

Substantive response of the Local Highway Authority to a planning consultation received under The Development Management Order.



Response provided under the delegated authority of the Director of Growth, Environment & Transport.

APPLICATION DETAILS

Planning Application Number: 25/00444/FUL

Highway Reference Number: 2025/0444/04/H/R3

Application Address: Smiths At Pinwall Atherstone Road Pinwall Atherstone Leicestershire CV9 3NB

Application Type: Full

Description of Application: Re-consultation. Access to existing garage and workshops (retrospective)

GENERAL DETAILS

Planning Case Officer: Sophie Iliffe

Applicant: Mr S Chaudry

County Councillor: Market Bosworth ED - Joshua Melen CC

Parish: Sheepy

Road Classification: Class B

Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:

The Local Highway Authority advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 116 of the National Planning Policy Framework (2024), subject to the conditions and/or planning obligations outlined in this report.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) have been re-consulted on an application for the 'Access to existing garage and workshops (retrospective)' at Smiths At Pinwall Atherstone Road Pinwall Atherstone Leicestershire CV9 3NB.

The LHA previously requested the Applicant provide further information in observations dated 24 March 2024. The outstanding matters to be addressed as set out in the response were as follows:

- Gates to be set back to allow for the largest expected vehicle on site to be off the highway.
- A Stage 1 Road Safety Audit (RSA1) of the site access.
- Confirmation that a 15kph speed was used for swept-path analysis.
- Details in regard to the intention for the existing access on Grendon Road.

- A revised red-line boundary.

The Applicant has subsequently submitted the following documents, which have been reviewed:

- Hayward Architects – Location & Block Plans. Drawing Number 17B.
- ADC Infrastructure – Response to LHA comments. Dated 28 May 2026.

Site Access

As per previous comments, the LHA will seek to ensure that the gates are setback from the public highway, to allow for the largest expected vehicle at the site to wait off the highway.

The LHA have reviewed drawing 17B and welcome that the Applicant has identified the LHAs formal opinion of the highway extents to inform this plan.

The Applicant has confirmed, in the swept-path analysis drawings submitted within the LHA response letter, that a speed of 15kph has been used.

A suitable Stage 1 Road Safety Audit (RSA) alongside a Designers Response to the RSA1 has been included within the response to LHA comments letter. No highway related issues were raised in the audit, which is therefore acceptable.

The Applicant has confirmed that the existing access on Grendon Road will be closed as part of this proposal, the LHA will seek to secure this via planning condition below.

Given all outstanding matters have been addressed by the Applicant and the LHA consider that a safe and suitable access have been evidenced, the proposals are therefore acceptable, subject to the following conditions.

Conditions

1. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Changes to Constructed Layout drawing number 0111 S4 Revision P06 have been implemented in full. Visibility splays shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to afford adequate visibility at the access in the interests of general highway safety and in accordance with the National Planning Policy Framework (2024).

2. The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless the existing vehicular access on Grendon Road that becomes redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

REASON: In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (2024).

3. The development hereby permitted shall not be occupied until such time as the existing gates to the vehicular access have been permanently removed. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 15 metres of the highway boundary and hung to open away from the highway.

REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2024).

4. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 15 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2024).

Informative

Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://www.leicestershirehighwaydesignguide.uk/>

Date Received
1 June 2026

Case Officer
Amy Stone

Reviewer
DH

Date issued
15 June 2026