Development Management Officer Report Committee Application

Summary		
Committee Meeting Date: 26 July 2016	Item Number: 7c	
Application ID: Z/2012/1193/F		
Proposal: Retrospective application for waste baler plant (CK850H specification) and erection of new enclosure to western side of existing building.	Location: 1080 Upper Crumlin Road BT14 8RX	

Referral Route: Non -Delegated (Linked to Major application)

Recommendation:	Approve
Applicant Name and Address:	Agent Name and Address:
Mr J Bates	Pragma Planning and Development
C/o Agent	Scottish Provident Building
•	7 Donegal Square West
	Belfast
	BT1 6JH

Executive Summary: The application seeks full retrospective planning permission for a waste baler plant and the erection of a new enclosure to western side of existing building.

The main issues to be considered in this case are:

- Principle of extension to existing building and proposed use
- Impact on amenity
- Access and Parking
- Consideration of objections

The site is located beyond the development limits of the Belfast Metropolitan Area Plan. The presumption is therefore against development subject to the planning considerations detailed below. The site is located just north of the Crumlin Road / Upper Hightown Road Site of Local Nature Conservation Importance (SLNCI).

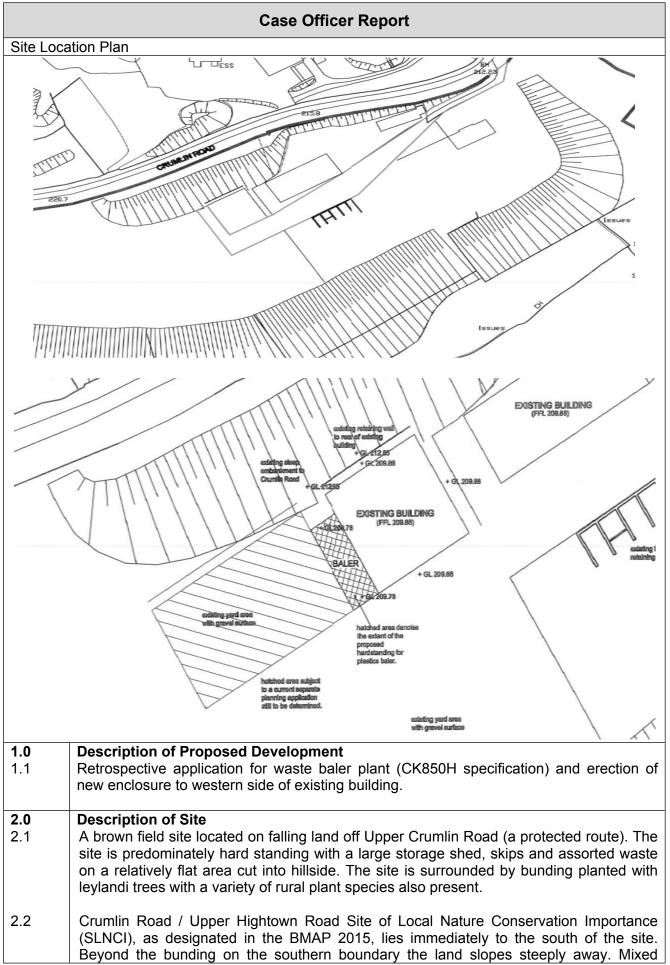
The proposal has been assessed against the following Policies – Strategic Planning Policy for Northern Ireland, Planning Policy Statement 3: Access Movement and Parking, policiesWM1 and WM2 of Planning Policy Statement 11 – 'Planning and Waste Management, policy CTY1 of Planning Policy Statement 21 – 'Sustainable Development in the Countryside' and policy PED3 of Planning Policy Statement 4 – 'Planning and Economic Development'.

NIEA Waste Management Unit, NIEA Heritage Development & Change Branch, Belfast City Council's Environmental Protection Unit have offered no objections to the proposal and have recommended a number of conditions be attached to any approval.

TransportNI have requested additional information in relation to proposed parking however should planning permission be granted the required level of parking can be conditioned.

The extension to the existing building is in keeping with the existing built form and subservient in nature and will successfully integrate into the site and its rural setting.

Having had regard to the development plan, relevant planning policies, and other material considerations, it is determined that the proposal should be approved subject to conditions.



	woodland and dense scrub is present on these slopes and this area marks the northern boundary of the SLNCI.		
Plannin	Planning Assessment of Policy and other Material Considerations		
3.0	Planning History		
3.1	Z/1993/2001 - Construction of shed for the manufacturing of skips and general engineering work and construction of concrete ramp for transfer station. Approved 28 th May 1993		
3.2	Z/1997/2779/O - Proposal: Site for equestrian centre with ancillary facilities and bridle paths. Approved 18th November 1998		
3.3	Z/2003/1923/F - Construction of workshop. Approved 9 th March 2004.		
3.4	Z/2010/0087/F - Retrospective application for bunding to existing roadside embankment. Approved 26 th October 2010		
3.5	Z/2009/0688/F - Retention of existing recycling facility building and erection of new recycling facility building and associated retaining wall. Approved 6 th July 2016		
4.0	Policy Framework		
4.1	Belfast Metropolitan Area Plan 2015		
4.2	SPPS Regional Development Strategy Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 2 – Natural Heritage Planning Policy Statement 3 - Access, Movement and Parking Planning Policy Statement 4 – Planning and Economic Development Planning Policy Statement 11 – Planning and Waste Management Planning Policy Statement 21 – Sustainable Development in the Countryside		
5.0	Statutory Consultees Transport NI – Further info. requested Rivers Agency – No objection NIEA Waste Management Unit – No objection NIEA Land and Resource Management Unit - No objection		
6.0	Non-Statutory Consultees Environmental Health BCC – No objection		
7.0	 Representations The proposal has been neighbour notified and advertised in the local press. A total of 2 objections have been received in relation to the application. The main issues raised in the objections included: Cumulative impact of this application and accompanying applications on adjacent LLPA and SLNCI Traffic Impact on a dangerous stretch of road Contamination and infilling of the site. Inadequacies in ground investigations No need for a waste treatment facility in this rural location Lack of detailed information on mitigation of potential impacts and technical specifications. Outstanding information required to address Roads Service concerns. 		

8.0 Other Material Considerations

Delivering Resource Efficiency: The Northern Ireland Waste Management Strategy 2013; Towards Resource Management: The Northern Ireland Waste Management Strategy 2006 - 2020;

Arc21 Waste Management Plan.

9.0 **Assessment**

9.1 Article 6 (4) of the Planning (Northern Ireland) Act states that in making any determination under the said act regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material consideration indicate otherwise.

9.1.1 The key issues in the assessment of the proposed development include:

- Principle of extension to existing building and proposed use
- Impact on amenity
- Access and Parking
- Consideration of objections

9.2 Principle of use and development on the Site - Visual Impact

The site is located beyond the development limits of the Belfast Metropolitan Area Plan. The main policy context of PPS 21: Sustainable Development in the Countryside promotes a presumption in favour of development subject to planning and environmental matters. The site is also located just north of the Crumlin Road / Upper Hightown Road Site of Local Nature Conservation Importance (SLNCI).

9.3

The lean-to housing in which the baler is located has been assessed against paragraphs 4.23-4.29 of the SPPS. The design is in keeping with the existing shed and is subservient in nature and will appear as a side extension to the existing building given its reduced scale and massing. In terms of visual impact the proposed extension sits at a much lower level that the Crumlin Road and will be screened significantly by an existing roadside bund (approved under planning application Z/2010/0087/F), to the extent where it will be barely visible from any views from the main road. With a maximum ridge height of 5.5m the extension sits 3.5m lower than the existing building and 1m lower than the eaves. The scale and massing are very much in keeping with the existing building and the site and thus the proposal will not have a detrimental impact on the character of the area.

- 9.4 PPS21 Policy CTY1 sets out a number of range of non-residential development which in principle are considered acceptable in the countryside:
 - Farm diversification proposals in accordance with Policy CTY11;
 - Agricultural and forestry development in accordance with Policy CTY12:
 - Industry and business use in accordance with PPS4;
 - Outdoor sport and recreational uses in accordance with PPS8:
 - Renewable energy projects in accordance with PPS18; or
 - A necessary community facility to serve the local rural population

As the proposal is clearly an industrial use and must therefore also be assessed against Planning Policy Statement 4.

9.5

The baler and extension to the existing building has therefore assessed against Policy PED3: The Expansion of an Established Economic Development Us of PPS4. This policy states that the expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise. The use of the existing building as a waste treatment facility has been approved on 6th July 2016 under planning ref: Z/2009/0688/F. The proposal represents an increase in floor area of 74 square metres. The existing building has a floor area of approximately 316 square metres. This is not a significant increase in floor area.

The proposed extension is very much subservient in nature and is located within an established operational site. It would successfully integrate into its roadside setting given the low lying nature of the site and the existing roadside bund, and thus should not impact on the character of the area.

- Proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site. The proposal will extend the existing building and is in proportion to the existing building, appearing subservient and of sympathetic scale, design and finishes.
- 9.7 Any extension or new building should respect the scale, design and materials of the original building(s) on the site and any historic or architectural interest the original property may have. As stated above the extension respects the built form on the site and is subservient in nature to the existing building. There are no buildings of any particular historic or architectural interest on the site.
- 9.8 Policy WM1 of PPS 11 Planning and Waste Management provides a framework for the examination of environmental effects and set outs 12 criteria which must be met:
- 9.8.1 the proposal will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment;

All relevant consultees are satisfied in terms of human health and any potential environmental impact.

• the proposal is designed to be compatible with the character of the surrounding area and adjacent land uses;

The extension to the existing building is sympathetic in its scale, massing and design. It is set approximately 8 m lower than the road and its siting shall benefit from an established roadside bund which will screen the building from the north-western approach along the Upper Crumlin Road. The eastern approach is screened by existing trees around the access and existing buildings on the site. In terms of the overall visual impact there will be no significant impact on the character of the area.

• the visual impact of the waste management facility, including the final landform of landfilling or land raising operations, is acceptable in the landscape and the development will not have an unacceptable visual impact on any area designated for its landscape quality;

The existing building is long established and the proposed extension is subservient in nature and is a sympathetic addition in terms of scale and design. Any potential visual impact is reduced given the low lying finished ground level. The roadside bund will screen the building from the north whilst distant views of the building from the south shall benefit from the backdrop of the embankment to immediately north of the site and rising lands beyond. In any case given the scale of the proposal and the scale of the existing building there will be no significant visual impact.

• the access to the site and the nature and frequency of associated traffic movements will not prejudice the safety and convenience of road users or constitute a nuisance to neighbouring residents by virtue of noise, dirt and dust;

TransportNI have offered no objections in terms of the ability of the existing access to serve the proposal and no increase in vehicular movements have been indicated on the application form.

• the public road network can satisfactorily accommodate, or can be upgraded to accommodate, the traffic generated;

9.8.5

Transport NI has not indicated any issue with regard to the ability of the existing road network to accommodate the proposal and have offered no objections on this basis. 9.8.6 adequate arrangements shall be provided within the site for the parking, servicing and circulation of vehicles: Transport NI required some additional information to ensure an additional 2 car parking spaces and an acceptable turning area could be provided on the site. This can be conditioned should approval be granted. 9.8.7 wherever practicable the use of alternative transport modes, in particular, rail and water, has been considered: Not applicable given the small scale nature of the proposal. 988 • the development will not have an unacceptable adverse impact on nature conservation or archaeological/built heritage interests. NIEA have offered no objections to the proposal in terms of archaeology and there are no listed buildings within or close to the site. 9.8.9 • the types of waste to be deposited or treated and the proposed method of disposal or treatment will not pose a serious environmental risk to air, water or soil resources that cannot be prevented or appropriately controlled by mitigating measures; As indicated on accompanying full application for the change of use and erection of new building to create a waste treatment facility no hazardous waste is to be stored on the site. 9.8.10 · the proposed site is not at risk from flooding and the proposal will not cause or exacerbate flooding elsewhere: Established site which does not lie within a floodplain and is thus unlikely to have any significant impact in terms of potential flooding. 9.8.11 the proposal avoids (as far as is practicable) the permanent loss of the best and most versatile agricultural land; The site is long established use and the proposal involves little in the way of disruption to existing unaltered land. 9.8.12 In the case of landfilling the proposal includes suitable, detailed and practical restoration and aftercare proposals for the site. No landfilling is proposed as part of this application. 9.10 Policy WM2 'Waste Collection and Treatment Facilities' of PPS11 is also relevant in the assessment of this application. Proposals for the development of a waste collection or treatment facility will be permitted where: (a) there is a need for the facility as established through the WMS and the relevant WMP, except 9.10.1 in the case of Waste Water Treatment Works (WWTWs) where the need must be demonstrated to the Department's satisfaction;

The proposal follows the overall thrust of overarching Waste Management Plans and Strategies

and their commitment to sustainability in such facilities.

9.10.2

(b) the proposed facility is the BPEO;

This requirement is no longer relevant as of 25th November 2013.

9.10.3

(c) the proposed facility complies with one or more of the following locational criteria:

it is located within an industrial or port area of a character appropriate to the development;

it is suitably located within an active or worked out hard rock quarry or on the site of an existing or former waste management facility including a landfill site;

it brings previously developed, derelict or contaminated land back into productive use or makes use of existing or redundant buildings;

in the case of a civic amenity and similar neighbourhood facilities the site is conveniently located in terms of access to service a neighbourhood or settlement whilst avoiding unacceptable adverse impact on the character, environmental quality and amenities of the local area:

where the proposal is in the countryside, it involves the reuse of existing buildings or is on land within or adjacent to existing building groups. Alternatively where it is demonstrated that new buildings/plant are needed these must have an acceptable visual and environmental impact;

Proposals for the development of a waste collection or treatment facility will be permitted where, when in the countryside, as in this case, it involves the reuse of existing buildings or is on land within or adjacent to existing building groups. In this case the proposal is for an extension onto an established workshop, which is the subject of an accompanying application (Z/2009/0688/F) for the retention of an existing waste treatment use. Part of this criterion also requires the facility to be 'suitably' located. Located on low-lying ground and set into the existing roadside embankment, the integration of the extension shall be enhanced by the existing roadside bund.

9.10.4

- (d) the following criteria are also met:
 - in the case of a regional scale waste collection or treatment facility, its location relates closely to and benefits from easy access to key transport corridors and, where practicable makes use of the alternative transport modes of rail and water;

Not applicable in this case as this is a small scale proposal.

• proposals involving the sorting and processing of waste, are carried out within a purpose built or appropriately modified existing building, unless it can be demonstrated that part or all of the proposed operation can only be carried out in the open;

The proposed baler is located within a purpose built extension.

• the built development associated with the proposed methods of handling, storage, treatment and processing of waste is appropriate to the nature and hazards of the waste(s) concerned;

No issues have been raised through the consultation process with regards to the ability of the baler and associated extension to handle the said waste.

• proposals for the incineration of waste and other thermal processes, shall incorporate measures to maximise energy recovery both in the form of heat and electricity, taking account of prevailing technology, economics and characteristics of the waste stream involved; and

Not applicable in this case.

• it will not result in an unacceptable adverse environmental impact that cannot be prevented or appropriately controlled by mitigating measures (see Policy WM 1).

As stated above the proposed extension and existing building are set at a much lower level than the main road and with the aid of the existing roadside bund will not be visually prominent and should integrate comfortably into the site and its rural setting.

Impact on amenity

The proposal has been assessed against paragraphs 4.11 and 4.12 of the SPPS. EPU initially stated that while there are no residential premises situated immediately adjacent to the development site, there are houses in the vicinity and the operation of a baler located outdoors is likely to result in potential noise disturbance and material being blown around the site and possibly off-site to neighbouring land.

9.11 9.11.1

The concerns expressed by EPU in their initial response related to potential noise disturbance from operation of the waste baler outside and littering of the site and surrounding area.

The amended plans for the above proposed development show an enclosure with two doorways: one for 'goods in' and one for 'goods out'. EPU have stated that should these doorways/shutters be left open during operation of the baler, there exists the potential for noise disturbance and littering of the site despite the introduction of the baler within an enclosure. Should approval be granted a condition can be attached to ensure that the said doors will remain closed when the proposed baler is in operation.

It is noted that the Northern Ireland Environment Agency is the relevant authority for issuing the waste licence and this Unit requests if NIEA are amending the waste licence for the site that they amend the licence conditions to require the shutter doors of the waste baler enclosure be kept shut during operation of the baler to minimise noise disturbance and litter escaping.

9.11.4

9.12

9.12.1

Access and Parking

The proposal has been assessed against Policies AMP7, 8 and 9 of PPS3. Roads Service (now TransportNI) consider the application unacceptable and have asked that the car park layout should be revised to accommodate the 2 no. additional spaces and any car parking spaces that may be lost by the proposed extension. Should approval be granted a condition can be attached to ensure adequate parking is shown to be available prior to commencement of development.

Roads Service also asked for a swept path analysis for the most onerous service vehicle to demonstrate that there will be no conflict between service vehicles and car parking spaces in any re-design of the car parking layout. Again should approval be granted a plan showing this swept path analysis can be submitted prior to commencement of development.

9.12.2

Flooding

Rivers Agency have stated that no watercourses lie within or within the immediate vicinity of the site, nor is the site situated within a fluvial flood plain.

9.13 Consideration of objections

The following issues were raised in a total of 2 letters of objection:

Cumulative impact of this application and accompanying applications on adjacent LLPA and SLNCI

9.14	- This is a minor extension to an established workshop, whose change of use has recently been approved as part of a waste treatment facility. Ni significant impact	
9.14.1	on LLPA or SLNCI given scale and location of extension. - Traffic Impact on a dangerous stretch of road	
3.14.1	 Traffic Impact on a dangerous stretch of road TransportNI have raised no objections to the principle of the baler and associated 	
	extension. The only issue raised was with regard to car parking and vehicle	
	movements within the site.	
	- Contamination and infilling of the site. Inadequacies in ground	
9.14.2	investigations	
	 NIEA have raised no issues with regard to contamination, providing all the relevant statutory permissions for this development are obtained. 	
	- No need for a waste treatment facility in this rural location	
9.14.3	- The proposal is a small scale extension to an established use on the site, now	
0.1.1.0	regularised through the recent approval Z/2009/0688/F.	
	- Lack of detailed information on mitigation of potential impacts and technical	
	specifications.	
9.14.4	- All necessary details now supplied. No mitigation required with regard to	
	contamination. Environmental Protection Unit have stated that the doors of the	
9.14.5	proposed enclosure should remain closed at all times when the baler is in operation. A condition can be attached to any approval to ensure this happens	
9.14.3	(11.2).	
	- Outstanding information required to address Roads Service concerns.	
	- Any outstanding information can be requested via condition. TransportNI have no	
	objections to the principle of development.	
9.14.6		
9.14.0		
10.0	Summary of Recommendation: Approval	
10.1	This is an established waste storage site. It is considered that the proposed extension to house the baler will be sympathetic and subordinate to the existing built form on the site and will successfully integrate into this low lying rural site with the aid of an existing roadside bund. The new building will be set into the existing roadside embankment, facilitated by a 5m high retaining wall. All relevant consultees offer no objection in terms of contamination, visual impact, impact on amenity and ground stability. The Transport NI issue with regards to parking can be resolved through conditions (11.4 and 11.5)	
10.2	It is considered, on balance, that the proposal complies with relevant policy and guidance.	
11.0	Conditions	
11.1	As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.	
	Reason: Time Limit.	
11.2	The doors of the proposed extension must remain closed at all times while the waste baler plant is in operation.	
	Reason: In the interests of public amenity.	
11.3	If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Department shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of	

unacceptable risks being identified, a remediation strategy shall be agreed with the Department in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of health and environmental receptors to ensure the site is suitable for use.

- Prior to commencement of the development hereby approved a plan shall be submitted to Belfast City Council showing 2 car parking spaces measuring 2.4 by 4.8m with an associated 6 metres manoeuvring space randomly dimensioned.
- Reason: To ensure an adequate level of parking provision is provided to serve the proposed development.

Prior to the commencement of development a swept path analysis for the most onerous service should be submitted to BCC for approval, to demonstrate that there will be no conflict between service vehicles and car parking spaces in any re-design of the car parking layout.

Reason: In the interests of traffic safety within site.

Informatives

11.7

The entrance and exit to the proposed waste baler enclosure should be kept closed during operation of the waste baler.

Discharge consent under the terms of the Water (Northern Ireland) Order 1999 may be required for the discharge of site drainage from the proposed development. However the applicant should be aware that there is no guarantee that discharge consent will be granted, as a number of site specific factors need to be taken into account in assessing the suitability of the proposed means of surface water disposal.

An application form for consent to discharge under the Water (NI) Order 1999 can be obtained by contacting NIEA WMU at the above address, or by visiting our web site at:http://www.ni-environment.gov.uk/water-home/regulation of discharges industrial/industrial and private sewage 2.htm

Discharge consent can also be applied for online at the following address:

11.8 http://www.doeni.gov.uk/niea/apply_online.htm

produced by CIRIA.

All hardstand areas where lorries park and turn, and where storage/handling of waste products occurs, must be constructed from an impermeable material and designed to contain all contaminated runoff.

To avoid pollution of surface or groundwaters, any waste oils, lubricants and hydraulic fluids stored on site should have adequate secondary containment.

- 11.10 Care should be taken to ensure that only clean surface water is discharged to the surrounding water environment during the operational phases of this development.

 WMU recommend that the storm drainage of the site should be designed to the principles of Sustainable Drainage Systems (SuDS) in order to minimise the polluting effects of storm water on waterways.
- 11.11

 Construction of SuDS should comply with the design and construction standards as set out in the Construction Industry Research and Information Association (CIRIA) manual C697. A separate site handbook (C698) for the construction of SUDS has also been

NIEA – Waste Management Unit also advises the following measures be incorporated:

11.13	The applicant should comply with all the relevant Pollution Prevention Guidelines in order to minimise the impact of the project on the environment, paying particular attention to: PPG 01 - General guide to pollution prevention PPG 02 - Above ground oil storage PPG 05 - Works and maintenance in or near water PPG 06 - Working at construction and demolition sites PPG 21 - Incident Response Planning PPG 22 - Incident response – dealing with spills PPG 26 - Storage and handling of drums and intermediate bulk containers These PPGs can be accessed by visiting the NetRegs website at: http://search.netregs.org.uk/search?w=pollution%20prevention%20guidelines Hard copies are available from NIEA WMU upon request.
11.15	The applicant should be made aware of the Control Of Pollution (Oil Storage) Regulations (NI) 2010. A key requirement of the Regulations is that oil storage containers must have a secondary containment system (a bund, which is an outer wall or enclosure designed to contain the contents of an inner tank, or a drip tray) to ensure that any leaking oil is contained and does not enter the aquatic environment. Guidance on how the Regulations will apply to your development can be found at: www.netregs.org.uk The applicant should be informed that it is an offence under the Water (Northern Ireland)
11.16	Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment. The applicant should ensure that measures are in place to prevent pollution of surface or
11.17	ground water as a result of the activities on site, both during construction and thereafter
12.0 12.1	Notification to Department (if Relevant) Not required
13.0 13.1	Representation from Elected member: None Received

ANNEX		
Date Valid	29th October 2012	
Date First Advertised	11th March 2013	
Date Last Advertised	11th March 2013	
Details of Neighbour Notification (all addresses) 1075 Crumlin Road Ballysillan Upper Belfast 1079 Crumlin Road Ballysillan Upper Belfast 1085 Crumlin Road Ballysillan Upper Belfast Hoy Dorman, 20 Adelaide Street, Belfast, BT2 8GD		
Date of Last Neighbour Notification	1st March 2013	
Date of EIA Determination	19th June 2013	
ES Requested	No	
Drawing Numbers and Title		
01 Site Location Plan 02A Block Plan 03A Floor Plan 04A Elevations 05A Side Elevation 06A Sections		