

## Corker, Dave

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**From:** Corker, Dave  
**Sent:** 01 August 2011 11:46  
**To:** 'Danny.Leech@vosa.gov.uk'  
**Subject:** RE: Aston Down, Stroud, Gloucestershire  
**Attachments:** Main Site as submitted with Building 15 application.pdf

Danny,

Attached is a further plan showing the Main Site outlined in red. The planning application for the Brian Sindle use was submitted and obtained by the landowner although Brian Sindle and two other operators are the beneficiaries. As you will see their permitted site (no 66) is only a very small part of the Main Site. Where they appear to be operating at least in part is the area shown in green and purple on the attached plan as *"Parking for recycling collection vehicles"*. That is only for purposes of identification because that use, previously undertaken by Veolia was refused planning permission and that company has vacated Aston Down entirely. That area therefore does not benefit from planning permission at all and its use is a contravention of the Enforcement Notice.

To pursue a prosecution for failing to comply with the Enforcement Notice requires me to obtain a specific authorisation. I do not have delegated authority to commence such action. I have not done this yet. I suspect that the evidence we have so far would not satisfy our Legal Dept that there would be a reasonable likelihood of a conviction, certainly not if a prosecution was brought against Brian Sindle Transport. That is only my personal view however and I have not spoken with our Solicitor on that specific point.

I received an email last Wednesday from Nick Hardcastle who is Director of the company that owns Aston Down and he says that, *"I will contact you next week to confirm that [the] parking matter has been dealt with"*. I take this to mean that the Brian Sindle vehicles will then be parking in their approved site. I would rather await that confirmation (if it is forthcoming this week) before deciding how to proceed.

Regards,

Dave

### David Corker

Principal Appeals & Enforcement  
Stroud District Council  
Council Offices, Ebley Mill Stroud,  
Glos, GL5 4UB.

Tel: 01453 754 224  
Email: [Dave.Corker@stroud.gov.uk](mailto:Dave.Corker@stroud.gov.uk)  
Website: [www.stroud.gov.uk](http://www.stroud.gov.uk)

[Please consider the environment before printing this email. Thank you.]

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**From:** Danny.Leech@vosa.gov.uk [mailto:Danny.Leech@vosa.gov.uk]  
**Sent:** 27 July 2011 18:11  
**To:** Corker, Dave  
**Cc:** Kev.Aveyard@vosa.gov.uk; Paul.Hartley@vosa.gov.uk  
**Subject:** Fw: Aston Down, Stroud, Gloucestershire

Dave

My apologies, I forgot to include the following question in my email:

- when B Sindle & Son Limited applied to add the site to their operators licence they added it as 'Main Site', Aston Down. Are you aware of the area of the site known as 'Main Site' and if so does it fall within the area that sindles have planning permission for, or is it that area which the are parking on without planning permission?

Many thanks

Danny Leech

Team Leader, VOSA Environmental Team  
Hillcrest House  
386 Harehills Lane  
Leeds, LS9 6NF

Tel: [REDACTED]

----- Forwarded by Danny Leech/LIC/VIA on 27/07/2011 18:05 -----

Danny Leech/LIC/VIA

27/07/2011 18:04

To Dave.Corker@stroud.gov.uk  
cc Kev Aveyard/LIC/VIA@VIA, Paul Hartley/LIC/VIA@VIA  
Subject Fw: Aston Down, Stroud, Gloucestershire

Good afternoon Dave

Thank you for this information.

Can you confirm if, in view of the breach of the enforcement notice offence, SDC are planning to prosecute the operator/land owner.

Kind regards

Danny Leech  
Team Leader, VOSA Environmental Team  
Hillcrest House  
386 Harehills Lane  
Leeds, LS9 6NF

Tel: [REDACTED]

----- Forwarded by Danny Leech/LIC/VIA on 27/07/2011 17:39 -----

<Dave.Corker@stroud.gov.uk>

26/07/2011 08:52

To <kev.aveyard@vosa.gov.uk>  
cc <Darryl.Rogers@stroud.gov.uk>  
Subject FW: Aston Down, Stroud, Gloucestershire

Dear Kev,

Darryl Roger's email to you yesterday identifies the planning permission ref. S.10/1764/COU for the land between buildings 66 and 104. The site plan and a plan of the area in the context of the Main Aston Down site are attached. The main site benefits from planning permission granted by the Secretary of State dated 01 December 2011. That permission did not authorise the parking of goods vehicles other than where ancillary to the permitted uses. Therefore Messrs Sindle, Skinner and Short are only authorised (in planning terms) to park their vehicles in the area of land edged red on the attached plan.

Condition 4 of permission S.10/1764/COU states:

*No commercial or goods vehicle shall enter or leave the site nor shall any machinery be operated or any process carried out outside the hours of 06:00 to 19:00 on Mondays to Saturdays nor at any time on Sundays, Bank or Public Holidays.*

This condition self-evidently only relates to the specific area of land covered by the permission.

There is clear evidence that the Brian Sindle Transport vehicles leave the Aston Down site in the early hour of the morning on a regular basis well before 06:00. There is further evidence that they are avoiding breaching the condition by parking the vehicles that will need to leave before 06:00 other than within the permitted site, specifically in part of the former depot used by Messrs Veolia to the south of Building 15. This is the area in the south west of the Main Site to the west of the area labelled "tanks".

The result is that, avoiding condition 4 referred to above places the Sindle activities in breach of an existing enforcement notice that is effective against the uses not permitted by the Secretary of State on two counts, first, the actual use is covered by the enforcement notice, second, the area adjacent to Building 15 where the vehicles are currently parking is also specifically excluded. In fact parking of the Sindle vehicles anywhere other than within the site permitted by S.10/1764/COU currently breaches the enforcement notice.

The conclusion is that in evading the condition and, therefore, the liability for enforcement action via a Breach of Condition Notice, the Sindle use is actually a failing to comply with the Enforcement Notice, which is an offence under Section 179 of the Town and Country Planning Act 1990 rendering both the operator and land owner to prosecution.

Regards,

Dave

**David Corker**

Principal Appeals & Enforcement

Stroud District Council

Council Offices, Ebley Mill Stroud,

Glos, GL5 4UB.

Tel: 01453 754 224

Email: [Dave.Corker@stroud.gov.uk](mailto:Dave.Corker@stroud.gov.uk)

Website: [www.stroud.gov.uk](http://www.stroud.gov.uk)

[Please consider the environment before printing this email. Thank you.]

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**From:** Rogers, Darryl  
**Sent:** 25 July 2011 16:53  
**To:** 'Kev.Aveyard@vosa.gov.uk'  
**Cc:** Corker, Dave  
**Subject:** RE: Aston Down, Stroud, Gloucestershire

Good Afternoon,

Thank you for the email. Please accept my apologies for not coming back to your initial enquiry.

In terms of your questions I would comment as follows:

Planning Permission S.10/1764/COU

This permission relates to the change of use of a single area of land between buildings 66 and 104 on the main site for the parking of vehicles only. The permission is specifically limited to a parking use and is subject to conditions controlling the use of the land, the hours of operation and the number and type of vehicles to be parked there. A copy of the decision notice is attached for your information.

In terms of the number of vehicles to be parked, condition 1 is very specific and clearly limits the range of vehicles in total regardless of operator. Your email specifies a number in excess of this limit. However the LPA has reason to believe that some operators may be operating from other areas of the site outside of the scope of this permission and the conditions attached thereto. Thus there may be a higher number of vehicles on the site. But these uses would not benefit from any wider permission for haulage use and would therefore be unauthorised.

In respect of enforcement matters and current breaches of control my colleague Dave Corker will be contacting you tomorrow to update you further on this side of things.

Hours of Operation Application S.11/1036/VAR

This is a current application which is due to be determined imminently and raises strong concerns over impact on local residential amenity. Given that the permission relating to the wider site is subject to a similar condition restricting hours of operation that states:

*No commercial or goods vehicle shall enter or leave the site nor shall any machinery be operated or any process carried out outside the hours of 06:00 to 19:00 on Mondays to Saturdays nor at any time on Sundays, Bank or Public Holidays.*

the LPA would not look favourably on this application and are highly likely to recommend that the application is refused under delegated powers. Again such a decision would have enforcement implications which my colleague will update you on.

I hope this clarifies the current situation regarding these two applications but if you have any further queries or questions please do not hesitate to contact me.

Regards,

***Darryl J. Rogers***  
**Principal Planning Officer**  
**(Commercial and Major Sites Team)**  
Development Services  
Stroud District Council  
Ebley Mill  
Westward Road  
Stroud  
Glos  
GL5 4UB

☎ 01453 754214  
📠 01453 754222  
✉ darryl.rogers@stroud.gov.uk

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**From:** Kev.Aveyard@vosa.gov.uk [mailto:Kev.Aveyard@vosa.gov.uk]  
**Sent:** 20 July 2011 08:33  
**To:** Rogers, Darryl  
**Cc:** Corker, Dave  
**Subject:** Fw: Aston Down, Stroud, Gloucestershire

Good morning Darryl,

Please see my previous e-mail attached below, can you provide any further information before I submit this case back to the Traffic Commissioner?

Many thanks

Kev Aveyard

----- Forwarded by Kev Aveyard/LIC/VIA on 20/07/2011 08:30 -----  
**Kev Aveyard/LIC/VIA**

11/07/2011 09:06

To <Darryl.Rogers@stroud.gov.uk>@VOSAGSI  
cc  
Subject RE: Aston Down, Stroud, Gloucestershire [Link](#)

Good morning Darryl,

I have a further question with regards to the planning permission which is now in place at Aston Down. The three operators we have previously mentioned are currently authorised to operate the following amount of vehicles and trailers from Aston Down.

B Sindle & Sons Ltd      4 vehicles and 6 trailers

Dave Skinner Groundworks Ltd      3 vehicles and 0 trailers

David Short Transport Ltd      2 vehicles and 4 trailers

The planning permission states that there will be parking and storage for 6 heavy goods vehicles, 2 light goods vehicles, 2 other goods vehicles and 1 trailer unit only. How will this affect the authorised operators? As you can see, the three operators are currently authorised to operate 10 trailers between them.

Could you also inform me if Leda Properties have submitted a new application to vary the hours of operation on the original planning decision?

Any further information you could provide would be much appreciated.

Many Thanks

Kev Aveyard

<Darryl.Rogers@stroud.gov.uk>

13/04/2011 12:04

To <Kev.Aveyard@vosa.gov.uk>  
cc

Subject RE: Aston Down, Stroud, Gloucestershire

Good Morning,

The application, S.10/1764/COU, is due to be considered at the April 26th meeting of the Development Control Committee. The members of the committee have already visited the site and are aware of the issues and I would therefore expect a final decision to be made on the day.

On a related note could you possibly provide me with details / copies of the licences held for the intended occupiers of this parking area please. I understand that the occupier would be Brian Sindle and Sons, Dave Short Transport and a Skinner. I would be particularly interested in the number and type of vehicles and trailers each licence permits along with the address of the approved operating base. I can then seek to ensure that the application reflect the true situation. Also confirmation as to the type of licence held in terms of permanent, temporary or interim would be welcomed.

Should you wish to view the details of the planning application this can be done via the links on [www.stroud.gov.uk/planning](http://www.stroud.gov.uk/planning) and via the use of the reference number S.10/1764/COU.

Regards

**Darryl J. Rogers**  
**Principal Planning Officer**  
Development Services  
Stroud District Council  
Ebley Mill  
Westward Road  
Stroud  
Glos  
GL5 4UB

☎ 01453 754214

📄 01453 754222

✉ darryl.rogers@stroud.gov.uk

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**From:** Kev.Aveyard@vosa.gov.uk [mailto:Kev.Aveyard@vosa.gov.uk]

**Sent:** 13 April 2011 10:14

**To:** Rogers, Darryl

**Subject:** Aston Down, Stroud, Gloucestershire

Good morning Mr Rogers

I write with reference to the planning application submitted to retain use of Aston Down as a heavy goods vehicle operating centre which was due to be determined yesterday. I was wondering whether or not you would be able to provide VOSA with an update as to the current position?

I was kindly given your details by David Corker.

My name is Kevin Aveyard and I am a licensing caseworker at the Office of the Traffic Commissioner in Leeds, you can contact me on [REDACTED].

Any update would be much appreciated.

Many thanks

Kev

