

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> 16 <sup>th</sup> January 2018	
<b>Application ID:</b> LA04/2016/0563/F	
<b>Proposal:</b> Variation of conditions 3 and 7 of planning permission Z/2005/2312/F to allow for external unloading, transfer and storage of waste and increase to opening hours (additional 2 hours per day)	<b>Location:</b> 1 Ballygomartin Industrial Estate, Ballygomartin Road, Belfast, BT13 3LZ
<b>Referral Route:</b> Related to planning application LA04/2016/0563/F which is required to be determined by the Planning Committee	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Avenue Recycling One Advantage Way Ballygomartin Road Belfast BT13 3LZ	<b>Agent Name and Address:</b> AMC Environmental 21D Enterprise Road Balloo South Business Park Bangor BT19 7TA
<p><b>Executive Summary:</b> This application seeks full planning permission for the variation of conditions 3 and 7 of planning permission Z/2005/2312/F to allow for the external unloading, transfer and storage of solid waste and an increase to the opening hours for an additional 2 hours per day Monday to Saturday.</p> <p>There is also a related planning application LA04/2016/0564/F which seeks permission for the acceptance of additional waste types at the site including construction and demolition waste, broader range of glass and plastic waste, street cleaning residues and bulky wastes and the installation of an internal metal shredder with an external conveyor belt. It is considered that both applications should be assessed in conjunction with each other.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Impact on character and appearance of the surrounding area</li> <li>• Access, parking and transport</li> <li>• Impact on amenity / environment</li> </ul> <p>The site is located on land zoned as existing employment in Draft BMAP within the development limits of the Belfast Metropolitan Area. The proposed amendments are directly related to the continued operation of the site as a waste recycling facility, therefore there is no objection in principle to the proposals.</p> <p>It is considered that the proposed changes would adequately integrate into the character of the existing site and given the dense screening of the boundaries, there would be no visual impact on the wider area. Subject to the inclusion of mitigation measures, it is considered that the proposed development would not have unacceptable impacts on the environment and amenity of surrounding</p>	

properties. The existing access, parking and internal traffic arrangements would remain unaffected by the proposals.

There is an outstanding consultation response from Environmental Health which will be reported as an update to planning committee. NI Water and NIEA were consulted and have offered no objection.

1 letter of objection, citing concern with the following:

- Noise;
- Hours of operation;
- Fumes;

These issues have been addressed in the main body of the report below.

The proposal has been assessed against and is considered to comply with the SPPS, BUAP, Draft BMAP, PPS3 and PPS11. Having regard to the development plan, relevant planning policies, and other material considerations, it is recommended that the proposal should be approved.

#### Recommendation

It is requested that committee delegate authority to the Interim Director of Planning and Place to grant planning permission subject to the conditions listed in Section 11 of the report with the final wording of conditions to be agreed



1.0	<p><b>Description of Proposed Development</b></p> <p>This application seeks full planning permission for the variation of Conditions 3 and 7 of planning permission Z/2005/2312/F (Change of use from a Bakery to a Recycling Facility for End of Life Vehicles, Waste Electrical &amp; Electronic Equipment and Paper/Plastic).</p> <p>Condition 3 reads as:  <i>Notwithstanding the annotation "Existing bunded area for external storage" indicated on drawing No. 02 date stamped 13 December 2006, there shall be no external storage, deposition or processing of waste materials other than the loading, unloading and storage of end of life vehicles in the southern sector of the site annotated "Incoming ELV/Depolluted Storage Area" on stamped approved drawing No. 02 date stamped 13 December 2006.</i>  <i>Reason: In the interests of amenity of residential properties of the surrounding area.</i></p> <p>Permission is now sought to allow for the external unloading, transfer and storage of waste in the area previously approved for the loading, unloading and storage of end of life vehicles only, identified as 'Incoming Waste Unloading and Storage Area' in Figure 2 of the Planning Application Supporting Information Document by AMC Environmental. This is only in relation to solid wastes.</p> <p>Condition 7 reads as:  <i>No operations shall take place outside the hours of 0900-1800 Monday to Saturday and there shall be no operations at any time on Sundays.</i>  <i>Reason: In the interests of amenity of residential properties in the surrounding area.</i></p> <p>Permission is sought for an increase to the opening hours by an additional 2 hours per day from 0700 am Monday to Saturday.</p> <p>Additional information / amendments were secured during the processing of the application including the following:</p> <ul style="list-style-type: none"> <li>• Removal of the request for external processing including the disassembly of waste electrical and electronic equipment (WEEE).</li> <li>• Submission of a Cumulative Noise Assessment and Working Plan.</li> </ul> <p>There is a related planning application LA04/2016/0564/F which appears elsewhere on this committee agenda. It seeks planning permission for the acceptance of additional waste types including textiles, construction and demolition waste, broader range of glass waste, street cleaning residues and bulky wastes and the installation of an internal metal shredder with an external conveyor belt. It is considered that both applications should be read and assessed in conjunction with each other which the main body of this report addresses.</p>
2.0	<p><b>Description of Site</b></p> <p>The site is located at Avenue Recycling, Ballygomartin Road, Belfast, it contains an existing recycling building, associated works and car parking. The site is fully enclosed by 2.4m high palisade fencing and dense mature vegetation.</p> <p>The site is located within the development limits of Belfast. The wider area is predominantly residential in use and characterised by two storey semi-detached dwellings.</p>
<b>Planning Assessment of Policy and other Material Considerations</b>	
3.0	<p><b>Site History</b></p> <p>Z/2005/2312/F - Change of use from a Bakery to a Recycling Facility for End of Life</p>

	<p>Vehicles, Waste Electrical &amp; Electronic Equipment and Paper/Plastic – Approved 19<sup>th</sup> September 2007</p> <p>LA04/2016/0564/F - Additional waste types, and the installation of a metal shredder and associated conveyor belt systems – Pending</p> <p>LA04/2016/1451/F - Construction of building to be used for servicing and maintenance of the vehicle fleet – Approved 15<sup>th</sup> September 2017</p>
<b>4.0</b>	<b>Policy Framework</b>
<b>4.1</b>	<p>Belfast Urban Area Plan 2001 (BUAP) (Draft) Belfast Metropolitan Area Plan</p> <p>Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.</p>
<b>4.2</b>	<p>Regional Development Strategy Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 3 - Access, Movement and Parking Planning Policy Statement 11 – Planning and Waste Management</p>
<b>5.0</b>	<p><b>Statutory Consultees</b> DAERA (Land, Soil and Air) – No objection, all waste processing activities should be carried out inside the building and the proposed amendments will necessitate a modification of the existing Waste Management Licence. NI Water – No objection</p>
<b>6.0</b>	<p><b>Non-Statutory Consultees</b> Environmental Health BCC – To be reported as committee update item</p>
<b>7.0</b>	<p><b>Representations</b> 1 letter of objection received, summarised as:</p> <ul style="list-style-type: none"> <li>• Existing high levels of noise from the site from engines, skips, horns, this will only increase with the installation of more equipment;</li> <li>• Hours of operation, noise starts every weekday morning, at 6:00am and also at the weekend including Sunday;</li> <li>• Fumes from vehicles.</li> </ul> <p>All points raised have been addressed directly in the main body of the report.</p> <p>A 14-day re-notification was carried out with neighbours and objectors on the amended description which expired on the 29<sup>th</sup> December 2017. The amended description was also re-advertised in the local newspapers which expired on the 5<sup>th</sup> January 2018. No further comments have been received to date as a result of this re-consultation.</p>
<b>8.0</b>	<p><b>Representations from Elected Representatives</b> None received</p>
<b>9.0</b>	<p><b>Other Material Considerations</b> Parking Standards DCAN 15: Vehicular Access Standards Northern Ireland Waste Management Strategy 'Delivering resource efficiency'</p>
<b>10.0</b>	<b>Assessment</b>
<b>10.1</b>	<p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>- Principle of development</li> <li>- Impact on character and appearance of the area</li> <li>- Access, Parking and Transport</li> <li>- Impact on amenity / environment</li> </ul>

<p><b>10.2</b></p>	<p><u>Principle of development</u> The site is located on land zoned as existing employment in Draft BMAP and currently operates as a waste recycling facility accepting a range of wastes including paper, plastics and WEEE. The proposed amendments are directly related to the continued operation of the site as a waste recycling facility, therefore there is no objection in principle to the proposals subject to the material considerations set out below.</p>
<p><b>10.3</b></p>	<p><u>Impact on character and appearance of the area</u> The site is well screened by existing dense vegetation around the boundaries. The proposed external conveyor belt to be installed on the side of the existing building would result in minimal alteration to its appearance. There are existing concrete storage bays where the solid wastes are proposed to be stored. The waste would be no higher than the partition walls of the storage bays which means any external waste would be satisfactorily screened. In addition, the storage of external waste would only be for a temporary period up to a maximum of 20 days. Conditions have been recommended to restrict the height of the storage area to 3.6 metres and the storage period to 20 days. In light of the above, it is considered that the proposed changes would adequately integrate into the character of the existing site and given the dense screening of the boundaries, there would be no visual impact on the wider area. The proposal is therefore considered to comply with Policy WM2 of PPS11 and the SPPS in this regard.</p>
<p><b>10.4</b></p>	<p><u>Access, Parking and Transport</u> Whilst the proposal would result in a wider acceptance of waste types, there would be no increase to the quantity of waste accepted at the site which is restricted to 24,999 tonnes per year. Therefore, there would be no increase in vehicular movements over and above what has already been permitted. The existing access, parking and internal traffic arrangements would remain unaffected. As such there was no requirement to consult TNI. Accordingly, the proposal is considered compliant with the requirements of PPS3, PPS11 and associated guidance.</p>
<p><b>10.5</b></p>	<p><u>Impact on amenity / environment</u> As advised above there will be no increase in vehicular movements over and above what has already been permitted. All processing of waste is now to be undertaken internally with the doors shut during this operation. In addition, only solid wastes are to be unloaded and stored externally in containers and are limited in terms of storage height and time period. The submitted Working Plan specifically deals with the control of dust and odour which is subsequently controlled via its Waste Management Licence. NIEA were consulted and have offered no objection. Environmental Health previously raised concerns that external working may result in additional unacceptable odour and dust implications. This has been adequately addressed as per the reasons given above with the removal of external processing.</p>
<p><b>10.6</b></p>	<p>The current facility accepts paper, plastics, WEEE and end of life vehicles. The facility wishes to broaden its acceptance of waste to include construction and demolition waste, textiles, additional glass and plastics, bulky wastes, street cleaning residues. The full list is outlined in Appendix 2 of the Planning Application Supporting Information document and highlighted in green on the table. The Northern Ireland Environment Agency is the responsible authority for issuing the waste licence for the keeping and treating of waste. Waste Management were consulted and have no objection. They advised that an amendment to the waste licence will be required.</p>
<p><b>10.7</b></p>	<p>One of the main objections raised from the local community and Environmental Health relates to the potential for additional unacceptable levels of noise as a result of the proposed changes. Planning Officers' shared these concerns and the applicant removed</p>

	the external processing of WEEE from the scheme, with all processing of waste to be undertaken internally within the existing building.
<b>10.8</b>	The potential noise sources that remain include vehicular traffic, forklifts, unloading / loading, shredder and baling activities, processing of additional waste types and extended hours of operation. A Cumulative Noise Assessment (CNA) was submitted taking into account the above in addition to any noise implications from the recently approved servicing and maintenance building under reference LA04/2016/1451/F.
<b>10.9</b>	The CNA shows that there is constant background road vehicle activity noise audible at the site due to the proximity to the busy Ballygomartin Road. In addition, noise impacts are also limited by the embankment on the northern boundary of the site, tree screening and screening by building facades. EHO had previously advised that the CHA should look at the worst case scenario including the processing of end of life vehicles including the early morning hours.
<b>10.10</b>	Following on from this response from EHO, all external processing was removed from the scheme, ensuring that it takes place internally allowing sufficient mitigation through the existing structure to reduce noise impact. Whilst it is noted that ELV processing can take place on the site through the original planning approval, this is limited to depollution which is a relatively quiet operation and it is also limited by the tonnage of waste that can be accepted on the site and the size of the facility which means that all the existing and proposed operations could not be carried out concurrently therefore no concern is raised.
<b>10.11</b>	The ambient noise levels and the WHO organisation guideline limit are not exceeded for the surrounding residential properties. In terms of the internal noise levels of surrounding properties, these would be within acceptable levels. However, the EHO has advised that the noise levels in the gardens of 62 Lyndhurst Park as a result of the development would exceed the standard set out in BS4142 'Methods for rating and assessing industrial and commercial sound' which would indicate a significant adverse impact. In addition, the noise levels in the rear gardens of Heathlodge Mews and Ballygomartin Road would indicate adverse impact. In order to adequately mitigate this, it is proposed to restrict the operation of the external unloading, loading and storage area during the summer months inclusive of May to September when amenity areas are readily in use.
<b>10.12</b>	In relation to potential noise generated from the internal shredder with external conveyor belt which would empty into the skip outside, mitigation has been proposed including installation of a hood enclosing the shredder outfeed conveyor, reinstatement of insulated cladding removed during shredder insulation and more efficient components. A condition has been attached to secure these measures. In addition, a condition has been attached to ensure that the hours of operation for shredder / conveyor are restricted to the original hours approved 9:00am – 18:00. It is considered that these measures are sufficient to ensure that unacceptable noise impacts do not occur as demonstrated in the CNA. The response from EHO remains outstanding on the amended scheme, this will be provided as a committee update item.
<b>10.13</b>	Drainage and Water Section of DAERA were consulted in relation to the impact of the proposal on the surface water environment and advised that they have no objection. NI Water were consulted and have no objection.
<b>10.14</b>	In light of the above, it is not considered that the proposed development would have an unacceptable impact on the environment and amenity of neighbouring properties in accordance with the SPPS and PPS11.

<p><b>11.0</b></p>	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>2. The facility hereby approved shall be developed and operated in accordance with stamped approved drawing no 02 date stamped 13 December 2006.  Reason: In the interests of amenity of residential properties in the surrounding area.</li> <li>3. The external unloading, transfer and storage of waste shall be confined only to the southern sector of the site hatched and annotated "Incoming Waste Unloading and Storage Area" on stamped approved drawing No. 03.  Reason: In the interests of amenity of residential properties of the surrounding area.</li> <li>4. Restriction on storage height, concealed containers and time period.</li> <li>5. The external storage of waste shall be confined only to the following waste types metal, plastic, WEEE, bulky wastes, glass, textiles and baled paper and cardboard.  Reason: In the interests of amenity of residential properties in the surrounding area and in the interests of environmental protection.</li> <li>6. There shall be no stacking of end of life vehicles on any part of the site.  Reason: In the interests of visual amenity.</li> <li>7. All waste processing activities including depollution of end of life vehicles, segregation and dismantling of waste electrical and electronic equipment and baling and shredding of paper/plastic shall take place internally and the roller shutter access points to the building shall remain closed during all operations other than the entry and exit of vehicles to and from the building.  Reason: In the interests of amenity of residential properties in the surrounding area.</li> <li>8. No domestic, food or putrescible waste shall be accepted at this facility.  Reason: In the interests of amenity of residential properties in the surrounding area and in the interests of environmental protection.</li> <li>9. No operations shall take place outside the hours of 0700-1800 Monday to Saturday and there shall be no operations at any time on Sundays.  Reason: In the interests of amenity of residential properties in the surrounding area.</li> <li>10. The existing trees and vegetation on all boundaries of this site shall be retained.</li> </ol>
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	<p>In the interests of amenity of residential properties in the surrounding area.</p> <p>11. The hard surfaced areas for the parking of vehicles shall be carried out in accordance with the approved layout drawing 06. This area shall not be used at any time for any purpose other than for parking and movement of vehicles in connection with the development hereby approved.</p> <p>Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.</p> <p>12. The waste recycling facility will process a maximum of 24,999 tonnes per annum of waste.</p> <p>Reason: In the interests of amenity, highway safety and environmental protection.</p>
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<b>ANNEX</b>	
<b>Date Valid</b>	11th February 2016
<b>Date First Advertised</b>	8th April 2016
<b>Date Last Advertised</b>	22nd December 2017
<b>Details of Neighbour Notification</b> (all addresses) St Columbas Church,298A Ballygomartin Road,Ballymagarry,Belfast,Antrim,BT13 3NG, 212 Ballygomartin Road,Belfast,Antrim,BT13 3NG, 214 Ballygomartin Road,Ballymagarry,Belfast,Antrim,BT13 3NG, 216 Ballygomartin Road,Ballymagarry,Belfast,Antrim,BT13 3NG, 222 Ballygomartin Road,Ballymagarry,Belfast,Antrim,BT13 3NG, 224 Ballygomartin Road,Ballymagarry,Belfast,Antrim,BT13 3NG, 226 Ballygomartin Road,Belfast,Antrim,BT13 3NG, 228 Ballygomartin Road,Belfast,Antrim,BT13 3NG, 235 Ballygomartin Road,Belfast,Antrim,BT13 3NH, 237 Ballygomartin Road, Belfast BT13 3NL 243 Ballygomartin Road,Ballymagarry,Belfast,Antrim,BT13 3NH, 62 Lyndhurst Park,Ballymagarry,Belfast,Antrim,BT13 3PG, 67 Lyndhurst Parade,Ballymagarry,Belfast,Antrim,BT13 3PB, 69 Lyndhurst Parade,Ballymagarry,Belfast,Antrim,BT13 3PB, Springhill Primary School,Ballygomartin Road,Belfast,Antrim,BT13 3NH, Unit 2,Ballygomartin Industrial Park,Ballygomartin Road,Ballymurphy,Belfast,Antrim,BT13 3NH,	
<b>Date of Last Neighbour Notification</b>	15th December 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Drawing Numbers and Title</b> 01 – Site Location Plan 02 – Site Layout Plan 03 – External Unloading and Storage 04 – New Metal Shredder and Conveyor Belt 05 – U-200 Shredder 06 – Revised Internal Traffic Arrangements	
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department: N/A	