



Appeal Decision

Site visit made on 26 June 2017

by A Napier BA(Hons) MRTPI MIEMA CEnv

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 August 2017

Appeal Ref: APP/P2114/W/17/3166935

Westridge Skip Hire, Briddlesford Road, Newport, Isle of Wight PO30 2PD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Westridge Ltd against the decision of Isle of Wight Council.
 - The application Ref P/00431/15, dated 8 April 2015, was refused by notice dated 14 July 2016.
 - The development proposed is described as 'proposed hybrid application: outline consent for waste transfer, treatment and management building/extension and full consent for retention of waste transfer, treatment and management building and change of use of land from controlled builders waste disposal site to ancillary land for waste transfer, treatment and management site'.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed hybrid application: outline consent for waste transfer, treatment and management building/extension and full consent for waste transfer, treatment and management building and change of use of land from controlled builders waste disposal site to ancillary land for waste transfer, treatment and management site at Westridge Skip Hire, Briddlesford Road, Newport, Isle of Wight PO30 2PD, in accordance with the terms of the application, Ref P/00431/15, dated 8 April 2015, and the plans submitted with it, subject to the conditions in the attached Annex.

Preliminary Matters

2. The planning application that is the subject of this appeal sought, in part, outline planning permission for a proposed extension to two existing buildings used for the transfer, treatment and management of waste ('the existing buildings'), to effectively cover an open yard area, which is adjacent to these structures and currently used in connection with them. Siting details of the proposed extension form part of the appeal scheme, whilst details of the appearance, layout and scale of the structure are reserved matters, which would be the subject of further approval. The application also sought full planning permission for the change of use of part of the site for ancillary use, namely open storage and parking, in connection with the transfer, treatment and management of waste. At the time of my visit, it was in use as such and contained a number of parked vehicles, skips and piles of timber.
3. In addition, the application also sought permission for the erection of a new building on the site ('the new building'), separated from the existing buildings by an access route and adjacent to the recently created storage and parking

area. At the time of my visit, the new building was in place and appeared to be in active use, although it was not in operation at that particular time. It is not a matter of contention that, in relation to the storage and parking area and the new building, the permission sought is retrospective. As the building and ancillary area reflect the details submitted, I intend to treat the appeal for these two elements as one for planning permission for the development as originally carried out.

4. Furthermore, the details before me indicate that, during the course of the planning application process, a Landscape and Visual Impact Assessment (LVIA) of the development and details of proposed landscaping, including a bund to the south of the site, were provided. From the evidence before me, including details of the public notices containing the amended description of the development, and the Council's officer report and decision notice, I am satisfied that the details of these revisions were publicised, with an opportunity provided for comment, and the Council considered the application on the basis of these additional details, including the bund. Furthermore, reference to these details was included in the description of the appeal, providing all parties with a further opportunity to comment on these matters as part of the appeal process. I intend to consider the appeal accordingly. Moreover, as the profiled bund was in place and planted with trees at the time of my visit, in addition to the elements referred to above, I also intend to consider the appeal as seeking permission for this part of the development as originally carried out.
5. A revised LVIA and landscaping details were submitted with the appeal and the Council and other interested parties have had the opportunity to comment on these as part of the appeal process. Further details also accompanied the appellant's final comments. However, with the exception of one photograph, this largely comprised material submitted in support of a neighbouring proposal, of which the Council and other interested parties would have been aware. As such, I am satisfied that my intention to consider all these details as part of the appeal will not prejudice the interests of any party.
6. The details provided indicate that the appeal scheme was screened negatively as EIA development by the Council and was also the subject of a negative EIA screening direction by the Secretary of State. There is nothing in the evidence before me that would lead me to a different conclusion in this regard.

Main Issue

7. The Council refused planning permission for the development for two reasons, the second of which concerned ground contamination. The evidence before me indicates that further information has subsequently been provided on this issue and, as a result, it is no longer a matter of dispute between the main parties. As such, although it will be necessary for me to consider this matter, it is not a main issue in this appeal.
8. From the evidence provided, including the Statement of Common Ground between the main parties, the Council does not object to the ancillary parking/storage area or the proposed extension to the existing buildings and considers these elements of the appeal development to be acceptable, subject to the use of appropriate conditions. Accordingly, the primary area of contention between the main parties relates to the recently erected new building, with the use of a profiled bund as a form of screening for the site, and it is my intention to consider the appeal on this basis.

9. The appeal site is located within the Isle of Wight Area of Outstanding Natural Beauty (AONB) and I am mindful of my statutory duties in this regard. The main issues in this appeal are:

- whether or not there is a local need for the proposal and its effect on waste management; and
- the effect of the development on the character and appearance of the area, with particular regard to whether or not it would conserve and enhance the landscape and natural beauty of the AONB.

Reasons

Need and waste management

10. Policies SP8 and DM19 of the *Isle of Wight Core Strategy (including Waste and Minerals) and Development Management Development Plan Document March 2012* (the Island Plan), amongst other matters, seek to drive the management of waste as far up the waste hierarchy as possible by a range of specified measures. They also require proposals for waste management facilities to consider the co-location of waste facilities, apply a sequential approach, address the principal environmental impacts associated with waste development and minimise the adverse impacts of the transport of waste.
11. The National Planning Policy for Waste (NPPW) also seeks to drive waste management up the waste hierarchy and to help to secure the re-use, recovery or disposal of waste without endangering human health and harming the environment. Paragraph 7 indicates that waste planning authorities should only require demonstration of the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan and, in such cases, should consider the extent to which the capacity of existing operational facilities would satisfy any identified need.
12. The evidence available to me indicates that waste is separated for recycling or re-use at the existing facility on the site. As part of this activity, the yard area adjacent to the existing buildings is used for the storage and bulking of waste prior to being processed. To meet the requirements of the Environmental Permit and prevent contamination, it will be necessary to cover this yard. It is not a matter of contention that the proposed extension to the existing buildings, which comprises the outline element of the appeal scheme, would provide an acceptable form of enclosure in this regard. Furthermore, the Council does not dispute the need for the ancillary parking/storage area, to support the existing use of the site.
13. The new building is located adjacent to the existing facility, which specialises in the processing of commercial waste and is located centrally within the Island. It is not a matter of contention that the existing site is an important part of the waste industry on the Island, has good transport links and is located away from densely populated areas. The Council's officer report acknowledges that there are no sequentially preferable sites for the use proposed and confirms that the type of waste processing undertaken would comply with the relevant waste policies. The report also accepts that the enclosure of the machinery within a building would reduce the potential for noise, dust and contamination.

14. There is nothing before me to suggest that reasonably appropriate alternative operational facilities exist on the Island with the capacity to accommodate the appeal development. Accordingly, in respect of this main issue, I consider that the primary area of dispute between the main parties concerns the specific need for and the size of the new building.
15. The appellant's Design and Access Statement indicates that the new building is designed to house a cross flow minimiser, which breaks down waste such as card, plastics, wood and other material that would otherwise largely go to landfill. Appendix 2 of the appellant's Appeal Statement refers to the processing of wood, UPVC/plastics, carbon waste composites and general residual waste. This accords with my observations during my visit to the site.
16. The new building contains a sizeable piece of machinery, which occupies almost the full width and height of the central part of the building. Whilst some space exists to either end of the building, this is adjacent to openings, which I understand are used to offload and load material that is due to be or has been processed. Consequently, from all that I have seen and read, I am satisfied that a building of this size is reasonably necessary to house the plant that it contains, with an appropriate amount of space around it to enable it to operate effectively.
17. As part of the appeal submissions, the appellant has provided more detail about the processing undertaken within the new building.¹ As well as shredding material, the plant magnetically separates metals, which are sent to metal merchants within the Isle of Wight for re-use or recycling. From wood waste, the plant produces woodchip for local heating systems, mulch and animal bedding, which would otherwise be shipped to Scandinavia for use in a waste energy plant. The plant also produces smaller flakes of UPVC and plastic, which are sent direct to UPVC manufacturers.
18. Carbon waste composites are shredded to produce a fibre, which can be used as an aggregate substitute within lightweight concrete blocks. I understand that existing industries on the Island generate a significant waste stream of carbon composite,² which would otherwise be sent to landfill. General residual waste, which is a mix of plastics, paper, cardboard, wood and fabric, can also be shredded into fibre. The details provided indicate that this too can be used as an aggregate replacement, or for soft residual fuels, for example, to power energy from waste plants.
19. The Council accepts that the shredder would allow for additional recycling to take place, which would increase the amount and type of waste being treated further up the waste hierarchy. Furthermore, the Council does not dispute the details provided about the processing undertaken, including the resulting ability to re-use or recycle a greater proportion of waste on the Island, rather than transporting it to the mainland or sending it to landfill.
20. Furthermore, as the processing would reduce the volume of that waste, the total amount of which is controlled by an Environmental Permit, this would also enable reductions in transport movements from the site. It has not been suggested, nor do I consider given the island nature of the location, that the material processed by the plant would not be derived locally. As such, I find

¹ Appellant's Grounds of Appeal, Appendix 2

² Appellant's Grounds of Appeal, paragraph 2.3

that the co-location of this building immediately adjacent to the existing processing facility would be likely to result in significant benefits in this respect.

21. Moreover, whilst I do not have full details of the costs involved, given the scale of the plant, I am in no doubt that it represents a considerable investment in the existing waste management facility. Furthermore, as a commercial enterprise, I consider it extremely unlikely that the decision to undertake such an investment would not have been based on a robust assessment of viability, including in relation to the existence of an established source of waste material for the plant and a market for the processed output.
22. Consequently, all in all, I conclude that the evidence before me is sufficient to demonstrate a local need for a development of the scale proposed. Furthermore, I am also satisfied that the co-location of the new building and the processing undertaken by the plant within the new building would have significant waste management benefits. This is a matter to which I give considerable weight. The development would be in accordance with The Island Plan Policies SP8 and DM19. It would also meet the similar aims of the NPPW in these regards.

Character and appearance

23. The appeal site is located some distance from the nearest settlement and in a location defined as within the Wider Rural Area within the Island Plan. The Island Plan Policy SP1 encourages a sequential approach to the location of new development, to preserve the predominantly rural character of the County and steer the majority of development away from the AONB. It states that a specific local need should be identified for development outside defined settlements. Development on non-previously developed land should clearly demonstrate how it will enhance the character and context of the local area.
24. Land that has been developed for minerals extraction or waste disposal by landfill purposes is excluded from the National Planning Policy Framework (the Framework) definition of previously developed land, where provision for restoration has been made through development control procedures. In this respect, it is not a matter of contention that the part of the appeal site containing the new building and ancillary parking/storage area does not meet the definition of previously developed land.
25. Policies SP5, DM2 and DM12 of the Island Plan collectively seek to protect, conserve and enhance the Island's natural environment and promote the landscape interest of the Island. Development proposals will be expected to protect the integrity and importance of landscape designations and reflect the aims and objectives of the AONB Management Plan. This Plan identifies a series of overarching objectives for the AONB, which reflect its primary purpose to conserve and enhance the natural beauty of the area.
26. Appendix B of the NPPW identifies a range of locational criteria that should be considered in determining proposals for a waste management facility, including the need to protect landscapes or designated areas of national importance, such as AONBs. The Framework, in paragraph 115, requires great weight to be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in these respects. Paragraph 116 states that, in these areas, planning permission should be refused for major developments

except in exceptional circumstances and where it can be demonstrated they are in the public interest.

27. The Framework does not define what constitutes a major development in relation to paragraph 116. However, the submitted details indicate that the new building has a floor area of some 1,865sq.m.³ In addition, the outline scheme for the proposed extension to the existing buildings proposes a structure of some 1,097sq.m. Given the sizes of these buildings and their use, together with the change of use of the sizeable area for parking and storage within the site, I am of the view that it would be reasonable to consider the appeal development as major development.
28. The appeal site is located in an elevated position, adjacent to Briddlesford Road. It is within a rural and predominantly agricultural setting. The Council has identified the site as occupying a plateau at the summit of a sloping section of the downs, with the area close to the site characterised by undulating farmland set between downs, which are populated by a mix of chalk grassland and woodland. These landscape character types are considered in detail in the Council's *East Wight Landscape Character Assessment 2015* (LCA).
29. Development within the area is relatively sparse, although landfill and civic amenity sites exist opposite, with Robin Hill Country Park adjacent to the south. When approaching the site on the road from the north, the existing buildings are prominent and clearly visible on the skyline. However, due to their respective heights, scales and siting, the existing buildings almost completely screen the new building in views from this direction. Similarly, due to the surrounding topography and existing extensive tree cover in the vicinity of the site, views of the new building from most other directions are relatively limited.
30. Whilst there is disagreement about the extent of the visual impact of the development and its effect on local landscape character, having regard to the evidence before me, there is general agreement between the parties that the visual impact of the new building is most significant at viewpoints to the east and south-east of the site.
31. Following concerns expressed during the determination of the application, the revised LVIA adopted a different approach to the earlier version in relation to the baseline for the assessment and considered the impact of the new building both on the character of the surrounding landscape and in terms of its visual impact from specific viewpoints. The details provided indicate that the Council was in agreement with the choice of viewpoints identified and, from the evidence available to me, there is nothing that would lead me to a different conclusion in this regard.
32. As part of the accompanied site visit, I was able to view the development from viewpoints 2 and 13, as well as from the adjacent Country Park. Taking into account all the details submitted, I am satisfied that these locations provided me with appropriately representative views of the development and enabled me to see it from locations where the evidence indicates that it has the most significant visual impact. In addition, I was also able to visit, on an unaccompanied basis, the wider area around the site, which enabled me to experience its landscape context.

³ Design, Access Planning & Landscape/Visual Assessment March 2015, page 8

33. Immediately adjacent to the appeal site, within the same ownership, is a landfill site, which is in the process of being restored. As a result of this restoration, part of the landfill site has been profiled and planted with trees. These trees are of a similar variety to those used on the newly created landscape bund within the appeal site. I understand that it is intended to seek a variation in the approved restoration details to reflect the work carried out for the landfill site. This is not a matter that is before me as part of this appeal, but is an issue for the local planning authority in the first instance. Nevertheless, I was able to view the appeal site within the context of the work undertaken and have also taken into account the details provided of the restoration scheme as approved.
34. There are extensive views from within the appeal site, from the access track adjacent to the new building, across the surrounding undulating downs landscape. The land falls away significantly to the south and south-east of the site, before rising to a prominent ridge, which runs west to east and is broadly followed by The Downs Road. Development within this rural landscape is limited. However, the extensive areas of woodland limit many longer distance views of the site. From those public views that are available, the significant distances involved considerably reduce the visual impact of the new building.
35. From the viewpoints visited, much of the new building was largely screened by the recently constructed bund, although the roof of the building was clearly visible and, due to its location, was seen against the skyline. However, the colour of the sheeting used and the relatively low profile of the roof significantly limits its visual impact. Furthermore, the heavily wooded context of its surroundings is such that the building is not prominent in wider views of the area. As such, even from these most sensitive viewpoints, I concur with the findings of the LVIA that, currently, the new building has no more than a moderate adverse visual impact.
36. In addition, whilst fully acknowledging that the verdant setting of the appeal site may well be different at other times of the year, I also recognise that the recently planted trees on and adjacent to the appeal site currently provide very limited visual mitigation. Whether or not the trees adjacent to the site remain, as the trees on the appeal bund mature, their effectiveness at softening views of the roof of the new building is very likely to increase, even in winter, provided that they are retained and appropriately managed. As this is a matter that could be controlled by condition, the visual impact of the new building is very likely to be materially reduced in future years.
37. A substantial belt of mature trees exists adjacent to the parking/storage area. These are protected by a Tree Preservation Order and, at the time of my visit, largely screened the site in views from the south and west, with only glimpsed views of the new building possible from within the Country Park. Again, I recognise that this screening may vary at other times of the year. However, given its extent, I consider that it would be very likely to provide significant visual mitigation of the new building and the remainder of the site in views from these directions, even in winter.
38. In terms of landscape character, the new building is located immediately adjacent to existing sizeable industrial waste processing and management buildings and a landfill site that is currently in the process of being restored. As such, whilst the whole of the wider site may not meet the definition of

previously developed land, it also does not have the appearance of an undeveloped greenfield site.

39. Within this context, I consider that the localised impact of the erection of the new building, in close proximity to the established built development that exists and enclosed by a profiled and planted landscape bund, is very limited. The new building is sizeable, industrial in form and appearance, and located further to the east than the existing buildings. However, for the reasons given, I find that it is not dominant within the surrounding rural landscape and has a minimal effect on the overall landscape character of the area.
40. Taking into account the details available to me, including the LCA and the LVIA, the landscaping undertaken on the appeal site, including the contoured and profiled bund, does not detract from the important landscape of the area. Over time, the additional tree planting would result in an enhancement of the overall character of the area and complement the restoration of the adjacent site. As such, I consider the mitigation measures provided are appropriate and effective, and reasonably likely to reduce further the impact of the development in the future. In addition, there is nothing before me that would lead me to disagree with the Council's assessment that the ancillary storage and parking area and the proposed extension would not be harmful.
41. Accordingly, overall, whilst the effect of the new building is limited and likely to reduce over time, I conclude that it nevertheless has some adverse impact on the character and appearance of the area, including in relation to the landscape and natural beauty of the AONB. Whilst the effect is limited, it is nonetheless material. Consequently, this element of the development would not accord with The Island Plan Policies SP1, SP5, DM2 and DM12, where they collectively seek to protect and enhance the character and appearance of the Wider Rural Area and the landscape and natural beauty of the AONB.

Other matters

42. Having regard to the comments received from Natural England and the Council's Ecology Officer, and subject to the application of a condition to control external lighting, I am satisfied that the development would not be likely to result in an adverse effect on nearby Sites of Special Scientific Interest, the Special Area of Conservation, protected species or biodiversity.
43. Whilst the visibility levels achievable at the access and egress from the site fall below the standard usually recommended, I note that the highway authority has not raised objections to the development. The Council's officer report indicates that a restriction on the amount of waste able to be processed at the site would be necessary, to prevent an increase in the use of the site access. However, the Environmental Permit limits the amount and type of waste able to be processed at the site. Having regard to the evidence provided in this respect, I am not satisfied that such a restriction would be both reasonable and necessary in these circumstances.
44. Other development in close proximity to the appeal site is relatively limited. However, some residential properties exist fairly close to the site. In addition, I understand that the neighbouring Country Park, which is an important part of the tourism industry within the Island, is proposing to develop part of that site closest to the appeal site for different types of holiday accommodation, including lodges, tree houses and glamping tents. I also understand that the

Council has resolved to grant planning permission for the scheme, subject to the completion of a planning obligation. Although I do not have full details of this proposal, I was able to visit the intended site of the proposed development as part of my visit to the area. Amongst other matters, concerns have been raised by local residential occupiers and the Country Park in relation to the potential adverse effects of the proposal in relation to noise, dust and odour.

45. Appendix B of the NPPW refers to the need to consider the proximity of sensitive receptors in relation to a number of factors, including potential noise, light, vibration, odour and air emissions, including dust. As referred to above, I consider that details of external lighting can be controlled by condition and there is nothing before me that leads me to consider that the development would cause unacceptable vibration impacts. Having regard to the details provided, including the submitted dust, odour and noise reports, and the specialist comments made by the Council's Environmental Health Officer, I am satisfied that the proposal would not be harmful in terms of odour, or in relation to dust, with the use of an appropriate condition.
46. Furthermore, the advice provided indicates that potential noise impacts could also be adequately addressed by condition. Whilst having regard to the concerns expressed by the Country Park and others in relation to noise, there is very little substantive evidence before me to support these concerns. As such, I am inclined to accord greater weight to the specialist advice of the Environmental Health Officer in this regard. Consequently, with the application of appropriate conditions, I find that the proposal would not cause harm to the living conditions of nearby residential occupiers or be materially harmful to other land users nearby, including the adjacent tourism site.
47. As referred to above, the planning application was originally refused for reasons that included concerns regarding contamination. In particular, this related to the extent and effectiveness of the ground ventilation provided in relation to the recently constructed new building. Since the refusal of permission, the details submitted indicate that further information has been provided to the Council in this respect, which has addressed those previous concerns. There is nothing in the evidence before me that would lead me to a different conclusion on this matter and, as such, I am satisfied that this issue is not one that should count against the development. Furthermore, whilst local concerns have been expressed about the drainage of the site and the potential for the pollution of water supplies, I concur with the Council that such issues could be appropriately addressed by condition.
48. A significant number of local concerns were raised about the development, both at the planning application stage and in relation to the appeal. In the main, these relate to issues that have been considered above. However, several people also expressed concern at the retrospective nature of the development. In this respect, I am mindful of the Written Ministerial Statement, made on 17 December 2015, concerning intentional unauthorised development. By proceeding with the development without planning permission being granted, the appellant has reduced the opportunity to limit or mitigate the harm that has taken place. Although I have found that the resulting harm is limited, this is nonetheless a matter that counts against the scheme.
49. Concerns have also been raised about whether, if permission were granted subject to conditions, the appellant would be likely to comply with those

restrictions, given the partially retrospective nature of the development. Whilst noting those concerns, I am mindful that other mechanisms exist within the planning system, to ensure compliance with conditions if necessary, including the potential for enforcement action. Such issues are not before me as part of this appeal, but would be a matter for the local planning authority in the first instance. However, there is nothing before me that leads me to consider that these mechanisms would not be effective in relation to this development, should they be considered necessary.

Overall planning balance

50. Paragraph 196 of the Framework confirms that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. It follows that appeal proposals should be considered in the same way. The Framework and the NPPW are material considerations in respect of this appeal.
51. The three roles of sustainable development are mutually dependent. Paragraphs 6-9 of the Framework indicate that 'sustainability' should not be interpreted narrowly. Elements of sustainable development cannot be undertaken in isolation but should be sought jointly and simultaneously. Sustainable development also includes 'seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life'.
52. I have found that there is a need for the development and the additional waste processing facility provided by the new building, together with the extension to the existing buildings, would meet the waste management aims of The Island Plan and the NPPW. Given its nature, I consider that the development is in the public interest and would be very likely to have a beneficial impact on the local economy. Whilst details have not been provided of the cost and scope of developing elsewhere, the locational advantages of the site in relation to waste management are not in dispute and the Council accepts that no alternative sequentially preferable site exists. Furthermore, subject to the application of conditions, the development will not have a detrimental effect on the environment or other land uses nearby, including the adjacent tourist site and residential occupiers.
53. Accordingly, for the reasons given, I conclude that the relatively limited harm to the character and appearance of the area, including in relation to the landscape and natural beauty of the AONB, together with the additional harm resulting from the intentional unauthorised development, and any associated conflict with development plan policy, would be significantly outweighed by the benefits of this particular development. In addition, the mitigation measures identified are reasonably likely to further reduce the extent of this harm over time. As such, considered overall, I find that this amounts to the exceptional circumstances necessary to justify major development within the AONB and the development would meet the aims of paragraphs 115 and 116 of the Framework in this respect.

Conditions and conclusion

54. I have considered the Council's suggested conditions in the light of the Planning Practice Guidance (PPG) and for clarity and to ensure compliance with the Guidance, I have amended some of the suggested wordings.
55. In relation to the elements of the development that are the subject of the full planning permission, it is not necessary to apply a time limit for commencement, as the development has begun. Similarly, it is not necessary to require those parts of the development to be carried out in accordance with the details submitted, as the development exists. However, in relation to the outline extension, it is necessary and reasonable to require details to be approved of the development proposed, including details of materials and external finishes, and to control the time period for the submission of these details and its implementation in accordance with the approved details.
56. To protect local living conditions and the users of other sites nearby, such as the adjacent Country Park, it is necessary to control the use of the proposed extension, the new building and the ancillary parking/storage area. I do not have full details of the Environmental Management System approved in relation to the Environmental Permit. As such, notwithstanding bullet point 5 of paragraph 7 of the NPPW, it is also necessary to control dust and noise mitigation measures, including the hours of operation on the site. In the interests of landscape and the character and appearance of the area, including the AONB, it is also necessary to specifically limit the height of storage within the ancillary parking/storage area. However, having regard to the characteristics of the site, including the height of the landscape bund and the adjacent tree belt, I consider that the 2 metre limit suggested by the Council would be unreasonable and have increased this to 5 metres, to reflect the height of existing stored material.
57. Specific noise level limits for the cross-flow shredder plant have been suggested by the Council. However, the details in the officer's report indicate that the noise emitted by the plant is likely to be less than the existing background noise around the site, which would make such limits difficult to enforce. Furthermore, such a requirement would not address the potential for noise from other parts of the development. Accordingly, whilst I consider that the control of noise from the site is entirely reasonable, particularly given its use and the neighbouring uses, I do not intend to apply the condition as suggested, but to require the submission and approval of a scheme for noise mitigation measures to minimise noise emissions from the site.
58. The development is partly retrospective and, in relation to matters such as landscaping, work has already been carried out on site. However, the details before me do not clearly demonstrate that the scheme was subject to approval by the local planning authority prior to implementation. Furthermore, I note the appellant's reference to the potential for enhanced landscaping on land adjacent to but outside the appeal site. Consequently, given the sensitivity of the site and in the interests of the character and appearance of the area, including the AONB, and to prevent pollution of the local environment, it is both necessary and reasonable to require the submission and approval of hard and soft landscaping details, including those relating to hard surface areas within the site and boundary treatments, together with external lighting details, as well as controlling the future management of the landscaping.

59. I understand that drainage has been implemented in accordance with the submitted details and is controlled by the Environmental Permit. However, given the different purpose of the permitting regime, I am not satisfied that it has been demonstrated that these controls wholly duplicate those available to the local planning authority in these regards. As such, to prevent flooding and the pollution of the environment, I consider the application of a condition to control foul and surface water drainage details from the site would be necessary and reasonable.
60. I have amended the wording of some of the Council's suggested conditions, to amalgamate some requirements and to reflect the partially retrospective nature of the development concerned. In order to meet the tests for conditions in the Framework and the PPG, including the need to ensure that the conditions will be enforceable, it is necessary to require the submission of certain details within specific time periods and to restrict the use of the new building and ancillary parking/storage area if this does not take place. The time periods specified reflect those suggested by the Council and appear reasonable in the particular circumstances of this development.
61. The Council has not suggested a condition concerning gas monitoring. The Westridge Further Gas Monitoring Report, dated September 2016, indicates that no further action is necessary and notes that ongoing monitoring would take place as part of the Environmental Permit. Having regard to these findings, I am satisfied that such a condition would not be necessary in this case.
62. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Napier

INSPECTOR

Annex

Conditions

- 1) Details of the appearance, layout, and scale of the proposed extension to the existing waste transfer, treatment and management building (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development in relation to this extension takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The proposed extension to the existing waste transfer, treatment and management building hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

- 4) The details of the reserved matters shall be in accordance with the parameters shown on the submitted plans: PL03 002 Rev A and PL03 003.
- 5) No development above foundation level of the proposed extension shall commence until details of the materials and finishes to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 6) The proposed extension building and the new building hereby permitted shall be used for the transfer, processing, management and recycling of waste and for no other purpose (including any other purpose in Class B2 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 7) The ancillary parking/storage area hereby permitted, as shown on drawing Ref PL03 002 Rev A, shall be used for vehicular parking, plant, equipment, skips material and inert storage in connection with the permitted use of the site and for no other purpose (including any other purpose in Class B2 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 8) No items, other than vehicles, stored within the ancillary parking/storage area hereby permitted, as shown on drawing Ref PL03 002 Rev A, shall exceed 5 metres in height measured from ground level.
- 9) No external lighting shall be installed at the site in connection with the development hereby approved unless in accordance with a scheme that has been submitted to and approved in writing by the local planning authority. Details of the scheme shall include the method and timing of illumination, means of reducing light pollution, spill lighting and minimising energy use. Upon installation, the approved scheme shall be retained as such thereafter.
- 10) Unless within 3 months of the date of this decision a scheme specifying details of noise mitigation measures, to minimise noise emissions from the development hereby approved (including details of the operational hours of the proposed extension, new building and ancillary parking/storage area and measures to monitor emissions), is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 2 months of the local planning authority's approval, the use of the new waste transfer, treatment and management building and ancillary parking/storage area shall cease until such time as a scheme is approved and implemented.

Upon implementation of the approved scheme specified in this condition, the development shall thereafter be operated in accordance with the scheme as approved.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the

time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 11) Unless within 3 months of the date of this decision a scheme specifying the measures to minimise the emission of dust from the development hereby approved (including measures to monitor emissions) is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 2 months of the local planning authority's approval, the use of the new waste transfer, treatment and management building and ancillary parking/storage area shall cease until such time as a scheme is approved and implemented. The scheme shall include measures to prevent dust emanating from the waste management buildings and access and storage areas caused by traffic entering and leaving the site.

Upon implementation of the approved scheme specified in this condition, the development shall thereafter be operated in accordance with the scheme as approved and any suppression equipment shall thereafter be maintained in accordance with the manufacturers' instructions for the duration of the development.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 12) Unless within 3 months of the date of this decision a scheme for the drainage and disposal of surface and foul water from the development hereby approved is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 2 months of the local planning authority's approval, the use of the new waste transfer, treatment and management building and ancillary parking/storage area shall cease until such time as a scheme is approved and implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 13) Unless within 3 months of the date of this decision details of both hard and soft landscape works are submitted in writing to the local planning authority for approval, and unless the approved details are implemented within six months of the local authority's approval, or in accordance with the approved implementation scheme, the use of the new waste transfer, treatment and management building and ancillary parking/storage area shall cease until such time as these details are approved and implemented.

These details shall include:

- i) earthworks showing existing and proposed finished levels and contours;

- ii) hard surface areas within the development site, including details of the construction and materials to be used to form any pathways, vehicle access and turning areas;
- iii) boundary treatments;
- iv) soft landscape details, which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities;
- v) an implementation programme;
- vi) a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
