

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

22 October 2020

Application No:	SMD/2019/0339	
Location	Winkhill Garage, Ashbourne Road, Winkhill	
Proposal	Application for temporary Parking on the site for a period of 5 years.	
Applicant	W G Tankers	
Agent	The Winter Partnership	
Parish/ward	Winkhill	Date registered 04/08/2017
If you have a question about this report please contact: Ben Haywood tel: 01538 395400 ex 4924 ben.haywood@staffsmoorlands.gov.uk		

REFERRAL

This application is brought to Committee as it is locally controversial

1. SUMMARY OF RECOMMENDATION

APPROVE with conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The application site lies on the northern side of the Ashbourne Road and forms a gateway to the village of Winkhill which lies to the south east of the site. There are a number of residential properties close to the site. Vehicular access is taken direct from the Ashbourne Road. The site was formerly a coach depot. It was purchased in 2007 by the applicant for his business. On the 5th August 2010, planning permission was granted for the regrading of the site, erection of offices, workshop and hardstanding. The Officer report to Committee advised as follows:-

This application seeks full planning permission to re-grade part of an existing landscape spur to enable the provision of a 9 bay HGV workshop for the applicant's vehicles, a large area of hardstanding for the parking of vehicles, principally tanker trailers, and the erection of an administrative office building. The re-grading of the existing landscape spur to accommodate the development will necessitate the excavation of approximately 95,000 cubic metres of material. The resultant site area will enable the provision of a large workshop building encompassing a footprint of 1365sq.m. and a maximum height of 9.22m. The building will incorporate a modern, convex style roof, timber cladding and blockwork construction. A modern office building is also proposed, encompassing a footprint of some 320sq.m. and a maximum height of 6.7m. The office building is to be located close to the site frontage and will replace the existing run-down buildings that currently exist on site. The workshop building will be located further back into the site behind a large expanse of tarmac where the tanker trailers will be parked. A total of 39 parking spaces for employees/visitors are also proposed, along with re-construction of the existing river banking. An existing public footpath running through the site will be diverted around the re-graded bank.

2.2 The Officer report also confirmed the Council's view that the proposed use as a tanker depot was not materially different to that of a coach depot and as such a material change of use had not occurred.

2.3 The land has been levelled and prepared for construction of the buildings as per the 2008 permission and there is now a flattened area where it is proposed to provide the new offices and workshop. There is still, currently, some spoil to the rear of the site although, the applicant has stated that it is hoped that this will be removed in the short term. The site has been graded and surfaced with a bituminous product.

3. DESCRIPTION OF THE PROPOSAL

3.1 Following completion of the regrading works development of the offices, hardstandings and workshops ceased. Since that time, the site has been used for the storage of tankers and trailers associated with the applicants other business premises, including those in Waterhouses village.

3.2 The 2010 permission was subject to a significant number of conditions, some of which were triggered on commencement of the development. Others, however, required certain matters to be addressed prior to the development being brought into use. Initially tankers were only parked on the front part of the site which had historically comprised the coach / haulage depot and on that basis, it was considered that the use of the site had not commenced. Latterly, however, vehicles have been parked on the newly excavated and levelled ground to the rear of the site, thus bringing the new development into use. In the absence of the various "pre-occupation" conditions being addressed this constituted a breach of planning control.

3.3 In order to regularise the situation the applicant has submitted the current application which seeks separate full planning permission as a "stand-alone" consent for parking on the site for a temporary period of 5 years. The proposed site plan provided with this application shows spaces for up to 78 tank trailers which will be stored on the site during the 5-year period. Once the temporary permission has expired it is proposed to continue with the approved development of SMD/2008/1675.

3.4 Details of the planning application, plans and consultee responses can be found at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=129637>

4. RELEVANT PLANNING HISTORY

08/01675/FUL_MJ Regrading of site, erection of offices, workshop and hardstanding.
Approved

SMD/2017/0506 Removal of condition 12 (Site operation times) 08/01675/FUL_MJ -
refused

5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 The following Staffordshire Moorlands Local Plan 2020 policies are relevant to the application:-

- SS1 Development Principles
- SD4 Pollution and Flood Risk
- SS9 Smaller Villages Strategy
- SS10 Rural area strategy
- E1 New Employment Development
- E3 Existing Employment Areas, premises and allocations
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting
- T1 Development and Sustainable Transport
- T2 Other Sustainable Transport Measures
- SD4 Pollution and Water Quality
- NE1 Biodiversity
- NE2 Trees and Woodlands

National Planning Policy Framework

National Planning Policy Guidance

6. CONSULTATIONS CARRIED OUT

Site Notice expiry date: 18th September 2019

Local residents have been notified by letter. Expiry date 2nd September 2019

6.1 3 households have objected to the application citing the following main reasons:-

- We live just opposite the entrance to the site and have lived here for just over one year. In that time groundworks have been undertaken which caused noticeable vibrations to our property, therefore our concerns would be that further movement of heavy vehicles will be apparent and conspicuous from inside our property. As a homemaker this is not insignificant.
- The parking of 78 tankers would increase the traffic on the road and in-turn increase the road noise adjacent to our property.
- Of concern is that upon entering the village from the Leek direction, the current appearance of the entrance is a significant eyesore. There is no permanent fencing nor horticultural maintenance of the frontage, with overgrown greenery visible. The current parked tankers are also visible from our garden due to their close proximity to the road and their height. These are also not kept clean and look as though they have been left unattended for a lengthy period. An increased number of tankers parked would be visible from inside and outside of our property.
- With reference to point 9 of the Application Form completed by W G Tankers it suggests that current parking is 0, increasing to 78 parking places should their application be approved. At present there are already multiple tankers clearly visible at the entrance that have been there since we purchased the property. We are therefore concerned that this is an inaccurate picture being portrayed of the current use of the site and further concerned that the additional 78 parking spaces are an increase to the current tankers in-situ.
- The application gives no reason or justification for this temporary use. The original application to develop the site was approved since, it was argued, it brought economic benefits.. The proposed temporary use provides no such benefits, but merely prolongs the now twelve years that this site has been an eyesore and a blot on the landscape. No reason has been given as to why the original development has not been completed, nor why there should be a five year hold on undertaking any further work. It is my understanding that three years is the generally accepted limit of

'temporary' permission. The application gives no justification for the five years requested, nor reasons for requesting it.

- There is such a lack of crucial information in the application it should be refused purely on that basis since in effect the various consultees are being invited to comment on inadequate, misleading and incomplete information. The Planning Committee is being put in a similar position when making its decision. I will now deal with the various points of inaccuracy/lack of information in the application:
- In section 5 that applicant states the work has not yet started. This is completely untrue. A surface of waste materials has already been laid on the site and later in the application the applicant contradicts themselves on this point with details, including photographs, of so-called drainage work already undertaken. The drainage work, which was not part of the original application to develop the site, and the plans for it have been declared inadequate by Severn Trent and SCC Flood Risk Management Team, and the Environment Agency has expressed reservations. I would also point out that the surface that has been laid is already beginning to break up as a result of large hgv's manoeuvring over it.
- In section 7 the applicant states that no materials have been used - again a totally false statement- see my point above.
- In section 10 the applicant states that no trees need to be removed. The applicant has already removed numerous trees including from areas of the site that were supposed to be preserved as part of the landscaping in the original development.
- In section 11 the applicant states that the development will not increase the flood risk downstream. As the owner of a riverside property immediately downstream I would strongly contest this statement. The drainage information given in the application is totally inadequate and shows an outlet directly into the river from the drains which the applicant states have already been installed.
- Section 12 - the application has already destroyed rare lowland heath habitat, including a large area that was supposed to form a seed bank for the re-instatement of what was to be lost to the original development.
- Section 13 - disposal of foul sewerage. The plans do not include any toilet provision on site. I have personally witnessed men on the site urinating in the open air. With no toilet provision this type of behaviour will continue and yet the application states that foul sewerage will be disposed of by means of the main sewerage system.
- Section 19. The application states that hours of operation are not relevant. I would strongly contest this and refer the Planning Committee to its decision to refuse twenty four hour/seven day a week working on the site, in the main because of the effect of hgv's entering and leaving the site outside the original permitted hours of 08.00 - 18.00 hrs Monday to Friday, 08.00- 13.00 on Saturdays and at no time on Sundays or Public/Bank Holidays. See planning application SMD/2017/0506
- Section 20 The applicant states that no work will be carried out on site. There have been numerous occasions when work has been carried out on site and complaints made to the Planning Department. On occasions this work has caused large clouds of white dust to be blown across the site. I do not know what this white dust was but it certainly had the potential to contaminate the surrounding area. There have also been many occasions when the loud and intrusive noise of metal being banged on metal could be heard. In view of the pattern of behaviour already illustrated, it can only be assumed that the applicant will continue to ignore any restrictions/conditions that might be attached concerning work being carried out on site.
- The application for temporary permission has come about because the applicants are in breach of many conditions laid down in the original permission for development of the site. It is over twelve months since this was brought to the attention of the Planning Department. Local residents were led to believe that these shortfalls would be overcome by conditions attached to any new permission. The application as it

stands does not in any way meet many of the conditions. Of particular concern are those detailed below:

- Condition 3 - boundary treatments ' to ensure the satisfactory external appearance of the develop in the interests of safeguarding the character and appearance of the site.'
- Condition 18 - 'the safe-guarding and enhancement of natural habitat, especially heathland.'
- Condition 19 - 'the re-creation of heathland lost as a result of the development.'
- The application states that the natural habitat has begun to re-generate. All that is in fact growing is a mix of coarse grass, weeds such as ragwort, and gorse, not the rich and diverse heathland that should have been created under the conditions of the original application. The whole site has the appearance of a desert wasteland.
- The original application included a frontage to the site of solid fencing with shrubs and trees in front to hide and improve the look of the site. All that is now proposed is a post and rail fence which will do nothing to hide the ugly and incongruous sight of seventy-eight tankers parked in an otherwise completely rural and unspoilt landscape. The proposed fencing does not even provide any form of security to the site. It seems the applicants have gone for the cheapest possible option.
- In conclusion, the application is incomplete, lacking in essential information and proposes a continuation of the now twelve years of blight that Winkhill has already suffered. It brings no economic, or any other, benefit to the local area or the Staffordshire Moorlands more generally and I hope and trust that it will be refused.
- I am writing to you to ask that you reconsider the following areas of the application made by WG Tankers/their agents for "Major Development" of the Winkhill site (SMD/2019/0339), and request that the commencement of public consultation ONLY begins when corrections/clarifications are received by the company's agent and that the current application is refused.
- There are, I believe a number of shortcomings and questionable statements made in the application which would make it extremely difficult for any member of the public, especially those objecting to the development, to properly and adequately assess this
- These are as follows;
 1. Incorrect description – this application is seeking permission for a use already started
 2. Contamination – has the former Boyden's land been assessed?
 3. Materials – road scalplings have been used
 4. Access – changes are proposed to the entrance
 5. Drainage – details are totally inadequate – is this compliant with S.U.D.S? – The agencies require more in-depth detail
 6. Foul sewage – is this to the main sewer? What produces foul waste?
 7. Trade waste – it is well documented that tankers have been cleaned out on the site in the past
 8. Hours of working – the intended hours of operation have not been stated – have increased noise levels been considered. Recent planning was refused to extend operating hours
 9. Pre-application advice – was pre-application advice given? If so, what – details need to be revealed in an open and public forum
- The plans that have been submitted, are inadequate. The reasons for this statement are as follows:

1. The area edged in red does not include the area of waste tipping which has destroyed the Lowland Heath and intended supposed seed bank – how is restoration of this eastern section of the site to be secured?
 2. There is no key on the plans – there is a pink hatched area on the plan – what does this indicate?
 3. Landscaping – the application is contradictory. It makes a claim that the site has been covered naturally with vegetation and it states that most of the landscaping has been carried out. Neither of these statements are true. This can be visualised/confirmed by the photograph in the design and access statement or a site visit.
- As you will see there are a significant number of areas that demand clarity and the omissions and overall accuracy, should invalidate and null the application.
 - Having read the most recent submission by WG Tankers for their latest application for temporary use of their Winkhill site for the parking of seventy eight tankers I have to say that the information they now put forward in no way meets the concerns I raised in my earlier objection. In particular there has been no attempt to address:
 - recommendations put forward by various statutory bodies
 - there is no Dust Management Plan as recommended by Environmental Health
 - there are no hours of operation indicated - again a recommendation by EH that the hours should be restricted to those of the original application to construct the workshops etc.
 - the company claim that the drainage has been approved by the Environment Agency. In fact the EA state ' Please note, the installed measures were seen to be effective at the time of site visits but this was **not formally approved** (my emphasis). We strongly recommend consultation with Staffordshire County Council Lead Local Authority in relation to the proposed drainage measures.' SCC Flood Risk Management Team commented, 'there are no supporting details included with the application to show it will be appropriate for the proposed use.' The most recent submissions by WG totally ignore these comments and, in fact, misrepresent the comments from the Environment Agency attempting to indicate that the EA has given approval which is not the case.
 - the design and access statement is totally inadequate.
 - there is no attempt to meet the requirements of the original application in terms of the recreation of the lowland heath habitat that has been destroyed, simply a brief explanation of hard landscaping. Ragwort, gorse and a few common weeds are no substitute for what was required under the original conditions.
 - the site frontage of simple post and rail fencing is unacceptable and does nothing either to secure the site, nor, more importantly from my personal point of view, to hide the unsightly rusting tankers that are currently parked along the roadside.
 - there is no mention of removal of the large mound of scalplings at the front of the site which is also an eyesore.
 - A further point is the unsightly, unsafe and temporary fencing that runs along the public footpath the length of the east side of the bank that was created during excavations. Local residents consider the bank to be unstable in view of the manner in which it was created, and more appropriate fencing is surely called for.

1 comment of neither objection nor support has been received making the following point:

- I have read the E.H. recommended conditions for the above application. Because of previous public complaints may I ask that you please amend the Maintenance condition to include the internal cleaning of tankers.

Parish Council

Ref: Item 5:

- Description of the Proposal – “Has the work or change of use already started”?
- The answer given on the applicant’s form says NO.
- This is clearly not correct as tarmac plainings have been laid some months ago and there must be 20 or more tankers that have been parked on the site for weeks.
- We have on file e-mails from the planning department as early as March 2019 which confirm the fact that the site was already in use and refer to possible breaches of planning control by that time.

Ref: Item 8:

- Pedestrian and Vehicle Access, Roads and Rights of way – “Is a new or altered vehicular access proposed to or from the public highway”?
- The answer given on the applicants form says NO.
- This again is not correct as attached to the planning application is a proposal for an altered site entrance.

Ref: Item 19:

Hours of opening – “Are hours of opening relevant to this proposal”?

- The answer given on the applicants form is NO.
- There needs to be careful consideration to this matter. We need to understand what the actual working hours for the site are to be. It is believed that there have been a lot of issues over this point within the original planning application on this site.

Ref: Drainage:

- There is nothing in the plan to suggest any drainage being installed on the site. An area of such a size should give some consideration to this as the run-off will be of significant volumes.

Ref: Possible pollution:

- Could there be any contamination to the site or the local stream by materials leaking from the tankers, whether this might be from mechanical issues or residue substances previously carried by the tankers.

Ref: Surfacing:

- The planning application details having an asphalt surface however, the site is currently finished with asphalt plainings. Is the plan to seal this with a top layer?
- Again consideration should be given to water run-off or extenuation, bearing in mind the nearby stream.

Ref: Access and perimeters:

- The entrance and boundary detail seem fairly inadequate for such a large and prominent commercial site. Should there not be a significant fence/barrier around the perimeter?

Ref: Screening:

- Consideration to the appearance of the site, Would a wall of trees to hide site contents be of benefit?

Environment Agency

We have reviewed the information submitted and have **no objections** to the proposed development. We wish to make the following comments.

- Over a number of years we have responded to complaints and incidents relating to silt runoff from the site into the River Hamps both directly over the bank and via the highway drains in the road outside which then drain into the river. During our discussions with the site owners to find ways to stop this, aggregate / clay was used to build a retaining bund along the full side of the site where the river runs (this needs to remain in place) and settlement pools were dug on site to retain the silt and only allow clean water to run onto the highway and into the drains. These measures were however only ever meant to be temporary works during the construction of the site. The introduction of some tarmac type surfacing on site has helped to reduce the potential for silt runoff.
- This application is for a change of use where we understand the site will now be used for parking of artic trailer units which do not contain oils / lubricants and not the artic tractor units that pull them. This therefore removes the need for an interceptor as the risk of oil / fuel spillage from the site is reduced. However the SUDS referred to in the application need to ensure that adequate silt retention is in place for the size of the site and maintained regularly to remain effective at all times.

Environmental Health

General Comments

Contamination: As noted by the Environment Agency comments were previously made on a desk study submitted for this site which identified previous uses as a coach depot, offices, petrol filling station and motor vehicle works (MG/08/01675/FUL_MJ). The main risk to from these former uses is too controlled waters rather than human health (due to proposed use not be sensitive) The EA appears satisfied that the proposed use does not pose a risk too controlled waters due to the absence of any intrusive works proposed, the proposed temporary use of the site is unlikely to mobilise any existing contamination and therefore the Groundwater and Contaminated Land team would not have any requirements for investigation and remediation, in so far as they relate to controlled waters”.

Noise: The timings and noise conditions set out in planning permission 08/01675/FUL should be transferred to this application where appropriate (reproduced below)

Toilets: A neighbour reports no on site toilet for workers which is causing alleged issues with public urination. It would be appropriate that a site such as this should provide toilet facilities. Please see attached guidance note from the HSE. <http://www.hse.gov.uk/contact/faqs/toilets.htm>

Site management: Good practice for safe workplace transport can be found at - <http://www.hse.gov.uk/pUbns/priced/hsg136.pdf>

The HSE are the primary regulator for haulage sites.

Dust: The site does have the potential to create dust and for this to tracked onto the road on occasion. The requirement to operate to an approved dust management plan is therefore recommended.

Recommended Conditions

The Environmental Health Department has no objections to this proposed development though it would be advised the following conditions might be placed on any permission granted.

1. *Time of operations*

The premises shall only operate between the hours of 08:00 and 18:00 Mondays to Fridays and 08:00 and 13:00 hours on Saturday, and at no time on Sundays and Bank/Public Holidays. Outside of these hours no vehicles may arrive, depart, be loaded or unloaded within the application site.

Reason: - To safeguard the amenity of neighbouring residential occupiers.

Reason: To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

2. *Power Tools:*

No power tools or machinery shall be used outside the fabric of the approved buildings unless it is demonstrated through a noise assessment that their use would not detract from neighbouring amenity.

3. *Maintenance:*

No vehicle repairs, paint spraying or maintenance (other than washing) shall be carried out in the open air.

Reason: To protect the amenities of the area from noise

4. *Dust Management Plan*

I. A scheme to minimise dust emissions arising from activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.

II. Details of wheel washing facilities. All demolition/construction vehicles shall have their wheels cleaned before leaving the site;

Once approved, all relevant activities on the site should be carried out in accordance with Dust Management Plan throughout the course of the proposed use. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.

Reason: To protect the amenities of the area from dust

SCC Flood Risk Team

- Thank you for consulting us on the above application. The site is not within the uFMfSW 1 in 100 year outline and there are no recorded flooding hotspots within 20m. There is an ordinary watercourse adjacent to the site – the River Hamps runs along the north west boundary. Land Drainage Consent may be required if works intrude into the channel of the watercourse.
- The Design and Access Statement refers to approval of the drainage design from the Environment Agency. However, there are no supporting details included with the application to show it will be appropriate for the proposed use.

- There is not enough drainage detail for the Flood Team to consider, and if you wish us to comment on this temporary application, further information will need to be provided.
- For major development, drainage design should demonstrate that there is a sufficient safe means of disposing of surface water. It should also demonstrate that the site is safe for the 1:100 year plus climate change storm event, and that the flood risk to any third party is not increased as a result of the proposed development. SuDS should provide adequate water quality treatment appropriate to the sensitivity of the receiving watercourse.
- Drainage must comply with the DEFRA Non-Technical Standards for Sustainable Drainage Systems (March, 2015) https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/415773/sustainable-drainage-technical-standards.pdf
- The CIRIA Guidance C753 gives detailed design guidance which follows good practice http://www.ciria.org/Memberships/The_SuDs_Manual_C753_Chapters.aspx. For construction details 'Guidance on the construction of SuDS (C768)' - https://www.ciria.org/Resources/Free_publications/Guidance_on_the_construction_of_SuDS_-_C768.aspx.
- The applicant may find our [SuDS Handbook](#) useful.

Revised Comments

I confirm the removal of our previous objection and approve the surface water drainage design.

The drainage scheme described using infiltration techniques and a balancing pond before discharging to the brook this demonstrates an effective sustainable drainage system which is acceptable.

I have received your correspondence from the Environment Agency stating they have no objections to the site.

Condition

As discussed if there are any issues with regards the drainage surcharging and causing an increase of flood risk then mitigation measures will be implemented to rectify these issues.

Severn Trent Water

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Highways

My Form X dated 4th March 2020 stated 3 highway reasons for refusal – I list these along with comments regarding the latest submitted Planning Statement (undated):

1. The applicant has not submitted information on numbers of vehicle movements related to the site compared to figures for extant permissions – the latest Planning Statement gives numbers of vehicle movements comparing proposed operation with extant permission are stated. As the figures for the peak hours are significantly lower there is no further objection to this issue.

2. The submitted Proposed Site Plan indicates different access arrangements from the existing layout but it is unclear when the proposed access will be implemented – the latest Planning Statement refers to an enclosed drawing but I could not locate one

3. Details of an apron formed of bound material (to reduce the likelihood of surface materials being carried onto the highway) are required – no details submitted

I would therefore request that you ask the applicant to submit further information to address points 2 & 3 above.

Alternatively, if you are minded to approve, then these items could be conditioned along the following lines though this is complicated by the fact that the site is already being used to store the trailer units:

- Within (3 months?) of decision full details of new access including visibility splays and making good of any redundant access, shall be submitted to and approved in writing by the Local Planning Authority. The new access shall thereafter be provided in accordance with the approved details within (12 months?) of decision.
- Within (3 months?) of decision full details of apron formed from bound material shall be submitted to and approved in writing by the Local Planning Authority. The new apron shall thereafter be provided in accordance with the approved details within (6 months?) of decision.

The conditions requiring off-site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to (nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

<https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx>

<https://www.staffordshire.gov.uk/transport/staffshighways/licences>

Trees and Woodlands Officer

Planning permission was granted in 2010 for application ref SMD/2008/1077 (or 08/01675/FUL_MJ), being for “Demolition of existing buildings, regrading of Eastern areas of the site and provision of new offices and workshop. Provision of new hardstandings and rainwater and foul drainage”.

This permission included Condition 17 (landscaping), which was subsequently discharged on the basis of the agent agreeing to my sketch plan and notes on appropriate species, given in response to what had originally been submitted which didn't constitute a "detailed landscaping and planting scheme". So even as approved, the planting scheme was a bit short of a fully specified scheme (absence of detail on plant numbers, planting sizes/densities etc) but identified the target areas, character and general species of planting.

Also approved was a habitat management plan required to discharge Condition 18, and details of heathland creation within the site and on adjacent land to discharge condition 19.

In the context of the previously granted planning permission, the current (SMD/2019/0339) application D & A Statement says "most of the landscaping has been carried out to the site". However, from my site visit today, I would presume that by this they actually mean "most of the excavation and landform alteration/creation" as I could find no evidence that any of the planting approved under Condition 17 has yet been provided, nor that any active heathland creation/re-creation has been carried out – there is some quite extensive natural regeneration of Gorse on the excavated/re-graded hillside around the NE and SE sides of the operational site, but no sign of any Heather, Bell Heather, Bilberry etc which was previously present on site prior to excavation and which would also be major components of a heathland creation scheme.

However what the above does confirm is a requirement by the LPA and agreement by the applicant/agent for the provision of a structural planting scheme to the site frontage, to blue-edged land to the north-west of the site, and to a few strategic positions along the line of the (diverted) public footpath – in addition to the heathland habitat creation/management scheme – and we should therefore reasonably be seeking similar in connection with the current albeit temporary use application.

This would require some amendment to the location/extent of the previously approved planting scheme in relation to the site road frontage (the approved application layout included a replacement building abutting the frontage and separate in/out vehicle access points, whilst the current application omits the building and proposes only a single access point) – in turn this would also require some amendment to the current application proposed layout, in order to push the tanker trailer parking further back into the site and leave space at the frontage to accommodate substantial dense thicket planting areas of some depth (c.10m) into the site from the frontage boundary (i.e. just a single hedge line would not be considered sufficient).

The current application as submitted proposes only timber post and rail fencing to the site frontage, with tanker storage/parking immediately behind; clearly this would have no mitigating effect on the substantial adverse visual impact arising from the existing/proposed use of the site.

I have no objection to the current application, considered in the context of the previously granted planning permission and major work already undertaken, but would request that the following condition be imposed (wording strengthened to tighten up the slightly loose details of the previous landscaping in relation to Condition 17 of SMD/2008/1077) in the event that planning permission is granted:

1. Within 2 months of the date of this permission a comprehensive landscaping scheme shall be submitted to LPA for approval. Such a scheme shall be based on the principles of the planting scheme discharged under Condition 17 of planning permission SMD/2008/1077, and shall in particular make provision for substantial areas of thicket-type planting of closely spaced trees and understorey shrubs to the Ashbourne Road

frontage either side of the site access, together with continuous planting belts along the north-western side of the site and strategic planting areas adjacent to Public Footpath 31 (Waterhouses parish). The submitted landscaping scheme shall include full details of all proposed new trees, shrubs and any other planting, giving specification for species, positions, planting sizes and numbers/densities of all new planting, together with a specification for ground preparation form planting areas. The landscaping scheme once approved shall be fully implemented before the end of the first available dormant season (November to February inclusive) following commencement of the development hereby approved. The trees and shrubs planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.

In view of the major excavation and landform regrading already carried out to the hillside north-east and south-east of the site, with associated significant loss of previous heathland habitat, it is suggested that implementation of Conditions 18 and 19 of the previous planning permission SMD/2008/1077 and previously approved habitat management plan and heathland planting plan also be re-applied to the current application if approved (including a “notwithstanding any annotation or indication on Winter Partnership Drg. No. TWP19-WG-005” proviso, as the heathland restoration/creation scheme appears not to have been actively carried out and is anyway an on-going site management process).

7. OFFICER COMMENT AND PLANNING BALANCE

Policy Context

7.1 As with all applications, the LPA is required to determine this application in accordance with the Development Plan, unless there are material circumstances which indicate otherwise and in determining these applications, it shall have regard to the provisions of the Development Plan, in so far as material to the application and to any other material considerations.

Principle of Development

7.2 Winkhill is regarded as a smaller village in the adopted Local Plan. According to policy SS9 these *settlements shall provide only for appropriate development which enhances community vitality or meets a social or economic need of the settlement and its hinterland. The Council and its partners will achieve this through the following actions:*

1. Enhance community vitality by:

- Protecting and enabling services and facilities which are essential to sustain rural living;*
- Improving connections by public transport and other transport measures to neighbouring larger villages and market towns;*
- Supporting the provision of local, mobile and electronic services which increases the range and quality of services*
- Supporting the implementation of the Green Infrastructure Strategy and Local Green Spaces*

2. Meet community, social or economic need by:

- Enabling limited new housing development, including small infill schemes in accordance with Policy H 1*
- Allowing for rural exceptions housing in appropriate locations (in accordance with Policy H 1). This will be additional to the housing provision for the rural areas.*

- *Enabling small-scale new employment development including 'live-work' developments which are for a rural enterprise or an existing authorised business use;*
- *Supporting the diversification of existing farm enterprises*
- *Supporting the development of appropriate ICT and new means of communications to enable homeworking and small businesses reliant on e-technology.*
- *Ensure that new development reflects and enhances each village's special character and heritage by protecting and enhancing the setting and historic character of the village, including heritage assets.*
- *Any development proposal that might have the potential to affect a European or Ramsar Site must itself be subject to appropriate assessment.*

7.3 The site has historically been used for business purposes and for many years operated as a bus and coach depot. There is an extant permission to extend and redevelop the site for business purposes as a tanker and haulage depot with workshops, offices and repair facilities. It is therefore considered that the principle of business use on this site is well established.

7.4 The use of the site as temporary parking and storage in connection with an established business local business which operates from a number of sites in the vicinity and has operated lawfully from the front part of this site for some time is therefore considered to constitute appropriate development which meets a social or economic need of the settlement and its hinterland. The proposal will help to meet local economic needs by supporting new employment development for an existing authorised business use.

7.5 The proposal therefore has support in principle under Policy SS9 provided that it reflects and enhances the village's special character and heritage by protecting and enhancing the setting and historic character of the village, including heritage assets.

7.6 In addition the proposal finds support under Policy E1, which deals with New Employment Development. The policy states that this *"will be assessed according to the extent to which it supports and improves the local economy in terms of providing for the needs and skills of the existing and future local resident workforce and meeting identified business needs"*. As noted above, the proposal is to respond to the needs of an existing local business which employs a local resident workforce. The policy goes on to say that *"the Council will endeavour to support the expansion of existing businesses and new businesses in the District"* subject to various provisions which are considered below.

7.7. The proposal will help maintain or enhance an appropriate range of employment premises and sites across the District in terms of their scale, location and type. Whilst the policy aims to direct the majority of new employment developments to Town centre and edge of centre locations, existing or proposed employment areas and other areas within settlement boundaries, as noted above, the principle of employment development on this site has been previously established and the proposal is closely relate to an existing business in the vicinity.

7.8 Policy E1 also states that *"the sustainable redevelopment, intensification or improvement of existing employment sites for new business and industrial developments will be supported provided it would not have an unacceptable impact on the amenities, character or appearance of the area"*,. and complies with all other relevant development plan policies. A consideration of these issues is below.

Amenity

7.9 The site is surrounded by open countryside to the north and west. There are a number of sporadic residential properties to the south and east fronting onto the main A52 and Bromleyhedge Lane which lies to the south east. The proposed use raises the potential for noise and disturbance to these neighbouring properties. This is likely to be predominantly as a result of tankers being moved on and off the site with noise from revving, accelerating and decelerating HGV engines, metallic sounds from coupling trailers, and general activity. Other impacts include light pollution from headlights and fumes from accelerating engines.

7.10 However, all the above would also be associated with the approved use as a depot site but in respect of the proposed storage use, any disturbance would be periodic and infrequent rather than continuous as would have been the case with the approved depot. The approved depot would involve more HGV movements to and from the site than would be the case for simple storage, as vehicles would be operating from the site, arriving and leaving before and after repair and staff vehicles would also arrive and leave from the site. The general level of activity from voices, banging of metal etc would also be significantly greater. Some degree of external lighting could also be expected, whereas none is proposed as part of this application. The former use as a coach depot is also relevant. Historically vehicles have been stored at the site and moved on and off as parts of daily operations of a coach hire business. The proposed storage use would again be far less significant in terms of frequency and degree of disturbance. It is also worthy of note that the site lies on a main A Road which serves a number of industries in the area, including a major quarry at Cauldon Low. As such it is heavily used by HGV traffic. The site lies close to two T junctions with minor roads and therefore lorries using the road will frequently be slowing and accelerating away in order to allow cars in front to turn into these minor roads. Clearly this can take place at any time of day. It is against this background which the application needs to be considered.

7.11 Having regard to all of the above, it is not considered that the proposals would have any greater impact on amenity than the previously approved development or the former uses and having regard to the location of the site alongside a busy main road, any impacts would have insufficient impact on overall amenity to sustain a refusal on these grounds. Nevertheless, it is considered to be prudent to impose conditions relating to the hours during which stored tankers can be moved on and off the site to reflect the overall operating hours which were imposed on the previous permission.

7.12 It is noted also that the Council's Environmental Health officer has raised no objection subject to the imposition of conditions relating to times of operations, external use of power tools and undertaking of maintenance activities and provision of measures to minimise dust from construction vehicles, although as noted above the majority of the construction work has now been completed.

Contaminated Land

7.13 Policy SD4 deals with Pollution and Water Quality. It states: *"The Council will protect people and the environment from unsafe, unhealthy and polluted environments by ensuring proposals avoid potential adverse effects; and only permitting proposals that are deemed (individually or cumulatively) to result in pollution (including air/ water/ noise/ vibration/ light/ ground contamination) if after mitigation, potential adverse effects are deemed acceptable. This may be achieved by the imposition of planning conditions or through a planning obligation"*.

7.14 The proposed use is not a "sensitive end use" with regard to any contamination which may exist on the site, particularly relating to its historic use as a coach depot. The primary concern in respect of this site is surface water run-off and the potential to carry any contaminants off-site, particularly into the adjacent watercourse.

7.15 Policy SD4, is also relevant in this regard as it states that *“when considering planning applications, the Council will require developers to have regard to the actions and objectives of all relevant River Basin Management Plans and related Plans affecting the District in striving to protect and improve the quality and capacity of water bodies in or adjacent to the District. Planning permission shall only be granted where the proposal makes provision for the protection (and where feasible, enhancement) of water quality and waterside habitat, and water resources where applicable.”*

7.16 During the course of works which have taken place to date, this has resulted in concerns and complaints being raised by local residents, particular in terms of silt run-off into the River Hamps and potential contaminants from the road planings which have been used to surface the site. These issues have previously been responded to by the Environment Agency who are responsible for licensing the importation of waste materials. As confirmed their consultation response, they have also dealt with the issue of silt and they have confirmed that the surfacing of the site has helped to reduce the potential for this problem.

7.17 Accordingly they have raised no objection to the scheme provided that the drainage scheme ensures that adequate silt retention is in place for the size of the site and maintained regularly to remain effective at all times. It is considered that this could be secured by condition.

7.18 Another potential concern is contaminants which may leak from vehicles parked on the site. The Applicant has confirmed that only empty tankers will be stored on the site and that the tankers themselves are air braked and as a result do not include a hydraulic braking system which is liable to leaking of brake fluid. Furthermore, only trailers and not tractor units used to pull them will be stored on the site. As a result the Environment Agency have confirmed that there is no requirement to provide an oil interceptor as part of the drainage arrangement, although on this basis a condition to ensure that only trailers and no tractor units are parked on the site should be imposed. Maintenance condition to include the internal cleaning of tankers.

7.19 With these safeguards in place the application is deemed to be acceptable in terms of contaminated land and complies with policy SD4 In this regard

Drainage and Flooding

7.20 Policy SD5 states, inter alia, that *“The Council will follow a sequential approach to the management of flood risk. New development will be guided to the areas with the lowest risk of current and future flooding where this is viable and compatible with other policies aimed at achieving a sustainable pattern of development. The development of sites within areas at greater risk of flooding will only be considered where they are deemed acceptable due to national or other policies or material considerations..... All applicable developments should incorporate sustainable drainage measures (SuDS) to reduce the risk of flooding from surface water runoff and contribute to on-site flood alleviation,..... Where appropriate suitable measures to deal with surface water arising from development proposals will be required to minimise the impact to and from new development. In such cases the Council will expect applicants to demonstrate how their proposals manage surface water run-off sustainably with discharge to the public sewer only being considered as a last resort, where, clear evidence must be demonstrated why alternative options are not available..”*

7.21 The site lies alongside the River Hamps but does not lie within Flood Zones 2 or 3, the areas most at risk of flooding. The proposed use as storage is not a sensitive end use in flood risk terms but it is important to ensure that any increased surface water run-off from the

surfacing and drainage of the site as a tanker parking area does not exacerbate flood risk down-stream. The Environment Agency, Severn Trent and Lead Local Flood Authority (Staffordshire County Council) have all be consulted on the application. As noted above, the Environment Agency have raised no objections subject to conditions relating to the management of silt in any run-off. Severn Trent also have raised no objection subject to a condition requiring a detailed drainage design to be submitted and agreed. The Lead Local Flood Authority, however, initially requested drainage information prior to determination.

7.22 Following the submission of additional information and a meeting with the applicant's representatives during which the detail of the drainage system which has already been installed on site was outlined to the Lead Local Flood Authority Officer has withdrawn his objection stating that he approves of the surface water drainage design which uses infiltration techniques and a balancing pond before discharging to the brook. The LLFA consider that this demonstrates an effective sustainable drainage system which is acceptable. He has, however, recommended a condition requiring the drainage system to be maintained and steps to be taken should any problems arise to rectify the problem.

7.23 Subject to the imposition of the relevant conditions recommended by the three key consultees of the Environment Agency, Severn Trent and the LLFA, the scheme is considered to comply with Policy SD5 of the newly adopted Local Plan.

Visual Impact

7.24 According to Policy DC3, *"The Council will protect and, where possible, enhance local landscape and the setting of settlements in the Staffordshire Moorlands by (inter alia):*

1. *Resisting development which would lead to prominent intrusion into the countryside or have a significant adverse impact on the character or the setting of a settlement or important views into and out of the settlement as identified in the Landscape and Settlement Character evidence;*
2. *Supporting development which respects and enhances local landscape character and which reinforces and enhances the setting of the settlement as identified in the Landscape and Settlement Character evidence;*
3. *Supporting developments which conserve or enhance the biodiversity qualities of any natural or man-made features within the landscape, such as trees, woodlands, hedgerows, walls, watercourses or ponds";*

7.25 Following the completion of the engineering works to form a level area for the construction of the building, the site is currently open with clear views from the A52 to the north west and the public right of way which runs along the south eastern boundary. The site is relatively well screened from the north and east, due to the rising land levels and vegetation along the brook. Nevertheless, the parking of a large number of tankers on the site would have a significant visual impact, particularly when viewed from the road frontage and right of way. This is apparent on site at present given the retrospective nature of the application. However, consideration must be given to the approved scheme which showed the workshop and depot building located to the rear of the site. Whilst there would have been HGV parking and turning to the rear of this building, a significant parking area was also shown on the site frontage.

7.26 Notwithstanding this point, however, it is noted that the approved plans included a scheme of landscaping secured by condition, which included a well landscaped site frontage with appropriate boundary treatment. The approved plans also included a second smaller building on the frontage which would have also partially screened views from the road and presented a high quality, well designed frontage.

7.27 At present there is no landscaping to the site frontage and boundary treatment comprises temporary heras fencing and the plans submitted with this scheme simply show a post and rail fence. This is not considered to be satisfactory. This application presents an opportunity to improve the situation, with a well designed and implemented scheme of boundary treatment and landscape buffer planting to the road frontage. With these measures in place, it is not considered that the visual impact of the tanker storage for which this application seeks consent is materially greater than would be the case were the approved scheme completed. Accordingly, on balance, the proposal complies with Policy DC3.

Trees and Landscaping

7.28 Turning to impact on existing trees and vegetation Policy NE2 states, inter alia, that the Council will protect existing trees, woodlands and hedgerows, and will require them to be retained and integrated within a proposed development unless the need for, and benefits of, the development clearly outweigh their loss.

7.29 The proposed use of the site for the parking of vehicles would not involve any removal or damage to existing trees or vegetation within the site. As the Trees and Woodlands Officer has pointed out, however, the implementation of the previous permission involved substantial vegetation loss in order to carry out the substantial engineering works to reform the land around the site. As a result, a condition was attached to the original approval requiring a landscaping scheme to be agreed and implemented along with a habitat management plan and heathland creation on the adjoining land and newly formed slopes around the site.

7.30 Policy NE2 goes on to say that the Council will require *“new developments to provide tree cover that secures a good level of sustainability through tree retention, planting and soft landscaping, including where possible the on site replacement of any trees that are removed with sufficient tree planting to replace or increase the canopy cover on-site as appropriate. Landscaping schemes will also be required to mitigate against negative landscape impact and complement the design of new development and make provision for future maintenance.”*

7.31 The Trees and Woodlands Officer has noted from his site visit, however, that the planting approved under these conditions did not appear to have been carried out. The approved landscaping will require some amendment, particularly in terms of the road frontage, where improved screening will be required as noted above. Therefore, whilst he has no objection in principle to this application he has recommended that conditions are imposed on permission to require the submission of revised landscaping details and the implementation of that landscaping, which shall include the planting and habitat creation yet to be carried out pursuant to the conditions attached to the previous consent.

7.32 Subject to these conditions being imposed, and importantly complied with the proposal is considered to comply with Policy NE1 of the Local Plan.

Ecology

7.33 Policy NE1 explains that the biodiversity and geological resources of the District and neighbouring areas will be conserved and enhanced by positive management and strict control of development (and having regard to relevant ecological evidence) by: (inter alia)

- including measures for protection and enhancement of site biodiversity and protection of any geodiversity as appropriate.

- Not permitting any development proposal which would directly or indirectly result in significant harm to geological and biodiversity conservation interests, unless it can be demonstrated that:
 - a) there is no appropriate alternative site available; and
 - b) all statutory and regulatory requirements relating to any such proposal have been satisfied; and
 - c) appropriate conservation and mitigation measures are provided; or if it is demonstrated that this is not possible
 - d) the need for, and benefit of, the development is demonstrated to clearly outweigh the need to safeguard the intrinsic nature conservation value of the site and compensatory measures are implemented.
- Expecting all development where possible seeks to deliver a net gain in biodiversity proportionate to the size and scale of the development. In circumstances where adverse impacts are demonstrated to be unavoidable, developers will be required to ensure that impacts are appropriately mitigated, with suitable compensation measures towards loss of habitat used only as a last resort where there is no alternative. Where any mitigation and compensation measures are required, they should be appropriately scheduled and managed according to the nature, size and scale of the development so as to minimise impacts that may disturb protected or important habitats and species.
- Ensuring development promotes the appropriate maintenance, enhancement, restoration and/or re-creation of biodiversity through its proposed nature, scale, location and design.....in particular supporting opportunities to increase grassland and heathland habitats
- Protecting and enhancing habitats and species of principal importance for the conservation of biodiversity as identified in legislation, and recognising and implementing appropriate measures, including landscape-scale conservation management, to take account of the fact that the distribution of habitats and species will be affected by climate change.

7.34 Given that this application does not involve any operational development it is not considered that there will be any impact on biodiversity and ecological resources. The area of the site where the tankers are to be parked has already been surfaced with road planings and consequently is of no ecological value. What ecological value there was on the site has been removed as a result of the implementation of the previous consent and was deemed to be acceptable when that application was considered, subject to, appropriate replacement planting / habitat (heathland) creation being secured by condition and implemented. As noted in the Trees and Landscaping Section above, there is no evidence that this has been carried out.

7.35 Therefore, in order to ensure compliance with the provisions of Policy NE1 in terms of protecting and enhancing biodiversity it is considered to be critical that these works are once again secured by condition and carried out within an appropriate timescale. Subject to this, the proposal is deemed to be acceptable in ecological terms and in compliance with Policy NE1 and the NPPF in this regard.

Highways

7.36 With regard to highways matters there are 2 key issues for consideration. Firstly, traffic generation and its impact on the safety of the highway in the immediate vicinity as well as the wider network, and secondly, whether a safe and suitably designed access is available or can be achieved.

7.37 The application has been considered by the Staffordshire County Council Highways Engineer. He raised initially 3 principal areas of concern. The first of these was with regard

to traffic generation. However, the applicant has since provided details of vehicle movements which demonstrate that the movements associated with the storage use now proposed are significantly lower than that which would have been expected had the previous consent for the depot and workshop been fully implemented. It is therefore concluded that the proposal is acceptable in terms of traffic generation and the impact on the wider highway network and complies with Policy T1 and the NPPF in this regard.

7.38 The second issue concerns the construction of the access itself. At present, the access arrangements are informal, with the remains of the former vehicle crossing associated with the former coach depot being used to access the site. No properly constructed kerb radii or surface access, visibility splays etc. have yet been provided. The Highway Engineer has observed that the submitted *Proposed Site Plan indicates different access arrangements from the existing layout but it is unclear when the proposed access will be implemented. His third point is that details of an apron formed of bound material (to reduce the likelihood of surface materials being carried onto the highway) are required but no details submitted.*

7.39 However, it is considered that all of this information can be secured by condition. There would also be a requirement to implement these within a reasonable timescale which similarly could be secured by condition. With these provisions in place and having regard to the previously approved scheme as a fall-back, it is considered that a safe and suitable access to serve the development now proposed can be achieved. Accordingly, the application complies with Policy T1 and the NPPF in this respect also.

Other Matters

7.40 A number of other matters have been raised by third parties as follows:

- Concern regarding dust, noise and vibration from groundworks. Whilst this is noted, no further groundworks are required as part of this consent. Noise and vibration from heavy vehicles has been considered above but is not deemed to be materially worse than would be the case if the permission for the full depot were implemented and in view of the vehicle movement figures provided to the highway engineer, this proposal is likely to represent betterment.
- Similar conclusions can be drawn in terms of traffic generation.
- Concerns regarding visual impact from the road frontage area acknowledged and can be addressed through landscaping condition.
- The retrospective nature of the application is also acknowledged but this is not a material planning consideration. The proposal must be judged on its own merits against policy.
- It has been argued that the proposals do not generate economic benefits and no reason has been given for not fully implementing the previous consent. There is no requirement for the developer to justify the decision not to implement the depot building at present. This alternative scheme must be judged on its own merits. The proposal is temporary and the depot consent remains extant. It will generate economic benefits as the parking is related to and part of a much wider business enterprise located in the area.
- Severn Trent and SCC Flood Risk Management Team, and the Environment Agency have now been addressed. There are now no flood risk concerns
- The use of materials, loss of heathland and tree removal are noted and have been considered above. However, these are related primarily to the implementation of the previous permission rather than the storage use but betterment can be achieved through conditions.
- Lack of toilet provision is not a material planning consideration and given the absence of objection from the statutory drainage consultees it is not considered that a refusal on these grounds could be sustained.

- Hours of operations / vehicle movements can be conditioned and have been addressed above.
- The failure to comply with conditions on the previous consent is noted. However, that is not a reason to refuse to grant further permissions or to impose conditions on a fresh consent. This application is a means to regularise the position and failure to comply with conditions attached to it brings with it the risk of enforcement action.
- Omissions and shortcomings in the information contained within the application submission have been addressed to the satisfaction of the relevant consultees and any matters now outstanding can be left to condition.
- The drainage has been considered by the 3 relevant consultees who have now agreed that the provision that has already been made on site is acceptable.
- The temporary fencing along the public right of way can be addressed as part of a fresh comprehensive landscaping and boundary treatment scheme to be secured by condition.
- The maintenance condition has been amended to include internal cleaning of tankers as requested by the third parties.

8. CONCLUSION & PLANNING BALANCE

8.1 The application relates to a former coach depot which benefits from planning permission for redevelopment into a depot and workshop for a tanker hire/ repair / haulage business. That permission gave approval for significant earthworks in order to create a level development site. Those earthworks have been completed and the business has begun to store tankers on the site. This storage not only includes the front area of the site formerly occupied by the coach depot but the newly created area to the rear has now also been brought into use, triggering a number of conditions on the original consent which have not been discharged. This has created an unauthorised development. The developer has sought to regularise this through the submission of this application for temporary consent to use the site for the parking and storage of tankers.

8.2 The site is within the smaller village of Winkhill as defined in the Local Plan. In this location new employment development is permitted under Policies SS9 and E1 where it meets local economic needs and supports the expansion of existing businesses and / or involves the redevelopment, *intensification or improvement of existing employment sites. The site already has an established use and consent for employment use and the proposal is linked to the expansion of an existing business in the vicinity. The proposals are therefore deemed acceptable in principle provided it does not have an unacceptable impact on the amenities, character or appearance of the area*, and complies with all other relevant development plan policies.

8.3 Whilst the concerns of local residents regarding traffic noise and vibration and problems experienced during the previous construction phase are noted, this proposals for change of use does not involve any further engineering works. The noise and vibration associated with vehicles entering and leaving the site, are not considered to be materially worse than what could be expected had the previous consent been fully implemented, particularly given the site's position on a main A road. In view of the traffic generation figures provided, the proposal may represent betterment over the approved position, subject to conditions relating to operating hours etc. In the absence of any objection from the Head of Environmental Health it is not considered that a refusal on amenity grounds could be sustained. The proposal is considered to comply with Policy DC1 in terms of amenity.

8.4 Concern has also been raised by local residents with regard to possible drainage, flooding and possible contamination of watercourses arising from surface water run-off and in particular the road planings which have been used to surface the site. With regard to the matter of contamination, the Environment Agency and Environmental Health team have

examined the application and raised no objection. They have confirmed that they no longer have any concerns regarding run-off of silt or the material which has been used for surfacing. As only air braked trailers and not tractor units will be stored on site there is no concern regarding fluid leaks and an oil interceptor will not be required. With these safeguards in place the application is deemed to be acceptable in terms of contaminated land and complies with policy SD4 in this regard.

8.5 Similarly, with regard to the matter of flooding, whilst the LLFA originally raised concerns with regard to the lack of drainage details contained within the application, they, along with the Environment Agency, have confirmed that the drainage which has been installed on site is satisfactory and subject to a condition requiring the system which has been installed to be maintained no further information or works on site are required. Severn Trent have requested a condition requiring details to be provided to them. Subject to the imposition of the relevant conditions recommended by the three key consultees of the Environment Agency, Severn Trent and the LLFA, the scheme is considered to comply with Policy SD5 of the newly adopted Local Plan.

8.6 The site is well screened from the south and east by the landforms and from the north by the vegetation along the brook. However, it is very open from the road frontage. The parking of tankers has the potential for significant visual impact. However, this must be considered against the fall-back position of the approved consent and the historical use of the site as a depot. It is acknowledged that the approved scheme did have a building on the frontage and some parking would have taken place to the rear of the main building within the site but it would have remained fairly open to the front with a substantial amount of frontage parking. Furthermore, it is considered that the situation could be significantly improved with appropriate landscape buffer planting and boundary treatment behind the visibility splays to the A52. With conditions to ensure that this takes place the proposal complies with Policy DC3.

8.7 The proposed use of the site for parking will not involve any loss of existing trees, vegetation or other features of ecological interest as it would simply utilise the hardstanding which has already been formed. The loss of any features within the site was accepted as part of the previous approval. However, that permission was subject to conditions requiring landscaping and in particular heathland habitat creation on the newly formed slopes. The trees and woodlands officer has found no evidence that this has been carried out. It is therefore considered appropriate and reasonable that the same requirements should be placed on this permission. With these conditions in place the proposal complies with Policies NE1 and NE2 of the Local Plan.

8.8 Turning to the highway impacts of the scheme, there are 2 key issues for consideration. Firstly, traffic generation, and secondly achieving a safe and suitably designed access. With regard to the first issue, traffic figures have been provided which have satisfied the County Highway Engineer the proposals will not result in any increase in HGV movements over and above the previously approved scheme. On this basis he has no objection in terms of the impact on the wider highway network.

8.9 With regard to providing a safe and suitable access, the site frontage currently contains the remnants of the vehicle crossings associated with the former coach depot. The plans show a properly constructed single access point with appropriate kerb radii and visibility splays although no detailed constructional drawings have been provided. The Highways Engineer has recommended conditions to ensure that these are submitted, approved and implemented. In the absence of any objection from the Highway Engineer it is concluded that the scheme complies with Policy T1 and the NPPF and that a refusal on highway grounds could not be substantiated.

8.10 In conclusion therefore, the proposal is deemed to be in compliance with the relevant local plan policies, in the absence of any material considerations to indicate otherwise, and having due regard to all other matters raised, including by third parties, it is recommended that planning permission be granted subject to conditions as set out below.

9. RECOMMENDATION

A. That planning permission is APPROVED subject to the following conditions:

- 1. Approved Plans**
- 2. This permission shall expire 5 years from the date of this decision notice after which the use hereby permitted shall cease unless a further planning permission has first been granted on application to the Local Planning Authority.**
- 3. Only HGV trailers shall be parked on the site. There shall be no parking of HGV lorries or tractor units on the site at any time.**
- 4. The premises shall only operate between the hours of 08:00 and 18:00 Mondays to Fridays and 08:00 and 13:00 hours on Saturday, and at no time on Sundays and Bank/Public Holidays. Outside of these hours no vehicles may arrive, depart, be loaded or unloaded within the application site.**
- 5. No vehicle repairs, paint spraying or maintenance (including washing out of tanks) shall be carried out on the site.**
- 6. Within 3 months of the date of this permission, a scheme to minimise dust emissions arising from activities on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The approved scheme shall be implemented within 3 months of the date of approval and shall thereafter be retained.**
- 7. All demolition/construction vehicles shall have their wheels cleaned before leaving the site.**
- 8. The scheme of drainage already implemented on site shall be properly maintained. If there are any issues with regards the drainage surcharging and causing an increase of flood risk then mitigation measures shall be implemented to rectify these issues.**
- 9. Within 3 months of the date of this consent drainage plans for the disposal of foul and surface water flows shall be submitted to and approved by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details within 3 months of the date of approval.**
- 10. Within 3 months of the date of this consent full details of new access including visibility splays and making good of any redundant access, shall be submitted to and approved in writing by the Local Planning Authority. The new access shall thereafter be provided in accordance with the approved details within 3 months of the date of approval**
- 11. Within 3 months of the date of this consent full details of an apron formed from bound material shall be submitted to and approved in writing by the Local Planning Authority. The new apron shall thereafter be provided in accordance with the approved details within 3 months of the date of approval**
- 12. Within 3 months of the date of this permission a comprehensive landscaping and boundary treatment scheme shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be based on the principles of the planting scheme approved under Condition 17 of planning permission SMD/2008/1077, and shall in particular**

make provision for substantial areas of thicket-type planting of closely spaced trees and understorey shrubs to the Ashbourne Road frontage either side of the site access, together with continuous planting belts along the north-western side of the site and strategic planting areas adjacent to Public Footpath 31 (Waterhouses Parish). The submitted landscaping scheme shall include full details of all proposed new trees, shrubs and any other planting, giving specification for species, positions, planting sizes and numbers/densities of all new planting, together with a specification for ground preparation form planting areas. The landscaping scheme once approved shall be fully implemented before the end of the first available dormant season (November to February inclusive) following commencement of the development hereby approved. The trees and shrubs planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.

13. Notwithstanding any annotation or indication on Winter Partnership Drg. No. TWP19-WG-005 the site shall be managed in complete accordance with the Habitat Management Plan approved pursuant to condition 18 of planning permission SMD/2008/1077
14. Notwithstanding any annotation or indication on Winter Partnership Drg. No. TWP19-WG-005, in the first planting season following the date of this permission the additional areas of heathland to be created within the site and on the surrounding land (as shown on plan ref TWP-WG08-011 Rev.A approved under permission SMD/2008/1077) shall be provided in accordance with the details approved in writing by the Local Planning Authority under condition 19 of that consent.

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's Decision.

Site Plan

