Response provided under the delegated authority of the Executive Director for Place

Planning Manager
Amber Valley Borough Council
PO Box 15, Town Hall, Market Place
RIPLEY
Derbyshire
DE5 3XE

Highway Officer: Robert Smith
Our ref: AVBC/2025/013360/R2
Your ref: AVA/2025/0520
Date: 18 December 2025

Dear Laura Anthony,

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

PROPOSAL: Proposed demolition of existing café/diner and petrol filling station and the erection of 9 dwellings and 2 commercial buildings (may affect the setting of a listed building)

LOCATION: Bowbridge Garage Ashbourne Road Mackworth Derby Derbyshire DE22 4ND

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 being imposed should approval be granted.

Further to the Local Highway Authority's (LHA) previous comments on this planning application, please find additional comments following receipt of further information provided by the applicant, in the form of amended plans 01003-P10, 02003-P1, 02004-P2, 02005-P2, 02006-P2 and a Transport Technical Note (TTN, ref: 2507160-ACE-XX-00-RP-C-0101, dated December 2025).

Background

The application proposes the demolition of an existing café/diner (formerly Class A3, now Class E(b)) and petrol filling station (Sui Generis) and the erection of 9 dwellings (C3) and 2 commercial buildings (Class E9(g)) at the former Bowbridge Garage, Ashbourne Road, Mackworth.

The site is accessed off Ashbourne Road (A52), a classified road subject to a 50mph speed limit. Access to the site is proposed via the two existing vehicular access points.

A single existing dwelling is located adjacent to the western boundary of the site, with its access proposed off the western 'residential' access.

An existing MOT service garage business operates from the site. Whilst this is located outside the red outline boundary, access is taken via the eastern 'commercial' access.

A previous planning application (Ref: AVA/2018/0178) was approved, in part, for the erection of 22 dwellings at the site. It is understood a technical start was completed whilst the discharge of conditions application (Ref: COND/2022/0181) was being determined. That application remains to be determined. The previously permitted scheme is therefore a material consideration.

This proposal seeks a less intensive form of development (9 dwellings plus the existing bungalow) from the western access and two new commercial buildings together with the existing MOT garage business from the eastern access.

Internal Layout

There are inconsistencies in the proposed access layouts, with the revised Site Plan (Ref: 01003-P10) showing accesses with bell mouth radii, whilst TTN drawing 2507160-ACE-XX-00-DR-C-0001B shows dropped kerb footway crossings. The appropriate access arrangements can be secured by planning condition.

TTN drawing 2507160-ACE-XX-00-DR-C-0001B demonstrates space within both the residential and commercial sites to enable large vehicles (i.e. refuse truck, delivery vehicle, and rigid HGV) to enter, turn within, and leave the site in forward gear.

A widened footway, located within the site curtilage and existing highway land fronting Bowridge Fields Cottage, is now shown on the Proposed Site Access plan, addressing previous LHA comments.

Parking - Residential Element

The revised Site Plan (Ref: 01003-P10) demonstrates parking provision in line with the LHA's Parking Guidance for New Developments (PGND).

Parking - Commercial Element

A Technical Note (Ref: 0102, dated 23/10/25) was previously submitted to seek to address previous LHA comments concerning parking provision for the commercial element of the proposal. The LHA is satisfied with the conclusion of that report. Accordingly, the level of parking provision proposed for the commercial element of the scheme is considered acceptable.

Conclusion

Based on the analysis of the information submitted and a review of Local and National policy the LHA's advice is that, in its view, the impacts of the development on highway safety would not be unacceptable and the impacts on the road network would not be severe.

Having regard to the above, the highway authority would have no objection to this planning application subject to the following recommended planning conditions and informatives being attached to the decision notice if planning permission is granted.

Conditions

Construction Management Plan

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 shall include but not be restricted to:

- Parking of vehicles of site operatives and visitors
- Measures taken to ensure satisfactory access on the classified A52 during construction;
- Measures to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Methods of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- 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.

Footway Works

The development hereby permitted shall not be occupied until a 2m wide footway along the northern side of the A52 Ashbourne Road between the eastern end of the application site frontage and the bus stop to the west of the application site has been implemented in accordance with the Highway Authority's specification to the satisfaction of the Local Planning Authority.

Reason: In the interest of pedestrian safety and to encourage sustainable travel.

Access Works

Notwithstanding the submitted drawings, the development hereby approved shall not be brought into use until modified accesses to the A52 Ashbourne Road have been implemented in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The site access scheme shall include, but not be restricted to, the following features:

a) The modified accesses shall be laid out as dropped kerb footway crossings.

b) The modified accesses shall be provided with visibility splays measured from a point 0.6m above carriageway level at the centre of the accesses and 2.4m back from the nearside edge of the adjacent carriageway, for a length of 150m in each direction measured along the nearside edge of the adjacent carriageway. Such splays shall thereafter be permanently kept free of all obstructions over 0.6m in height above adjacent carriageway level.

c) 2m x 2m pedestrian visibility splays shall be provided on both sides of each of the accesses. Such splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above adjacent footway level.

Reason: In the interests of highway safety.

Drawings

The development hereby permitted shall not be brought into use until the parking and turning facilities have been provided as shown on drawing 01003-P10. Such facilities shall be maintained for their intended purpose and free from impediment for the life of the development.

Reason: To ensure conformity with submitted details.

Bound Surface

No part of the development hereby permitted shall be brought into use until the accesses are surfaced in a bound material, along the full width of the accesses for a minimum length of 5m within the site measured from the highway boundary, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Such areas shall be maintained in the bound material for the life of the development.

Reason: In the interest of highway safety.

Surface Water

No part of the development hereby permitted shall be brought into use until the access/driveway/parking/turning areas are constructed with provision to prevent the unregulated discharge of surface water to the public highway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall be maintained for the life of the development.

Reason: To ensure that surface water from the site is not deposited on the public highway causing danger to road users.

Highway Crossing

No part of the development hereby permitted shall be brought into use until hard surfaced footway crossings to serve each of the accesses from the A52 Ashbourne Road are available for use and has been constructed in accordance with the Highway Authority's specification to the satisfaction of the Local Planning Authority.

Reason: In the interest of highway safety.

Bicycle Parking, Electric Vehicle Charging Facilities and Bin Storage

No part of the development hereby permitted shall be brought into use until provision has been made within the application site for secure, covered cycle parking, secure cycle equipment storage, electric vehicle charging, and bin storage facilities in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall not thereafter be used for any other purpose and shall be maintained for the life of the development.

REASON: In the interest of highway safety and furthering travel by sustainable modes.

<u>Informatives</u>

Planning permission does not convey consent to work on or adjacent to the public highway.

Prior to any works commencing on site, including demolition works, the developer must obtain the highway authority's consent.

Works on the Public Highway

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 at development.implementation@derbyshire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

- Drafting the Agreement
- A Monitoring Fee
- Approving the highway details
- Inspecting the highway works

The 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.

Mud on the Highway

The deposit of mud or other items, and/or the discharge of water, onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant, any contractors, and the owner/occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the highway authority to take both practical and legal action (which may include prosecution) against the applicant/contractors/owner or occupier of the land.

Impact on the highway network during construction

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.

Construction Management

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to “respecting the community” this says that Constructors should give utmost consideration to their impact on neighbours and the public:

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression and promoting the Code.

The construction management plan should clearly identify how the principal contractor will engage with the local community. This should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties.

This does not offer any relief to obligations under existing legislation.

Yours sincerely,

Robert Smith
Transport Development Management

Date Received	Case Officer	Reviewer	Date Issued
11 December 2025	**Robert Smith**	**SD**	**18 December 2025**