

Report of the Head of Planning, Sport and Green Spaces

Address UNIT 4, 1 UXBRIDGE ROAD HAYES

Development: Change of Use of Unit 4 to Absorbent Hygiene Products (AHP) Recycling Facility

LBH Ref Nos: 1911/APP/2015/3211

Drawing Nos: Sharps Redmore Acoustic Consultants dates 24th August 2015
Planning statement dated August 2015
Odour Management Plan Issue 1 dated 08.02.16
EMS-FR-09 - Odour monitoring form
KNOW01-44461-SET-01 - Site setting and receptors
EMS-OP-01 - Operating Procedures
EMS-OP-03 - Odour Monitoring Procedure
KNOW01/44461/APP/01
KNOW01-44461-LAY-01
KNOW01/44461/LOC/01

Date Plans Received: 24/08/2015 **Date(s) of Amendment(s):** 24/08/2015
Date Application Valid: 26/08/2015 25/08/2015

1. SUMMARY

This application seeks consent for the change of use of Unit 4, approved as part of application 1911/APP/2012/3134, from B1, B2, and B8 to an Absorbent Hygiene Products (AHP) Recycling Facility.

Whilst the principle of using the site for waste development is considered acceptable, there are concerns with regards to the impact of the proposal on the nearby residential occupants and schools to the south and west of the site.

The site is located adjacent to highly sensitive receptors (residential dwellings in Bankside and Cherry Avenue to the east and schools -Blair Peach Primary school and Guru Nanak school to the east and south). The main consideration for a Local Planning Authority in relation to a proposal which could give rise to residual odour and effects, is for them to focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of the processes or emissions, which are subject to approval under pollution control regimes.

The detailed design of the plant for this site has not been included with the application as the applicant has yet to commission a company to design or install the plant or odour control systems. The information received in relation to odour control is generic and illustrative only. In the absence of more precise and detailed systems and details of the processes, it is considered that the scheme has not been accompanied by sufficient evidence to demonstrate that the applicant has taken all reasonable precautions to mitigate against the impacts of odour. The scheme is thereby considered to constitute an unacceptable and inappropriate use of the land that would be potentially detrimental to the amenities of the nearby residential properties, schools and canal users.

The application would be contrary to the requirements of the National Planning Policy for

Waste (2014), National Planning Policy Framework (2012), West London Waste Plan (2015), Institute of Air Quality Management Guidance on the assessment of odour for planning (May 2014) DEFRA Odour Guidance for Local Authorities (March 2010), London Plan (2015) Policy 5.17, EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (Nov 2012), OE1 of the Hillingdon Local Plan: Part 2 - Saved Policies, and Council's Supplementary Planning Guidance - Air Quality.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Odour

In the absence of specific details of the machinery/plants, odour control systems, associated maintenance and air quality assessments, the use of this site for the recycling of AHPs is considered an inappropriate and unacceptable use of the land. The Council does not consider that the applicant has submitted sufficient evidence to demonstrate that all reasonable precautions have been taken to mitigate against the impacts of odour and control this at an acceptable level. The scheme is thereby considered to constitute an unacceptable and inappropriate use of the land that would be potentially detrimental to the amenities of the nearby residential properties, schools and canal users.

The scheme therefore fails to comply with the requirements of the National Planning Policy for Waste (2014), National Planning Policy Framework (2012), West London Waste Plan (2015), Institute of Air Quality Management Guidance on the assessment of odour for planning (May 2014) DEFRA Odour Guidance for Local Authorities (March 2010), London Plan (2015) Policy 5.17, EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (Nov 2012), OE1 of the Hillingdon Local Plan: Part 2 - Saved Policies and Council's Supplementary Planning Guidance - Air Quality.

2 NON2 Legal agreement

In the absence of a completed Deed of Variation, the development has failed to secure obligations relating to sustainable transport, construction and employment training. Accordingly, the proposal is contrary to policies LE7, OE1, AM2 and AM7 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), the Council's Planning Obligations SPD and Policy EM6 of the Hillingdon Local Plan: Part 1 - Strategic Policies (Nov 2012) and Policy 5.12 of the London Plan (July 2015) and the NPPF.

INFORMATIVES

1

Any future submission on this site should include precise details of the height and design of the flue to be used with the operation of the site. The Council will consult the relevant aviation authorities on the final flue details when submitted. The applicant should engage with the relevant authorities at the earliest opportunity to ascertain whether there would be any concerns with the final flue design.

2 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).

3 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) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (2015) and national guidance.

AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
LE1	Proposals for industry, warehousing and business development
LE2	Development in designated Industrial and Business Areas
LE7	Provision of planning benefits from industry, warehousing and business development
LPP 5.12	(2015) Flood risk management
LPP 5.13	(2015) Sustainable drainage
LPP 5.14	(2015) Water quality and wastewater infrastructure
LPP 5.17	(2015) Waste capacity
LPP 5.2	(2015) Minimising Carbon Dioxide Emissions
LPP 5.21	(2015) Contaminated land
LPP 5.3	(2015) Sustainable design and construction
LPP 6.13	(2015) Parking
LPP 7.14	(2015) Improving air quality
LPP 7.15	(2015) Reducing noise and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.
LPP 7.19	(2015) Biodiversity and access to nature
LPP 7.30	(2015) London's canals and other rivers and waterspaces
LPP 7.4	(2015) Local character
LPP 7.5	(2015) Public realm
LPP 8.2	(2015) Planning obligations
LPP 8.3	(2015) Community infrastructure levy
MIN16	Waste recycling and disposal - encouragement of efficient and environmentally acceptable facilities
NPPF	National Planning Policy Framework
OE1	Protection of the character and amenities of surrounding properties and the local area
OE7	Development in areas likely to flooding - requirement for flood protection measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
SPD-NO	Noise Supplementary Planning Document, adopted April 2006
SPD-PO	Planning Obligations Supplementary Planning Document, adopted July 2008
SPG-AQ	Air Quality Supplementary Planning Guidance, adopted May 2002

4 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2015). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for

development control decisions.

3. CONSIDERATIONS

3.1 Site and Locality

The site is located to the south of Uxbridge Road, within the Springfield Road Industrial and Business Area (IBA).

To the immediate north and west of the application site are the other commercial buildings within Springfield Industrial Estate. To the east of the site is the boundary with the London Borough of Ealing Council and residential properties on the opposite side of the Canal in Bankside and Cherry Avenue. Hayes Football Club, Guru Nanak School and Blair Peach Primary School are located to the south of the site. The site is bounded by Yeading Brook to the west and the Grand Union Canal to the east and is located within Flood Zone 2.

Unit 4 is located to the rear of a site, which has been granted planning permission for its redevelopment to provide 4 No. industrial, warehouse, office buildings (Use classes B1, B2 and B8), with access and servicing arrangements, car parking, landscaping and associated works (involving the demolition of the existing buildings).

The majority of the pre-commencement conditions associated with the application for the redevelopment of the site have been discharged, and development is due to commence shortly on the construction of the 4 units.

3.2 Proposed Scheme

This application seeks consent for the change of use of Unit 4 from B1, B2 and B8 to an Absorbent Hygiene Products (AHP) Recycling Facility.

The facility will be specialised for recycling of Absorbent Hygiene Products (AHPs), which includes nappies, incontinence pads and feminine hygiene products. The process produces plastic pellets which are sold as a recycled plastic. The process also produces a fibre, which will be used as a pet litter. The use is considered to be akin to B2 as it will manufacture plastic pellets and pet litter.

The current use of the site has unrestricted operational hours. Occupants of all units can work 24/7. The proposed use will operate within the current permitted hours. Deliveries would typically be during the working day (7am - 5pm), although there may be 2-3 deliveries during the night.

The proposal does not seek to alter the building layout or dimensions, which was granted permission in May 2014. There will be no changes other than the specific use of the building.

In terms of the operation of the plant, the process involved in the recycling of the materials is summarised as follows:

1. The incoming waste is deposited in the building and the AHPs arrive at the site double or triple bagged to avoid leaks, and are removed from the vehicles by hand or mechanically unloaded;

2. As soon as the vehicles arrive in the reception area, they are separated from the treatment area by a floor to ceiling wall. No pre-treatment or bag splitting is proposed and the bags are transferred to the hopper;

3. Once within the hopper, the entire operation is on a continuous process line, with waste being transferred from different technologies using conveyor belts and pipework;

4. The first stage of the process involves shredding the AHPs. Once shredded the waste is separated within a wet pulper. At the pulping stage, the super absorbent polymers are collapsed, rendered inert and the moisture released utilising a specialised patented process. The waste is sterilised using an advanced thermal treatment.

4. Following this, there is a further sort and separation of plastics and fibres, and removal of any contaminants. The plastics continue through a granulation and multi washing stage, before being pelletised. At this stage they are bagged and sent off site for re-use. The pellets can be used as a plastic component or used as composite materials replacing concrete and steel. The applicant would prefer to use this material to manufacture AHP receptacles with a suitable partner which would provide full circle of recycling and re-use.

5. The fibres are washed, dried and processed for use as a pet litter. The pet litter will be bagged on site for immediate distribution to the retail sector. Overall 97% of the product is recycled.

It should be noted that at this stage the precise details of the plant/machinery and odour control systems, and precise methods/locations of extracts to control odour from the reception and treatment part of the building are unknown. These cannot be confirmed until the system is commissioned and designed by the developer.

More detailed information relating to the processes and odour can be found in the Odour Management Plan, which accompanies the application.

3.3 Relevant Planning History

1911/APP/2012/3185 1-3 Uxbridge Road Hayes

Erection of 4 no. industrial, warehouse, office buildings (Use Classes B1, B2 and B8) with access and servicing arrangement, car parking, landscaping and associated works (Involving demolition of existing buildings).

Decision: 09-05-2013 Approved

1911/APP/2014/1188 1-3 Uxbridge Road Hayes

Demolition of warehouse and office buildings (Application for Prior Notification of Demolition)

Decision: 29-04-2014 PRN

Comment on Relevant Planning History

The most relevant planning history for the site is listed above.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

- PT1.BE1 (2012) Built Environment
- PT1.EM11 (2012) Sustainable Waste Management
- PT1.EM8 (2012) Land, Water, Air and Noise
- PT1.EM7 (2012) Biodiversity and Geological Conservation

Part 2 Policies:

- AM14 New development and car parking standards.
- AM7 Consideration of traffic generated by proposed developments.
- LE1 Proposals for industry, warehousing and business development
- LE2 Development in designated Industrial and Business Areas
- LE7 Provision of planning benefits from industry, warehousing and business development
- LPP 5.12 (2015) Flood risk management
- LPP 5.13 (2015) Sustainable drainage
- LPP 5.14 (2015) Water quality and wastewater infrastructure
- LPP 5.17 (2015) Waste capacity
- LPP 5.2 (2015) Minimising Carbon Dioxide Emissions
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- LPP 7.4 (2015) Local character
- LPP 7.5 (2015) Public realm
- LPP 8.2 (2015) Planning obligations
- LPP 8.3 (2015) Community infrastructure levy
- MIN16 Waste recycling and disposal - encouragement of efficient and environmentally acceptable facilities
- NPPF National Planning Policy Framework
- OE1 Protection of the character and amenities of surrounding properties and the local area
- OE7 Development in areas likely to flooding - requirement for flood protection measures
- OE8 Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures

SPD-NO	Noise Supplementary Planning Document, adopted April 2006
SPD-PO	Planning Obligations Supplementary Planning Document, adopted July 2008
SPG-AQ	Air Quality Supplementary Planning Guidance, adopted May 2002

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **14th October 2015**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

102 local residents were consulted on the application and two responses were received in objection to the application. These objection letters raised the following concerns:

1. Query on how smell will be dealt with;
2. Concerned about the impact on the pupils and staff of Blair Peach Primary School and Guru Nanak;
3. Minet Country Park is likely to be affected in addition to the new housing proposed at Southall Gas Works;
4. Concern that the unit will increase the traffic and result in pollution to the surrounding area.

Two petitions have been received. These are non valid petitions however as they have less than 20 'valid' signatures. Given the location of the site on the boundary with Ealing, most of the petitioners live in the London Borough of Ealing. The concerns raised within both petitions are however relevant to the consideration of this application. The main concerns raised with the scheme are:

5. Concern over smells generated. Aware that the West Bromwich site had many complaints over odour. Given the location near to schools, it is not considered an appropriate place for this type of facility;
6. Concern with regards to vermin and whether any plans to deal with vermin would be detrimental to canal life;
7. The amount of waste to be handled would add to the traffic on an already busy road.

EXTERNAL COMMENTS

Canal and Rivers Trust (summary):

No objections to the principle of the proposal, however they raised the following queries:

Odour: Aware that the process can generate an unpleasant smell, which would have an adverse impact on the enjoyment of the waterway and potentially wildlife, more details are required in respect of odour.

OFFICER COMMENTS: The odour management plan for the site was sent to the Canals and Rivers Trust and no further comments have been received.

Water use and surface water drainage: The development may wish to use the canal water as part of its processes, which may be acceptable. With regards to surface water drainage, any discharge of water to the canal must be consented by the Trust. There is no mention of where the storage tank collecting discharged water will discharge to once full. Need further information on where any overflow will be discharged from.

Lighting: Minimal lighting should be installed near the canal and this should be bat friendly.

Landscaping: Given the proximity to the canal, more landscaping is required to screen the

operations and act as a buffer for noise and odour.

If the Council are minded to grant consent, conditions to secure details of surface water storage and lighting/CCTV are recommended by the Trust.

ENVIRONMENT AGENCY (summary)

The development will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010.

The development is within 100m of residential properties, which could result in the community near the proposed development being exposed to odour, noise and/or dust. The severity of these impacts will depend on the size of the facility, nature of the activities, mitigation measures and/or prevailing weather conditions. Provided the operator can demonstrate that they have taken all reasonable precautions to mitigate against these impacts, the facility and community will co-exist, with some residual impacts. In some cases, these residual impacts may cause local concerns and there are limits to the mitigation that can be applied. Only in very exceptional circumstances would the EA revoke the license.

The site is located in an Air Quality Management Area (AQMA) and it is considered that the development has the potential to contribute to the poor air quality in the area if robust abatement measures and management systems are not implemented.

If permission is granted, conditions ensuring the full enclosure for waste management facilities is recommended as the preferred option to control dust and particulate pollution.

EALING COUNCIL

Sensitive receptors including a primary school, allotment gardens and housing are located in close proximity to the proposal site and in the prevailing wind direction from the site. In addition there is popular amenity space along the Grand Union Canal and users of this would have an expectation of an odour-free trip along this section of the canal. Ealing do not agree with the agents characterisation of the surface water and woodland areas as being of zero sensitivity.

Insufficient detail has been received on the means by which odour mitigation will be achieved and odorous releases in the event of failure of essential plan and equipment, prevented. Ealing's view is that the close proximity of the application site to sensitive receptors, requires a much higher standard of mitigation.

The environmental permitting regime is not capable of ensuring that no odour nuisance can occur. It therefore falls to the local planning authority to assess the overall suitability of the site and its location. Given the possible impact on amenity to sensitive receptors in the London Borough of Ealing, objection is raised to the grant of planning permission.

Internal Consultees

POLICY

The scheme complies with policies 1-3 of the West London Waste Plan (WLWP). With regards to Policy 4 - Ensuring High Quality Development, whilst it has been confirmed that this is non hazardous waste, it is still considered that given the proximity of the two local schools and residential properties, that the scheme could have a detrimental impact on amenity which should be considered by Officers.

HIGHWAYS

No objections to the change of use.

EPU - Noise

The submitted report looks only at noise breakout based on assumptions. The internal reverberant level has been assumed as the plants/equipment to be used are not finalised yet, and specifications of the building fabric are unknown. If the Council are to accept the assumptions, then a condition should be attached to require a post completion assessment to demonstrate that the levels as identified in the submitted noise report can be achieved.

Additional mechanical air conditioning/ventilation is referred to in the report, but no noise data available. There are also no details of how many mechanical plants there are likely to be, where they will be located and whether the plant/s are likely to have distinguishing features.

Access route to the unit will be on the east and facing the receptors. Given the proposed vehicular movement of 90 per day, there is the potential for noise impact which hasn't been assessed. A noise management plan demonstrating how noise from vehicle movements/deliveries will be mitigated should be requested.

OFFICER COMMENT: See section 7.18 of the report for comments on this part.

FLOODWATER MANAGEMENT OFFICER

Recommend that if the conditions imposed previously in relation to SUDs and flood are not discharged, they be imposed on any consent for this building.

AIR QUALITY MANAGEMENT OFFICER

An air quality assessment has not been received for the application. A condition is recommended on any consent to ensure the submission of a low emission strategy.

EPU - Odour

I refer to the above consultation and my previous comments of 10 December 2015. This e mail is to update you on our assessment of the additional information submitted on the 8 February 2016 and an explanatory e mail on the odour control system from the developer's consultant dated 16 February 2016. After our further discussions with the developer we are in a position to better understand the odour control system that is being proposed. Information has been provided in a number of reports and the developer has proposed their own specific Environmental Management System (EMS) for the site.

The odour control system proposed will use two pollution control systems. The first comprises two wet scrubbers (acid and base scrubbers) to take out the odours from the process line particularly ammonia. This involves injecting acid and alkali in the respective scrubbing towers. The second system a likely carbon filter or bio filter will take out residual odours from the general building combined with the residual odour in the scrubber exhaust. It appears that the waste materials after processing will end up as a filter cake that is not odorous. As previously confirmed by the developer's consultant a negative pressure will be created in the building by controlling the ventilation rate to prevent fugitive odours out of openings such as the doors.

However, odour guidance for local authorities from DEFRA suggests that in "practice it is extremely difficult to control all air/odour leakage from building, even with quite high rates of overall room extraction and apparently well sealed building". Odour leakage can occur due to wind "suction" effects and internal thermal buoyancy.

The proposed system is illustrated on the last two pages of the Odour Management Plan drawn up by the consultant. The efficiency of the odour controls is given as 90% and 95% suggesting 5% of odour will not be captured. The type of system proposed is used on sites within the chemical industry and sewage plants. It does address ammonia odour which is the main emission from this plant (faeces and ammonia). Therefore information has been made available on the likely proposed odour control plant type to be used. The detailed design for Hayes and specific example of its use in

the industry are not included with the new submissions.

It is understood stack height cannot be confirmed until the system is commissioned and designed by the developer. The stack represents the final dispersion of any odours that pass through the control system. At present we have confirmation the stack will be no more than 15 metres. However we do not know the likely dispersion as there is no stack height or odour dispersion report.

The odour monitoring procedure and recording form are sufficient to enable the monitoring of the site to be undertaken. The form may require amendment with complaint details, site activity and actions taken if necessary this can be agreed with the Environment Agency. However, in regards to Table 4 in the Odour Management Plan for receptors we think the commercial properties and canal users such as canal boats. should have a higher sensitivity rating due to the proximity of offices and open units.

The above provides increased reassurance that the odours will be controlled however the following points should be considered in assessing the application.

The consultant's e mail of 16 February confirms the improvement over the previous plant in the UK using the North American experience including the addition of Stage 2 Carbon Filtration. Unfortunately the Council has not received an example of the recent success of the odour control technology in an urban environment.

The submitted information on odour control is generic and illustrative only as provided by one of the consultants to the developer. Without the detailed design it is not possible to determine that there will be no complaints in an area which will be sensitive to odour nuisance.

It is confirmed by the developer that a service agreement plan will be implemented when the successful company is selected to install the control equipment. However the full details on the maintenance of the systems will only be clarified once the detailed design is confirmed. Both odour control systems require maintenance and if this is insufficient odours may be dispersed by the stack. Factors to consider for the scrubbers are the pH, retention time in the packed bed, air distribution, biological growth and blocked spray nozzles. carbon filters will also need to be checked, cleaned or replaced on a regular basis. From the diagrams provided there are pH and conductivity meters for the chemical sprays, but overall the maintenance techniques for the equipment are not finalised. Therefore a possibility exists that the system may lead to odours if there are design faults or improper maintenance. This would be a significant risk in such a sensitive area.

The main odour controls will rely on the draft control system illustrated in the Odour Management Plan by Air Technology Systems Ltd, who are a specialist in this type of work. There will be two other companies providing a tender as confirmed by the consultant.

The opening of the main door on the south side at inappropriate times may also contribute to fugitive odours bypassing the odour control system, particularly as the prevalent wind is south westerly.

We would conclude that:

The developer has made a significant efforts to explain their odour control technology and Environmental Management System. The system was not clear in the original application. It appears that the developer is to use an appropriate and well known technology. The two stage system should improve the efficiency of odour control over the previous UK factory. However despite using this technology there still remains the possibility of complaints given the sensitivity of the receptors if there are residual fugitive or chimney odours.

The detailed design is not yet prepared for the specialised odour control plant, and as a

consequence suitable stack dispersion modelling is also not available. This information would have been preferred prior to any planning permission. The grounding of the plume from the stack is a possibility in a sensitive location which cannot be discounted due to the lack of dispersion modelling.

Taking into account the proximity of the residential and other receptors including a school we must advise that there will be a possibility of odour complaints at this location. Although there are technical measures proposed to control odours much will rely on good maintenance of the control equipment and the management of fugitive emissions as well as good chimney dispersion of residual odours.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The principle of the redevelopment of the site for B1, B2 and B8 uses was established within application 1911/APP/2012/3185.

National Planning Policy for Waste (2014) aims to achieve sustainable waste management by securing adequate provision of new waste management facilities of the right type, in the right place and at the right time. The Council has adopted its West London Waste Plan (WLWP) (2015) which sets out how it wishes to see waste managed in West London by 2031.

The site is within the Hayes Industrial Area Strategic Industrial Location, as set out in the Boroughs Policies Map. The London Plan recognises that these sites are suitable for general industrial, light industrial, storage and distribution, waste management, recycling, some transport related functions, utilities, wholesale markets and other industrial related activities.

One of the main issues for consideration in establishing the principle of the development is firstly whether the use of this site for waste is acceptable. As required by Policy 5.17 of the London Plan, the WLWP identifies 15.52ha of land within the West London area to meet the pooled apportionment. These include eight existing waste management sites and a further site (Western International Market) put forward as a potential new site for waste management. The application site is not an existing or proposed waste site as identified within the WLWP. Policy WLWP 3 - Location of Waste Development states that waste development on other sites will be supported in principle if the proposals comply with the other WLWP policies and the Boroughs' and the OPDC's adopted development plans, and:

- a. It can be demonstrated that the development cannot be delivered at any available and suitable existing waste management site within the Borough or OPDC area where the development is proposed and at the sites listed in Tables 5-1 and 5-2, and
- b. In the case of facilities proposed for the management of MSW and C&I waste, identified sites in Tables 5-1 and 5-2 have not come forward and it can be demonstrated that there will be a shortfall in the waste management capacity required to meet the Boroughs' joint apportionment target as specified in Policy WLWP 1; and
- c. There is no adverse cumulative effect, when taken together with existing waste management facilities, on the well-being of the local community, including any significant adverse impacts against the WLWP sustainability objectives; and
- d. The proposed site meets the criteria set out in the subsequent WLWP Policies where if applicable.

Written evidence has been provided by the applicant to demonstrate that none of the allocated or existing sites can accommodate the proposal and therefore the scheme meet

the criteria of this policy.

In relation to the provision of new waste management, the expectation is that substantive provision would be made on allocated sites in the first instance. It has been demonstrated in this case that none of the allocated sites would be suitable for the processes. Given such any such application needs to be consistent with the waste hierarchy. The waste hierarchy is pivotal in providing the delivery of sustainable waste management and consists of 5 stages, prevention being the preferred option, then re-use and preparing for re-use, recycling, other recovery and the least preferred option, disposal.

AHPs are currently managed by disposal or other recovery, however the proposed use will recycle 100% of the product, which moves the handling of this specific material up the hierarchy. The London Plan also sets targets for self-sufficiency and managing specific waste streams. Policy 5.16 sets out the target to manage 100% of London's waste within the London by 2026, create positive environment and economic impacts from waste processing and work towards zero biodegradable or recyclable waste to landfill by 2026. The proposed recycling of AHPs will help towards the zero biodegradable waste to landfill target and therefore no objection is raised to the principle of such recycling.

Policy WLWP 1 - Provision of New Waste Management Capacity seeks to ensure that schemes contribute towards the apportionment set in the London Plan. The proposal is compliant with this policy as the requirement is for capacity in the re-use, recycling and other recovery categories. The proposal would also help to meet the London Plan waste apportionment and move waste up the waste hierarchy.

Therefore, it has been established that the principle of using this non allocated site for waste, is acceptable, subject however to compliance with the requirements of the NPPW, WLWP 4 and the Councils adopted policies and guidance on other relevant matters such as amenity, pollution and transport.

7.02 Density of the proposed development

Not applicable to the consideration of this application.

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

Not applicable to the consideration of this application.

7.04 Airport safeguarding

Although likely to be applicable to this application (as the site is less sensitive than many other locations in the Borough), the final height of the flue is an unknown factor. An informative has been added concerning this matter.

7.05 Impact on the green belt

Not applicable to the consideration of this application as the site is not located within or adjacent to the Green Belt.

7.07 Impact on the character & appearance of the area

There are no external changes proposed to the building. The design and appearance will be as approved within application 1911/APP/2012/3185.

7.08 Impact on neighbours

Policy OE1 of the Hillingdon Local Plan: Part Two - Saved Policies states that planning permission will not normally be granted for uses that are likely to become detrimental to the character or amenities of surrounding properties or the area generally because of noise and vibration or the emission of dust, smell or other pollutants, unless sufficient measures are taken to mitigate the environmental impact of the development.

The NPPF defines pollution as "Anything that affects the quality of land, air, water or soils, which might lead to an adverse impact on human health, the natural environment or general amenity. Pollution can arise from a range of emissions, including smoke, fumes, gases, dust, steam, odour, noise and light.

Residential properties are located approximately 75 metres to the east of the application site and the distance to the boundary with Blair Peach Primary school is only 20 metres. Both are within the main direction of the prevailing wind.

Further detail of the impact of the development on residential amenity is provided within section 7.08 of this report. However to summarise, insufficient evidence has been received with this application to demonstrate that the operation and control of the plant in this location would not give rise to unacceptable levels of odour nuisance to the surrounding occupiers. In the absence of precise odour control measures and maintenance for the site, it is considered that there would be notable changes in the odour composition and these would be noxious given the residential nature of the area, within the prevailing wind direction. The proposed siting of the development be unacceptable to the amenities of nearby occupants and conflict with adopted policies and guidance.

7.09 Living conditions for future occupiers

Not applicable to the consideration of this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

A Transport Assessment was submitted with application 1911/APP/2012/3185 to redevelop the site. There are no conditions restricting vehicle movements and the original scheme required the submission of a Travel Plan, and also for each occupant to provide a Fleet Management Plan.

The site will accept AHPs from a number of sources, including Local Authority Collection and commercial waste collectors that specialise in the collection of AHPs. The main delivery vehicles will be vans and 7.5 tonne vehicles. The products will be exported from the site in a range of LGVs include artics, Rollonoffs and curtain sided trailers. Unit 4 could be occupied by any B1c or B2 business without the need to provide data on vehicle types and movements. The redevelopment has been assessed using a worse case scenario of B1c and B2 occupants, which could generate the highest level of vehicle movements. The proposed vehicle trip generation was anticipated to be 92 and 98 two-way LGVs/HGVs trips in the AM and PM peak periods, respectively.

The proposed operational hours for this site will be within the current permitted hours. However, deliveries will typically be during the hours 07.00 and 17.00, with perhaps 2 or 3 deliveries during the night time period. The applicant has stated that they will support the Travel Plan provided for this site and it is the intention to employ staff from the local area and thus reduce travel times for staff and encourage the use of public transport.

The scheme has been reviewed by the Councils Highways Officer and no objection is raised to the proposed development.

7.11 Urban design, access and security

Given that there are no external changes to the building, there are no urban design issues to consider with this application. Access and security remain as approved within application 1911/APP/2012/3185.

7.12 Disabled access

This remains as approved within application 1911/APP/2012/3185.

7.13 Provision of affordable & special needs housing

Not applicable to the consideration of this application.

7.14 Trees, landscaping and Ecology

A scheme for hard and soft landscaping and the impact of the redevelopment of the site on the local ecology was considered as part of application 1911/APP/2012/3185. A number of conditions were imposed to secure the enhancement and preservation of both Yeading Brook and the Grand Union Canal. Further landscaping conditions were added to this consent to ensure that a suitable scheme for soft and hard landscaping was implemented on the site.

This application does not seek to alter the landscaping proposals approved as part of the original redevelopment application and no objection is raised in this respect.

7.15 Sustainable waste management

The proposal is compliant with Policy WLWP1 and London Plan as the proposal is for capacity in the re-use, recycling and other recovery categories. The proposal would also help to meet the London Plan waste apportionment and move waste up the waste hierarchy.

7.16 Renewable energy / Sustainability

The original application (1911/APP/2012/3185) was supported by an Energy and Sustainability Statement, which advised that range of passive and active energy efficiency measures would be employed on the development.

Following this consent, a proposal for carbon reduction has been approved for the entire site, which explains how the required 25% reduction in carbon emissions has been achieved. For each of the units, it is proposed to incorporate enhanced fabric insulation, reduced air permeability rates and increased luminous efficient lighting in addition to solar collectors for hot water and photovoltaic panels for electricity generation. As no alterations are proposed within this application to the consented building, it is considered that the application would comply with the energy requirements of the both the Councils adopted policies and the London Plan.

7.17 Flooding or Drainage Issues

The WLWP sets out the requirement to provide a high quality development and states that all waste development proposals should ensure that there will be no impact on the quality of surface groundwater (i) and that there will be no increased flood risk either to the immediate area or indirectly elsewhere (j). Further the NPPW requires the consideration of the proximity of vulnerable surface and groundwater, and supports development that would not have a significant impact on surface or groundwater.

The planning application for the redevelopment included a detailed Flood Risk Assessment which provided surface water storage on site of a minimum 262l/s. This represents 50% of the existing run-off from the site and was therefore considered to be in accordance with the London Plan. The proposal does not alter the drainage for this site and proposes to investigate using this stored surface water within the process. The SUDs condition on the previous consent has already been discharged for the whole site, and the applicants have confirmed that no other alterations are proposed to the surface water drainage.

7.18 Noise or Air Quality Issues

The National Planning Policy for Waste states that local authorities must consider the impact of proposals for waste development on the local environment and on amenity against a number of locational criteria which include potential odours, air emissions, noise and potential land use conflict. It highlights that consideration should be given to the proximity of sensitive receptors and the extent to which adverse odour can be controlled

through the use of appropriate and well maintained and managed equipment.

The National Planning Policy Framework (NPPF) states at paragraph 120 that "to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution should be taken into account". The NPPF defines pollution as being "anything that affects the quality of land, air, water or soils, which might lead to an adverse impact on human health, the natural environment or general amenity. Pollution can arise from a range of emissions, including...gases, dust, steam, odour, noise...".

It is noted that some activities such as the one proposed, operates under an Environmental Permit, whereby ongoing pollution control of many of the operations will be regulated by the Environment Agency. National Planning guidance requires that the Planning Authority works on the assumption that such pollution control regimes will operate effectively; however, even with these in place, there may often be some residual effects that would make a development an unsuitable use of its land at its proposed location (IAQM Guidance, 2014).

The important consideration for the Local Planning Authority in relation to a proposal which could give rise to residual odour and effects, is for them to focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of the processes or emissions, which are subject to approval under pollution control regimes (paragraph 122 of the NPPF).

WLWP Policy 4 seeks to ensure that development proposals demonstrate for both the construction and operational phases of the development that:

"a) Development will be permitted only where it can be shown that unacceptable impact to local amenity will not arise from the construction and operation of a facility;

b) Adequate means of controlling noise, vibration, dust, litter, odours, air and water borne contaminants and other emissions are incorporated into the scheme;

c) The development is of a scale, form and character appropriate to its location and incorporates a high quality of design...".

Policy OE1 of the Hillingdon Local Plan: Part Two - Saved Policies states that planning permission will not normally be granted for uses that are likely to become detrimental to the character or amenities of surrounding properties or the area generally because of noise and vibration or the emission of dust, smell or other pollutants, unless sufficient measures are taken to mitigate the environmental impact of the development.

The site is located on the edge of Springfield Road IBA. To the east of the site are residential properties on Bankside, Cherry Avenue and Blair Peach Primary School (within the London Borough of Ealing). To the south and west of the site are football grounds and Guru Nanak school. The remaining area to the north and west forms are the other commercial premises within the Industrial Area.

The scheme has been accompanied by a planning statement and Odour Management Plan (OMP), which broadly sets out the systems and processes involved and odour management control. The detailed design of the plant for this site has not been included

within this submission as the applicants have yet to commission a company to design or install the plant and control systems. There are some concerns with the lack of precise information received to explain the detailed operation of the site, and the following paragraphs will elaborate on the concerns.

The submitted information on odour control is generic and illustrative only, and in the absence of the detailed design of the plant and control systems, it is not possible for Officers to determine whether there will be no adverse impact as a result of odours. There are certain concerns even with the draft design that has been proposed. For example, the applicants propose to use a negative pressure within the building by controlling the ventilation rate to prevent fugitive odours out of openings such as the doors. However, Odour Guidance for Local Authorities from DEFRA suggests that in "practice it is extremely difficult to control all air/odour leakage from building, even with quite high rates of overall room extraction and apparently well sealed building". Odour leakage can occur due to wind "suction" effects and internal thermal buoyancy.

One of the main concerns of Officers, is that with whatever system is proposed, fugitive odours would be able to bypass any odour control system in place. Given the potentially noxious nature of the odours, south westerly prevailing wind, and proximity to residential dwellings, this would be significantly harmful to the amenities of the adjacent residential occupants, schools and canal users.

No information has also been received in relation to the servicing and maintenance of any of the systems proposed for the site. As the applicant has yet to choose a company to install and design the control technology, the full details of the maintenance can only be clarified, once the detailed design is confirmed. Both odour control systems require maintenance and if this is insufficient odours may be dispersed by the stack. Therefore a possibility exists that the system may lead to odours if there are design faults or improper maintenance. The site is located adjacent to highly sensitive receptors (residential dwellings and schools), as defined by the IAQM Guidance, and as the prevalent wind is south westerly, the siting of the development could give rise to unacceptable levels of odour exposure to these receptors.

As referred to briefly in the previous paragraph, a stack is required to extend from the building, in order to disperse odours. Until the system is commissioned and designed by the developer, the precise height or detail of this stack cannot be provided to the Council. At present it has been suggested that the stack will be no more than 15 metres, however this could alter depending on the final detailed design. Also the Council do not know the likely dispersion from this, as there is definitive stack height or odour dispersion report.

The DEFRA Odour Guidance for Local Authorities states that "where the generation of odours from the development can be readily anticipated, the local authority should expect to be provided with objective evidence that demonstrates that odour emissions will be adequately controlled to prevent any significant loss of amenity to neighbouring sensitive land users. This is important not least because possible odour mitigation measures could in themselves have land use and amenity implications".

The DEFRA guidance is particularly relevant to the consideration of this application, as the main concerns in relation to the lack of information relating to the stack height, are that there is no reassurance to Officers that the stack at the height suggested will ensure that odours are adequately controlled/dispersed.

The addition of the stack on the building, has not been included in the elevation proposals for consideration. This addition was something referred to following detailed discussions with the applicant and Council. The site is located in close proximity to Heathrow and residential properties and there are concerns with the visual impact and impact on airport safety. The site is located within the airports height restriction area, where any development over 15 metres, requires consultation with BAA and NATs. Without specific details submitted for Officers to ascertain whether such a stack would be suitable to allow for odour dispersion, and allow consultation with the relevant bodies, it is unclear whether such odour control would be agreeable in principle, and not conflict with the operation/safety of Heathrow and associated land users.

Whilst it is not for the Local Planning Authority to determine whether the pollution controls will work effectively, pollution controls need to be considered as an integral part of the planning process. The concerns with the submissions, is that the documents submitted contain insufficient detail and only present a draft format for odour control, which the Council has been unable to establish, would be suitable. The close proximity of the site to highly sensitive receptors requires a much higher standard of mitigation to be provided than might be acceptable at locations where a significant buffer zone exists, as there are not any examples of successful odour control technology in an urban environment.

In the absence of specific details of the machinery/plants, odour control systems, and associated maintenance, the use of this site for the recycling of AHPs is considered an inappropriate and unacceptable use of the land. The Council does not consider that the applicant has demonstrated that they would be able to control odour emissions at an acceptable level. As a result, there would be notable changes in the odour composition and these would be noxious given the residential nature of the area, within the prevailing wind direction.

Air Quality:

The application has been reviewed by the Councils Air Quality Management Officer. No air quality assessment was received with the application and the Officer has been unable to fully assess the air quality implications of the scheme.

Noise:

A noise report has been submitted with the application, however this looks only at noise breakout based on assumptions. The internal reverberant level has been assumed as the plants/equipment to be used are not finalised yet, and specifications of the building fabric are unknown. In the absence of the detailed design of the building, plants and equipment, the scheme fails to demonstrate that the levels as identified in the submitted noise report can be achieved.

Additional mechanical air conditioning/ventilation is referred to in the report, however, no noise data has been submitted within the application. There are also no details of how many mechanical plants there are likely to be located and their detailed design.

It should be noted that the site has consent for a B1, B2, B8 use, and as part of application 1911/APP/2012/3185, a noise assessment was submitted that took a worst case scenario, with all four units being used 24 hours a day, 7 days a week and all HGVs having refrigeration equipment. Mitigation was recommended as part of this application and secured by conditions (conditions 15 and 30 specifically required the submission of noise reports for machinery and plants). Given the previous consent was based on a worst case scenario, it is not considered that this scheme would exceed the levels previously

considered. Had the scheme been found acceptable in all other respects, conditions would have been added to ensure that a noise report was submitted to the council for approval to confirm that the relevant levels were achieved.

7.19 Comments on Public Consultations

The comments raised through the public consultation have been addressed within the main body of the report.

7.20 Planning obligations

Policy LE7 of the Council's Hillingdon Local Plan - Part 2 UDP Saved Policies states that: 'The Local Planning Authority will, where appropriate, seek to ensure that development proposals for industrial, warehousing and business uses provide planning benefits related to the scale and type of the development.'

The application for the redevelopment of the site (1911/APP/2012/3185) was granted subject to a S106 agreement to secure planning obligations to mitigate the impact of the development. These included a 10 Year Green Travel Plan and a Delivery and Servicing Plan, construction and employment training and a project management and monitoring fee.

The Council adopted its Community Infrastructure Levy (CIL) charging schedule on the 10th July 2014 and the heads of term included in the original legal agreement are still considered relevant to the development. A Deed of Variation to this legal agreement would be required with any development on this site to ensure that the obligations agreed with the original scheme were applicable to this application.

No deed of variation has been received pursuant to this application and in the absence of such, the development has failed to secure obligations relating to sustainable transport, construction and employment training. Accordingly, the proposal is contrary to policies LE7, OE1, AM2 and AM7 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), the Council's Planning Obligations SPD and Policy EM6 of the Hillingdon Local Plan: Part 1 - Strategic Policies (Nov 2012) and Policy 5.12 of the London Plan (July 2015) and the NPPF.

7.21 Expediency of enforcement action

Not applicable.

7.22 Other Issues

There are no other issues for consideration.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

None.

10. CONCLUSION

Whilst the principle of using the site for waste development is considered acceptable, there are concerns with regards to the impact of the proposal on the nearby residential occupants and schools to the south and west of the site.

The site is located adjacent to highly sensitive receptors (residential dwellings in Bankside and Cherry Avenue to the east and schools -Blair Peach Primary school and Guru Nanak school to the east and south). The main consideration for a Local Planning Authority in relation to a proposal which could give rise to residual odour and effects, is for them to focus on whether the development itself is an acceptable use of the land, and the impact of

the use, rather than the control of the processes or emissions, which are subject to approval under pollution control regimes.

The detailed design of the plant for this site has not been included with the application as the applicant has yet to commission a company to design or install the plant or odour control systems. The information received in relation to odour control is generic and illustrative only. In the absence of more precise and detailed systems and details of the processes, it is considered that the scheme has not been accompanied by sufficient evidence to demonstrate that the applicant has taken all reasonable precautions to mitigate against the impacts of odour. The scheme is thereby considered to constitute an unacceptable and inappropriate use of the land that would be potentially detrimental to the amenities of the nearby residential properties, schools and canal users.

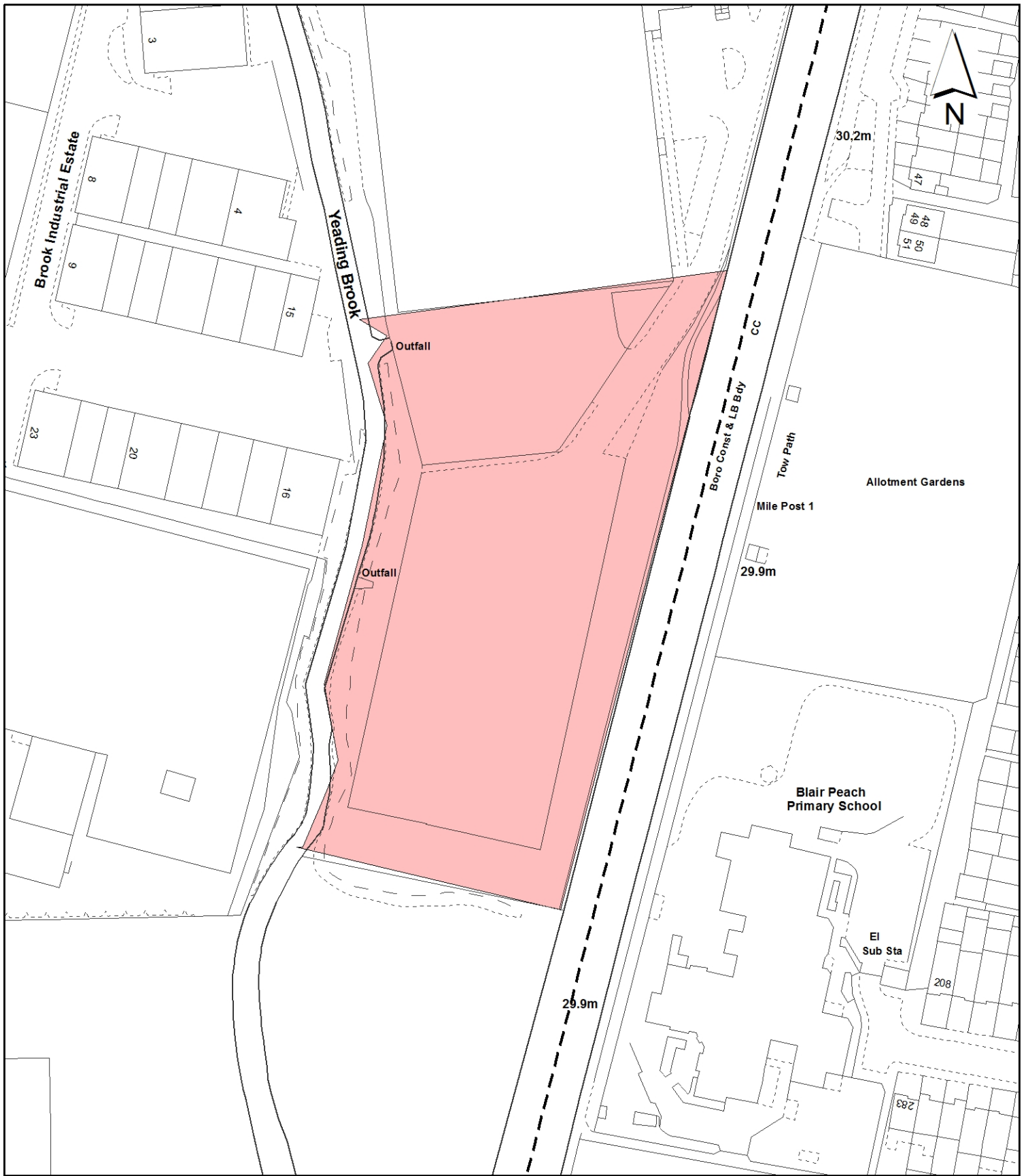
The application would be contrary to the requirements of the National Planning Policy for Waste (2014), National Planning Policy Framework (2012), West London Waste Plan (2015), Institute of Air Quality Management Guidance on the assessment of odour for planning (May 2014) DEFRA Odour Guidance for Local Authorities (March 2010), London Plan (2015) Policy 5.17, EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (Nov 2012), OE1 of the Hillingdon Local Plan: Part 2 - Saved Policies, and Council's Supplementary Planning Guidance - Air Quality.

11. Reference Documents

National Planning Policy for Waste (2014)
National Planning Policy Framework (2012)
West London Waste Plan (2015)
Institute of Air Quality Management Guidance on the assessment of odour for planning (May 2014)
Odour Guidance for Local Authorities (March 2010)
London Plan (2015)
Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)
Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012)
Council's Supplementary Planning Guidance - Air Quality
Council's Supplementary Planning Guidance - Land Contamination
Council's Supplementary Planning Document - Accessible Hillingdon
Council's Supplementary Planning Document - Noise
Council's Supplementary Planning Document - Planning Obligations

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Notes:

 Site boundary

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Planning Application Ref:
1911/APP/2015/3211

Scale:
1:1,250

Planning Committee:
Major

Date:
March 2016

