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

Planning Manager
Amber Valley Borough Council
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Highway Officer: Robert Smith
Our ref: AVBC/2026/018203
Your ref: AVA/2026/0463
Date: 30 July 2026

Dear Laura Anthony,

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

PROPOSAL: Outline application for proposed redevelopment of Fodder Rooms by erection of six dwellings (may affect the setting of a listed building)

LOCATION: Seals Fodder Room High Street Swanwick Alfreton Derbyshire DE55 1AA

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 planning conditions and informatives being attached to the decision notice and planning obligations being secured through an appropriate legal agreement should planning permission be granted.

Background

This is an outline planning application, with all matters reserved, which seeks permission for the redevelopment of the Seals Fodder Rooms site, High Street, Swanwick with the erection of six dwellings.

Planning History

Outline planning application AVA/2025/0503 sought permission for a development of 9 dwellings on this site. The Local Highway Authority (LHA) requested additional information to determine whether the proposed development was acceptable, or

otherwise, in highway safety terms. Planning permission was refused. Refusal reason 3 confirmed the lack of information to support the proposed access and site layout arrangements.

Traffic Impact

It is considered unlikely that the traffic generated by the proposed development would result in an unacceptable impact on highway safety or severe residual impacts on the road network beyond the immediate site access.

Site Access

In accordance with the LHA's Planning, Streets, and Places (PSP) guidance, a private driveway can serve one or more properties, up to a maximum of 10, after which the traffic generated and number of turning movements associated with the driveway is considered sufficient for the access to be considered for adoption by the LHA and therefore must accord with the relevant design characteristics for adopted highways as set out in PSP.

The proposed site access would appear to serve the proposed 6 dwelling development and provide access to Mill House; "Fra-ma-ru"; access to No. 3 High Street; and the access track serving Butterfield Farm.

On the assumption that the farm/field access serves the equivalent of one dwelling in traffic terms, the LHA considers that the proposed scale of development represents the maximum number of units that can be served by a private driveway to accord with PSP requirements.

Access to the site is proposed via a modified access to High Street, a non-classified road subject to a 30mph speed limit in the vicinity of the site. The modified access comprises a dropped kerbed footway crossing, maintaining pedestrian priority along the site frontage.

Achievable visibility splays, measuring 2.4m x 43m, have been demonstrated on the submitted site plan (Ref: SFR-SK-03-C). The major road visibility splay to the south of the site access is projected to a point offset 0.5m into the nearside carriageway. That is considered acceptable, in this instance, as the splay is projected to the nearside edge of the vehicle track in accordance with the guidance set out in Manual for Streets (MfS).

Pedestrian visibility splays of 2m x 2m x 45º measured perpendicularly back from the back of footway have been illustrated on both sides of the site access. Such splays should be kept free of all obstructions to visibility over 0.6m in height above the adjacent footway level.

An existing gulley grating on High Street at the site access should be relocated so as not to be located within the proposed access and vehicle tracks.

The internal driveway should be of sufficient width behind the back of the footway to allow two vehicles to enter and leave simultaneously.

Internal Layout

It is appreciated that this is an outline planning application. However, a site layout plan (Ref: SFR-SK-03-C) has been submitted. The LHA offers the following points for consideration in the development of subsequent reserved matters applications:

- In accordance with the LHA's Parking Guidance for New Developments (PGND) the minimum car parking requirements are 1no., 2no., or 3no. parking spaces per 2-bedroom, 3-bedroom, or 4-bedroom dwelling, respectively. Each parking space should ideally measure 2.4m x 5.5m with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge, fence, etc.

- Sufficient space should be provided to enable vehicles to manoeuvre within the site to enter, turn within, and leave the site in forward gear.

- Space should be provided to enable delivery vehicles to manoeuvre to enter, turn within, and leave the site in forward gear. This should be demonstrated by means of swept path analysis on a suitably scaled plan.

- In line with PGND paragraph 4.7.1, sheltered, secure, and accessible cycle parking should be provided at or near the front door of each dwelling at a rate of 1 cycle parking space per bedroom.

- The applicant will need to consult with the relevant refuse collection department to ascertain details of what will be acceptable to them in terms of numbers and location of bins. Bin storage should not obstruct the private driveway access, parking or turning provision. Additionally, a dwell area for bins should be provided, clear of the public highway, for use on refuse collection days.

The above points are not exhaustive, and the applicant should ensure that the on-site layout design accords with PSP and PGND guidance.

A relocated vehicle access gate into the field to the rear of the site is proposed. The applicant will need to confirm a right of access via the existing track which falls outside the outline planning application "red line" boundary.

Private Streets

Given that the access arrangements serving the proposed residential development will remain private and unadopted, the following issues must be considered.

Where it is necessary to protect frontagers' interests, the highway authority will apply the Advance Payments Code (APC) and serve notice on the developer. Compliance with the APC requires a bond covering responsibilities for future maintenance liabilities, street cleaning, and the provision, standard, and future maintenance of lighting, drainage, and related infrastructure.

Following an assessment of the cost of the proposed road works under the APC procedure, the notice will include a bond figure that is required to be paid/secured by the developer. More detailed information on the APC procedure is provided in sections 219 to 225 of the Highways Act 1980.

The highway authority requires that: road signs indicating that the site access road is unadopted should be erected and maintained by the developer for as long as the road remains private; the developer should provide evidence that they have clearly stated to potential purchasers of the dwellings what the implications for purchasing a property fronting a private road are; the developer should provide evidence that future maintenance of the road and associated infrastructure has been secured e.g. through a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to set up a management/maintenance company; the developer should indemnify the highway authority against future petitioning by residents to adopt their road by means of a legal covenant placed on the properties to prevent petitioning, the wording of the covenant to be approved by the highway authority; and, the boundary between the private access and the publicly maintained highway must be clearly marked by concrete edging, boundary posts, or similar.

The above requirements can be secured by planning conditions and obligations.

Construction Traffic Management

Construction of the proposed development is likely to give rise to impacts on the highway network at and in the vicinity of the site access. It is therefore necessary for the applicant to provide a construction traffic management plan to address such impacts. Details can be secured by planning condition.

Public Right of Way

Swanwick Footpath No. 11 runs along the southern boundary of the site. It is noted in the Design and Access Statement (DAS) that the existing public right of way and its alignment will be maintained as part of these proposals.

Consideration should be given to the safety of the public using the path. Private rights must not derogate the rights of the public to use the path.

As part of any reserved matters application, the applicant should show provision of a direct connection to the footpath from within the site.

The following general guidance is advised:

- The footpath must remain open, unobstructed and on its legal alignment.
- There should be no disturbance to the path surface without prior authorisation from the County Council's PRoW team.
- Any changes to the path surface would need to be agreed by the County Council's PRoW team.
- Any access considered would be required to not obstruct the PRoW and not open onto the path.
- Consideration should be given to the safety of members of the public using the path during and after the works. A temporary closure of the path may be

permitted on application to the County Council where the path remains unaffected on completion of the development.

- There should be no encroachment of the path, and no fencing should be installed without consulting the County Council's PRoW team.

Conclusion

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 and to the planning obligations recommended below being secured by an appropriate legal agreement.

Planning Conditions

The development hereby permitted shall not be occupied until the site access has been implemented as shown on drawing number SFR-SK-03-C.

Reason: To ensure conformity with submitted details.

2m x 2m pedestrian visibility splays shall be provided on both sides of the site access at the rear edge of the footway on High Street. Such splays shall thereafter be maintained clear of any obstruction greater than 0.6m in height above the adjacent footway level.

Reason: To provide adequate visibility for drivers entering or leaving the site and to ensure the safety of pedestrians and vehicles.

On-site access, parking, and turning arrangements shall comply with the Local Highway Authority's Planning, Streets, and Places guidance and Parking Guidance for New Developments, or their successor documents.

Reason: In the interest of highway safety

No part of the development hereby permitted shall be brought into use until the driveway is surfaced in a bound material, along the full width of the driveway for a minimum length of 5m within the main body of the site measured from the boundary of High Street, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. This area of driveway shall be maintained in the bound material for the life of the development.

Reason: In the interest of highway safety.

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 High Street 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.

No part of the development hereby permitted shall be brought into use until a modified hard surfaced footway crossing to serve the driveway from the public highway is 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.

The existing gulley grating on High Street at the site access envelope shall be relocated in a manner to be agreed with the Local Highway Authority.

Reason: In the interest of highway safety.

The development hereby permitted shall not be occupied until parking space has been provided within the application site in accordance with a scheme to be first submitted for the written approval of the Local Planning Authority. The approved scheme shall be laid out, surfaced, and maintained throughout the life of the development free from any impediment to its designated use.

Reason: To ensure adequate parking provision, in the interest of highway safety.

The development hereby permitted shall not be occupied until provision has been made within the application site for secure, covered cycle parking, secure cycle equipment storage, electric vehicle charging facilities, and bin storage and collection 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.

The development hereby permitted shall not commence until a scheme showing details of a bin collection point, located adjacent to and clear of the public highway and clear of accesses, parking and turning provision, has first been submitted to and approved in writing by the Local Planning Authority. The collection point shall be implemented as approved and retained thereafter free from impediment to its designated use.

Reason: To ensure safe and suitable conditions are maintained on the public highway, in the interests of highway safety, and to ensure appropriate waste/refuse facilities are provided for the occupiers of the development.

No part of the development hereby permitted shall commence until details of the proposed arrangements for future management and maintenance of the proposed street within the development have been submitted to and approved in writing by the Local Planning Authority. The street shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

Reason: In the interests of maintaining suitable access and turning space within the site for occupants', visitors', service, and emergency vehicles throughout the life of

the development, and ongoing maintenance of street furniture, lining, lighting, etc. in the interests of highway safety.

Prior to the first occupation of any dwelling hereby permitted, details of the management company that shall be responsible for the future maintenance of the unadopted road, footways, and parking areas within the site, along with an ongoing maintenance strategy, and timescales for their transfer to such a company, shall be submitted to and approved in writing by the Local Planning Authority. Such areas shall be transferred to the management company in accordance with the approved details.

Reason: In the interests of maintaining suitable access and turning space within the site for occupants', visitors', service, and emergency vehicles throughout the life of the development, and ongoing maintenance of street furniture, lining, lighting, etc. in the interests of highway safety.

The boundary between the private road and the publicly maintained highway shall be clearly demarcated by concrete edging, boundary posts, or similar, to the satisfaction of the Local Planning Authority.

Reason: To clearly identify the extent of the adopted and private highways.

Road signs shall be erected at the access to the site to confirm that the site access road is a private, unadopted road. Such signs shall be to the satisfaction of the Local Planning Authority and shall be maintained thereafter for so long as the road remains private.

Reason: In the interest of highway safety.

Prior to commencement of the development hereby permitted (including demolition) a construction traffic management plan shall first be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition and construction period. The plan shall include, but not be restricted to providing, details of the following:

- Parking facilities for site operatives and visitors;
- Measures to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction;
- Measures to ensure satisfactory access and movement on High Street;
- Measures to restrict the size of construction vehicles, consistent with the geometry of the site access.
- Advisory routes for construction traffic;
- Any temporary access to the site;
- 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;
- Highway condition survey;
- Methods of positively communicating the plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operations during the demolition and construction phases of the development.

Planning Obligations

The purpose of this mitigation is to ensure that management and maintenance responsibilities for the private street serving the proposed residential development are defined.

The legal agreement shall provide for the following covenant/clause to be included in the deeds of each of the proposed dwellings to ensure that at no time will adoption of any part of the access road be sought:

“The lessee or purchaser shall not at any time, either alone or jointly with others, seek adoption of any part of the driveway intended to serve the development as a highway maintainable at the public expense, it being the intention that the same shall at all times remain private up to the point where the same abuts upon the [[*specify compass direction*]] boundary of [[*specify road*]], [[*specify town*]]”.

The legal agreement shall also include an obligation to set up a management and maintenance company to ensure that future maintenance of the residential access road and associated infrastructure is secured.

Informatives

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 developer must obtain a license under Section 184 of the Highways Act 1980 before commencing any works on the highway.

Details are available at: www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx or email highways.hub@derbyshire.gov.uk.

The development hereby approved, and any associated highway works, is likely to impact on the operation of the highway network during construction. The developer should contact the highway authority's Network Management Team at http://www.derbyshire.gov.uk/transport-roads/roads-traffic/roadworks/roadworks.aspx to discuss any necessary temporary traffic management measures 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.

The site is traversed by a public right of way (PRoW). This permission does not authorise additional use of the PRoW by motor vehicles, or its obstruction or diversion. The applicant is advised to seek independent legal advice on the use of the PRoW by vehicular traffic. The following general guidance is also advised:

- The footpath must remain open, unobstructed, and on its legal alignment.
- There should be no disturbance to the path surface without prior authorisation from the County Council's PRoW team.
- Consideration should be given to the safety of members of the public using the path during and after the works. A temporary closure of the path may be permitted on application to the County Council where the path remains unaffected on completion of the development.
- There should be no encroachment of the path, and no fencing should be installed without consulting the County Council's PRoW team.

The applicant will be required to contact the County Council's PRoW team to arrange for a temporary closure of the PRoW if the applicant cannot guarantee the safety of path users during the construction phase. Any such application must be made to the County Council's PRoW team at www.derbyshire.gov.uk/leisure/countryside/access/rights-of-way/faqs/frequently-asked-questions-faqs.aspx.

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 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 applicant is advised that, to discharge planning conditions [Insert numbers of S38/APC/management company conditions] above, the Local Planning Authority requires a copy of the constitution and details of a Private Management and Maintenance Company confirming funding, management, and maintenance regimes.

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.

Yours sincerely,

Robert Smith
Transport Development Management

Date Received	Case Officer	Reviewer	Date Issued
17 July 2026	**Robert Smith**	**SD**	**30 July 2026**