

## Report of the Head of Planning, Sport and Green Spaces

**Address** 1-3 UXBRIDGE ROAD HAYES

**Development:** Change of use of Unit 4 to Absorbent Hygiene Products (AHP) recycling facility and associated alterations to the external elevations, addition of an exhaust stack, storage tanks and substation

**LBH Ref Nos:** 1911/APP/2016/1472

**Drawing Nos:** 4579-32006 Rev 0  
KNOW01/44461/APP/01  
4579-32003 Rev 2  
4579-32002 Rev 2  
4579-32001 Rev 2  
KNOW01/44461/LOC/01  
Sharps Redmore Acoustic Consultants Report  
Planning Statement prepared by Integrated Skill  
Odour Management Plan reference KNOW01/44461/PS-V  
Appendix B Odour Impact Assessment  
Flood Risk Assessment  
Letter from agent reference KNOW01/44461/ARC/LBH-

**Date Plans Received:** 14/04/2016                      **Date(s) of Amendment(s):**

**Date Application Valid:** 14/04/2016

### 1. **SUMMARY**

This application seeks consent for the change of use of Unit 4 to Absorbent Hygiene Products (AHP) recycling facility and associated alterations to the external elevations (including a fifth roller shutter door on the southern elevation), addition of an exhaust stack, storage tanks and substation.

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.

Whilst the further and more detailed information provided by the applicant is welcomed as part of the application, there remain reservations with the assumptions and conclusions of the assessments and modelling. The Council consider that the results significantly underestimate the risk of odour exposure and as a result, there would be notable changes in the odour composition and these would be noxious given the nature of the proposal, and residential nature of the area, within the prevailing wind direction.

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**

The Odour Management Plan and Odour Impact Assessment, by reason of the assumptions used within the modelling, which assume the odour management procedures will be 100% effective, are considered to significantly underestimate the risks of odour exposure and effectiveness of the systems proposed. The assessments have also failed to include a sensitivity height stack analysis to ascertain whether this would be effective in the dispersion of emissions.

The Council consider that there is a high risk of odour nuisance to sensitive receptors and the scheme is thereby considered to constitute an unacceptable and inappropriate use of the land that would be 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), Criteria C of Policy WLWP 3 of the 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 S106 agreement or a Deed of Variation to planning permission 1911/APP/2012/3185, 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 (2015) and the NPPF.

## **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) 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

### **3 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 has commenced on the construction of the 4 units.

#### **3.2 Proposed Scheme**

This application seeks consent for the change of use of Unit 4 to Absorbent Hygiene Products (AHP) recycling facility and associated alterations to the external elevations (including a fifth roller shutter door on the southern elevation), addition of an exhaust stack, storage tanks and substation.

The facility uses bespoke technology and is 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.

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

1. There are two reception bays accessed by two roller shutter doors. The reception bay will be concreted with 5m high concrete wall surrounds. There will be a stud partition wall to the underside of the ceiling, separating the bays from the treatment area to provide a completely separate area in which to manage air flow;

2. The incoming waste is deposited within one of the reception bays in the building and the AHPs arrive at the site double or triple bagged to avoid leaks. The bags are removed from the vehicles by hand or mechanically unloaded;

3. The bagged waste is transferred into a hopper using a wheeled loading machine and once within the hopper, the waste moves into the separate Treatment Area. The entire process is on a continuous process line, with waste being transferred from different technologies using enclosed conveyor belts and pipework;

4. The first stage of the process involves shredding the AHPs to create a consistent size, which then moves to the 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.

5. 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.

6. 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.

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

In terms of odour management, the proposed technology includes a bespoke odour control system based on air management and odour abatement. It is a two staged process which involves an exhaust stack. The potential odour release from the exhaust stack has been modelled and a stack 15 metres high is proposed, the majority of which is contained within the building (1.7m extends above the roof).

The fifth door proposed within the elevation of the building will operate using an air lock entry. The purpose of this door is to provide a dedicated access for a vehicle to enter and leave the building and to transfer the manufactured products to waiting vehicles outside. The door will be independent to the reception bays, which allows the doors for the reception bays to be kept closed unless receiving a vehicle with waste product.

To supply the equipment needs, a substation, two transformers and two storage tanks are provided at the site. A compound will house these items on land to the north of the building

The main differences between this application and the previous application is that further detail has been provided as to the detailed operations and odour management within the site. The drawings and accompanying documents, now include precise details of the systems and plants to be used, exhaust stack and external additions. Further analysis has also been provided within the Odour Management Plan.

### **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/2015/3211        Unit 4, 1 Uxbridge Road Hayes

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

**Decision:** 01-03-2016    Withdrawn

### **Comment on Relevant Planning History**

The most relevant planning history for the site is listed.

Of particular relevance is application 1911/APP/2015/3211 which sought consent for the change of use of the building change of use of Unit 4 from B1, B2 and B8 to an Absorbent Hygiene Products (AHP) Recycling Facility. This application was due to be reported at the 3rd March 2016 committee meeting with a recommendation for refusal, however was withdrawn by the applicants in order to provide additional information in relation to the odour management system and revise the details in order to address other third party concerns.

The previous scheme was recommended for refusal with the following reasons for refusal:

1. 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. 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.

## **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
- 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
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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
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SPG-AQ	Air Quality Supplementary Planning Guidance, adopted May 2002

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **27th May 2016**

5.2 Site Notice Expiry Date:- **27th May 2016**

## 6. Consultations

### External Consultees

102 local residents were consulted on the application and 5 responses were received in objection to the application. These objection letters raised the following concerns:

1. This is a residential area with children and families, the smell and type of business is unsuitable;
2. Exhaust stack is inappropriate, the site is opposite a school and close to two others.

### EXTERNAL COMMENTS

#### ENVIRONMENT AGENCY (summary)

The application proposes a substation within Flood Zone 2, which is defined by paragraph 66 of the National Planning Policy Guidance (NPPG) as 'Essential Infrastructure'.

In the absence of a flood risk assessment (FRA), we object to this application and recommend refusal of planning permission until a satisfactory FRA has been submitted.

#### Overcoming our objection:

You can overcome our objection by undertaking an FRA which demonstrates that the development is safe without increasing risk elsewhere and where possible reduces flood risk overall.

The development will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency. We are aware that the applicant (Knowaste) have submitted a bespoke permit application to our National Permitting Team which is currently being assessed.

OFFICER COMMENT: A Flood Risk Assessment was received from the applicant on the 22nd June 2016 and forwarded to the Environment Agency and the Councils Floodwater Management Officer. To date, no feedback has been received from either consultee as to whether the report submitted addresses their comments. Any further comments from these consultees will be provided within the addendum.

#### EALING COUNCIL

No comments received to date. If any are received, these will be reported in the committee addendum.

### Internal Consultees

#### TREES AND LANDSCAPE

No objection and no requirement for any landscaping conditions.

#### HIGHWAYS (summarised)



A brief technical note explaining how deliveries and collections are made was requested.

No objection to the removal of some of the car parking spaces whilst the site is being used by the applicant, provided the parking area is restored to the original layout at the end of the lease.

Recommend a condition to secure a Travel Plan for the site if approval is recommended.

Officer comment: This information relating to deliveries and collections has been received and has been reviewed by the Highways Officer who raised no objection.

#### EPU - Noise

Sharps Redmore Acoustic Consultants have already submitted a report, Project No. 1515571 (dated 14th April 2016) for the change of use of these premises. The report considers the general reverberant level of sound, the sound insulating properties of the building fabric and the exhaust stack for the odour control system. They have concluded that the proposed change of use to an AHP recycling facility will not give rise to an unacceptable level of sound and would be fully compliant with Condition 30 of the planning approval. However, the site has unrestricted operational hours. Occupants of all units can work 24/7 and the applicant has indicated that they may be 2-3 deliveries (of products to be recycled) during night time hours.

Should consent be recommended conditions to secure a scheme for noise control, restrict the time of commercial deliveries to the site and details of any lighting scheme is recommended.

#### FLOODWATER MANAGEMENT OFFICER

The site lies in Flood Zone 2 and there is no information on how the proposals may be affected by flood risk, or how that risk will be managed appropriately. A Flood Risk Assessment should be submitted.

Officer comment: A FRA has been received and forwarded to the officer for comment. No comments were received at the time of writing this report and an update will be provided within the addendum.

#### AIR QUALITY MANAGEMENT OFFICER

Initial comments:

1) the application site is very near highly sensitive receptors - The site is located to the south of Uxbridge Road within the London Borough of Hillingdon and adjacent to the London Borough of Ealing (refer Figure 1 of report). To the east beyond the Grand Union Canal are residential areas, allotments and a nursery and primary school. The nearest residential properties are located on Bankside, approximately 75 m from the site boundary to the north east. The Blair Peach Primary School and Nursery is approximately 40 m east of the site boundary. Therefore the risk of odour exposure at these receptor locations will be medium to high risk and the likely magnitude can range from moderate to substantial adverse, subject to dispersal conditions, with the effect being considered significant.

2) the modelling work undertaken to support the planning application, assumes that the odour management procedures to be implemented will be 100% effective, and hence only models the residual odour impact at relevant sensitive receptors.

This premise is the only one addressed by the assessment and therefore the study concludes that the impact of the facility will not be significant. I would challenge this conclusion, which is based on a not conservative scenario and may underestimate the local impact of the facility on sensitive receptors in terms of odour nuisance.

I would have modelled a failure of at least 10% of the odour management system which would produce different results.

Officer comments: The applicant reviewed these comments and submitted further information to try and address the concerns and queries. Following the submission of the amended details, the Air Quality Officer provided the following comments:

As per my original response, a worst case scenario, i.e. failure of the odour removal system which will inevitably not operate at 100% efficiency at all times, has not been modelled to ascertain the risk of exposure at nearby sensitive locations.

Given that there is no site specific data, due diligence and professional judgement are required when applying both the Institute Air Quality Management( IAQM) guidance and the Environmental Agency's H4 Horizontal Guidance on Odour. There is a clear distinction to be made between using the right methodology (robust methodology) and obtaining robust results. Whereas the method used is acceptable and robust (model used, parameters used in the model set up, met data used, reference methods used, etc), given the underlying assumption of assuming 100% efficiency, the results are considered to be underestimating likely risks.

I agree with the EPU concerns, namely not having undertaken a sensitivity stack height analysis which could help to provide further information.

Whereas the Environment Agency will issue a permit and require an Odour Management Plan to be actioned in case of system failure, given the sensitivity of the nearby receptors and the likely underestimation of risk reported in the assessment undertaken, concerns regarding the likely risk to odour nuisance from the Local Authority perspective remain.

Being part of the Institute Air Quality Management Steering Group I was part of the peer review of the IAQM Odour guidance and we strongly felt that the point I am making above is of key importance. Hence the inclusion on page 5 of the IAQM Odour guidance of the text, quote:

"For sites that will be subject to an Environmental Permit it is still necessary, therefore, for the Planning Authority to consider at the planning stage whether the proposed development at the site will be a suitable use of the land - in particular, with regard to the likely residual effects of odour on nearby sensitive users".

#### EPU - Odour

There are two matters to consider in this application as regards odour control, fugitive emission from the building and emissions from the point source which has now been confirmed as a 15 metre chimney that is 2.7 metres above the building roof (mid point) on the east side towards the housing. Both matters are addressed but it should be noted that they are not exclusive and fugitive emissions may add to point source emissions particularly at nearby locations. If down wash occurs emission levels of odour will increase.

There are two main significant additions of information to this new application. The first is the odour dispersion modelling by ENTRAN consultants for the proposed chimney stack. The second large piece of information is within the Odour management Plan and is the detailed design proposals for the air pollution control equipment by Simdean Envirotec consultants (see paragraph 6.6 and Appendix A Design, supply, Installation and Commissioning of by Simdean Envirotec of Odour Control system).

Regarding the odour control system the details from Simdean Envirotec do confirm that the abatement solution proposed in February 2016 has been designed for the applicant. It is the two part scrubber

system followed by carbon filtration as shown on the diagrams previously. The system is explained in detail and this is the odour control system prior to dispersion from the chimney. The attainment of negative pressure in the building is explained (building pressure control system) and it appears locking the door prior to opening the processing area will also reduce fugitive emissions. The two scrubbers will be fitted with alarms so prescribed permit limits complied with. The scrubbers take out odours from ammonia, amines, acids and sulphonated organic compounds. The latter may include mercaptans which are very odorous. The air from the reception is drawn through the carbon filter with the exhaust from the scrubbers. A dust filtration is in place before the carbon filter to remove dust from the building air to protect the carbon adsorber. The system seems to be described in engineering detail and this is the odour control system before the final chimney that exits the carbon adsorber bed. Prior to the Carbon Adsorber it is indicated that there will be 10,000 OU/m<sup>3</sup> (odour units per cubic metre). After odour removal this goes down to an average of 500 OU/m<sup>3</sup> in the chimney stack (95% efficient). This would be odorous and relies on good dispersion to reduce odours to below 1.5 OU/m<sup>3</sup>.

In principal the Odour Management Plan seems to follow the recommended content of an OMP for planning purposes in the IAQM guidance (Institute of Air Quality Management). This must meet the Environment Agency's H4 guidance as well. If it is assumed that fugitive emissions are controlled by the negative pressure and controls in the building the dispersion modelling is key to whether there will be odour complaints and is discussed below.

ENTRAN have carried out the dispersion model on the basis of a maximum emission of 750 OU/m<sup>3</sup> (odour concentration) as opposed to the average projected emission of 500 OU/m<sup>3</sup> to be conservative. The company unfortunately do not have the working facility to take actual readings of odour units from the stack to be used in the modelling. Down wash has been taken into account which could be concern with the relatively low chimney 2.7 metres above the building. The assessment has used the AERMOD model which with ADMS is a known model. Consultants at Conway nearby used ADMS. The IAQM guidance for planning indicates both models are used dependent on the company's access and preference as well as the opinion of the LPA or Environmental Permitting regulator. The company seem to have taken account of IAQM guidance and the H4 Odour Management Guidance (Environment Agency). The modelling inputs are shown in table 3 of the dispersion model. This is important as this will affect the odour levels found by modelling at the selected 17 receptor locations (table 2). This is using an odour level of 1.5 OU/m<sup>3</sup> taken from the H4 and IAQM guidance as a nuisance odour level for the most offensive processes. This is reasonable given the emissions of ammonia and sulphur type compounds or hydrogen sulphide. It should be noted that the odour levels at Cherry Avenue and Blair Peach school are towards the 1.5 OU/m<sup>3</sup> (table 6 and figure 4 red line). Table 5 indicates a slight impact and the conclusion is that 'The outputs of the modelling conclude that the impact of the facility on the amenity of surrounding receptors would not be significant'.

The assessment is critical and I would refer to the IAQM guidance for the comments on modelling therein. In the guidance it is emphasised that there are uncertainties (see table 12 (Some approaches for addressing uncertainty in odour modelling)). Probably one of the main uncertainties would be the odour emission rates as the plant is not working and actual odour levels could not be measured over time. The odour levels used are indicated to be maximum levels post the carbon filter but I am not sure what these are based on, perhaps monitoring at the other Knowaste facilities. As regards the meteorological data it appears 5 years of data from Heathrow was used which should be sufficient. I would recommend enquiring as to whether the uncertainties have been addressed.

I would say it is essential to get an opinion on the modelling possibly from other colleagues who look at the models for other air pollution compounds under the AQ strategy. Odour is somewhat different to other pollutants in the way it is measured in terms of odour units and it can be dependent on a clarifying odour emission rates, other odour sources, terrain and source characteristics. With this development the modelling on the consultant's proposed parameters has not indicated there will a problem, but there will remain a risk of odour complaints given the uncertainties and close proximity of

highly sensitive receptors in the wind direction. The modelling assumes that the odour control system will be working at a full efficiency and although there are controls on the system and a procedure for abnormal conditions this cannot always be guaranteed. For example if the carbon adsorber fails or the protective filter is blocked then the odour units emitted will considerably increase. A mention was also made of a continuous odour monitor on the process and the details of these monitors and how they measure odour (surrogate measurement or otherwise) is important to preventing complaints. The site staff's odour monitoring that is proposed would be very intermittent.

After reviewing the new information we would conclude that:

1. The developer has now made a significant effort to explain and detail their odour control technology. It appears that the developer is to use the previously proposed technology. 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 or a failure of the system that is not 'picked up'.
2. More detailed design for the specialised odour control plant is submitted. Stack dispersion modelling is now available and concludes that the modelled odour levels will not cause a nuisance. Two points were indicated as likely to have a slight impact which is not significant. The stack has not been modelled at different heights.

As with my previous email 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 detailed 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.

We must recommend that the dispersion modelling is checked as to whether it is robust and can be applied to this site given the uncertainties and lack of actual site emissions data or reference to where the data used was obtained. Unfortunately no data is available from a similar facility next to residential to validate the model or indicate an absence of complaints.

## **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 meets 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**

NATs and BAA Ltd were consulted on this application, however have not responded to the consultation on this matter. The site is located within a height restriction area of 15 metres. The proposed flue protrudes only 1.7 metres above the ridge of the building, and therefore it is not considered that the proposal would result in any specific airport safeguarding issues.

#### **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**

The design and appearance of the building will be largely as approved within application 1911/APP/2012/3185. A further roller shutter door is proposed to the southern elevation of the building, however as this is to be of a design, size and scale comparable to those already approved within the building, no objection is raised to this addition. A large external plant area is proposed adjacent to the northern boundary of the site. Given the industrial nature and scale of the buildings within the immediate area, it is not considered that such additions would appear visually intrusive to adjacent residential properties. If the scheme had been recommended for approval, a suitable landscaping scheme could have been recommended to ensure that such additions were adequately screened from the Canal.

A flue is proposed to the roof of the building, which will extend approximately 1.7 metres from the northern roof slope. By reason of the modest scale and projection of this addition above the roof of the building, it is not considered to have a detrimental impact on the character and appearance of the surrounding area.

Overall, no objection is raised to the external alterations to the building.

#### **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, there are concerns with the assumptions and subsequent conclusions within the Odour Assessment Report. The assessments have only modelled the site operating at 100% efficiency, and not had regard to the worst case scenario. The results are therefore considered to have significantly underestimated the likely

risks of odour exposure.

The conclusions of officers are that on the basis of the information submitted, plant in this location would give rise to unacceptable levels of odour nuisance to the surrounding occupiers. The odour emitted is considered to present a notable change in the odour composition of the area 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 Highways Officer raises no objection to the scheme.

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

Urban design - See comments within section 7.07 of the report.

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 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.

Notwithstanding such, this application proposes further additions to the north of the site, in the form of a substation, two transformers and two storage tanks on a concrete plinth. As these additions are 'Essential Infrastructure' in Flood Zone 2, as defined by paragraph 66 of the National Planning Policy Guidance (NPPG) a Flood Risk Assessment is required. One was received by the Council on the 22nd June and is currently being reviewed by the Environment Agency and the Councils Floodwater Management Officer.

#### **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, operate under an Environmental Permit, whereby ongoing pollution control of many of the operations will be regulated by the Environment Agency. The IAQM guidance states that in such instances:

"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. For sites that will be subject to an Environmental Permit, it is still necessary therefore, for the Planning Authority to consider at the planning stage whether the proposed development at the site will be a suitable use of the land - in particular, with regard to the likely residual effects of odour on nearby sensitive sites. (IAQM Guidance, page 5, 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 the other commercial premises within the Industrial Area. These adjacent buildings are defined as highly sensitive receptors (residential dwellings and schools), 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, which needs careful consideration.

The scheme has been accompanied by a planning statement and Odour Management Plan (OMP) and Odour Management Assessment, which sets out the systems and processes involved and odour management controls.

The previous scheme only included very generic and illustrative information on odour control, and at the time of the previous application, the applicant had yet to choose a company to install and design the plant and control systems. Given the lack of precise detail of the plant, exhaust stack, operations and systems, the full details of any maintenance were also unable to be clarified. Maintenance of any plant is essential to ensure that odours are treated effectively and not dispersed via any stack. In the absence of all of this information within the previous scheme, it was not possible for Officers to determine whether there would have been an adverse impact as a result of odours and refusal of the application was recommended in this regard.

This application has sought to provide further detail and clarity in respect of the operations, maintenance and mitigation measures proposed to control odour from the site. The accompanying Odour Management Plan now contains further detail and explanations of the odour control technology proposed. Furthermore, a more detailed design for the bespoke odour control plant/system with stack dispersion modelling has been submitted.

It is important to emphasize that 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 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.

One of the main concerns of Officers previously and which remains within this application, was that with whatever system was 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. The system proposes to use negative pressure within the building, which has been explained in more detail with this application, and it would appear that locking the door prior to opening the processing area will also reduce fugitive emissions. If it is assumed that fugitive emissions are controlled by the negative pressures and controls within the building, the dispersion modelling is key to whether there will be odour concerns.

In terms of the site operations and areas for potential odour, the applicants have provided the following summary of the operations. Firstly, the waste AHP delivered to the proposed facility has the potential to give rise to odours and the facility has been designed to try and minimise the fugitive release of odours. Process air from within the building will be treated within the odour control system before it is vented to the atmosphere via a 15m stack located to the north of the process building. There will be residual odours from the odour control system and the assessment has focussed on the impact of these emissions on off-site odour. The assessment has utilised a dispersion model to predict the dispersion of odorous emissions from the facility using five years of meteorological data from London Heathrow

Airport. The predicted concentrations of odour, in terms of European Odour Units (ouE/m<sup>3</sup>) have been compared to benchmark levels provided by the Environment Agency in their horizontal guidance (H4).

The modelling work undertaken as part of this application has been reviewed by the Councils Air Quality and Environmental Protection Officers (their full consultation responses are referred to in section 6 of this report). The modelling undertaken assumes only that odour management procedures to be implemented will be 100% effective, and hence only models the residual odour impact at relevant sensitive receptors. The assessment concludes that the impact of the facility will not therefore be significant. The Councils specialists disagree with this approach as it is based on a not conservative scenario and may underestimate the local impact of the facility on the nearby sensitive receptors. A worst case scenario, namely the failure of the odour removal system, which will inevitably not operate at 100% efficiency at all times, has not been modelled to ascertain the risk of exposure at nearby sensitive locations. The view of the Council is that the assessment should have modelled a failure of the odour removal system, which would have produced a completely different set of results.

Given that there is no site specific data, due diligence and professional judgement are required when applying the IAQM guidance and Environment Agency's H4 Horizontal Guidance on Odour. There is a clear distinction to be made between using the right, robust methodology and obtaining robust results. Whilst the methodology used by the applicant is acceptable and robust in relation to the model used, the parameters used in its set up, meteorological data used and reference methods used, the main concern is with the assumptions used in assuming 100% efficiency. Although there are controls on the system and procedures for abnormal conditions, it is important to note that these cannot always be guaranteed, for example, if a protective filter is blocked, the odour units emitted will considerably increase. The risk remains that there will be odour complaints given the uncertainties and close proximity of highly sensitive receptors in the prevailing wind direction.

It is therefore considered that the results are significantly underestimating the risks of odour exposure and effectiveness of the systems proposed. Given the high sensitivity of the nearby receptors and the underestimation of risk reported, the Council maintains its concerns that the proposal will result in odour nuisance to the nearby sensitive receptors (residential properties and school to the south west of the site).

In respect specifically to the stack proposed to the building, the dispersion model was carried out on the basis of a maximum emission as opposed to the average projected emissions. As there is no similar or working facility, the readings of odour units are predictions and not actual measures. In the IAQM guidance, it is emphasised that there are uncertainties with any modelling and in this particular case, one of the main uncertainties is that as the plant is not operational, actual odour levels cannot be measured over time. The odour levels used are indicated to be maximum levels post the carbon filter, but it is unclear what these are based upon.

Given the relatively low external chimney height, there is also concern that down wash could occur, which would cause the emission levels of odour to increase. The applicants have not undertaken a sensitivity stack height analysis, which would have been expected and may have assisted in addressing some of the additional concerns raised.

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 doubt that the stack at the height suggested will ensure that odours are adequately controlled/dispersed.

Whilst the further and more detailed information provided by the applicant is welcomed as part of the application, there remain reservations with the assumptions and conclusions of the assessments and modelling. The Council consider that the results significantly underestimate the risk of odour exposure and as a result, there would be notable changes in the odour composition and these would be noxious given the nature of the proposal, and residential nature of the area, within the prevailing wind direction.

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.

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 whole site, including plots 1 to 3 under planning permission 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 are 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.

Whilst the further and more detailed information provided by the applicant is welcomed as part of the application, there remain reservations with the assumptions and conclusions of the assessments and modelling. The Council consider that the results significantly underestimate the risk of odour exposure and as a result, there would be notable changes in the odour composition and these would be noxious given the nature of the proposal, and residential nature of the area, within the prevailing wind direction.

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

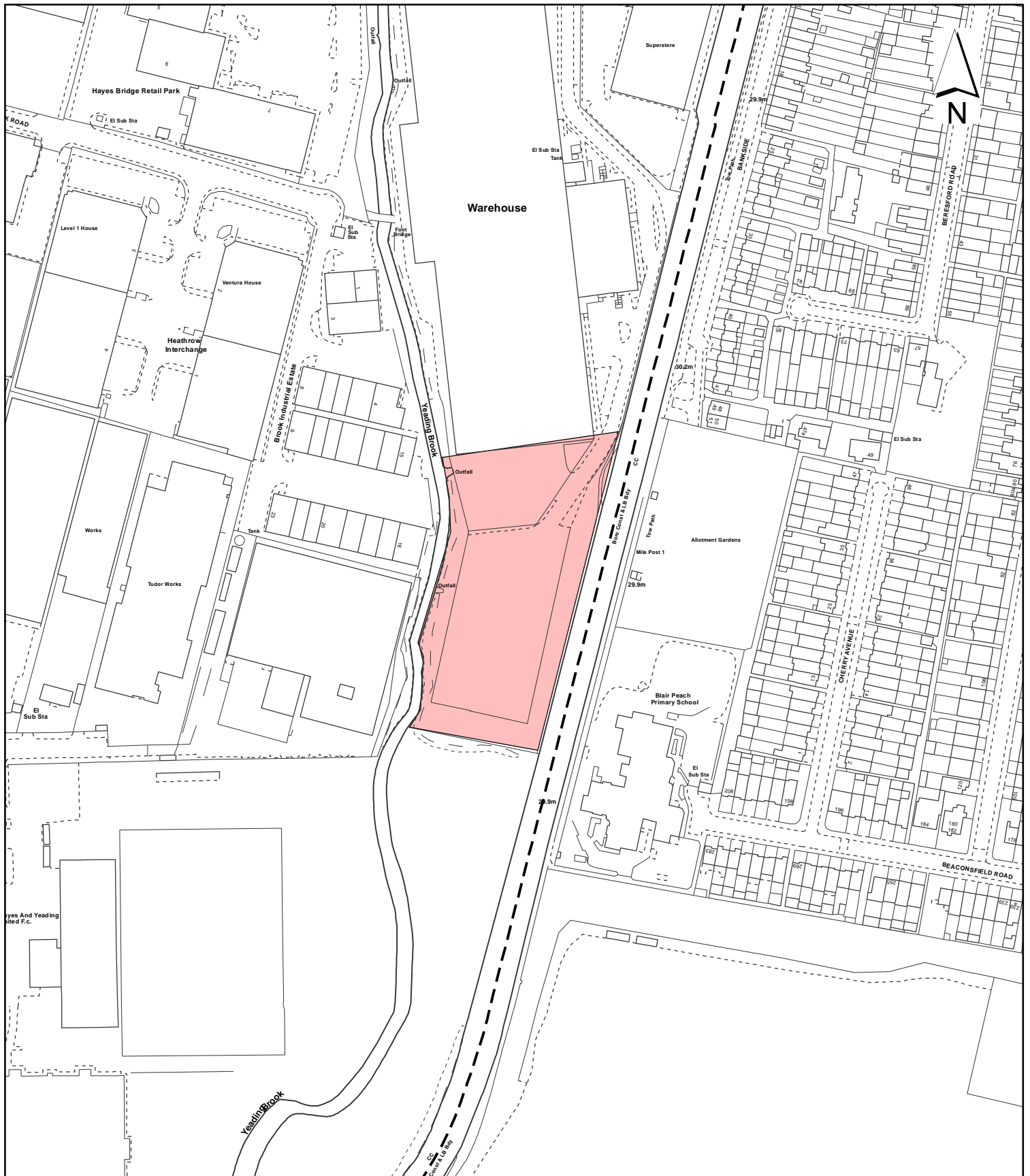
Supplementary Planning Guidance - Air Quality.

**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

**Contact Officer:** Charlotte Goff

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

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Site Address:

**Unit 4  
 1-3 Uxbridge Road**

**LONDON BOROUGH  
 OF HILLINGDON**  
 Residents Services  
 Planning Section  
 Civic Centre, Uxbridge, Middx. UB8 1UW  
 Telephone No.: Uxbridge 250111

Planning Application Ref:  
**1911/APP/2016/1472**

Scale:  
**1:2,500**

Planning Committee:  
**Major**

Date:  
**July 2016**

