

**Committee Report
Planning Committee on 12 January, 2011**

**Item No. 10
Case No. 10/2367**

RECEIVED: 21 September, 2010

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: Unit 4, Second Way, Wembley, HA9 0YJ

PROPOSAL: Change of use from warehouse (Use Class B8) to waste transfer station (Use Class Sui Generis)

APPLICANT: Recycling express limited

CONTACT: JPB Architects

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval

EXISTING

The subject site comprises an industrial unit on Second Way. The site is situated within the Strategic Employment Area therefore surrounding uses are predominantly industrial. Temporary planning permission was granted on the site in 2008 for a change of use from B8 to a waste transfer station (use class Sui Generis) for a period of two years.

PROPOSAL

Change of use from warehouse (Use Class B8) to waste transfer station (Use Class Sui Generis)

HISTORY

10/1054 - Details pursuant to condition 7 (air-quality assessment) of planning permission reference 08/1506, dated 14 November 2008, for change of use from warehouse (Use Class B8) to waste-transfer station (Use Class Sui Generis) and installation of tank to front elevation of site
Granted - 22/06/2010

09/2641 - Removal of condition 8 (requiring the submission of a construction and freight logistics plan) of planning permission 08/1506, dated 14/11/2008, for change of use from warehouse (Use Class B8) to waste-transfer station (Use Class Sui Generis) and installation of tank to front elevation of site
Granted - 12/02/2010

08/3191 - Details pursuant to condition 3 (dust suppression system), 5 (vehicle washing facilities), 9 (training employment strategy), 10 (solar thermal panels), 11 (waste target monitoring) of full planning permission reference 08/1506 dated 14 November 2008 for Change of use from warehouse (Use Class B8) to waste transfer station (Use Class Sui-Generis) and installation of tank to front elevation of site
Granted - 14/08/2009

08/1506 - Change of use from warehouse (Use Class B8) to waste transfer station (Use Class Sui-Generis) and installation of tank to front elevation of site
Granted - 14/11/2008

POLICY CONSIDERATIONS

Brent's Unitary Development Plan 2004

BE2 - Townscape: Local Context & Character

EP2 - Noise & Vibration

EP3 - Local Air Quality Management

EP4 - Potentially Polluting Development

TRN3 - Environmental Impact of Traffic

TRN4 - Measures to Make Transport Impact Acceptable

TRN22 - Parking Standards - Non-residential Developments

LDF Core Strategy 2010

CP20 - Strategic and Borough Employment Areas

SPDs

Wembley Masterplan

SUSTAINABILITY ASSESSMENT

n/a

CONSULTATION

Standard three week consultation period carried out between 08 October 2010 and 29 October 2010 in which 12 properties were notified.

Two letters of objection have been received from neighbouring units which raise the following concerns:

- Infestation of flies and rats increased since the commencement of the use
- Dust and waste deposits in the air have increased
- Rubbish scrapped up against wall shared with Unit 5 resulting in damp and a crack
- Closure of public right of way due to serious damage which has occurred to the building

Internal Consultees

Transportation - No objections

Environment Agency - No objections

Environmental Health - Response remains pending. Comments from EH officers will be reported within the Supplementary Report

REMARKS

Background

The use in question was granted temporary planning permission for a two year period in 2008. This application seeks to extend this permission further. The application is referable to the Mayor of London under Category 2B (a) of the Schedule of the Order 2008. A response has been received from the Mayor stating that proposal does not have any strategic issues and as a result, no further consultation is required.

The main considerations relating to this application are the principle of granting a further permission for the use, the environmental impact of the use and transportation implications for the use.

Principle of Change of Use

The site falls within the Wembley Strategic Employment Area and also within a Waste Management Area. The proposed use includes reception, storage and treatment of dry inert and non-hazardous wastes to manufacture materials for re-use, recovery and recycling uses including, soil, wood, aggregates, metals, cardboard and paper. The use has a maximum annual operation throughput of around 75000 tonnes of which 50000 tonnes will be construction, demolition and excavation materials and 25000 would be commercial and industrial.

The location of the unit is within the Wembley Masterplan area which is a Supplementary Planning Document adopted in 2009. Given the situation of the site within an area of change with close proximity to areas proposed for residential uses and within an area which may be affected by the realignment of road network, it is considered that the proposal can be granted a further temporary permission only for a period of 5 years.

Environmental Impact of the Use

The applicants have been required to obtain an Environmental Permit for the use which seeks to minimise harm to human health or pollution of the environment. In addition the original application (08/1506) attached a number of conditions requiring dust suppression systems, noise mitigation measures to prevent the transfer of noise and vibration from machinery within the site and air quality objectives. These conditions were discharged following the granting of planning permission as the measures proposed were considered by Environmental Health Officers to adequately deal with potential dust and pollution arising from the use. The comments from the objectors regarding dust and pollution are however noted and clarification is being sought from Environmental Health officers that the measures required previously remain satisfactory. The details of a response will be reported within the Supplementary Report.

The objectors concerns regarding the infestations of flies and rats are also noted however the use in question does not take in domestic waste but rather dry recyclables such as soil, hardcore, plastic and cardboard. It is unlikely that the handling of these type of materials are the likely cause of the problems experienced by neighbouring uses.

It should also be noted that the applicants have provided evidence that the site has been visited by Health and Safety Inspectors following the receipt of complaints regarding vehicular damage to walls. These officers confirmed that they are satisfied that measures have been put in place to minimise the risk of further damage from the application site. In any case, the issue of damage to shared walls is a civil matter which cannot be controlled through planning legislation. Accordingly this matter is not considered to warrant a refusal of the application.

The closure of a public right of way is also not a material planning consideration but is a civil matter and as such the Local Planning Authority cannot intervene to resolve this matter.

Transportation Implications

Transportation Officers have been consulted regarding the renewal of the temporary use and are satisfied that the continuation of the use is unlikely to result in a significant increase in vehicular movements. Furthermore, over the course of the two years of operation, no complaints or objections have been received relating to this matter. Accordingly the proposal is not considered to raise any significant concerns relating to transportation matters.

Summary

Your officers consider the use to be acceptable in this location for the present time as the changes advocated by the Masterplan have not yet transformed this particular area. In addition sufficient measures have previously been required to mitigate the environmental impact of the use and the

proposal is not considered to raise significant concerns to Transportation Officers regarding the impact to the road network or highway safety. Accordingly the proposal is considered to comply with development plan policies and it is considered appropriate to recommend approval for the use to continue to operate for a further five years.

REASONS FOR CONDITIONS

n/a

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

- (1) The proposed development is in general accordance with policies contained in the:-

Brent Unitary Development Plan 2004
LDF Core Strategy 2010

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Transport: in terms of sustainability, safety and servicing needs
Wembley Regeneration Area: to promote the opportunities and benefits within Wembley
Waste: in terms of the development of waste management facilities

CONDITIONS/REASONS:

- (1) This permission shall be for a limited period of 5 years only expiring on 12/01/2016 when (unless a further application has been submitted to and approved by the Local Planning Authority) the use hereby approved shall be discontinued and the existing use reinstated to the satisfaction of the Local Planning Authority.

Reason: To enable the Local Planning Authority to review the proposal in the light of the application premises being situated in a strategic employment area and adjoining Wembley 2008 Masterplan area. Permission for a longer period could prejudice its implementation.

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

01
02
03
04

Noise and Observation Assessment - Chilt-E MJGER01
x1 Letter and details to discharge conditions - Ref 10334/PL/081124/jpb

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) The site will not be used for the sorting or storage of putrecible waste without prior written approval from the Local Planning Authority.

Reason: To safeguard the amenity of neighbouring occupiers

- (4) The parking and servicing areas within the site shall only be used for purposes ancillary to the use hereby approved and for no other purpose.

Reason: To ensure that the proposed use do not interfere with the free passage of vehicles or pedestrians within the site and along the public highway and in the interests of the visual amenities of the area and sustainable transport

INFORMATIVES:

- (1) The applicant is reminded that the information submitted to discharge conditions attached to planning permission ref 08/1506 are approved again through condition 2 and should therefore be retained and maintained.

REFERENCE DOCUMENTS:

Brent's Unitary Development Plan 2004
LDF Core Strategy 2010
Wembley Masterplan SPD

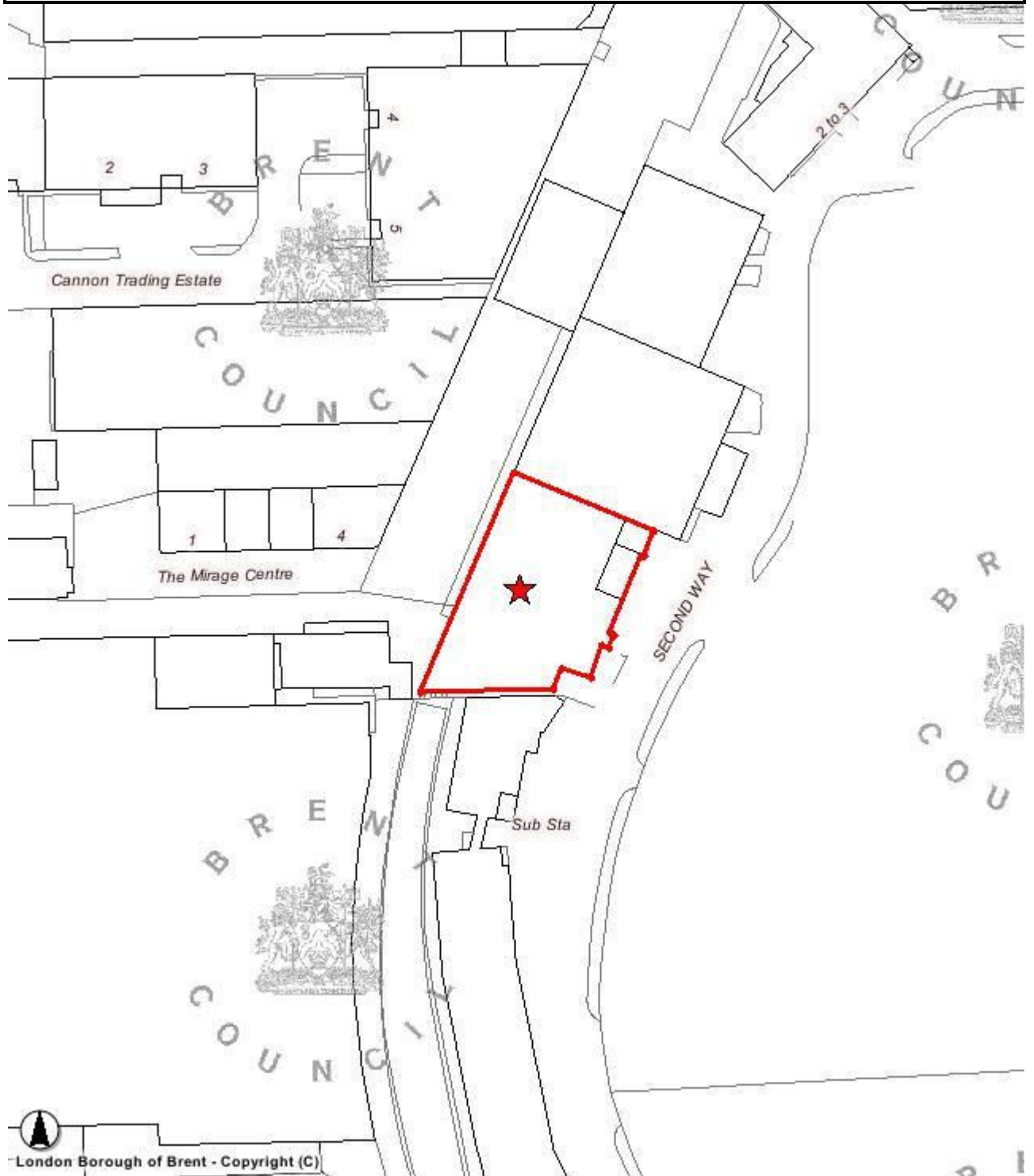
Any person wishing to inspect the above papers should contact Sarah Ashton, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5234



Planning Committee Map

Site address: Unit 4, Second Way, Wembley, HA9 0YJ

Reproduced from Ordnance Survey mapping data with the permission of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Brent, DBRE201 2005



London Borough of Brent - Copyright (C)

This map is indicative only.