

**Agenda Item No. 4(c)**

**DERBYSHIRE COUNTY COUNCIL**

**MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND  
INFRASTRUCTURE**

**21 November 2019**

Report of the Executive Director – Economy, Transport and Environment

**HIGHWAYS DEVELOPMENT CONTROL - STANDING TECHNICAL  
ADVICE FOR SMALLER PLANNING APPLICATIONS**

(1) **Purpose of Report** In the interests of expediency and best use of limited resources, to seek the Cabinet Member's approval for the Highway Authority to provide standing advice for use by local planning authorities when determining smaller planning applications.

(2) **Information and Analysis** In its role as Highway Authority, the County Council is a Statutory Consultee to the 10 local planning authorities in Derbyshire (8 borough and district councils, the Peak District National Park Authority and the County Council as Mineral and Waste Planning Authority) and in for the determination of the County Council's own applications.

Each year, the Highway Authority is consulted in connection with approximately 8,000 planning applications, ranging in scale from small domestic extensions to major commercial and residential developments. Unless agreed with the local planning authority, the County Council has 21 calendar days to make a substantive response to any application on which it is consulted. Despite the anecdotal uncertainty quoted in the development industry, the number of applications continues to rise at a time when the level of staffing resource is under severe strain.

Increased automation of the consultation process at source by local planning authorities has placed a greater burden upon the Highway Authority to locate applications, reproduce any hard copy material, respond to consultations on-line and store material electronically. All this activity impacts upon officer time and resources.

In order to help address the tension between increasing application numbers, limited/ reducing staff resources in the Highway Authority and increased time required to process applications, it is proposed to introduce a Standing Advice document for use by planning officers at the local planning authorities. This will provide straightforward, technical guidance to allow the planning officers to

carry out the necessary assessment of smaller applications without having to consult the Highway Authority. This is a common practice amongst many Highway Authorities nationally and whilst not ideal, does present a pragmatic solution to addressing the pull on resources and dealing with low risk applications.

It is proposed that the move to Standing Advice will be supported by a programme of guidance and training delivered by the Highway Authority to the local planning authority in advance of the Standing Advice being introduced. It is also proposed that the Highway Authority will continue to offer technical advice for the smaller development sites where they are contentious or the planning officers are in doubt as to whether the standard criteria can be met, this will allow any element of risk to be managed but will also help build up knowledge and skills transfer to the local planning officers..

(3) **Financial Considerations** As well as saving officer time and reproduction costs associated with the planning application documents, there will be a reduction in the need to inspect smaller development sites and the frequency of visits to local planning authority offices will be reduced. This will result in a consequential reduction in travel costs (grey mileage) and environmental impact, along more productive time being available in the office by highways officers.

(4) **Legal Considerations** The Highway Authority will continue to fulfill its obligations as a Statutory Consultee in the planning process pursuant to the Town and Country Planning (Development Management Procedure) (England) Order 2015 using a combination of the proposed Standing Advice and individual assessment of other planning applications.

(5) **Social Value Considerations** Adoption of this advice will allow officers to devote more time and energy to those applications which have a more significant impact upon the community and assist in maintaining the quality and efficiency of service to the public and developers.

## **Other Considerations**

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(6) **Key Decision** No.

(7) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(8) **Background Papers** Held on file within the Economy, Transport and Environment Department.

(9) **OFFICER'S RECOMMENDATIONS** That the Cabinet Member:

- 9.1 Approves the publication of the attached Standing Advice for use by the local planning authorities within Derbyshire as proposed in the report.
- 9.2 Agrees to a programme of guidance and training being offered to all local planning authorities in Derbyshire to minimise risk and ensure the most effective implementation of the Standing Advice.

**Mike Ashworth**  
**Executive Director – Economy, Transport and Environment**

## **Derbyshire County Council**

### **Highways Development Control**

#### **Standing Advice for Local Planning Authorities**

The Town and Country Planning (Development Management Procedure) Order 2015 (the DMPO) requires local planning authorities (LPAs) to consult on planning applications as set out under Article 18. The need to consult is removed by Article 18(1) of the DMPO if a consultee has provided or reaffirmed within the last two years standing advice covering the proposal.

The DMPO instructs LPAs to consult with the local Highway Authority (LHA) in the following circumstances:

- a) where development is likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a classified road or proposed highway;
- b) where development likely to prejudice the improvement or construction of a classified road or proposed highway;
- c) where development involves (i) the formation, laying out or alteration of any means of access to a highway (other than a trunk road), or (ii) the construction of a highway or private means of access to premises affording access to a road in relation to which a toll order is in force; and
- d) where development consists of or includes the laying out or construction of a new street.

Accordingly, this standing advice provides a proportionate response in line with the DMPO, recognising that development affecting unclassified roads does not trigger consultation with the LHA in the first instance.

#### **Part A – Applications Covered by this Standing Advice**

This advice relates only to minor applications as summarised in Part B.

Before seeking to refuse an application on the basis of this standing advice, the LPA shall first consult the Highway Authority.

#### **Part B – The local highway authority DOES NOT wish to be consulted upon the following type and scale of development**

- Residential developments of five dwellings or less. Where these are served by a private drive onto an unclassified road subject to a 30mph speed restriction or less where this complies with (or can be amended to comply with) the advice in this document and local parking standards.

- Residential extensions. Where these do not require creation of alteration of an access to a highway, do not compromise local parking standards and do not encroach onto the public highway.
- Commercial extensions. Where these are less than 10% of the gross floor area of the existing unit, do not compromise local parking standards or space for on-site loading and manoeuvring of goods vehicles and do not encroach onto the public highway.
- Conversion of commercial premises to residential use in urban/town centre areas where the net number of dwellings is less than 10 classified.
- Advertisements and signs. Applications for advertisement consent under the Town and Country Planning (Control of Advertisement Regulations) 1992 (as amended) unless excluded by way of not complying with Part D of this document.
- Boundary structures and gates. Any new or altered fence, railing, wall, gates or other barriers (which do not open outwards over the highway) or any other means of enclosure requiring planning consent; unless these encroach onto visibility splays as set out in this document or for and of drivers entering or leaving an adjacent access or retain the public highway.
- Listed Buildings/Conservation Areas and Tree Preservation Orders.
- Change of use or change of house types where these comply with local parking standards and where on-site servicing arrangements are likely to be adequate.

## **Part C – Access Requirements**

Any development which proposes new or modified access to a classified (A, B or Class III) highway or motorway or lies within 12m of a road junction or where the speed restriction is 40mph or more or where the buildings are less than 1m from the highway boundary, is considered to fall outside these guidelines and the LHA should be consulted. All other development must be compliant with (or capable of being modified to comply with) the following criteria.

- Access visibility (see Appendix I figure 1).
- Driveway width (see Appendix I figure 2).
- Driveway length not more than 25m measured from the nearside highway boundary. In front of a garage not less than 6.5m.
- Parking bay sizes for cars minimum 2.4m x 5.5m (3m x 5.5m where bounded by a wall) locally adopted policy and/or guidance where this commands higher standards.
- Garages shall be minimum internal dimensions of 3m x 6m (single) and 6m x 6m (double) and be set back at least 5.5m behind the nearside highway boundary (back of verge or footway) where the garage doors open outwards.
- On-site turning area (see Appendix I figure 3) for Class III roads, unclassified distributor roads or shared driveways.

- Driveway gradient not steeper than 8% (1 in 12).
- Provision for refuse bin storage/collection commensurate with the size and number of bins per property and so that collection points do not interfere with pedestrians, cyclists or the manoeuvring of vehicles.
- Gates to domestic premises to be set back 5m from the highway boundary on distributor roads (generally through routes with a carriageway width of more than 6.5m) and to open inwards only in all circumstances.
- Gates to commercial premises fronting distributor roads (generally through routes with a carriageway width of more than 6.5m) to be set back a sufficient distance to allow the longest vehicle commonly expected to access the premises to stand clear of the highway and to open inwards in all circumstances.
- Planning conditions (see Appendix II).

Where other development is not compliant with the above (or is not capable of being modified to comply with the above) the highway Authority should be consulted.

### **Advertising Signage Advice**

Any projecting signage shall not extend closer than 0.6m back from the nearside carriageway edge or any public highway.

Any projecting signage shall have at least 2.4m overhead clearance to any footway.

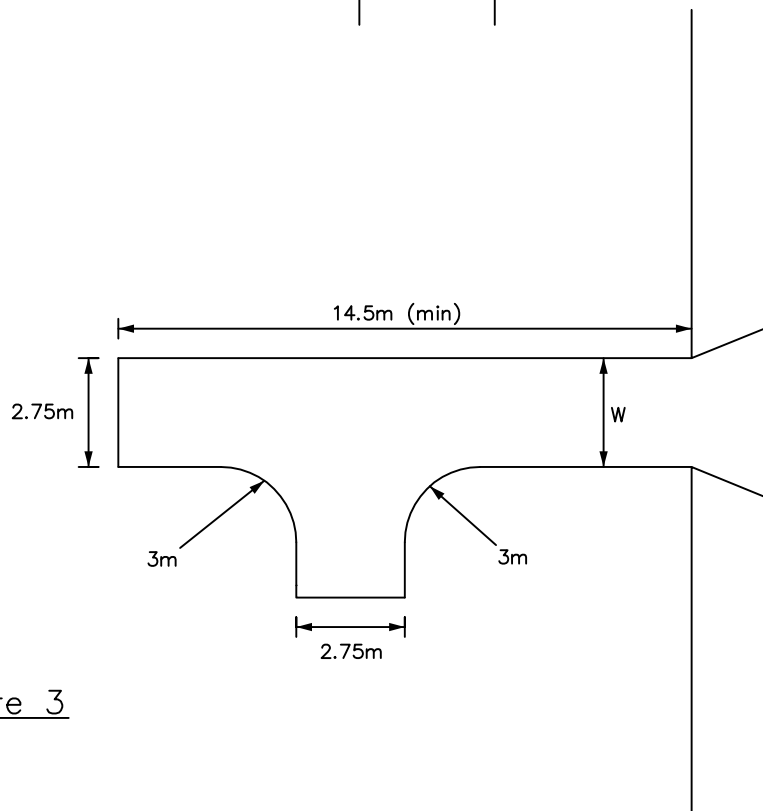
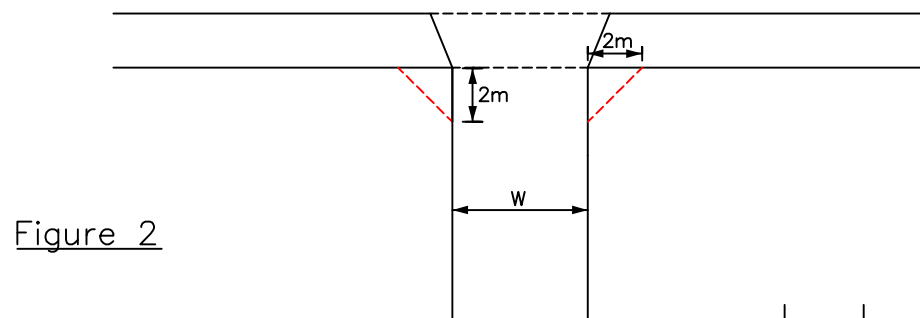
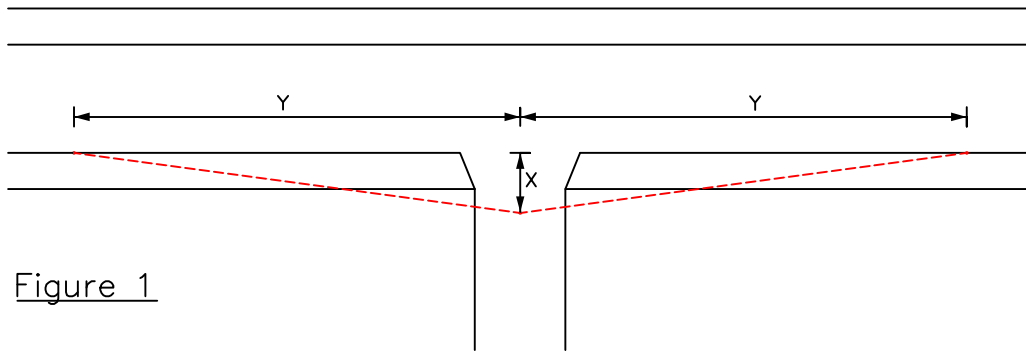
Projecting signage shall not mask drivers' view of any highway signage, traffic signals or visibility splays.

Signs containing directional elements, moving images or flashing lights shall be referred to the highway Authority for consideration.

Illuminated signage shall not exceed the maximum luminance contained in the Institute of Lighting Professionals guidance document PLG05 The Brightness of Illuminated Advertisements (or equivalent guidance document that may replace or supersede it).

Light sources for externally illuminated signs shall be directed/covered so as not to dazzle drivers on the adjacent highway.

Appendix 1 (Diagrams)



## Appendix 1 (Explanatory Notes)

### Figure 1.

**X Distance.** Measured back from the nearside carriageway edge along the centreline of the access. Generally 2.4m but may be reduced to 2m in exceptional circumstances (please seek further advice from the Highway Authority if a reduction below 2.4m is sought).

**Y Distance.** Measured along the nearside carriageway edge in both directions from the centreline of the access. For 30mph speed restricted areas this should be at least 43m. Where 85<sup>th</sup> percentile vehicle speeds are known the distance may be reduced (please seek further advice from the Highway Authority where a reduction in the splay length is sought or if the speed restriction or 85<sup>th</sup> percentile vehicle speeds exceed 30mph).

**Visibility Sightline.** The line of vision connecting the X and Y distances.

**Visibility Splay.** The area between the nearside carriageway edge and the sightline. This area must be owned or controlled by the applicant or fall within the limits of the public highway. It must be maintained clear of any object greater than 1m in height relative to adjacent nearside carriageway channel level (0.6m in the case of vegetation to allow for growth).

### Figure 2.

**Access Width 'W'.** This should be no less than 2.75m where there is a separate pedestrian access or 3.2m where pedestrians will share the access. Accesses serving between two and five dwellings should be at least 4.25m wide or 4.8m wide in the case of a double drive (where there are two parking spaces side by side). Driveways providing access for refuse vehicles should be no less than 5m wide. In all cases where the driveway is flanked by a boundary structure (such as a wall, fence or hedge) the driveway should be widened by 0.5m or 1m if there is a boundary structure on both sides.

**Pedestrian Inter-visibility Splay.** Where the driveway emerges onto a footway a 2m x 2m x 45 degrees visibility splay shall be provided on either side of the access at the back of the footway. This splay shall be maintained clear of any object greater than 0.6m in height relative to the adjacent access level.

### Figure 3.

On side turning for domestic vehicles shall be provided for accesses emerging onto classified roads, busier estate streets (local distributor roads) or where the driveway serves multiple dwellings.



## **Appendix 2 (Recommended Conditions and Advisory Notes)**

- **New or Modified Access to Highway**

The proposed access to (insert street name) shall be formed/modified (delete as appropriate) in accordance with the submitted application drawings (insert drawing number) laid out and constructed and provided with visibility splays (insert visibility splay dimensions), the area in advance of the sightlines being maintained clear of any object greater than 1m in height relative to adjoining nearside carriageway channel level (0.6m in the case of vegetation or pedestrian inter-visibility splays) throughout the life of the development.

- **On-site Parking and Turning Space**

The premises, the subject of the application shall not be taken into use until space has been provided, laid out and constructed in accordance with the application drawings (insert drawing numbers) for the parking (and turning) of residents and visitors vehicles and thereafter maintained throughout the life of the development free from any impediment to its designated use.

- **On-site Parking (Garages)**

The garage(s) indicated on the approved plan shall be retained for the parking or motor vehicles and cycles. At no time should a garage be converted to living accommodation without the prior express permission of the Local Planning Authority.

- **Gates Set Back from Highway Boundary**

Any gate, barrier or bollard across an approved access shall be set back a minimum of 5m from the nearside highway boundary and shall not open outwards.

- **Footway Crossover Note**

Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1990, before any works are commenced to construct a dropped crossover of a footway or verge a licence will be required from Derbyshire County Council. Details can be obtained from the Council's website or Highways Hub and the applicant is advised to allow at least six weeks in any programme of works to obtain the necessary permission to undertake the works.

- **Surface Water Run-Off Note**

Pursuant to Section 163 of the Highways Act 1980, it is an offence to allow surface water run-off from private curtilages to discharge across the footway. Where driveways and hardstanding slope down towards the highway measures shall be taken to ensure that surface water is captured by a channel or gulley and discharged to a sewer or soakaway within the site.

- **Mud on the Highway Note.**

Pursuant to sections 149 and 151 of the Highways Act 1980 it is an offence to allow mud or other extraneous material to be carried from a development site and deposited on the highway. Measures shall be put in place to ensure that this does not occur or if it does that appropriate measures are taken to cleanse the highway. The Highway Authority reserves the right to undertake street cleansing where the developer fails to do so and to recover the costs from them.

- **Driveway Surfacing Note.**

Driveways shall be surfaced with a solid, bound material (not loose chippings) for a minimum distance of 5m measured back from the nearside highway boundary (back of footway or verge).

- **Gates Note**

Gates or other barriers shall open inwards only and not open outwards over the highway (including a footway or verge).