

J Pearse
4 Woodrow Drive, RG40 1RS

Ref: PA 251221 – Cert Lawfulness – Land rear 302 and rear 304 London Road, RG40 1RD

OBJECTION NUMBER 5: Photographs submitted against Applicant's Appendix 12 are misleading and/or incorrect and lack supportive information/evidence.

Page 1:

- **The Environmental Agency certified copy of card (dated 4 August 2022)** relates to the information held on their register – Regulation 28 of Waste (England and Wales) Regulations 2011. The card number has been obscured but the EV have advised it should be in the public domain and would be on their EV Register against the above Regulation. Without this number it is impossible to verify the person and/or business this card relates to.

The Environmental Agency have, however, told me that this card would relate to the **‘Carrier of Hazardous Waste’** and not the Producer of Waste, or Licensed disposal. Therefore, this card **does not relate to the use of the land** subject of this Planning Application.

I have not been able to establish that there is an Environment Agency licence for any part of the site at 304, rear of 302, rear of 304 or rear of 306 London Road, RG40 1RD relating to “Producer of Hazardous Waste” nor “Consignee/ ‘End of Life’ Hazardous Waste site. The photographs provided by the Applicant, and in particular on page 11, suggest to me these are not “car-repair”.

It is a legal requirement that a Consignment Note is held for every transaction, dated and **signed** by the **Producer /Holder** of the Hazardous Waste, the **Carrier** of Hazardous Waste, and the **Consignee** receiving the Hazardous Waste. I note that no Consignment Notes have been produced against the Applicant's submission subject of this Planning Application.

Extract from Government Website: Hazardous Waste

“Waste is generally considered hazardous if it (or the material or substances it contains) are harmful to humans or the environment. Examples, but not exclusive, of hazardous waste include:

- ❖ *Asbestos (e.g. in old vehicle parts)*
- ❖ *Chemicals (e.g. brake fluid, coolant fluids/antifreeze)*
- ❖ *Batteries (damaged batteries)*
- ❖ *Solvents (e.g. used in degreasing / cleaning operations).*
- ❖ *Oils such as car oil (e.g. replaced engine oil, transmission and brake fluids,).*
- ❖ *Hazard Waste containers “*

Additionally, car repair rags are usually contaminated with Oils and/or heavy metals that could leach from engine parts.

- **Trade Plates** in the submitted photograph are redacted and it is not possible to comment on relevance. Trade plates for use on vehicles on public roads are NOT evidence of “10-year continuous car-repairs “on the land subject of PA251221.
- **The DVSA Goods Vehicle Identity Disc – Restricted** is on the public accessible DVSA record.

Extracts from DVSA website:

“Restricted Licence only usually allows you to carry your own goods within the United Kingdom and the EU. Where the operator only carries goods that are, or become and then remain, the operator’s own property, a restricted licence is likely to be appropriate. It is important to consider the purpose of the operation. For example, the recovery of vehicles does not include the return of that vehicle once it has been repaired.”

“Authorisation under an operator’s licence does not convey any approval under planning law, and likewise approval under planning law is not a pre-condition for the granting of an operator’s licence.”

The DVSA Licence against vehicle [REDACTED] is against a **new application to DVSA made on 14 October 2021 - A&D West of England, (5720). Licence granted 16 December 2021 – A&D West of England (5729), expiring 30 November 2026** (unless automatic renewal). It is written below the submitted photo that the Operator Licence is for Recovery Truck and was **issued by WDC not DVSA. This Licence is not proof of continuous use of the land subject of this Application for a car-repair business.**

The Licence is granted to Mr Paul Stelling as sole trader of “KP Motors. It is relevant that this Licence **only permits** the Licence holder to carry **goods that are, or become and then remain, the operator’s own property.** By inference he does not own the car UNLESS he is purchasing vehicles and then what does he do with them? - please refer page 7 of photographs submitted by Applicant and my comments against that page on this Objection page 3.

The Applicant has not provided any details of the company KP Motors, displayed on this Disc, e.g. accounts, registered address, and/or any evidence of compliance all Gov regulations.

Page 2:

This Insurance Certificate relates only to the current year therefore no evidence of any 10-year continuous use of the area subject of Application 251221 for Car Repairs.

Page 3: All photographs are undated.

Photo top left – this car is standing on paver surface. The whole area Planning Unit 1 and access area rear 304 is entirely gravel. Therefore, this photo was not taken on the Application site and proves nothing regarding 10-year continuous use of the land subject Application 251221.

Photo top right – has a large grey mobile home vehicle. I contend that this vehicle is a domestic vehicle belonging to either the Applicant or another person with access to this site. It is currently

and regularly parked/stored parallel to our rear boundary (Planning Unit 1). Since our occupation of our own property in November 2019 it has been visible to us and/or on aerial photographs within any area of Planning Units 1, 2, 3 access area and Planning Unit 4. I believe that this is not a vehicle associated with any car-repair activity and must be the Applicant's own vehicle?

Bottom left – A car but no date, evidence of whose car and proven purpose for why it is on site. E.g. could belong to a social visitor and parked whilst visiting?

Bottom right – **Photo is undated.** Social visitor?

Page 4:

All photographs are undated. **Not proof of 10-year continuous car-repairs.**

Page 5:

All photographs are undated not proof of any continuous use for car-repairs.

Top left - The ground the van stands on may be surface forward of Planning Unit 2 (residential annexe). *Top right* - Photograph not dated. This is not proof of 10-year continuous use for car-repairs. *Bottom left* – shows vehicle standing on paver surface. This is not on the site subject of Application 251221.

Bottom right – This is an undated photograph. This vehicle is on the land identified as “Access” in my **Objection 2**.

Page 6

All photographs undated. **Not proof of 10-year continuous car-repairs.**

There are items adjacent to the workshop that are not associated with a car-repair business E.g. Child's snow sledge hanging to right hand side of garage/workshop. There's a spade. Lots of containers are left about the area within and adjacent to the garage/workshop. There are stringent Government Hazard Waste and/or COSH regulations regarding the storage and disposal of any items associated with activities shown in the photos. However, the photos themselves do not prove any continuous use for car-repairs and indeed show a mixed use on a haphazard and untidy site.

Page 7

All photographs undated. Not proof of 10-year continuous **car-repairs**.

These photographs further endorse concerns regarding adherence to Government Hazard Waste and other H&S regulations. The sign in *bottom right photograph* shows an association with vehicles that are not cars and likely to be damaged, old etc. Surely this type of business is not “car-repairs”? The telephone number is the same as on the vehicles on page 8 of the Applicant's photographs.

The photographs do not show safe COSH storage of chemicals nor how/where damaged items are held and/or managed. The garage workshop directly abuts the rear boundary fence of properties in Woodrow Drive. This garage/workshop is open fronted with no separated access from any other Planning Unit including residential dwellings on Planning Unit 2, Planning Unit 3 and Planning Unit 4. on site. We have heard children on site and within at least the last month

children playing using the basketball ring forward of the Annexe veranda which is not within an enclosed area.

There is a Legal Duty of Care that any waste produce is handled safely and within Government legislation/law. This applies to any business that produces, imports, transports, stores, treats or disposes of controlled waste. Waste and items associated with the business of car repairs / damaged vehicles is considered 'High Risk' – (*Government Website*)

Page 8

All photographs undated. Not proof of 10-year continuous car-repairs.

Bottom left photograph is thought to be on Planning Unit 3, which has been superseded by erection of new dwelling.

Bottom right photograph shows the [REDACTED] vehicle recovery lorry (with pneumatic hoist/crane No, 70 evident) but is somewhere on a road.

Page 9

Undated and not proof of any continuous use for car-repairs. The precise location on the site is not identifiable from these photographs.

Page 10

Undated photographs and not proof of continuous use car-repairs. However, the photograph must have been since construction commenced of new build 2023 / 2024. The photograph is taken adjacent new build and forward of Planning Unit (Annexe) and not within area subject of Application 251221.

Page 11

All photographs are undated. However, these photographs further exacerbate my, and other local residents, H&S concerns regarding use of this site albeit that it has not been continuous since we moved to our own property in November 2019.

Page 12

All photographs undated. Not proof of 10-year continuous car-repairs

Top right photograph is taken within the front area of Plot 4, dwelling 304 London Road. This object was still there visible from the adjacent public footpath at beginning of June 2025. Does this photograph show discarded old car-parts?

Bottom left and bottom right photographs further exacerbate concerns regarding H&S adherence with regard to use of the garage/workshop, Planning Unit 1. Why are there no sign Hazardous Waste Consignment notes submitted?

Page 13

All photographs undated. Not proof of 10-year continuous car-repairs

The top photo has been taken during construction of new build on Planning Unit 3 (rear of 306 London Road). The garage/workshop does not have appearance of any car-repairs and indeed we believe any of this type of activity ceased by Enforcement and the limitations of extra vehicles

associated with the build on the whole site and storage of building materials neither of which were at all times limited to the designated areas in accordance with CMS plan (*reference my Objection No. 7*)

The grey vehicle parked nose forward to our rear boundary fence is the mobile home previously referred to. The other vehicles are likely belonging to persons working on the new build, Planning Unit 3 and/or vehicles associated with Applicant and/or residents of Planning Unit 2 and/or Planning Unit 4. This is a small site and vehicles were regularly moved about to facilitate the construction of the new build and the delivery/storage of materials associated with the new build.

Bottom left –relates to construction of new build dwelling, Planning Unit 3 and no relevance to Application 251221.

Bottom right – Undated. **Not proof of 10-year continuous car-repairs**

Again, concern regarding adherence to Government H&S regulations