

# Derby City Council Planning Application Consultation

## Town and Country Planning Act 1990 (as amended)

**Application Number:** 23/01631/OUT.

**Location:** Land to the west of Royal Hill Road, Derby.

**Date Received:** 26/02/2024.

**Response Date:** 24/04/2024.

**Planning Case Officer:** Sara Hodgkinson.

**Highway Authority Case Officer:** Chris Thorley.

**Proposal:** Outline application for residential development including access arrangements – up to 90 dwellings.

### **Recommendation:**

Highways Development Control (*HDC*) has No Objection to the proposals, subject to conditions.

### **Further Observations:**

As previously stated; according to the application form, the proposals are Outline, with only access being determined at this stage.

Following *HDC*'s observations of 05/01/2024, the applicant has submitted a revised plan (101/P1 ~ Proposed Footway Link Details).

These are sufficient to satisfy Highways Development Control (*HDC*) that suitable access into the site can be achieved.

These observations should be read in conjunction with those made by my colleague in Transport Planning; and remain related to the ability of the applicant to create "safe and suitable" access rather than the impact of the development as a whole upon the highway network.

The applicant/developer and Local Planning Authority should note that; any planning approval granted does not give implied or tacit technical approval for any of the highway drawings (including the junctions); such approval and subsequent agreements (under Sections 278 and 38 of the Highways Act) fall outside of the Planning Approvals process.

Application drawing (101/P2) shows the provision of a 5.5m wide access into the site, with 2m wide footways on either side; together with 2.4mx43m visibility splays, albeit that there will be the need to remove all the existing hedgeline to achieve the visibility splay on the southern arm (this is not a highways issue). This hedge is either within the applicant ownership/control or is highway and I concur that these are necessary and should be deliverable (subject to conditions and agreements).

To the north the proposals are to link onto Public Footpath "Spondon 6"; and to the South onto Public Footpath "Spondon 7". The revised drawing shows details of how the proposals would be linked to the rights of way.

A site visit ascertained that the path "Spondon 7" is in poor condition and at certain times of the year could be impassible. As it is intended that the links be provided to improve sustainable access into the site, in particular in the direction of the local school, the Highway Authority considers that it would be appropriate for the applicant to make good a section of the path (between the most westwards access and Royal Hill Road).

This would be done through an appropriate highways agreement (which falls outside of the planning approvals process) but can be appropriately conditioned.

**Recommendation:-**

Highways Development Control has No Objection to the proposals, subject to the following suggested conditions:-

Pre-Commencement Conditions.

**Condition 1:**

No development shall commence on any part of the application site unless or until the site access has been constructed to a minimum of binder course level; to an alignment as shown generally for indicative purposes on drawing 101/P2. The works to be to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.

**Condition 2:**

The formal written approval of the Local Planning Authority is required prior to commencement of any further development of the site with regard to parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays and drainage (hereinafter referred to as reserved matters), which shall be designed in accordance with details contained in Delivering Streets and Places, Manual for Streets, and any successor documents.

**Reason:** In the interest of highway safety.

**Condition 3:**

No development shall commence unless or until a Construction Management Plan has been first submitted to and approved in writing by the Local Planning Authority. Such a plan shall consider (but not be limited to), highway dilapidation survey carried out jointly with a representative of the Highway Authority, together with measures to prevent contamination of the highways (wheel washing, sweeping etc), parking for materials deliveries, parking for construction personnel and operatives, delivery times and the routing of vehicles associated with the operations. The construction works shall thereafter be carried out in accordance with the approved plan.

**Reason:**

To ensure that suitable arrangements are provided for the construction work to be undertaken without undue effect upon the adjacent highway network, and in the interests of general highway safety.

#### Pre-Occupation Condition

##### **Condition 4:**

No part of the development hereby permitted shall be occupied unless or until the footpath (Spondon 7) has been improved from the most western connection point to Royal Hill Road, to the satisfaction of the Local Planning Authority.

##### **Reason:**

To promote sustainable travel.

#### **Notes to Applicant:-**

- N1. In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an appropriate agreement under the Act. Please contact:  
[HighwaysDevelopmentControl@derby.gov.uk](mailto:HighwaysDevelopmentControl@derby.gov.uk)
- N2. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway. The applicant/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 applicant's/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.
- N3. Due to the nature of the application; the highway authority considers that it will be appropriate to assess the adjacent highway in respect of the potential for a claim for compensation made under Section 59 of the Highways Act 1980.

The applicant/developer should (prior to commencement of works) arrange for the joint 'dilapidation survey' of the highway in the vicinity of the site; to be carried out with the representative of the Highway Authority. Contact StreetPride; [maintenance.highways@derby.gov.uk](mailto:maintenance.highways@derby.gov.uk) tel 0333 2006981.