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Our ref HPK/2023/0418
Your ref APP/H1033/W/24/3341655

Date 05 July 2024

Dear Sir/Madam

Town and Country Planning Act 1990

Appeal by L And G Williams

Site Address: LAND OFF Marple Road, Chisworth - HPK/2023/0418

This appeal relates to the submission of a planning application for the Retention of Access and Track at Land off Marple Road, Chisworth.

This statement has been prepared by Derbyshire County Council in its function as the Local Highway Authority and statutory consultee.

Derbyshire County Council were consulted on application HPK/2023/0418 on 13th November 2023 and provided a response to the LPA on 1st December 2023.

Derbyshire County Council, as Local Highway Authority, wish to clarify its position with regard to the acceptability of the access and track, which is the subject of this appeal.

Derbyshire County Council did originally object to the application and recommended a refusal on the grounds that the access did not meet the required emerging visibility splays on to the A626 Glossop Road and did not control sufficient land either side of the access fronting Glossop Road to provide and maintain appropriate visibility splays. The submitted application boundary plan (red line plan) also did not extend sufficiently in both directions along the boundary of Glossop Road to include the area needed to provide the visibility splays. The visibility splays required by Derbyshire County Council, of 2.4m x 103m in both directions from the access, were based on the stopping sight distance for vehicle approach speeds of 40 mph which was based on the posted speed limit of 40 mph on Glossop Road in the vicinity of the application site. A copy of the original response to High Peak Borough Council is attached to this statement for your convenience.

The applicant was invited to commission a speed survey to provide more accurate data on vehicle approach speeds which in turn would allow more accurate information to calculate

the required visibility splays. A speed survey was carried out and the data presented to Derbyshire County Council.

Derbyshire County Council considers that for accesses and priority junctions the correct design document is Manual for Streets 2, published by The Chartered Institution for Highways and Transportation. Section 10 of that document details a formula and guidance as to how to calculate the required splay lines based on recorded 85th percentile speeds.

Based on the speed survey data, the applicant proposed that visibility splays of 2.4m x 56m in both directions were appropriate. Derbyshire County Council does not contest the speed survey data or the requirement for the corresponding visibility splays of 2.4m x 56m in both directions. Derbyshire County Council confirmed this in a brief correspondence to High Peak Borough Council. However, whilst the applicant does control sufficient land to the west of the proposed access, they do not control any land to the east, nor does the red line plan include sufficient land to the east to allow an appropriate condition to be included in any consent to control the provision of the visibility splay in that direction. The applicant was therefore requested to amend the red line plan accordingly. Derbyshire County Council received no further information or an amended red line plan. Subsequently High Peak Borough Council refused the application with one reason being on highway safety grounds.

Should an amended red line plan have been submitted, Derbyshire County Council would have withdrawn its objection to the application and recommended an appropriate condition to provide and control the required visibility splays of 2.4m x 53m in both directions from the access.

However, without the amended plan, the provision and future maintenance of the visibility splay in the eastern direction is not controllable and the access would have virtually nil visibility to the east.

Derbyshire County Council considers that the provision of the access, the subject of the application, with severely substandard visibility on to Glossop Road in the easterly direction is not acceptable and does therefore not comply with paragraphs 114 and 115 of the NPPF. On that basis, Derbyshire County Council considers that the appeal should be dismissed.

However, there does seem to be a relatively easy fix which only requires the applicant to submit a revised red line plan which extends in both directions from the access on to Glossop Road for the distance which corresponds with the previously referred to visibility splays of 2.4m x 56m. If during the appeal process such an amended plan is submitted, Derbyshire County Council wishes to confirm that it considers the retention of the access to be acceptable and as such withdraws its objection to the application.

Should the inspector be minded to permit the appeal be allowed the following condition is recommended:

The development hereby approved shall not be brought into use until visibility splays are provided from a point 1m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 56 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the

edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 1m in height above carriageway level.

Reason: In the interests of highway safety.

Yours sincerely

Adrian Martin

Highways Development Control

Attached

Appendix 1 – 1st December 2023 Recommendation

Appendix 2 – 7th February 2024 correspondence

Appendix 1

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 maintain.

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 – highways.hub@derbyshire.gov.uk. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 127 Agreement.

Yours sincerely,

Adrian Martin

Appendix 2

Hi Rosie,

Apologies for not responding, I have been on leave for a while but, the survey results do seem reasonable and i would not challenge the validity of the data.

Based on the survey data I am satisfied that appropriate visibility splays can be achieved in both directions from the access. The submitted red line application plan will require revising and resubmitting to reflect the extends of the visibility splays in both directions which will then allow the required visibility splays to be conditioned accordingly.

If the applicant can revise the red line plan to reflect visibility splays of 2.4m x 53m in both directions and on receipt of the revised plan a final and formal response with recommended condition can be issued.

Regards,

Adrian Martin MCIHT | Project Engineer | Highways Development Control | Place | Derbyshire County Council | direct dial: 01629 538668 |

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