

**For: PLANNING & REGULATION COMMITTEE – 15 APRIL 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 Nos:** MW.0139/12 and MW.0040/13

**District Council Area:** Cherwell

**Applicant:** Viridor

**Dates Received:** 20 August 2012 and 15 March 2013

**Consultation Periods:** 30 August 2012 – 21 September 2012 and 20 March 2013 to 10 April 2013

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**Recommendation**

The report recommends that:

- i) application MW.0139/12 be **refused**; and
- ii) subject to no over-riding issue being raised by outstanding consultees, application MW.0040/13 be **approved**.

## **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 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 Energy from Waste (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. At the meeting of the Planning and Regulation Committee on 4 March 2013, consideration of application no. MW.0139/12 was deferred to enable further consultation with local parish councils on available alternative roof materials/finishes with the application to be reported back for determination to the meeting on 15 April 2013.
7. A meeting with representatives of Ardley with Fewcott, Bucknell and Middleton Stoney Parish Councils was held on 11 March 2013. At this meeting Viridor provided samples of alternative roof materials/finishes for consideration. Whilst none of the Parish Councils support the development of the Energy from Waste facility, all were in agreement that the preference was for the same material as proposed in application no. MW.0139/12 (Euroseam ES400 x 0.9mm thick stucco embossed aluminium standing seam sheets) but with a pre-patina finish rather than the finish proposed.

8. Application no. MW.0040/13 is identical in the materials proposed other than that the pre-patina finish roof material is now proposed. The applicant advises that the use of the pre-patina finish would remove the initial shiny properties of the roof representing the most effective way of producing the immediate benefit of weathering. The applicant considers that this would meet the requirements of concerns raised by the Parish Councils and the County Planning Authority for a duller finish without the need for an initial period of weathering. The stippled stucco effect would help to diffuse light and as the coating degrades the original material remains. The lighter colour, compared to some alternatives, has the effect of reducing the visual height of the building and its chameleon properties allow it to meld to the prevailing weather conditions.
9. The applicant has provided samples of the materials which they intend to use on the EfW building, which is currently under construction. These 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**

10. The responses below are summarised; full documents are available on the e-planning website: <http://myeplanning.oxfordshire.gov.uk/swiftlg/apas/run/wchvarylogin.display>

### **Application no. MW.0139/12**

11. Cllr 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.
12. 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.
13. 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.

14. 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.
15. 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.

**Application no. MW.0040/13**

16. No consultation replies had been received at the time of writing this report. My officer will update the committee orally with regard to any that are received.

**Part 3 – Relevant Planning Documents**

**Relevant planning documents and legislation (see Policy Annex to the committee papers)**

17. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
18. The relevant development plan documents are:
  - Saved policies of The Cherwell Local Plan 1996 (CLP)
  - Saved policies of The Oxfordshire Minerals and Waste Local Plan (OMWLP) 1996
19. 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)
20. 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 13 March 2012 and Full Council on 3rd April 2012 and submitted to the Secretary of State on 1 November 2012. Following the plan's independent examination and the 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.

21. The Government's National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a material consideration in taking planning decisions.
22. Planning Policy Statement 10 Planning for Sustainable Waste Management remains extant and contains relevant guidance.

### **Relevant Policies**

23. 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 & Infrastructure Planning)**

24. The key planning issue is the impact on the landscape and the visual amenity of the area. The Energy from Waste 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.
25. 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.
26. 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.
27. 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.

28. I consider that the materials submitted pursuant to both applications are all acceptable other than the proposed roof material finish proposed in application no. MW.0139/12 which is essentially a shiny aluminium sheeting. As set out in the report on 4 March, the officer recommendation was that the use of this material would be inappropriate on a large building in the rural context of the site and refusal was recommended. This remains the officer advice for this application.
29. Application MW.0040/13 proposes the same roof material but with a pre-patina finish. The effect of this is that the initial shininess of the material would be considerably reduced. The roof would therefore be constructed with a pre-weathered appearance. Whilst the pre-patina finish will erode over time, it allows the underlying material to weather underneath it such that the appearance of the roof remains duller. As stated in the previous report, my view remains that if a suitable roof material and colour was submitted then the other materials would also be considered to be acceptable. I therefore consider that the use of this finish to the roof material would overcome the reasons for refusal recommended to application no. MW.0139/12.

### **Conclusions**

30. The proposed roof material and finish proposed in application no. MW.0139/12 would not 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. However, I consider that the pre-patina finish to the roof material proposed in application no. MW.0040/13 overcomes this concern and that, subject to no over-riding issue being raised by outstanding consultees, this application should be approved.

### **RECOMMENDATIONS**

31. **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.**
32. **It is RECOMMENDED that subject to no over-riding issue being raised by outstanding consultees, Application MW.0040/13 be approved.**

MARTINTUGWELL

Deputy Director For Environment & Economy (Strategy & Infrastructure Planning)

**Annex 1 – Site Location Plan**



**Annex 2 – Proposed Materials**

<b>Building Section</b>	<b>Proposed Material</b>
A	Euroseam ES400 x 0.9mm thick stucco embossed aluminium standing seam sheets. Roof flashings manufactured from 0.9mm thick stucco embossed aluminium (with pre-patina finish for application no. MW.0040/13)
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