

For: PLANNING AND REGULATION COMMITTEE – 4 MARCH 2013

By: DEPUTY DIRECTOR FOR ENVIRONMENT & ECONOMY (STRATEGY AND INFRASTRUCTURE PLANNING)

Development Proposed:

Details Pursuant to Condition 33 (approval of external materials samples) of Planning Permission 08/02472/CM (MW.0044/08)

Division Affected: Ploughley
Contact Officer: David Periam **Tel:** Oxford 895151
Location: Ardley Energy from Waste Site
Application No: MW.0139/12
District Council Area: Cherwell
Applicant: Viridor
Date Received: 20 August 2012
Consultation Period: 30 August 2012 – 21 September 2012

Contents:

- Part 1 – Facts and Background
- Part 2 – Other Viewpoints
- Part 3 – Relevant Planning Documents
- Part 4 – Analysis and Conclusions

Recommendation

The report recommends that the application be refused.

• Part 1 – Facts and Background

Location (see site location plan Annex 1)

1. Ardley landfill site lies to the east of the B430 between the villages of Ardley and Middleton Stoney. The Energy from Waste facility (EfW) is under construction in the south east of the site. The wider landfill site also incorporates a leachate treatment plant, a Household Waste Recycling centre (HWRC) and a waste transfer building.

Site and Setting

2. This site is bounded to the west by the B430, a railway to the north and open countryside to the south and east. The Energy from Waste facility is accessed by a separate new road off the B430.
3. The nearest properties are at Ashgrove Cottages on the west side of the B430 immediately opposite a restored part of the landfill.

Background and Details of Development

4. Planning Permission for an EfW plant (08/02472/CM) was granted by the Secretary of State on appeal in 2011. This consent covers both the landfill and the EfW and contains a number of conditions which required the submission of further details to the Waste Planning Authority.
5. Condition 33 of permission 08/02472/CM states: *Prior to the commencement of building works to the EfW plant samples of all external materials shall be submitted to and agreed, in writing, by the waste planning authority. Only the agreed materials shall be used in the building works.*
6. The applicant has provided samples of the materials which they intend to use on the EfW building, which is currently under construction. These are in line with those indicated on plans submitted with the original application for the plant and are as listed at Annex 2. The material samples will be available for members to view at the Committee meeting.

• Part 2 – Other Viewpoints

Consultations

7. There is no statutory requirement to consult on details provided pursuant to conditions. However, the Ardley EfW is a major development of county wide significance and its potential impacts remain of great concern to the surrounding community and it was considered appropriate that a consultation exercise was carried out with local County Councillors and Parish Councils. In addition, physical samples of the proposed materials were made available to the local liaison committee, which includes local Parish Councils. The liaison

committee expressed concerns with the materials including the shininess of the proposed roof material which was considered inappropriate.

8. The responses below are summarised; full documents are available on the e-planning website: <http://myeplanning.oxfordshire.gov.uk/swiftlg/apas/run/wchvarylogin.display>
9. County Councillor Mrs Catherine Fulljames (Local Member for Ploughley) – Would like to confirm total objection to the roof material for the incinerator. Do not want the building, but despite that accept the design and the external wall materials, but not the roofing. It would be totally out of keeping with the surrounding countryside, more suitable on an industrial estate in an urban area.
10. Bucknell Parish Council - Colours proposed do not blend with the surrounding environment. The green selected does not fuse with the more natural green of surrounding fields. Concerned that the building might cause traffic accidents on the M40. The building and chimney might distract drivers and the reflection from the proposed roofing materials could create blind spots for drivers. If it is concluded that it is not possible to replace the proposed roofing material with a non-shiny surface then it would make sense to replace as much of it as possible with solar panels.
11. Middleton Stoney Parish Council – Materials proposed appear to be totally unsuitable for use on a building of this size which will be viewed from many surrounding rural environments. There was significant debate at the Planning Inquiry in July 2010 as to the impact on visual amenity which this construction would have. An artist's image showing the size, shape and colouration of the completed building was used to support the applicant's argument that the building, when completed, would not be visually intrusive. It was expected therefore, not least by the Inspector, that the completed building would be no more visually intrusive than suggested on that image. Further artist's images of the completed building should be provided.
12. Notwithstanding this, the condition was applied specifically to ensure that "the materials are in keeping with the landscape setting of the EfW plant." Unless there is strong evidence produced to the contrary, the materials proposed will not fulfil this criterion.
13. Cherwell District Council – Due to the size and prominence of the building within the landscape the proposed materials would be unsympathetic to their rural context. The silver colouring, especially the shiny silver roofing material, is of particular concern. The Council suggest that more sympathetic colouring and finishes are sought.

Part 3 – Relevant Planning Documents

Relevant planning documents and legislation (see Policy Annex attached to this Agenda)

14. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
15. The relevant development plan documents are:
 - The South East Plan (SEP) 2026.
 - Saved policies of The Cherwell Local Plan 1996 (CLP).
 - Saved policies of The Oxfordshire Minerals and Waste Local Plan (OMWLP)1996.
16. Other documents to be considered in determining this application are:
 - Non Statutory Cherwell Local Plan (NSCLP).
 - Oxfordshire Minerals and Waste Core Strategy Proposed Submission Document (OMWCS).
 - National Planning Policy Framework (NPPF).
17. The SEP forms part of the development plan. However, the government has made it clear that it intends to abolish regional strategies. The Localism Act enables the Secretary of State to revoke the whole or any part of a regional strategy by order. Whilst no such order had been made at the date this report was drafted, the published intention to revoke is a material consideration to which substantial weight should be given.
18. The Oxfordshire Minerals and Waste Core Strategy has not yet been adopted. However the Proposed Submission Document (OMWCS) was agreed by Oxfordshire County Council Cabinet on 13th March 2012 and full Council on 3 April 2012 and submitted to the Secretary of State on 1 November 2012. Following the plan's independent examination and receipt of the Inspector's report, the council will be able to adopt the final plan. As this plan is now at an advanced stage, due weight should be given to its policies.
19. The Government's National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a material consideration in taking planning decisions.
20. Planning Policy Statement 10 Planning for Sustainable Waste Management remains extant and contains relevant guidance.

Relevant Policies

21. The relevant policies are:
 - CLP 1996 – C7, C28.
 - OMWCS – C3, C6.

Part 4 – Analysis and Conclusions

Comments of the Deputy Director for Environment & Economy (Strategy and Infrastructure Planning)

22. The key planning issue is the impact on the landscape and the visual amenity of the area. The EfW plant will be a large building in a rural setting and it is important to ensure that the external materials are appropriate and do not create adverse impacts.
23. OMWCS policy C6 states that proposals for waste development should demonstrate that they respect and where possible enhance the local landscape character. OMWCS policy C3 states that proposals for waste development should demonstrate that they will not have an unacceptable adverse impact on the environment, residential amenity and other sensitive receptors.
24. CLP policy C7 states that development will not normally be permitted if it would cause demonstrable harm to the character of the landscape. CLP policy C28 states that control will be exercised to ensure that the external finish materials of new development are sympathetic to the character of the rural context of the development.
25. Paragraph 17 of the NPPF sets out the core underlying planning principles which should under-pin both plan making and decision taking. These include supporting sustainable economic development but also that planning should seek to secure high quality design and a good standard of amenity. Paragraph 56 goes on to state that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.
26. I consider that the materials submitted are all acceptable other than the proposed roof material, the details of which are set out in Section A of Annex 2 which essentially is a shiny aluminium sheeting. Planning officers wrote to the applicant in October 2012 to encourage reconsideration of the choice of roof material and investigation of whether a material which is darker in colour and less shiny could be used. The applicant was invited to consider other colours and materials to achieve a more sympathetic appearance but was advised that the roof was the main concern and if a satisfactory alternative roof material could be provided the materials were likely to be acceptable as submitted. Planning officers also met with representatives from Viridor in January 2013 to discuss the materials and officers again suggested that the applicant consider alternative options.
27. However, the applicant has confirmed that they would like this 'details pursuant' application to be considered as submitted and that they will not be submitting

an alternative roof material for consideration. The applicant considers that at no time was concern previously raised with regard to the visual characteristics of the materials proposed and the roof material was found acceptable to the Secretary of State, the Planning Inspectorate and this Committee when the application was considered in 2010.

28. The applicant has argued to officers that the shiny roof material proposed would in fact be sympathetic to the surroundings because its reflective qualities would allow it to match the sky in various weather conditions. In any instance, the applicant considers that the proposed material would become rapidly less shiny as it weathers and will therefore meet the concerns expressed by the officers and the liaison committee and cites the example of the EfW at Lakeside Road, Colnbrook in the Slough Borough Council area where the applicant advises the same material was used (photographs of this facility will be presented by the planning officer at the committee meeting). It is also stated that the aluminium material proposed has specifically been chosen for its colour, durability (it has a warranty of 40 years) and engineering properties and it is also sustainable as it is 100 per cent recyclable. The applicant contends that any pre-treatment in terms of an alternative finish would be expensive and unlikely to survive the construction process, delivering an inferior finish at additional cost (the warranty would be 15 years). Similarly the use of a different material would be likely to require a different construction method and roof configuration; there would seem very little justification for requiring a material which would be a slightly different shade of grey when the visual impact would be of no significant difference to that proposed. The applicant also advises that very little of the roof would be visible due to its low pitch.
29. The applicant also advises that any delay to the project (i.e. delay to the approval of the materials) will delay the delivery of Oxfordshire's sustainable residual waste treatment facility which will have its own financial and environmental consequences. The applicant considers that significant weight should also be given to the Secretary of State's Written Ministerial Statement dated 31 March 2011 which supports the promotion of sustainable economic growth and jobs unless it would compromise key sustainable development principles) and that Planning Authorities should ensure that they do not impose unnecessary burdens on development.
30. It is unfortunate that, prior to the writing of this report, the applicant had not provided alternative roof materials & colours for the consideration of officers such that a comparison could be made and to consider the merits of the argument that the proposed material would be more sympathetic. Although a weathered sample has now been submitted, it is understood that this has only been weathered for a matter of about six weeks and so, in my view, it does not conclusively show that the proposed roof material would look acceptable in the long term. The weathered sample still retains a significant shininess to it and I am not convinced that it addresses the concerns expressed by consultees and your planning officers as set out above. This weathered sample will be made available to view at the Committee meeting.

31. This will be a large building set in a rural context and it will inevitably have an impact on the surrounding landscape and the visual amenity of local residents and those using the local rights of way network and local roads. It will be viewed not only against the sky but also against the backdrop of the surrounding land, including the restored landfill site, as was demonstrated in the photomontages produced by the applicant in support of the application. I am of the view that a more sensitive choice of roof material and colour would help soften the appearance and that the applicant should examine alternatives to that proposed. I note the applicant's advice that the material proposed has been used for the Colnbrook EfW but I am not convinced that the roofing material proposed, even when further weathered, would be sympathetic to the context of this development or respect the local landscape character. Therefore, I do not consider that the use of the proposed material is supported by relevant development plan policy, the developing policies in the OMWCS and the guidance set out in the NPPF which post-dates the determination of the substantive planning permission by the Secretary of State.

32. The applicant has expressed the view that the Waste Planning Authority does not have the discretion to refuse the proposed roof material because a plan listing the external materials, including this roof material, was approved as part of the original EfW facility planning application. However, this is not the case. Condition 1 which approves the application plans clearly states that they are approved except as modified by other conditions on the consent and condition 33 requires the submission of details of external materials for further approval. There was no reason attached to the condition as the decision was made by the Secretary of State. However, the planning inspector's report included an annex 'recommended planning conditions' and this condition did have a reason attached. It was 'to ensure that the materials are in keeping with the landscape setting of the EfW plant.'

33. If a suitable roof material and colour was submitted then I consider that the other materials would also be considered to be acceptable. However, the external materials should be assessed together. Therefore it is not considered appropriate to approve some materials but not others. It is recommended that the submission under condition 33 is refused as a whole as being contrary to the above referenced policies and the guidance set out in the NPPF.

Conclusions

34. It has not been demonstrated that the proposed roof material would be appropriate on a large building in this rural context, contrary to CLP policies C6 and C28, OMWCS policies C3 and C6 and the guidance with regard to good design set out in paragraphs 17 and 56 of the NPPF. A roof material with a more sympathetic colouring and finish should be provided.

Recommendation

35. It is **RECOMMENDED** that Application MW.0139/12 be refused as inappropriate on a large building in the rural context of the application site contrary to the provisions of CLP policies C6 and C28, OMWCS policies C3 and C6, and the guidance with regard to good design set out in paragraphs 17 and 56 of the NPPF.

MARTIN TUGWELL

Deputy Director for Environment & Economy(Strategy and Infrastructure Planning)

Annex 1 – Site Location Plan



Annex 2 – Proposed Materials

Building Section	Proposed Material
A	Euroseam ES400 x 0.9mm thick stucco embossed aluminium standing seam sheets. Roof flashings manufactured from 0.9mm thick stucco embossed aluminium
B	Danpalon 16mm 1040 pale sea green colour
C	Fixed blade double bank mill finished aluminium louvres fixed to a 50mm pitch complete with bird mesh.
D	Danpalon 16mm 1040 finely graded light green to pale yellow polycarbonate system, using aluminium two part connectors to steelwork. Currently proposed as 4 No colours
B	Danpalon 16mm 1040 pale sea green colour
E	Tata (Corus) 13 1/2/3 profile x 0.7mm thick sinusoidal steel sheets HPS200 Ultra coated outer face , colour metallic silver
F	Process Areas : Precast concrete panels (nominal thickness 150mm) to accept vertical climbing planting system. Bottom Ash Perimeter Wall: Sinusoidal sheet Euroclad 13 1/2/3 profile, colour RAL 6002 (Goosewing Grey)
C	Metal louvres to match colour of either the base colour of the material that they are positioned in or to match the colour of the vertical planting wall
G	Door portals of nominal 500 mm wide RS Channels painted finish for protection of adjacent wall finishes
H	Trapezoidal bottom sheet coloured straw covered by Euroseam ES400 x 0.9mm perforated stucco embossed aluminium sheets. To give the effect of Champagne
J	Euroseam ES400 x 0.9mm thick stucco embossed aluminium standing seam sheets. Roof flashings manufactured from 0.9mm thick stucco embossed aluminium
K	Trimapanel 1000mm cover with composite panels comprising microrib steel outer skin HPS200 Ultracoated steel colour Straw, 70mm LPCB approved insulation core and a polyester white steel inner skin. Curtain Walling to be fully aluminium with a nominal 150mm deep back box.
L	Concrete block paving in contrasting colours and textures to grid pattern shown.
M	Stack and accessories, lighting conductor, navigation lights, maintenance platform ladders, in light grey RAL no 7035