



Report to Buckinghamshire Council – North Area Planning Committee

Application Number:	21/04677/APP
Proposal:	Erection of phoenix sculpture on a brick chimney
Site location:	FCC Environment, Greatmoor EfW, Greatmoor Road, Woodham, Buckinghamshire, HP18 0AF
Applicant:	FCC Buckinghamshire Ltd
Case Officer:	Elizabeth Nobbs
Ward affected:	GRENDON UNDERWOOD
Parish-Town Council:	GRENDON UNDERWOOD
Valid date:	15 December 2021
Determination date:	9 February 2022
Extension of time:	11 March 2022
Recommendation:	Approval

1.0 **Summary & Recommendation and Reason for Planning Committee Consideration**

- 1.1 Planning permission is sought for the installation of a 4.4 metre high phoenix sculpture that would be constructed of cottage blend bricks laid in header bond, recycled steel and small amounts of glass. The sculpture would be positioned at the highest point of a grassed mound to the south-east of the waste treatment plant in Woodham.
- 1.2 The application site is within the extent of the established waste treatment plant, which is located in open countryside, outside of the built-up settlement of Grendon Underwood.
- 1.3 This application has been considered with regards to the Development Plan which comprises the Vale of Aylesbury Local Plan (VALP) and it is concluded that the development is acceptable in terms of its impact on the wider area, the historic environment, residential amenity, parking and ecology and would comply with policies S1, S3, BE1, BE2, BE3, T6, NE1, NE4 and C4 of VALP and guidance set out in the NPPF (2021).
- 1.4 The application is referred to the Planning Committee because the Energy from Waste treatment plant is owned by Buckinghamshire Council and the Council have put 85% of the value into the contract with FCCB. Buckinghamshire Council therefore has an interest in the asset and contract of the facility and given this, the constitution requires the application to be considered by the Development Management Committee in the interests of openness

and transparency.

- 1.5 Overall, having regard to the NPPF as a whole and all relevant policies of the VALP, the application is recommended for approval.

2.0 Description of the Site and the Proposed Development

- 2.1 The application site relates to a waste treatment site (Greatmoor EfW – Energy from Waste) in Woodham. The site is set back from the main highway (Lawn Hill) with public rights of way in the surrounding area, with the nearest being route GUN/25/1 to the north and east of the mound.
- 2.2 Whilst the sculpture is proposed within the extent of the existing waste treatment site, the site is surrounded by open countryside and farmland and is within the Kingswood Wooded Farmland Landscape Character Area.
- 2.3 A grassed mound is positioned to the south-east of the main buildings and the proposed sculpture would be located on the highest point of the mound.
- 2.4 Lower Greatmoor Farmhouse and Attached Barn to the south-west of the proposed sculpture is Grade II listed.
- 2.5 The application is accompanied by:
- a) Application form
 - b) Site location plan Rev B
 - c) Site plan
 - d) 3107-01-20 Phoenix sculpture elevation plan
 - e) 15737/A0/P/0122 E South east and north west elevations
 - f) Unnumbered 'Phoenix Dimensions'
- 2.6 Elevation plans were provided during the application process to show the context of the existing mound in relation to the treatment plant.

3.0 Relevant Planning History

11/20000/AWD - Energy from waste facility: incinerator bottom ash: air pollution control residue treatment; access road from A 41, revision to pit 6 restoration contours and restoration scheme, surface waste management and habitat management and that the application is accompanied by an Environment Statement – Approved

4.0 Representations

- 4.1 No comments received at the time of writing this report.

5.0 Policy Considerations and Evaluation

- 5.1 The National Planning Policy Framework

- 5.2 National Planning Practice Guidance
- 5.3 Vale of Aylesbury Local Plan (VALP) (adopted September 2021):
 - S1 Sustainable development for Aylesbury Vale
 - S3 Settlement hierarchy and cohesive development
 - BE1 Heritage assets
 - BE2 Design of new development
 - BE3 Protection of the amenity of residents
 - T6 Vehicle parking
 - NE1 Biodiversity and geodiversity
 - NE4 Landscape Character and Locally Important Landscape
 - C4 Protection of public rights of way
- 5.4 Grendon Underwood does not have a 'made' Neighbourhood Plan

Principle and Location of Development

VALP policies S1 and S3

NPPF paragraph 174

- 5.5 Policy S1 of VALP states that all development must comply with the principles of sustainable development set out in the National Planning Policy Framework.
- 5.6 Policy S3 of VALP also states that in considering applications for development in the countryside the council will have regard to maintaining the individual identity of villages including by preventing coalescence and will prevent new development in the countryside other than for specific proposals which accord with policies in the plan to support thriving rural communities and the development of allocations in the plan.
- 5.7 The application site is within the extent of the established waste treatment plant, which is located in open countryside, outside of the built-up settlement of Grendon Underwood. However, the sculpture would be located within and viewed in the context of the established waste treatment plant site and as such, the proposal would not result in the intrusion of development into the countryside.
- 5.8 Therefore, whilst it is acknowledged that the application site is in open countryside, due to the nature of the works proposed and the reasons laid out within this report, it is considered that the proposed phoenix structure would not result in significant harm to the wider area including the intrinsic character and beauty of the countryside. The principle of the development is therefore considered to be acceptable and would not conflict with the aims of policies S1 and S3 of the VALP, paragraph 174 of the NPPF or the NPPF as a whole.

Raising the quality of place making and design and landscape issues

Policies NE4 and BE2 of VALP

- 5.9 The site is within the Kingswood Wooded Farmland Landscape Character Area which is a gently sloping or undulating landform with some small hills. It is predominantly pastoral with large areas of ancient woodland.
- 5.10 Planning permission is sought for the installation of a phoenix sculpture which would be constructed of cottage blend bricks laid in header bond (for the chimney), recycled steel and small amounts of glass for the sculpture. The works would have a maximum height of 4.4m (sculpture 2.4m high and the chimney 2m high) and a diameter of 1.5m.
- 5.11 Although the sculpture would be in an elevated position, located on the top of the mound to the south-east of the existing waste treatment plant, it would be set down from the top of the adjacent building by 75.6m (when measured from the south-eastern elevation drawing). The sculpture would be very small in scale in relation to the adjacent waste treatment plant buildings and where views of the development would be possible, the sculpture would be viewed in the context of the existing buildings within the wider site.
- 5.12 The Council's Landscape Officer raises no objections to the proposal given the small scale of the sculpture and the context of the WfE plant. The Landscape Officer has commented on the positioning of the sculpture, noting that it is sited where it cannot be properly seen and is therefore a 'lost opportunity'. Whilst it is acknowledged that views of the sculpture from public vantage points would be relatively limited, mainly being restricted to from along the public rights of way, this is not a material planning consideration and therefore the application has been assessed on its own merit and considered against the relevant policies national and local policies.
- 5.13 Given the notable separation distances from the Sites of Special Scientific Interest (approximately 789m to the east, 648m to the north-west and 894m to the south-west) and Ancient Woodland (the closest being Ancient Re-planted Woodland) 583m to the south) and the limited scale and nature of the works proposed, no harm would be caused to the Sites of Special Scientific Interest of Ancient Woodland.
- 5.14 It is acknowledged that the sculpture is likely to be visible from the public rights of way in the area given the proposed positioning on the top of the mound. However, there would be an approximate 123m separation distance and the works would be viewed in the context of the buildings at the wider waste treatment plant site. As such, there would be no additional harm to the landscape as a result of the proposal.
- 5.15 Overall, it is considered that no harm would be caused to the character and appearance of the wider area and the proposal therefore would comply with policies BE2 and NE4 of VALP and the NPPF in this regard.

Historic environment

Policy BE1 of VALP

- 5.16 To the south-west of the proposed sculpture is the Grade II listed Lower Greatmoor

Farmhouse and Attached Barn.

- 5.17 Given that the sculpture would be located on the top of a mound, it is acknowledged that there is likely to be some visibility of the works from the Listed Building. However, there would be a separation distance of approximately 87.5m between the proposed sculpture and this Listed Building.
- 5.18 Comments were received from the Heritage Officer who stated that given the precedence of the treatment works and the scale of the proposed sculpture, the proposal would not harm the setting of this designated heritage asset.
- 5.19 The proposal therefore complies with policy BE1 of VALP, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF in this regard.

Amenity of existing and future residents

Policy BE3 of VALP

- 5.20 There would be no impact on the amenity of residents due to the nature of the works proposed and the significant separation distances from the nearest residential dwellings. The proposed development would therefore comply with policy BE3 of VALP and the NPPF in this regard.

Transport matters and parking

Policy T6 and Appendix B of VALP.

- 5.21 Due to the nature of the works proposed, there would be no impact on parking or the highway network. The proposed development would therefore comply with policy T6 of VALP and the NPPF in this regard.

Ecology

Policy NE1 of VALP

- 5.22 It is acknowledged that there are several ponds within the vicinity of the proposed sculpture. However, due to the nature of the works proposed, it is considered that there would be no harm caused to protected species and a net gain in biodiversity is not required in this instance. The proposed development would therefore comply with policy NE1 of VALP and the NPPF in this regard.

Rights of Way

Policy C4 of VALP

- 5.23 Due to the proposed separation distance from the public rights of way in the wider area, the development would not cause unacceptable harm to the safe and efficient operation of public rights of way. The proposed development would therefore comply with policy C4 of

VALP.

6.0 Weighing and balancing of issues / Overall Assessment

- 6.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 6.2 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,
 - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
 - c. Any other material considerations
- 6.3 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.4 As set out above it is considered that the proposed development would accord with development plan policies BE1, BE2, BE3, T6, NE1, C4, S1 and S3 of VALP.
- 6.5 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.

7.0 Working with the applicant / agent

- 7.1 In accordance with paragraphs 38 and 39 of the NPPF (2021) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 7.2 The Council work with the applicants/agents in a positive and proactive manner by offering

a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.

- 7.3 In this instance the application additional plans were submitted during the lifetime of the application to show the proposed sculpture in context. Based on the information submitted and these additional plans, the application has been assessed by Officers and recommended for approval and no further assistance was required.

8.0 Recommendation

- 8.1 Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it recommended that planning permission be **GRANTED** subject to appropriate conditions, to include the following:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the details contained in the planning application hereby approved and drawings:

Unnumbered drawing 'Phoenix Dimensions' received 11th January 2022

15737/A0/P/0122 Rev E received 11th January 2022

3107-01-01 Site Location Plan Rev B received 16th December 2021

3107-01-SK02 Site Plan received 16th December 2021

3107-01-20 Phoenix sculpture elevation plan received 25th February 2022

and in accordance with any other conditions imposed by this planning permission.

Reason: To ensure that the development is carried out in accordance with the details considered by the Local Planning Authority.

3. The materials to be used in the construction of the development hereby permitted shall be as specified on the submitted application form and shall thereafter be retained as such in perpetuity.

Reason: To ensure a satisfactory appearance to the development and to comply with policy BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

APPENDIX A: Consultation Responses and Representations

Councillor Comments

No comments received at the time of writing this report.

Parish Council Comments

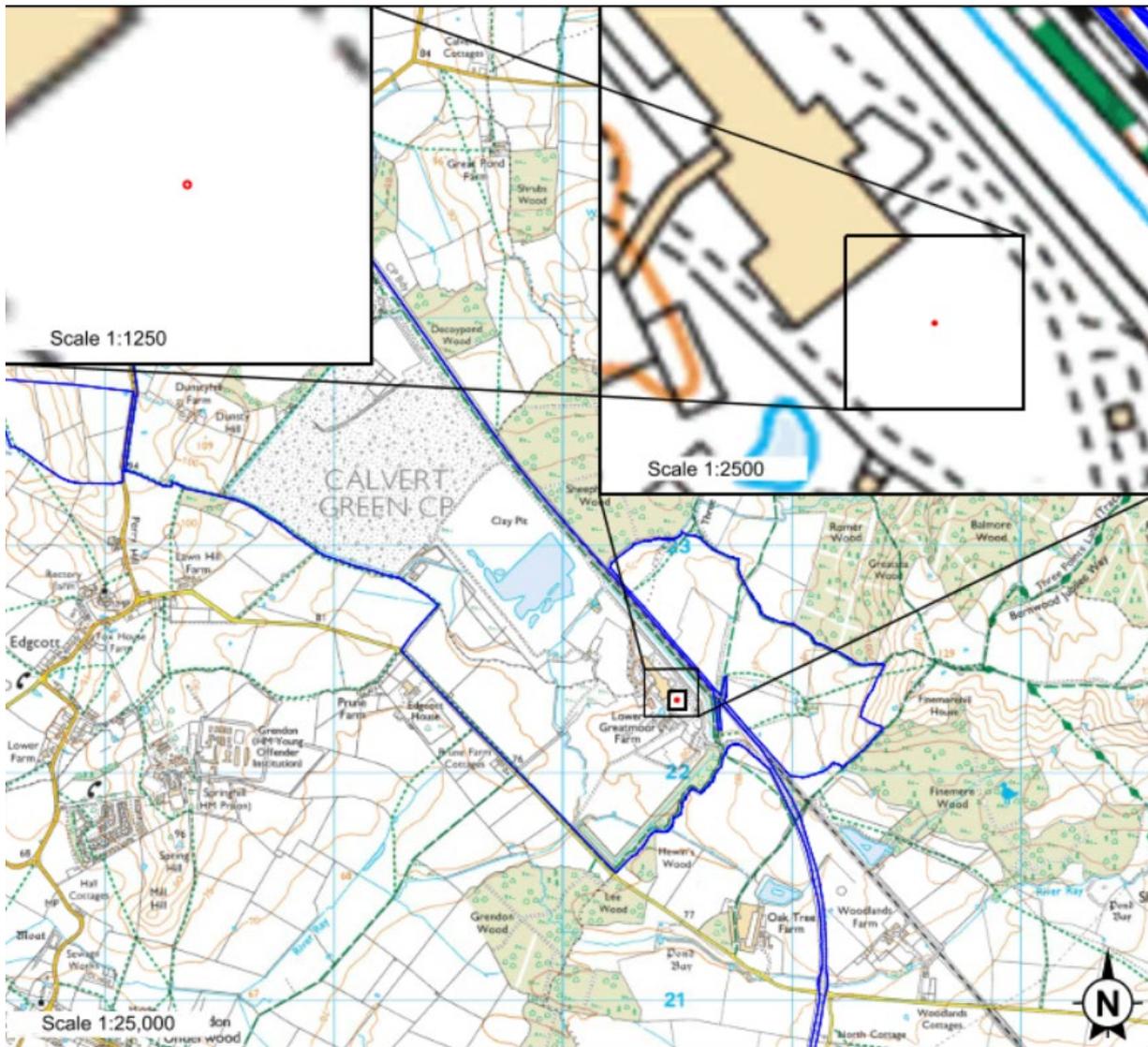
Grendon Underwood supports the application on environmental grounds.

Consultee Comments

Heritage: Given the presence of the treatment works and the scale of the proposed sculpture, the proposals will not harm the setting of the heritage asset. Happy for you to proceed to determination without a formal consult.

Landscape Officer: Given the scale of the sculpture and the context of the WfE plant, I do not have any problem with the proposal.

Appendix B: Site location plan



Do not scale - this map is indicative only

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