

PLANNING COMMITTEE MEETING: 11 November 2010

**PLANNING APPLICATION FOR DETERMINATION BY THE LTGDC
REPORT OF THE DIRECTOR OF PLANNING**

UDC CASE NUMBER:	LTGDC-10-093-WAS	DATE MADE VALID:	09/06/2010
APPLICATION NUMBER:	U0005.10/LBHG	TARGET DATE:	

APPLICANT:	Adler & Allan Ltd
AGENT:	Adler & Allan Ltd
PROPOSAL:	Permanent planning permission for a licensed hazardous waste transfer station involving general site and process improvements
LOCATION:	24 Salamons Way Off Ferry Lane South Rainham

1. SUMMARY

- 1.1 The application before Members is for the permanent use of the site at 24 Salamons Way, Rainham as a hazardous waste transfer station. The site currently has temporary planning permission for this use expiring in June 2012.
- 1.2 The reason for seeking permanent permission is to gain greater certainty around the future of the site so that the operator can invest more capital to allow the installation of a permanent laboratory and associated facilities and that would only be economically viable if a permanent permission were granted to allow greater long term return. The applicant has identified means of enhancing the site to comply with the East London Joint Waste DPD.
- 1.3 The application has been considered by Havering's Regulatory Services Committee, who recommended that the application be approved. The Environment Agency is also content for the application to be approved.
- 1.4 The application is recommended for approval, subject to the conditions listed in the section 11 of this report.

2. SITE AND PROPOSAL

Site

- 2.1 The site is a roughly square parcel of land, 0.175ha in area and located at the

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southern end of Salamons Way within the Rainham Employment Area. Salamons Way is a private road that connects with Ferry Lane approximately 200 metres to the south of the A13 on-ramp.

- 2.2 The site is surrounded by industrial uses except for the western boundary, which is adjacent to Rainham Creek.
- 2.3 The current use is as a hazardous waste transfer station operated from a large factory building adjacent to the southern boundary of the site. Within the building, various hazardous and non-hazardous materials are processed and stored.
- 2.4 On the northern boundary of the site is a narrow, single storey row of ancillary offices. The site employs 24 full time and 3 part time staff and operates between the hours of 0800 to 1800 Monday to Friday and 0900 to 1200 Saturday for its waste management operations, but operates from 0600 for its industrial cleaning operations.
- 2.5 Planning permission (P2015.03) was granted for the current development by the London Borough of Havering on the 26th of February 2004 and limited to a period of five years. This permission was renewed by the Development Corporation for a period of three years under planning permission U0006.09 in June 2009.
- 2.6 The site is licensed to accept a wide range of non-hazardous and hazardous materials. These are stored on site in containers or suitable tanks, and are transferred and treated subject to regulation by the Environment Agency.
- 2.7 The range of wastes that the license covers includes those potentially arising from commercial, industrial, agricultural and food processing industries, including oil, solvents and chemicals. The applicants specialise in dealing with liquid wastes, spillages and cleaning in this respect. The majority of such waste is transferred on for final disposal, with any storage or treatment on the site being strictly in accordance with the permits and consents issued and monitored by the Environment Agency.
- 2.8 The type of waste materials being stored, collected and transferred in bulk from the site includes the following:
- waste paint and varnish
 - waste from mining and mechanical treatment of waste (for example sorting, crushing, compacting and pelletising)
 - solvents
 - acids
 - alkalines
 - aqueous liquids, organic and inorganic wastes containing dangerous substances (end-of-life vehicle wastes, i.e. oils, airbags, asbestos and catalysts)
 - oxidising agents
 - batteries
 - fluorescent tube
 - gas cylinders

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2.9 Waste materials treated on the site mainly relate to end-of-life vehicle wastes (e.g. oils, airbags, asbestos and catalysts). Other waste materials being treated on the site include the following:

- readily biodegradable engine, gear and lubricating oils
- oily water from oil/water separators
- other fuels (including mixtures)
- other aqueous liquid wastes

2.10 The waste treatment is generally the separation of the waste from water. The dry waste is then removed from the site for onward disposal and the waste water is discharged to the sewer in accordance with the EA licence and the Thames Water discharge to sewer consent. Solid settlement is periodically dug out and later transferred to another licensed disposal site.

Proposal

2.11 Adler and Allan Limited is the operator of the site and seek to make permanent the existing use as described in the original temporary planning permission P2015.03 (subsequently extended for three years by temporary planning permission U0006.09)

2.12 The proposal for the permanent treatment facility is to replace the existing temporary treatment plant, along with a significant upgrade of the laboratory to enable the company to monitor and control waste more effectively. This upgrade is contained within the existing structures. The works also include the general reconfiguration of the general site layout including the introduction of new storage tanks. New structures proposed for the site are as follows:

- Three cylindrical storage tanks on the western boundary measuring approximately 2.01m in diameter and up to 2.5m in height.
- One rectangular tank on the western boundary approximately 2.5m x 7m and up to 2.5m in height. All four tanks on the western boundary are to be sited on an existing raised platform 1.5m in height.
- One rectangular tank to the eastern boundary 10m x 2.5m x 2.8m in height.
- One small storage unit within the site. Approximately 1m cube.

2.13 The current waste activities at the site are the acceptance, bulking, repacking, treatment and direct transfer of general variety of wastes including hazardous as a transfer station. These operations are intended to continue with the grant of permanent planning permission.

3. MAIN ISSUES

- Principle of the Use
- Amenity of the Surrounding Area
- Visual Appearance
- Highway Matters
- Contamination
- Flooding

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4. RELEVANT SITE HISTORY

4.1 There is extensive history on and around this site, of particular relevance are the following applications:

- P2015.03 Change of use to a licensed hazardous waste transfer station. This application was granted planning permission under delegated authority for a limited period of 5 years, subject to conditions.
- U0006.09 was for the continuation of the site for use as a licensed hazardous waste transfer station approved for a three year temporary period.

5. CONSULTATIONS/NOTIFICATIONS

London Borough of Havering

5.1 The application was considered by the Borough's Regulatory Services Committee on the 9th of September 2010 where Members resolved to raise no objection to the proposal and recommended planning conditions to secure the following:

- No open storage above 4 metres
- No storage of materials within 8 metres of the watercourse on any part of the site
- No light spill from external artificial lighting into the watercourse or adjacent river corridor habitat
- Appropriate land contamination monitoring and remediation as required by the Environment Agency

Environment Agency

5.2 The Environment Agency responded to consultation on the 9th of August 2010, advising that the proposal is acceptable subject to conditions to secure:

- A four stage contamination risk assessment
- Verification that the approved remediation strategy has been completed
- A scheme for the disposal of surface water

London Fire and Emergency Planning Authority

5.3 The Brigade is satisfied with the proposals.

6. APPLICATION PUBLICITY

6.1 Site Notice Expiry: 28th June 2010

6.2 Press Notice Expiry: 19th July 2010

6.3 Neighbour Notification Sent: 16th June 2010

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7. REPRESENTATIONS

7.1 In response to the application publicity, a total of 136 objections have been received from local residents at the time of writing. These objections have been organised by local Rainham Councillor Jeffery Tucker in the form of a petition. The basis for the objections is set out on the petition leaflet, being the perception that other hazardous waste facilities will be attracted to the area by the proposal, which in turn will put off high grade industrial and riverside leisure activities.

8. RELEVANT PLANNING POLICY

8.1 Central Government Guidance

PPG4: Industrial, Commercial Development and Small Firms

PPS10: Sustainable Waste Management

PPS23: Planning and Pollution Control

PPS25: Development and Flood Risk

8.2 The London Plan, consolidated with changes since 2004 (2008)

3B.4 Industrial Locations

3C.2 Matching Development to Transport Capacity

3C.3 Sustainable Transport in London

3C.23 Parking Strategy

4A.12 Flooding

4A.13 Flood Risk Management

4A.14 Sustainable Drainage

4A.21 Waste Strategic Policy and Targets

4A.22 Spatial Policies for Waste Management

4A.23 Criteria for the Selection of Sites for Waste Management and Disposal

4A.27 Broad Locations for Recycling and Waste Treatment Facilities

4A.29 Hazardous Waste

4A.34 Dealing with Hazardous Substances

8.3 Joint Waste DPD for East London Waste Authority Boroughs – Preferred Submission Document

Preferred Policy W1 Sustainable Waste Management

Preferred Policy W2 Waste Management and Capacity

Preferred Policy W5 General Considerations

8.4 London Borough of Havering Core Strategy DPD

CP3 Places to Work

CP11 Sustainable Waste Management

CP15 Environmental Management

8.5 London Borough of Havering LDF Development Control Policies Development Plan Document

DC9 Strategic Industrial Locations

DC51 Water Supply, Drainage and Quality

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DC52 Air Quality
DC53 Contaminated Land

9. ASSESSMENT OF MAIN ISSUES

Principle of the Use

9.1 The original application for this site was approved by the London Borough of Havering in 2004, at which time the use was considered by Havering's officers to be appropriate for the location, however a limit of five years was imposed. The reason for this limitation was stated to be as follows:

"The site lies within the area of the London Riverside where the proposed development would be inappropriate in the long term. This temporary permission is therefore granted to enable to Local Planning Authority to retain control."

9.2 The use of the application site as a hazardous waste transfer station has been considered on two separate occasions. In both instances, the principle was considered acceptable but for a temporary period only. The reason for the temporary permissions was that the surrounding area was expected to be the subject of continuing employment based redevelopment and that although the use is acceptable in principle, control needed to be retained by the Local Planning Authority should a site specific proposal come forward. Certainly, in the context of the London Plan policies on waste management, 4A.21, 4A.22 and 4A.23, the use would be appropriate at this location. In particular, the criteria for the selection of waste management sites under 4A.23 are met. If the strategic policy approach to this use at this location were to be applied, there would seem to have been no need for a temporary permission.

9.3 However, Havering's more recently adopted LDF policies provide more specific guidance on the allocation of waste management sites within the Borough. Policy DC9 deals with Strategic Industrial Locations such as the area of the application site and states that among other considerations that waste uses will be considered acceptable on the proviso that they are consistent with the Joint Waste Development Plan Document and Core Policy CP11.

9.4 Policy CP11 relates specifically to sustainable waste management and states that the broad locations for waste management sites will be Strategic Industrial Locations until such a time as the Joint Waste DPD is adopted which shall then identify land for waste management purposes, having regard to the Borough apportionment of such land and the London Plan.

9.5 The Joint Waste DPD is currently out to consultation on the Schedule of Advertised Proposed Changes which is due to end on 7th November 2010. Ultimately, the Joint Waste DPD will seek to promote a more sustainable approach to waste management by promoting recycling and reuse and minimising the amount of waste going directly into landfill. For the purposes of this application, the most relevant area of the DPD is Schedule 1 which identifies specific sites that are safeguarded for waste purposes. The application site is not among these safeguarded sites. This is because larger sites are identified to achieve the growing demand for waste capacities to accord with the London Plan. Although not identified as a safeguarded site, the site offers hazardous waste treatment capacity of smaller quantities and therefore is acceptable in principle if it achieves the aims and objectives of the Joint

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Waste DPD, in particular preferred policy W5 'General Considerations'. The aim of preferred policy W5 is to promote waste uses that have higher environmental standards. Over the past 5 years the operations have continued to grow. A permanent permission will enable the company to inject additional capital into the site by means of installing better quality permanent equipment involving an upgraded laboratory that will enable wastes to be controlled and treated more effectively. It is due to these changes and additional operational works that the applicant considers the operations an appropriate long term use in this location and therefore compliant with policy objectives.

9.6 The second factor relates to alternative uses should the application be refused. At present, the operation employs 27 staff, of which 24 are full time and three are part time. The most likely replacement use, given the surrounding area and proximity to the A13 would be a B8 storage/distribution type use. Although technically an employment use, modern warehousing facilities rarely employ more than a handful of staff. Therefore, if the current use were to cease, it is likely that a replacement use would result in a decrease in employment overall.

9.7 Finally, the nature of the application itself should also be taken into consideration. The fact that the use is established, has provided a needed waste disposal service to the Borough and the wider London area and has not resulted in complaints from neighbouring businesses are also factors that tip the balance in favour of the existing use.

9.8 Having regard to the existing operation, relevant development plan policies and other material considerations set out above it is considered that the use at this location is appropriate in principle.

Amenity of the Surrounding Area

9.9 The application seeks to make permanent an existing temporary use, rather than being an entirely new use altogether. Therefore, the issue to consider is whether the current use generates any material harm to the locality at present and whether the continuation of the use will result in such harm being generated in future.

9.10 The location of the site and the nature of the hazardous waste materials are such that the primary area of potential harm would be to the natural environment. In this respect, the Environment Agency has confirmed that the site is already the subject of EA licensing controls and that a Flood Risk Assessment is not required. The EA raise no objections, subject to the conditions listed in the consultation section of this report.

9.11 The nearest residential properties to the site are located in Rainham Village, which is some 1.2 km to the north. A permanent permission on this site is not considered to have any tangible impact upon residents of Rainham.

9.12 In the first instance, the distance between Rainham Village and the application site is large enough so that the operations will not be noticeable. The most prominent barrier between the site and the Village is the A13. This means that the uses will not be discernible from the Village.

9.13 Although the site will continue to receive hazardous material, the way in which that material is dealt with is controlled to such an extent by the Environment Agency that it will not be noticeable from Rainham Village. This is evidenced through the

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lack of any complaints from either local residents or neighbouring occupiers since the beginning of operations on site in 2004.

Visual Appearance

9.14 No changes are proposed to the exterior of the building in the form of visual improvements. The site is not visible from the public realm (keeping in mind that Salamons Way is a private road) and will not in any way be noticeable from the Rainham Marshes Site of Special Scientific Interest. To date, the use has raised no complaints among the users of the industrial estate.

Highway Matters

9.15 Access from Salamons Way would remain as existing. The additional permanent equipment will also allow for further onsite treatment of the waste that would allow for clean water derived from the process to be discharged to the sewer and thus remove the need for removal for offsite treatment. The site has adequate circulation areas and car parking is proposed to be demarcated within the site.

9.16 No change is proposed to the number of vehicle movements to and from the site and the area currently enjoys a free flow of traffic around the industrial area. Therefore, there is no evidence to suggest that the continuation of the use will be detrimental to highway capacity or safety.

Contamination

9.17 The application site is adjacent to Rainham Creek and forms part of a larger historic landfill area that is potentially contaminated. The site is presently capped and a site management programme is in place. Ongoing monitoring is undertaken to ensure no further land and groundwater contamination occurs as a result of this use.

9.18 As discussed earlier, temporary permissions were imposed in order to ensure that this use would not jeopardise the potential for future regeneration of this area. As the application under consideration is to make a temporary development permanent and not for redevelopment, it would be difficult to require remediation, which would involve all existing structures being removed and reinstated. Additionally, remediation of this site alone may be ineffective given the nature of the surrounding land and the number of uncontrolled uses. Should remediation occur, it is likely that these surrounding uses would cause migration of contaminants into the remediated site. In an ideal situation, the surrounding area would be remediated through the development of a wider comprehensive scheme, but such a scheme is not before Members for consideration.

9.19 Despite the contamination situation, ground water monitoring conditions have been recommended to ensure this use does not exacerbate the situation. The site is also subject to auditing by existing environmental management systems in conjunction with Environment Agency inspections.

Flooding

9.20 Although the site is located within the Flood Risk Zone 3, comments from the Environment Agency confirm that the sequential test does not apply to Change of

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Use applications. Although additional tanks are proposed, these are mounted on raised platforms and on existing concrete foundations. On that basis the Environment Agency does not require a Flood Risk Assessment to be undertaken.

10. CONCLUSION AND REASONS FOR APPROVAL

- 10.1 The application is considered to be in compliance with the adopted policy context. The existing operation does not have any history of 'bad neighbour' complaints given the location and the number of similar uses nearby.
- 10.2 The application site was granted planning permission for a hazardous waste transfer station in February 2004 for a temporary period of 5 years to ensure the use would not jeopardise the greater regeneration proposals for this area. Upon expiry of this permission, an application to renew this consent was considered under the current LDF policy document where the site is identified as an employment area where waste uses may be acceptable. As no further environmental improvements were proposed, a further 3 years were granted. As no specific regeneration projects have come forward in the area or are envisaged in the near future, and with the growing success of the business, the applicant now wishes to invest additional capital into the site and thus proposes additional works to comply with the Waste DPD general policy W5.
- 10.3 The proposal for permanent planning permission will improve the existing environment around Salamons Way since the permission will give the operator long term comfort that investment in the site is worthwhile. Officers do not consider that the use will deter high grade industrial uses to the area in any way.
- 10.4 Planning Committee is requested to **GRANT** planning permission subject to the draft conditions listed in paragraph 11 of this report.

11. CONDITIONS AND REASONS

- 1 The development to which this permission relates shall be commenced not later than the expiration of the temporary permission U0006.09.
- Reason: To ensure that the development is commenced within a reasonable time period and in accordance with Section 91 of the Town and Country Planning Act 1990
- 2 The development to which this permission relates shall be implemented in complete accordance with the approved plans and drawing numbers:
- RCE1489 01A Proposed Site Plan
 - RCE1489 02A Proposed Site Elevations
 - RCE1489 03A Oil Process Facility
- Reason: To ensure that the development is constructed in accordance with the approved plans

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- 3 There shall be no storage of materials within 8 metres of the watercourse on any part of the site.

Reason: In order to limit the impact of the operation on the river buffer zone and the movement of wildlife along the river, in accordance with policy DC58 of the London Borough of Havering Local Development Framework 2008.

- 4 There shall be no light spill from external artificial lighting in to the watercourse or adjacent river corridor habitat. To achieve this, the specifications, location and direction of external artificial lights should be such that the lighting levels within 8 metres of the top of bank of the watercourse are maintained at background levels. The Environment Agency considers background levels to be a lux level of 0-2.

Reason: To minimise light spill from the new development into the watercourse of adjacent river corridor habitat, in accordance with policies DC56 and DC58 of the London Borough of Havering Local Development Framework 2008.

- 5 External storage of materials shall not exceed 4 metres in height from ground level at any point.

Reason: In the interests of visual amenity and in order for the development to be in accordance with Policy DC61 of the London Borough of Havering Local Development Framework 2008

- 6 Prior to the commencement of the development hereby permitted, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority:

- a) A preliminary risk assessment which has identified:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site
- b) A site investigation scheme, based on a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) The site investigation results and the detailed risk assessment b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in c) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented in full thereafter.

Reason: In the interests of groundwater protection, in accordance with policies

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DC51 and DC53 of the London Borough of Havering Local Development Framework 2008.

- 7 Should a remediation strategy be required under condition 2(c) above, a verification report demonstrating completion of the works and effectiveness of the strategy shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of samples and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan for longer-term monitoring of pollutant linkages, maintenance and arrangement for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To confirm that any required remediation is completed to an acceptable standard in order to protect groundwater and surface features in the area from pollution, in accordance with policies DC51 and DC53 of the London Borough of Havering Local Development Framework 2008.

- 8 The development hereby permitted shall not be commenced until a scheme to dispose of surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full thereafter.

Reason: In the interests of groundwater protection, in accordance with policies DC51 and DC53 of the London Borough of Havering Local Development Framework 2008.

CASE OFFICER: Stephen Allen

Appendix 1: Site Plan

Appendix 2: Elevations

Appendix 3: Oil Processing Facility