

## Report of the Head of Planning & Enforcement Services

**Address** 166 PASADENA CLOSE HAYES

**Development:** Change of use from Class B8 (Storage and Distribution) to Sui Generis for use as waste handling site (Resubmission)

**LBH Ref Nos:** 64012/APP/2011/1623

**Drawing Nos:** Location Plan  
Planning Statement  
Traffic Statement  
Site Condition Report  
Addendum to Planning Statement  
JW30035 Figure 3  
JW30035 Figure 2 Proposed Site Arrangement

<b>Date Plans Received:</b>	01/07/2011	<b>Date(s) of Amendment(s):</b>	01/07/2011
<b>Date Application Valid:</b>	13/07/2011		12/07/2011
			13/07/2011
			28/07/2011
			09/05/2012

### 1. SUMMARY

This application seeks to change the use of the site from Class B8 (storage and distribution) to a sui generis use for waste handling. The application is a re-submission following the refusal of application 64012/APP/2010/1588.

Whilst objection is no longer raised to the principle of the proposed use, the proposal has failed to demonstrate that there is sufficient manoeuvring and access arrangements at the site for service delivery vehicles to cater for the proposed use. As such the proposal would be detrimental to highway and pedestrian safety. This is re-inforced by the fact that the applicant has sought an Environmental permit for a wider range of waste than indicated in the planning application. In the absence of a legal agreement specifying precisely the type of waste to be stored at the facility the Local Planning Authority is not satisfied that the proposed use could be undertaken without detriment to conditions of highway and pedestrian safety.

Accordingly, refusal is recommended.

### 2. RECOMMENDATION

**REFUSAL for the following reasons:**

#### 1 NON2 Inadequate servicing arrangements

The proposal has failed to demonstrate that there is sufficient manoeuvring and access arrangements at the site for service delivery vehicles to cater for the proposed use. It is therefore considered that the proposal would be detrimental to highway and pedestrian safety contrary to Policy AM7 of the Hillingdon Unitary Development Plan (Saved Policies) September 2007.

#### 2 NON2 Planning obligation

In the absence of a legal agreement specifying precisely the types (and quantities) of

waste to be stored at the facility the Local Planning Authority is not satisfied it can control the types of vehicles used, their size and the number of trips. Without such controls in place the development is considered likely to be detrimental to conditions of highway and pedestrian safety contrary to Policy AM7 of the Hillingdon Unitary Development Plan (Saved Policies) September 2007.

## **INFORMATIVES**

### **1 I52 Compulsory Informative (1)**

The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

### **2 I53 Compulsory Informative (2)**

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

AM14	New development and car parking standards.
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
LE2	Development in designated Industrial and Business Areas
LPP 5.17	(2011) Waste capacity
LPP 4.4	(2011) Managing Industrial Land & Premises
LPP 5.16	(2011) Waste self-sufficiency
LPP 5.19	(2011) Hazardous waste
LPP 6.3	(2011) Assessing effects of development on transport capacity
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures

### **3**

You are advised that there are stringent controls in place to ensure that clinical waste and other hazardous substances are managed safely and is recovered or disposed of without harming the environment or human health. Under the Environment Protection Act 1990, it is unlawful to deposit, recover or dispose of controlled waste (including clinical waste) without a waste management licence, contrary to the conditions of a licence, the terms of an exemption, or in a way which causes pollution of the environment or harm to human health.

Contravention of waste controls is a criminal offence. Section 34 of the Act places people concerned with controlled (including clinical) waste under a duty of care to ensure that the

waste is managed properly, recovered or disposed of safely and is only transferred by someone who is authorised to keep it.

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The application relates to a single storey building situated in Pasadena Close. The site is located in the Pump Lane Industrial and Business Area in Hayes which forms part of the Hayes/West Drayton Corridor as identified in the Hillingdon Unitary Development Plan Saved Policies (September 2007).

The property is currently authorised for use for purposes within Class B8 (storage and distribution). The property is brick built with white UPVC windows and doors and has a footprint of 364m<sup>2</sup> with an area of parking for five vehicles to the north west. The property is situated to the north east of Pasadena Close and is surrounded by similar industrial properties and some residential dwellings to the north and north west.

#### **3.2 Proposed Scheme**

The application seeks permission to change the use of the site from Class B8 (storage and distribution) to a sui generis use for waste handling. Specifically, it is proposed to use the site for the bulking up and transfer of hygiene related waste products prior to their transportation off site for incineration, alternative treatment or landfill.

The applicants have stated that at present they are collecting this waste from a large number of small producers in the area, such as offices, shopping centres and other businesses. These are currently transported by van out of the area to a treatment facility.

Waste treatment undertaken on the site would be limited to simple treatments, such as repackaging for volume reduction.

The applicant has advised that the majority of the wastes handled at the application site would be healthcare wastes, which are materials generated within a healthcare or similar setting, or human hygiene related wastes, such as feminine hygiene wastes and nappies. These materials are classified as non-hazardous waste within the Hazardous Waste Regulations, and in the case of human hygiene waste only require specialist handling due to the volume of the waste.

The maximum amount of waste that would be handled on site would be 6,000 tonnes per annum equating. Vehicle size would vary depending on the type of material being handled and whether the movement would be related to collection or delivery. Collection of waste would be contracted to a third party.

Vehicles delivering waste to the site would be cleaned in the bunded vehicle and bin wash area before returning to a public road, in line with standard operating procedures for handling such healthcare waste.

There are no external alterations proposed as part of the scheme. The application has been modified since it was submitted, and for example, no longer includes storage of asbestos.

The proposed hours of operation would be 07.30 to 17.30 Monday to Friday only, with no operations at weekends or on Bank Holidays. The building would also house a site office and comfort facilities for the staff. It is anticipated that there would be 3.5 FTE office staff employed on the site. Five car parking spaces would be retained along with a larger area of hard standing to be used for lorry deliveries and collections.

### 3.3 Relevant Planning History

64012/APP/2007/3866 166 Pasadena Close Hayes

INSTALLATION OF A NEW STEEL ROOF COVERING WITH 10 ROOFLIGHTS.

**Decision:** 14-02-2008 Approved

64012/APP/2010/1588 166 Pasadena Close Hayes

Change of use from Class B8 (Storage and Distribution) to Sui Generis for use as waste handling site.

**Decision:** 08-03-2011 Refused

#### Comment on Relevant Planning History

Planning permission was granted on 14 February 2008 for the installation of a new steel roof covering with 10 rooflights (Ref. 64012/APP/2007/3866).

Planning application 64012/APP/2010/1588 for 'Change of use from Class B8 (Storage and Distribution) to Sui Generis for use as waste handling site ' was refused at Planning Committee in March 2011 for the following reasons:

1/ The proposal has not demonstrated that either sufficient parking for vehicles associated with the use would be provided or sufficient maneuvering and access arrangements for service delivery vehicles, in addition the application fails to demonstrate that the proposal would not result in an unacceptable rise in traffic in and around the application site. It is considered that the proposal would be detrimental to highway and pedestrian safety contrary to policies AM7 and AM14 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and to the Hillingdon's Adopted Parking Standards (Hillingdon UDP, Saved Policies, September 2007) and Policy 4A.23 of the London Plan (February 2008).

2/ No evidence has been provided to show the site is suitable for the proposal in terms of its proximity to the source of waste; ability to use transport sources other than road haulage; the nature of the proposed use and its scale; and the full transport impact of all collection and transfer movements. The application therefore fails to adequately demonstrate that the site is suitable and sustainable site for waste management, contrary to policy 4A.23 of the London Plan (February 2008).

### 4. Planning Policies and Standards

National Planning Policy Framework (2012)

The London Plan (2011)

Hillingdon Unitary Development Plan Saved Policies (September 2007)

The relevant policies of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (2011) are referenced in the relevant section below.

## **UDP / LDF Designation and London Plan**

The following UDP Policies are considered relevant to the application:-

### Part 1 Policies:

- PT1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area.
- PT1.24 To reserve designated Industrial and Business Areas as the preferred locations for industry and warehousing.
- PT1.26 To encourage economic and urban regeneration in the Hayes/West Drayton Corridor, designated Industrial and Business Areas (IBA's) and other appropriate locations.

### Part 2 Policies:

- AM14 New development and car parking standards.
- AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
- AM7 Consideration of traffic generated by proposed developments.
- BE13 New development must harmonise with the existing street scene.
- BE15 Alterations and extensions to existing buildings
- BE19 New development must improve or complement the character of the area.
- LE2 Development in designated Industrial and Business Areas
- LPP 5.17 (2011) Waste capacity
- LPP 4.4 (2011) Managing Industrial Land & Premises
- LPP 5.16 (2011) Waste self-sufficiency
- LPP 5.19 (2011) Hazardous waste
- LPP 6.3 (2011) Assessing effects of development on transport capacity
- OE1 Protection of the character and amenities of surrounding properties and the local area
- OE3 Buildings or uses likely to cause noise annoyance - mitigation measures

## **5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date:- Not applicable

**5.2** Site Notice Expiry Date:- Not applicable

## **6. Consultations**

### **External Consultees**

Nineteen letters to neighbouring residents and businesses were sent out notifying them of the application on 15/07/2011.

80 Minet Drive - I am deeply concerned about this proposal . I feel waste disposal would be totally inappropriate given the proximity to residential dwellings. The increase in traffic, disturbance and possible public health implications need to be addressed. I cannot understand why the Rigby Lane site is not developed as it is far more suitable. I sincerely hope that planning permission is not granted.

Viking House, Pasadena Close - The traffic statement page 1 paragraph 2 existing site conditions states the bus stop at mount road is less than 5 minutes walk from the site. This is not true the time would be at least 15 minutes. In the planning statement paragraph 3.2 it states the waste will be sorted prior to collection by larger (up to 32 tonne) vehicles, but in the traffic statement paragraph 3.1 it states all collections will use 7.5 tonne vehicles, one of these statements must be wrong, and as there are no parking restrictions along Pasadena Close either size vehicle would find it difficult to reverse into the secure area at the eastern end of the premises.

28 Hunters Grove - Objected to previous application. Building only 50 - 70 yards away from house. Still objects most strongly. Wants applicants to use door on east side of building instead of west side.

Officer comment - With regard to traffic generation, the Council's Highway Engineer has raised an objection to the proposed use. This is discussed in section 7.10 of the report.

The Townfield Residents Association were consulted - no response was received.

Cllr L Allen. - Request that application is determined by Central and South Planning Committee.

Environment Agency -

The proposed development will only be acceptable if the following measure is implemented and secured by way of a planning condition on any planning permission granted.

Condition

The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason

To ensure protection of controlled waters. This site is located on a principle aquifer. The proposed use has a greater potential to pollute ground water than the existing.

We ask to be consulted on any information submitted in accordance with the above.

Informative

The proposal will require an Environmental Permit before the waste handling operations commence. More than 10 tonnes of hazardous waste will require an application for an installation and less than 10 tonnes requires an application for a waste facility. Details of how to apply for an Environmental Permit can be found at <http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx>.

Advice to the Applicant

More details are required to confirm the suitability of the existing drainage system in light of the change of use to a waste operation. In order to discharge the above condition we require the following information:

- thickness, grade and integrity of concrete hardstanding on site (to ensure no site run off can find its way to ground).
- details of any drainage surveys carried out at the site to ensure mains drainage system is fully



functional. If one has not been carried out in the last 5 years a new drainage survey is required.

- a drainage plan for the site detailing surface and foul water drain layouts.

London Waste Regulation Authority -

No comments were received.

Thames Water Utilities -

Waste Comments

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 8507 4321.

Water Comments

With regard to water supply, this comes within the area covered by the Veolia Water Company. For your information the address to write to is - Veolia Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

### **Internal Consultees**

Environmental Protection Unit -

EPU recommends the following comments be taken into consideration if the proposed scheme will receive approval. In line with PPG10 (Planning for Sustainable Waste Management), it is not necessary to condition the pollution aspect of this waste transfer facility because the scheme will be subject to Environmental Permit to be issued by the Environment Agency, however, we are concerned about the noise impact from operations given that there are sensitive residential properties on Hunter's Grove, backing on to Pasadena Close, which will potentially be affected by noisy operations. EPU therefore recommends that the following condition be imposed in any approval granted. Loading/unloading/deliveries The use of the waste management facility shall be restricted to the hours of 08.00 and 17:30, Monday to Friday including bank holidays, The premises shall not be in use at anytime on Saturdays and Sundays. REASON: To safeguard the residential amenity of the residential properties particularly in Hunters Grove in accordance with Policy OE3 of the Hillingdon Unitary Development Plan. Please note that the above condition is in line with the applicants proposed hour of operation with starting times with a later starting time to ensure that residential amenities are fully protected. If needs to discuss our comments, please do not hesitate to contact me.

Waste Strategy -

The site would have to receive a permit to operate issued by the Environment Agency under Section 35 of the Environmental Protection Act 1990. This would place specific controls and the containment

and handling of waste within the premises.

Highways (Transportation/Traffic) -

The proposal has failed to demonstrate that there is sufficient manoeuvring and access arrangements for service and delivery vehicles accessing the site due to the design of the highway and on street parking in Pasadena Close. The applicant has failed to satisfactorily demonstrate the would not be detrimental to highway and pedestrian safety contrary to Policy AM7. It is therefore recommended that planning permission be refused for this reason. There is a lack of certainty over trip generation in particular given uncertainty over the type of waste to be processed, which can also affect the type of vehicle used, size and number of trips.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

The site is located within a Business and Industrial Area as designated on the Proposals Map of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

Since the last refusal the applicant has provided further information to address the issue of the principle of the development.

Section 5 of the London Plan (2011) sets out the various criteria for dealing with waste management and disposal sites, noting that regard should be had to the following criteria:

- Self sufficiency
- Proximity principle
- Industrial land uses
- Amenity concerns
- Traffic and transport

Each of these issues are addressed in turn:

Self sufficiency

Policy 5.16(f) of the London Plan requires that London moves towards regional self sufficiency through reducing the amount of waste that has to leave London to be handled. The first stage of this will include the provision of sufficient Waste Transfer Facilities within the region. The development of the application site as a waste transfer station would ensure that the healthcare waste that is collected from the surrounding area (stated to be approximately 10 mile radius from the site) would be handled through a local waste transfer station and will not be exported out of the region. It is considered that the use of a local site conforms to London Plan (2011) Policy 4.4 (B, d) which requires local authorities to take into account the provision of waste management facilities in Strategic Industrial Locations (SILs), such as the area that the proposed development is within (Pump Lane Hayes IBA).

Policy 5.19 of the London Plan (2011) requires additional capacity for the handling and disposal of waste considered to be hazardous as there is considered to be a current shortfall in capacity within the region. The proposed development would be considered to assist the local area, and the region, to handle the rising volumes of hazardous waste that is being produced and thus be more self sufficient with handling hazardous waste. A key driver of self sufficiency is through adhering to the proximity principle, as recognised by Policy 5.16 of the London Plan (2011).

Proximity principle



Minimising the distance that waste would have to travel to a waste transfer station would allow the proposed development to comply with the proximity principle in the primary stage of the waste's handling. The development would act as a hub for local healthcare waste collection and would reduce the distance that the waste would have to travel between producer and final disposal. Within Policy 5.17 (B, b) the London Plan (2011) recognises the proximity of waste management facilities to the waste source as being a key consideration in the assessment of waste developments. The application site is stated to be within 10 miles of the waste sources that it would handle and therefore the proposal is considered to comply with this requirement of Policy 5.17 of the London Plan (2011).

#### Industrial land uses

A requirement of Policy 5.17(B, a) is that waste developments should be in a suitable location, such as SILs (Strategic Industrial Locations). The proposed site is in the locality of the Hayes Pump Lane IBA which is identified as a SIL within the London Plan (2011). Policy 5.17 (G, b) requires local authorities to identify sites (in their LDF) within the SILs for waste management. Further to this, Policy 5.17(B, c) requires that the scale and nature of the development should be taken into account when deciding planning applications. The proposed development is within an IBA and all activities would be undertaken indoors. The volumes of waste proposed to be transferred are not considered to be excessive and it has been stated that the waste receptacles are not required to be opened as part of the handling process. The scale and nature of the proposed development would therefore be in line with the surrounding IBA use.

#### Amenity concerns

London Plan (2011) Policy 5.17 (b, e) requires the environmental impacts (particularly noise, odour and visual) on the surrounding areas of the proposed development to be assessed whilst determining the planning application. The waste handling would be undertaken within the existing building and there would be no external changes proposed to the building as part of the development, thus there would not be a visual impact from the proposed development, in compliance with UDP policy BE13. As aforementioned, the operations would not involve opening the waste receptacles so there would not be any odour issues. The operations would be undertaken inside the building with the doors closed, thus minimising the potential impact of the development on neighbouring occupiers, in accordance with UDP policy OE1.

#### Traffic and transport

Policy 5.17 (B, f) requires a full transport assessment to be undertaken as part of the planning process. This has been undertaken and submitted as part of the application and is considered to conform to London Plan (2011) Policy 6.3. The transport assessment concludes that the development would not have an impact on peak hour traffic as the development would only generate one vehicle using the site, and thus the surrounding road network, in each peak period. The delivery vehicles would also not have a material impact on the surrounding road network due to the relatively low numbers of vehicle movements to the site. However there is insufficient manoeuvring space at the site to accommodate the servicing requirements of the proposed use. The Council's Highways Engineer has objected to the proposal on this basis and this is dealt with in Section 7.10.

The location of the development, considered to be relatively close to the many sources of waste, allow the proposal to comply with the self sufficiency and proximity principles set out by the London Plan (2011). Through positioning the waste transfer station in this part of west London, the distance that the waste would travel prior to disposal would be reduced as would the reliance of London on facilities outside the London boundary. The proposed

operating procedures and the siting of the development within an IBA, utilising an existing building, would minimise the development's environmental impacts on the area. The location of the site is considered to comply with the London Plan (2011) requirement for the positioning of waste facilities.

The scheme is therefore considered acceptable in principle.

**7.02 Density of the proposed development**

Not applicable to this application.

**7.03 Impact on archaeology/CAs/LBs or Areas of Special Character**

Not applicable to this application.

**7.04 Airport safeguarding**

Not applicable to this application.

**7.05 Impact on the green belt**

Not applicable to this application.

**7.07 Impact on the character & appearance of the area**

Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene or other features of the area which the local planning authority considers it desirable to retain or enhance.

This application does not include any alterations to the exterior of the building or the remainder of the site. The immediately surrounding area is industrial in nature and is located within an Industrial and Business Area. The proposed change of use would not alter this and it is considered that the proposal would not have a harmful impact on the character or appearance of the street scene with regard to Policy BE13.

**7.08 Impact on neighbours**

With regard to impact on amenity, Policy OE1 of the Unitary Development Plan Saved Policies is considered relevant. This policy states that planning permission will not normally be granted for uses and associated structures which are, or are likely to become, detrimental to the character or amenities of surrounding properties or the area generally, because of:

1. The siting or appearance;
2. The storage or display of vehicles, goods, equipment or other merchandise;
3. Traffic generation and congestion; and
4. Noise and Vibration or the emission of dust, smell or other pollutants.

The nearest residential properties to the site are in Hunters Grove. The Council's Environmental Protection Unit raises no objection in principle to the proposed use subject to a restriction on the hours of deliveries. As such, it is considered that the proposal would be in accordance with Policy OE1.

**7.09 Living conditions for future occupiers**

Not applicable to this application.

**7.10 Traffic impact, Car/cycle parking, pedestrian safety**

Policy AM2 of the Unitary Development Plan Saved Policies states that all proposals for development will be assessed against their contribution to traffic generation and their impact on congestion and the present and potential availability of public transport and its capacity to meet increased demand.

Policy AM7 states that permission will not be granted for developments whose traffic

generation is likely to result in unacceptable increase in demand along roads and through junctions or prejudice the free flow of traffic or conditions of general highway or pedestrian safety.

The application site currently has a site access for deliveries via Pasadena Close along the south eastern boundary. The building has a hardstanding loading area where vehicles typically reverse into the loading dock and exit forwards, with no requirement for vehicles to turn around on the site. The property has parking provision available for 5 cars.

The Council's Highways Officer has reviewed the application, considers that the proposal has failed to demonstrate that there is sufficient manoeuvring and access arrangements for service and delivery vehicles accessing the site due to the design of the highway and on street parking in Pasadena Close. It is considered that this would be detrimental to highway and pedestrian safety contrary to Policy AM7. The application was referred to the Council's Highway Officer who noted that there is a lack of certainty over trip generation in particular given uncertainty over the type of waste to be processed, which can also affect the type of vehicle used, size and number of trips. It is therefore recommended that planning permission be refused for this reason.

#### **7.11 Urban design, access and security**

Urban design issues are addressed in Section 7.07 of the report and access issues in Section 7.10.

With regard to security, the building is surrounded by a steel palisade security fence. The applicant has advised that the site would be kept locked at all times when waste is not being accepted or removed.

The applicant has advised that the majority of proposed bins at the site would be 770 litre eurocarts, which are a standard waste industry bin. Due to the nature of the waste handled, the bins would be lockable and require a specific key to unlock and open them. The bins would be assessed on site and any found with a damaged lock would be retained pending replacement or repair.

Smaller hygiene bins from washrooms would also be lockable and kept locked when in use. The bins would be 10-25 litres in capacity and stored for only a limited period.

Subject to conditions being imposed on any consent granted, it is considered that the proposed use would not raise any specific security issues.

#### **7.12 Disabled access**

The proposal relates to the change of use of an existing building. No objection is raised to access arrangements.

#### **7.13 Provision of affordable & special needs housing**

Not applicable to the application.

#### **7.14 Trees, landscaping and Ecology**

Not applicable to the application.

#### **7.15 Sustainable waste management**

The Council's Waste Development Manager is satisfied with the proposed waste management strategy and has no objections to the proposed change of use.

The choice of this site as a place for waste management is a matter which should be considered against London Plan Policy. As set out in section 7.01, it is considered that the

applicant has provided sufficient evidence to justify the proposal in this location.

#### **7.16 Renewable energy / Sustainability**

Given that the application is simply for a change of use it is considered unreasonable to require the applicant to offset 20% of carbon emissions via renewable means.

#### **7.17 Flooding or Drainage Issues**

No flooding issues have been identified in relation to the proposed change of use. With regard to drainage, the applicant has advised that a bin wash area would be installed on site designed to wash both the smaller hygiene waste bins and the 770 litre eurocarts. This would drain to the foul sewer in compliance with the consent to discharge issued by Thames Water.

#### **7.18 Noise or Air Quality Issues**

Issues relating to noise are dealt with in Section 7.08 of the report. It is considered that the proposal does not raise any specific air quality issues.

#### **7.19 Comments on Public Consultations**

This has been addressed in 6.1 of the report.

#### **7.20 Planning obligations**

A planning obligation would be required to control the type of waste brought into the site given the details of the Environmental permit as shown in full under para. 7.22. A planning condition would not be strong enough to control the types of waste processed. A legal agreement (which unlike a condition would require the applicant to sign a legally binding agreement) would in the opinion of officers be a viable mechanism to control the type of waste brought onto the site. The fact that the applicant has knowingly sought a permit for a wider range of waste than indicated in the planning application is a matter of great concern to officers. The applicant has not entered into a legal agreement. The planning implications of this are that without precision regarding the type and volume of waste, officers cannot be sure that the transport assessment is an acceptable document (which re-inforces the concern over manoeuvring and access arrangements). It is therefore recommended that planning permission also be refused for this reason.

As the Council can prevent any form of external storage it is not considered that the lack of clarity over the type of waste in the absence of a legal agreement would affect residential amenity.

#### **7.21 Expediency of enforcement action**

Not applicable.

#### **7.22 Other Issues**

The applicant has advised that Clinical Waste (which will tend to be items which are contaminated with blood or other bodily fluids and which may cause infection) will not be the bulk of what is dealt with at the site. Rather the applicant states that the majority of the wastes handled on the site will be healthcare wastes, which are materials generated within a healthcare or similar setting, which are not infectious, or human hygiene related wastes, such as feminine hygiene wastes, or nappies. These materials are classified as non-hazardous waste within the Hazardous Waste Regulations 2005.

However it is worth noting that the supporting documentation submitted with the application included a Planning Statement, and at the Appendix to the Planning Statement are the details of the Environmental Permit Application the applicant has made, seeking a licence to handle the following waste types at the site:

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02 Wastes from Agriculture, Horticulture, Aquaculture, Forestry, Hunting and Fishing, Food Preparation and Processing

09 Wastes from the Photographic Industry

- 16 Wastes Not Otherwise Specified In The List
- 17 Construction And Demolition Wastes (Including Excavated Soil From Contaminated Sites)
- 18 Wastes from human or animal health care and/or related research
- 20 Municipal wastes (household waste and similar commercial, industrial and institutional wastes) including separately collected fractions

These waste categories break down into subcategories, some examples of which are set out below:

02 WASTES FROM AGRICULTURE, HORTICULTURE, AQUACULTURE, FORESTRY, HUNTING AND FISHING, FOOD PREPARATION AND PROCESSING

- 02 01 Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing
  - 02 01 02 animal-tissue waste
  - 02 01 06 animal faeces, urine and manure (including spoiled straw), effluent, collected separately and treated off-site

09 WASTES FROM THE PHOTOGRAPHIC INDUSTRY

- 09 01 Wastes from the photographic industry
  - 09 01 01\* water-based developer and activator solutions
  - 09 01 02\* water-based offset plate developer solutions
  - 09 01 03\* solvent-based developer solutions
  - 09 01 04\* fixed solutions
  - 09 01 05\* bleach solutions and bleach fixer solutions
  - 09 01 07 photographic film and paper containing silver or silver compounds
  - 09 01 08 photographic film and paper free of silver or silver compounds

18 WASTES FROM HUMAN OR ANIMAL HEALTH CARE AND/OR RELATED RESEARCH

- 18 01 wastes from natal care, diagnosis, treatment or prevention of disease in humans
  - 18 01 01 sharps (except 18 01 03)
  - 18 01 02 body parts and organs including blood bags and blood preserves
  - 18 01 03\* wastes whose collection and disposal is subject to special requirements in order to prevent infection
  - 18 01 04 wastes whose collection and disposal is not subject to special requirements in order to prevent infection (for example dressings, plaster casts, linen, disposable clothing, diapers)
  - 18 01 06\* chemicals consisting of or containing dangerous substances
  - 18 01 08\* cytotoxic and cytostatic medicines
  - 18 01 09 medicines other than those mentioned in 18 01 08
  - 18 01 10\* amalgam waste from dental care
- 18 02 wastes from research, diagnosis, treatment or prevention of disease involving animals
  - 18 02 01 sharps except (18 02 02)
  - 18 02 02\* wastes whose collection and disposal is subject to special requirements in order to prevent infection
  - 18 02 03 wastes whose collection and disposal is not subject to special requirements in order to prevent infection
  - 18 02 05\* chemicals consisting of or containing dangerous substances
  - 18 02 06 chemicals other than those mentioned in 18 02 05
  - 18 02 07\* cytotoxic and cytostatic medicines
  - 18 02 08 medicines other than those mentioned in 18 02 07



## 20 MUNICIPAL WASTES (HOUSEHOLD WASTE AND SIMILAR COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL WASTES) INCLUDING SEPARATELY COLLECTED FRACTIONS

- 20 01 separately collected fractions (except 15 01)
  - 20 01 31\* cytotoxic and cytostatic medicines
  - 20 01 32 medicines other than those mentioned in 20 01 31
  - 20 01 99 other fractions not otherwise specified
- 

It is clear that the Environmental Permit Application seeks permission to handle a wide range of waste at the site, including clinical waste. No measures are included in this application to measure, limit or control the proportions of clinical and other hazardous waste being dealt with at the site.

There is link between waste sources and types, transport arrangements (to and from the site) and storage/handling requirements on the site. To ensure transport and storage proposals are adequate measures would need to be put into place to control/limit the type/proportions of the various waste types. No such controls are proposed, and as such there is concern that the scheme does not demonstrate that transportation and storage arrangements would be adequate given the full range of waste which could be dealt with at the site (as set out in the Environmental Permit Application).

### **8. Observations of the Borough Solicitor**

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

### **9. Observations of the Director of Finance**



## 10. CONCLUSION

This application seeks to change the use of the site from Class B8 (storage and distribution) to a sui generis use for waste handling. The application is a re-submission following the refusal of application 64012/APP/2010/1588.

Whilst objection is no longer raised to the principle of the proposed use, the proposal has failed to demonstrate that there is sufficient manoeuvring and access arrangements at the site for service delivery vehicles to cater for the proposed use. As such the proposal would be detrimental to highway and pedestrian safety. This is re-inforced by the fact that the applicant has sought an Environmental permit for a wider range of waste than indicated in the planning application. In the absence of a legal agreement specifying precisely the type of waste to be stored at the facility the Local Planning Authority is not satisfied that the proposed use could be undertaken without detriment to conditions of highway and pedestrian safety.

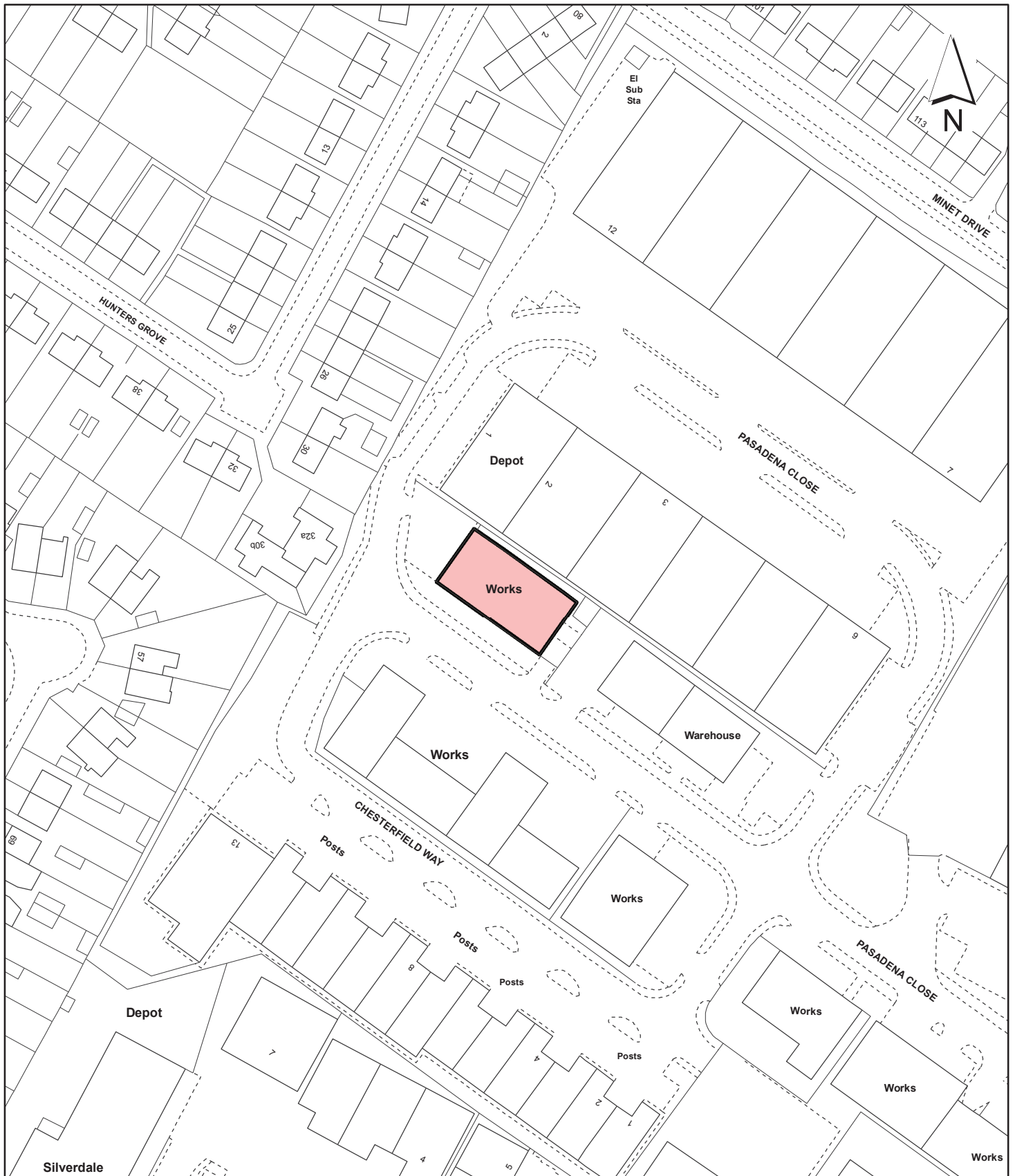
Accordingly, refusal is recommended.



## 11. Reference Documents

The London Plan (July 2011)  
The National Planning Policy Framework (March 2012)  
Hillingdon Unitary Development Plan Saved Policies (September 2007)

**Contact Officer:** Jazz Ghandial

**Telephone No:** 01895 250230



<p><b>Notes</b></p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act). Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2012 Ordnance Survey 100019283</p>	<p>Site Address</p> <p align="center"><b>166 Pasadena Close Hayes</b></p>		<p><b>LONDON BOROUGH OF HILLINGDON</b> Planning, Environment, Education &amp; Community Services</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p align="center"><b>64012/APP/2011/1623</b></p>	<p>Scale</p> <p align="center"><b>1:1,250</b></p>	
	<p>Planning Committee</p> <p align="center"><b>Central and South</b></p>	<p>Date</p> <p align="center"><b>February 2012</b></p>	
		 <b>HILLINGDON</b> <small>LONDON</small>	