road network. It is considered that there are no justifiable grounds on which an objection could be maintained to the principle of the application.”

The swept path analysis for a refuse vehicle manoeuvring through the site was queried with the submitted details indicating that a refuse vehicle would need to use a section of the footway fronting plot 15. The resubmitted analysis indicated that a refuse vehicle would not be able to access the cul-de-sac which serves plots 19 to 30 without using the same footway fronting plot 15. The applicant should be made aware that this arrangement is likely to prejudice the future adoption of the cul-de-sac serving plots 19 -30 with the adoption ending at the junction of the central access and the cul-de-sac. The cul-de-sac will therefore remain private.

No details are provided of the gradients of the proposed access roads and footways; the gradients should not exceed 1 in 12 throughout the site and this should be conditioned accordingly. Gradients in excess of 1 in 12 will not be acceptable to the LHA in terms of the acceptability of the application or, should consent be granted, for the adoption of the estate roads.

The previous LHA response commented on additional pedestrian accessibility through the site:

“There also appears to be an opportunity to provide a pedestrian link to the public open space on the southern boundary of the site which would provide a more convenient access for those dwellings located to the south of the site.”

This does not appear to have been addressed. Whilst the lack of an additional pedestrian link is disappointing, it is not considered to be justification for an objection to the application.

Conclusion

Based on the analysis of the information submitted and a review of Local and National policy the Highway Authority concludes that there would not be an unacceptable impact on highway safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

Conditions

The development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on the submitted drawing(s).

Reason: To ensure conformity with submitted details.

Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

Informatives

There is a public right of way running through the site, the applicant will be required to contact the PROW team to arrange for an official diversion, if the applicant cannot guarantee the safety of the path users during the construction phase then they must apply to the PROW department at www.derbyshire.gov.uk/leisure/countryside/access/rights-of-way/faqs/frequently-asked-questions-faqs.aspx to arrange a temporary closure of the right of way for the duration of any works.

We advise you to seek your own independent legal advice on the use of the public right of way for vehicular traffic.

The site is traversed by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion.

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.

Contact the Highway Authority's Implementation Team at development.implementation@derbyshire.gov.uk. 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.

The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at www.derbyshire.gov.uk/transport-roads/roads-traffic/roadworks/roadworks.aspx before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

Yours Sincerely

Highways Development Control