DERBYSHIRE County Council

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: Steve Dudhill
Our ref: AVBC/2026/016716/R1
Your ref: AVA/2026/0170
Date: 7 May 2026

Dear Ms Anthony,

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

PROPOSAL: Conversion of Retail Premises to 12 Bedroom HMO (Sui Generis)

LOCATION: 14 New Street Somercotes Alfreton Derbyshire DE55 4HW

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 highway authority's initial observations on this application were issued on 13/4/26.

The applicant has submitted further details including amended floor plans and elevations and an amended Design and Access Statement (DAS). No amended site layout plan has been submitted.

The Local Planning Authority (LPA), by email dated 17/4/26, provided the applicant's written response to the highway authority's 13/4/26 observations.

Assessment – Floor Plans, Elevations, and DAS

The amended ground floor plan now shows 4 bedrooms rather than 5 bedrooms as shown on the original floor plan. One of the 4 bedrooms is now indicated as a double occupancy bedroom. 7 bedrooms are shown on the amended first floor plan, all

single occupancy. Whilst there has been a reduction in the number of bedrooms, from 12 to 11, the overall occupancy would remain the same i.e. 12 people, as assessed in the highway authority's 13/4/26 observations. It remains necessary to restrict occupancy by means of planning condition to prevent excessive car parking demand.

The amended details make no changes to the access proposals relative to those assessed in the highway authority's 13/4/26 observations. The amended DAS reflects the changes to the development details but does not address the highway authority's 13/4/26 observations.

Assessment – Applicant's Response to Highways Observations

The applicant's written response seeks to address several issues raised in the highway authority's 13/4/26 observations. The highway authority has the following further observations.

The applicant states that windows facing onto New Street will open inwards. That is appropriate and details can be secured by planning condition.

The applicant states that the surface of New Street is scheduled for resurfacing but provides no confirmation of the details of, or programme for, any such work. Notwithstanding that, resurfacing works may not address all the issues raised by the highway authority e.g. the need for surfacing of, and demarcation of the highway boundary adjacent to, the car parking area and improvements to footway surfaces. Details of an appropriate scheme can be secured by planning condition, which would require improvement works along New Street to be undertaken by the applicant thus ensuring that pedestrian safety and accessibility would both be safeguarded. For the avoidance of doubt, resurfacing works would only be required if no suitable scheme had already been programmed for implementation prior to the commencement of development.

The car parking area will need to be hard paved, with the three parking spaces demarcated appropriately, together with provision being made to prevent the unregulated discharge of surface water from the site onto the highway. Details can be secured by planning conditions.

The applicant seeks retention of the existing walls and ramps along the site frontage to number 142 Somercotes Hill. Paragraph 4.8.1 of the highway authority's Planning, Streets, and Places (PSP) guidance stipulates that, within pedestrian splays, nothing should exceed 600mm in height. This is to ensure that small children can be seen over the pedestrian splay. The applicant confirms that the wall along the frontage to 142 Somercotes Hill is circa 650mm high, only 50mm higher than the 600mm height stipulated in PSP. This additional height is unlikely to give rise to a materially adverse effect on highway and pedestrian safety, and the highway authority will not therefore seek physical amendments to the walls and ramps.

Notwithstanding the above, the highway authority recommends that visibility shall be maintained free of obstruction along the B600 to the south of New Street along the frontage to 142 Somercotes Hill by means of a planning condition requiring the area along that frontage, between the dwelling and the highway boundary to be maintained clear of obstruction above a height of 0.65m above adjacent footway level.

The applicant proposes demarcation of the highway boundary between the site and New Street, along the frontage to the proposed car parking area, by means of a white line. That would be inappropriate because the markings could wear and fall into disrepair. It is normal to provide for demarcation using more robust means e.g. concrete edgings. Details can be secured by planning condition.

The highway authority will not press the requirement for the applicant to provide details of car parking space allocation.

The applicant continues to propose retention of the open rack cycle parking facility. That does not provide for security of individual cycles. A closed shed or individual cycle lockers should be provided to maximise security and ensure that residents are encouraged to cycle in accordance with the National Planning Policy Framework (NPPF).

The applicant proposes one electric vehicle (EV) charging point. That may not encourage maximum uptake of EVs. For the 11 flats Building Regulations Approved Document S (Part S) requires 1 EV space plus provision of cable routes for the other spaces.

Whilst the applicant has contacted the refuse authority, no definitive advice has been provided on the numbers of bins required to serve the 11 proposed bedrooms. The applicant proposes 2 no. refuse bins and 2 no. recycling bins. The applicant makes no proposal for provision of glass recycling containers and has not assessed the space requirement for additional recycling which may be collected in bags. It is not therefore clear that the proposed bin provision will satisfy the demand or whether the proposed bin store would have adequate overall capacity.

Notwithstanding the above points, details of cycle parking, electric vehicle charging, and bin storage facilities can all be secured by planning condition.

The applicant has made a proposal for a construction management plan. The proposal does not provide sufficient detail in relation to the feasibility of the proposed measures. In addition, the applicant does not explain how construction activity along the building frontage to New Street can be safely accommodated whilst maintaining access to other properties served by New Street. The requirement for submission of a detailed construction traffic management plan can be secured by planning condition.

Conclusion

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

Planning Conditions

1. The occupancy of the development hereby permitted shall be limited to no more than 12 persons, comprising no more than 1 person in each single occupancy bedroom and no more than 2 persons in the double occupancy bedroom.

Reason: To restrict car parking demand and prevent excessive on-street car parking in the interest of highway safety.

2. Windows on the New Street elevation of the building shall open inwards or be of sliding design. Such features shall be maintained for the life of the development.

   Reason: To prevent obstruction over the highway in the interest of highway and pedestrian safety.

3. The development hereby permitted shall not commence until a scheme of access and highway improvement works has first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the development hereby permitted being first occupied. The scheme shall include the following details:

   a) Demarcation of the highway boundary along the frontage of the car parking area in concrete edging or similar.

   b) Resurfacing of those lengths of the carriageway and northern footway on New Street along the application site frontage and between the application site and the western footway on B600 Somercotes Hill.

   c) Resurfacing of, and provision of replacement dropped kerbs along, that length of footway on the western side of the B600 Somercotes Hill between the northern face of 142 Somercotes Hill and the northern back of footway on New Street.

   Reason: In the interest of highway and pedestrian safety.

4. The land between the eastern face of the dwelling at 142 Somercotes Hill and the highway boundary on the B600 Somercotes Hill shall be maintained clear of obstructions above a height of 0.65m above adjacent footway level for the life of the development.

   Reason: To maintain visibility to the south of New Street along the B600 Somercotes Hill in the interest of highway and pedestrian safety.

5. No part of the development hereby permitted shall be brought into use until the car parking area is surfaced in a bound material with three car parking spaces demarcated in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved details shall be maintained for the life of the development.

   Reason: In the interest of highway safety.

6. 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.

7. No part of the development hereby permitted shall be brought into use until the parking area is 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 then be retained 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.

8. Prior to commencement of the development hereby permitted, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include, but not be restricted to providing, details of:

   a) Demand, provision, and location of construction site operative and visitor car parking;

   b) Provision and location of on-site accommodation for construction staff;

   c) Measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties, including traffic and pedestrian movement along New Street;

   d) Delivery schedules and working times, with delivery and construction staff movements timed to avoid highway peak periods;

   e) Proposals for restrictions to the size of large plant, construction, and delivery vehicles (supported by swept path analyses);

   f) Details of temporary traffic management arrangements to accommodate construction work along New Street;

   g) Locations for loading/unloading, storage, and removal of plant, waste, and construction materials;

   h) Methods of preventing mud and dust being carried onto the highway, including provision of wheel wash and road sweeping facilities;

   i) Arrangements for turning vehicles;

   j) Site hoardings, fencing, and gates;

   k) Specific methods for positively communicating the Plan to staff, visitors, and neighbouring residents and businesses.

   The construction works shall be implemented in accordance with the approved Plan which shall be maintained throughout the works period.

   Reason: In the interest of the safe operation of the highway and the protection of amenity during the construction works.

Informatives

Notes to Applicant

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.

The development makes it necessary to carry out work on the adopted highway which shall be constructed to the satisfaction of the highway authority at the developer's expense.

Before undertaking work on the adopted highway, the developer must enter into a highway agreement with the County Council, under Section 278 of the Highways Act 1980, which would specify the works and the terms and conditions under which they are to be carried out.

The highway agreement must be completed, the bond secured, and the highway authority's technical approval and inspection fees paid before any further details will be considered and approved.

Contact the highway authority's Development Implementation team at development.implementation@derbyshire.gov.uk allowing sufficient time for the preparation and signing of the agreement.

The developer will be required to pay fees to cover the Council's costs in undertaking the following actions: Drafting the agreement; Monitoring; Approving the highway details; Inspecting the highway works.

The development hereby permitted may impact on the operation of the highway network during construction. The developer should contact the highway authority's Network Management Team at www.derbyshire.gov.uk/transport-roads/roads traffic/roadworks/roadworks.aspx at least eight weeks prior to any activity on site to enable temporary traffic regulation orders to be prepared and/or a programme of temporary traffic management measures to be agreed.

It is expected that contractors will be registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particular reference is made to "respecting the community". Constructors should give utmost consideration to their impact on neighbours and the public by:

• 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 traffic 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.

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.

SD; DCC TDM; 7/5/26.