
From: Paul Bigg (Place) <Paul.Bigg@derbyshire.gov.uk>
Sent: 18 March 2022 09:36
To: Jenny Blair
Cc: SDDC Planning Applications
Subject: DMPA/2022/0110 - Land south of The Mease, Hilton

Hi Jenny,

I refer to the above application received by this authority for highway comments, which are as detailed below.

Application Ref: DMPA/2022/0110

Address: Land south of The Mease, Hilton

Proposal: The erection of 12 dwellings together with access, parking, landscaping and associated works

Comments:

Whilst the highway authority would prefer to see no more than 5 dwelling served off a private drive in accordance with current guidance, it is considered that on balance the proposal to serve 6 dwellings off a private drive is acceptable.

Taking this into account the highway authority has no objections to the application subject to the following conditions being imposed should approval be granted.

1. No development shall start until a Highway Construction Management Statement / Plan has been submitted to and approved in writing by the Local Planning Authority. The statement / plan shall include details specifically relating to:
 - a) parking for vehicles of site personnel, operatives and visitors
 - b) site accommodation
 - c) storage of plant and materials
 - d) routes for construction traffic to and from the site and measures to ensure adherence to the approved routing plan for vehicles under the applicant's / developer's control
 - e) provision of roadside boundary hoarding behind any visibility zones
 - f) any proposed temporary traffic management.

Only the approved details shall be implemented, which shall be maintained throughout the construction period.

Reason: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general and dangers to highway safety, during the construction phase.

2. No development shall be occupied until the new vehicular accesses have been constructed. The private drive access junctions shall be provided with visibility sightlines of 2.4 x 43m in both directions to a point 1m in from the nearside edge of the carriageway. 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.

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.

3. Before the first occupation of the development the access and parking areas shown on the approved plans shall be completed and thereafter permanently retained for parking and manoeuvring purposes.

Reason: So that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway and for the convenience and safety of pedestrians including people with disabilities.

4. The development hereby permitted shall not be occupied until such time as the access drives (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019)

5. Before works to create a new estate street take place, construction details of the residential estate street and footways (including layout, levels, gradients, surfacing and means of surface water drainage via a positive gravity-fed system discharging to a public sewer, highway drain or watercourse) shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details. For the avoidance of doubt the applicant is advised to agree the construction details with the Highway Authority prior to discharging this condition.

Reason: To ensure safe and suitable access for all users, in the interests of highway safety. This needs to be a pre-commencement condition to ensure fundamental elements of the development that cannot be retrospectively designed and built are planned for at the earliest possible stage in the development and therefore will not lead to expensive remedial action and adversely impact on the viability of the development.

6. No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details or until such time as an agreement has been entered into under Section 38 of the Highways Act (1980).

Reason: To ensure safe, suitable and satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable standard.

7. The gradient of the new private driveways and vehicular accesses shall not exceed 1:15 for the first 5m from the proposed highway boundary. Where sloping towards the proposed highway, measures shall be installed at the interface between each private driveway/ vehicular access and the proposed highway to prevent the flow of surface water onto the highway.

Reason: In the interests of the safety of persons using the access and users of the highway.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2019).

In addition, the following Informatives should be added to any consent.

- a) If the roads within the proposed development are to be offered for adoption by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Highway Authority reserve the right to charge commuted sums in respect of ongoing

maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please contact the County Council's Implementation team – email ete.devcontrol@derbyshire.gov.uk

- b) Under provisions within Sections 149 and 151 of the Highways Act 1980, the developer must take all necessary action 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 developer'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.
- c) If an adoption Agreement is not in place when the development is commenced, the Highway Authority is obliged to serve notice on the developer, under the provisions of the Advance Payments Code part of the Highways Act 1980 (section 219 / 220), to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.
- d) Planning permission does not give you approval to work on the public highway. 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. It is strongly recommended that you make contact with the County Council at the earliest opportunity to allow time for the process to be completed, which may take up to 16 weeks. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained by contacting the County Council via email – ete.devcontrol@derbyshire.gov.uk. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

Should you have any queries please do not hesitate to let me know.

Best Regards

Paul

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