

**From:** [Adrian Martin \(Place\)](#)  
**To:** [Rosie Dinnen](#)  
**Subject:** HPK/2023/0418 - Land off Marple Road, Chisworth.  
**Date:** 01 December 2023 12:24:30

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Dear Rosie,

I refer to the above application received by this authority for highway comments.

The application includes a plan which indicates that emerging visibility splays of 2.4m x 90m and 2.4m x 70m are achievable in the westerly and easterly directions respectively from the access on to the A626 Glossop Road by setting back the boundary fences on either side of the access. However, Glossop Road is subject to a speed limit of 40 mph in the vicinity of the new access. Assuming vehicle approach speeds of 40 mph, the Y, or visibility distances, indicated on the submitted plan are below those recommended in the Manual for Streets guidance for a vehicle approach speed of 40 mph. For information, a stopping sight distance of 103m is recommended for a vehicle approach speed of 40 mph.

Also, both visibility splays indicated on the submitted plan are not all within land controlled by the applicant as identified on the blue line plan. It has been assessed that the maximum visibility achievable from the access in the westerly direction, within land controlled by the applicant, is some 65m only and the visibility splay in the easterly direction, again within controlled land, is nil, both being measured from a set back (X) distance of 2.4m. Therefore, it is considered that the new access suffers from severely substandard emerging visibility in both directions and is contrary to paragraphs 110 and 111 of the NPPF. It is therefore recommended that the application is refused on the following grounds:

The proposed access to the A626 Glossop Road, if permitted, would introduce traffic movements to and from the public highway at a point where emerging visibility is severely restricted due to the lack of a frontage verge or footway and the proximity of uncontrolled land to the access, thereby leading to potential danger and inconvenience to other highway users and interference with the safe and efficient movement of traffic on the adjoining highway contrary to paragraphs 110 and 111 of the NPPF.

If the applicant is willing to commission a speed survey to accurately determine vehicle approach speeds and the applicant can achieve the required splays, as informed by the results of the survey all within controlled land, the highway authority will reassess the application; however, as the applicant does not control the land to the east of the access, even if an appropriate visibility splay can be achieved to the east, the applicant will need the consent of the land owner, through a legal agreement, to set the fence back and maintain the frontage clear of any obstruction to allow visibility to be maintained.

If the application is refused the applicant will be required to reinstate the former fence and verge to its former state which will require the approval of Derbyshire County Council under S127 of the Highways Act 1980. It is requested that the following advisory note is attached to the decision notice for the applicant's information: Pursuant to Section 127 of the Highways Act 1980, no work may commence within the limits of the public highway to close any redundant accesses and to reinstate the footway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 127 Agreements may be obtained by contacting this Authority via email – . The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 127 Agreement.

Yours sincerely,

Adrian Martin

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