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

Planning Manager
Amber Valley Borough Council
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DE5 3XE

Highway Officer: Steve Dudhill
Our ref: AVBC/2026/018574/R1
Your ref: AVA/2026/0414
Date: 23 September 2026

Dear Mrs Grant,

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

PROPOSAL: New site entrance to the existing property

LOCATION: Christmas Cottage Church Lane Kirk Langley Ashbourne Derbyshire DE6 4NG

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, recommends that determination of this planning application should be deferred pending the submission of further information.

Background

The highway authority's initial observations on this planning application were issued on 31/8/26. The applicant's agent has requested clarification of the highway authority's position on several of the 7 issues raised in those observations. This is the highway authority's response.

1. The proposed site access should be at 90-degrees to the carriageway on Church Lane

This is a standard requirement, which ensures that drivers leaving the access have equal opportunity to see oncoming traffic approaching from both directions along the major road from the minor road visibility splay setback distance, providing the most balanced, unobstructed line of sight to allow drivers to judge gaps in approaching traffic and enter the highway safely.

The shortest distance across a lane of traffic is provided by a straight, perpendicular access. When a vehicle crosses or turns from a perpendicular access point, it spends the minimum amount of time in the path of oncoming traffic, maximising safety.

A perpendicular access equalises the turning radius in both directions from the access and minimises the extent to which an emerging vehicle would tend to cross into the opposing lane on the major road, maximising highway safety for drivers using the access and on the major road. In the case of this application, most movements from the access would be to the east, i.e. left out, where the current submitted layout shows the tightest turning radius.

In the case of this application, a perpendicular access would also ease turning movements within the site between the access and the proposed garage.

2. Access within the highway should be by means of a verge crossing to highway authority specification

This is a standard requirement for new accesses. It is noted that the applicant's agent considers this to be a reasonable technical requirement.

To clarify further, work cannot be undertaken within the highway without the highway authority's consent. Implementation of the proposed access would require an agreement under Section 184 of the Highways Act 1980 (S184). The details of the access scheme, including its specification, would be determined at the S184 agreement stage.

A planning condition and informative notes would secure the details and this approach in the interim.

3. The applicant has not demonstrated, using swept path analyses, that vehicles can enter, turn within, and leave the site in forward gear

The applicant's agent points out that "the space immediately beyond the proposed gate is deeper (3300mm) than the equivalent space provided by the existing access (2.8m)". However, this ignores the availability, and geometry, of the turning head to the north of the existing access, which allows vehicles to enter in forward gear, pull into the northern turning head stub, and then reverse into the parking spaces associated with the existing and proposed dwellings.

Provision of a perpendicular access (see point 1 above) would ease turning movements within the site and may obviate the need to provide swept path analyses, assuming that delivery vehicles will not enter the site, subject to resolution of points 1 above and 4 below.

4. The gated access width is excessive for access to a single dwelling and could be reduced, subject to submission of swept path analyses as referred to in point 3 above

Provision of an over-wide driveway could encourage parking on the access between the gate and the carriageway e.g. by visitors. Such parking would obstruct visibility from the access along the major road, adversely affecting highway safety.

A reduced driveway width would minimise run-off onto the carriageway to the benefit of highway safety. It would also minimise long-term maintenance cost, and reduce the initial capital cost to the applicant.

5. The proposed site access visibility splays are incorrectly detailed. The splay to the west along Church Lane should be projected to the nearside carriageway edge tangent. The splay to the east should be projected to the nearside carriageway edge

See the response to point 6 below. A plan showing appropriately detailed visibility splays will be required, once the necessary visibility splay dimensions have been confirmed.

6. Notwithstanding the above issue, no justification has been submitted for the provision of 2.4m x 43m visibility splays. For consistency with the access proposed for the new dwelling to the east of the site, visibility splays of 2.4m x 83m should be shown along Church Lane on both sides of the proposed access to Christmas Cottage. The 83m splay to the west of the site access should be projected both to the nearside carriageway edge tangent and to the nearside carriageway edge across the bend in Church Lane to the west of the site

The applicant's agent (Indigo Architects) acted as agent on the previous planning applications (AVA/2021/0765 and AVA/2024/0730) in relation to the new dwelling to the east of the application site. A planning condition requiring 2.4m x 83m visibility splays was recommended in the highway authority's 16/7/21 observations on application AVA/2021/0765. Indigo Architects' drawing number 0323-08-01 Rev PL01, showing 83m major road visibility splays, is referred to in the decision notice for permission reference AVA/2024/0730.

The 83m major road visibility splays required for the new dwelling clearly exceed the requirement based on 85th percentile dry weather traffic speeds at the 30mph speed limit (actually 47m, not 43m, based on Manual for Streets 2 calculation methodology). However, there is no information on the previous planning application web pages, nor in the highway authority's record, which shows how the 83m distance was determined. The applicant's agent may be able to provide such information for consideration, given the practice's involvement with the previous applications.

It is logical to conclude that, if 83m major road visibility splay distances were determined to be appropriate for the access to the new dwelling, there must have been justification for such splays. In the absence of any further information, it is also logical to conclude that the same justification should apply to the specification of visibility splays for the current proposed access.

It is for the applicant, not the highway authority, to justify the necessary site access visibility splays and to demonstrate that such splays are, or can be made, available over land within the highway and/or under the applicant's control.

It is not always the case that 85th percentile traffic speeds comply with the posted speed limit, particularly on roads such as Church Lane which, despite the posted speed limit, has the characteristics of a rural road. It is not sufficient, in such circumstances, to simply rely on the posted speed limit to determine the necessary

major road visibility splay distances. In fact, Manual for Streets 2, paragraph 10.1.4, states that the 85th percentile speed should be used to determine the major road visibility distance.

As matters stand, the applicant has provided no information relating to actual approach traffic speeds on Church Lane that would identify the major road visibility splay requirements.

If the applicant considers that provision of 83m major road visibility splay distances would be excessive, or cannot be achieved, the applicant should obtain traffic speed survey data to determine the 85th percentile dry weather traffic speeds on the Church Lane approaches to the site. Such data would then be used to determine the necessary major road visibility splay distances. The applicant should then provide a plan to show how such splays can be provided.

If the necessary technical information to support the choice of visibility splays is not submitted by the applicant, this could result in a recommendation to refuse planning permission based on insufficient information having been provided to demonstrate that safe and suitable access would be available.

7. Vegetation within the visibility splay envelopes should be removed and any new hedgerow should be planted no closer than 1m from the visibility splay envelope to allow for future growth

See the response to point 6 above. A plan showing appropriately detailed visibility splays will be required, once the necessary visibility splay dimensions have been confirmed.

Conclusion

Revised access layout details and further information are required to address the above issues and those outstanding from the highway authority's 31/8/26 observations.

The highway authority recommends that this planning application should not be determined until the applicant has submitted further details which satisfactorily address the above issues.

The highway authority will comment again following receipt of further information.

SD; DCC TDM; 23/9/26.