

Committee Application

Development Management Report	
Application ID: LA04/2016/0563/F	Date of Committee: 13 th March 2018
Proposal: 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)	Location: 1 Ballygomartin Industrial Estate, Ballygomartin Road, Belfast, BT13 3LZ
Referral Route: Related to planning application LA04/2016/0563/F which is required to be determined by the Planning Committee	
Recommendation:	Approve
Applicant Name and Address: Avenue Recycling One Advantage Way Ballygomartin Road Belfast BT13 3LZ	Agent Name and Address: AMC Environmental 21D Enterprise Road Balloo South Business Park Bangor BT19 7TA
<p>Executive Summary:</p> <p>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 a broader range of metal, glass and plastic wastes, construction and demolition waste, textiles, bulky wastes and street cleaning residues and the construction of noise barrier walls. 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"> • Principle of development • Impact on character and appearance of the surrounding area • Access, parking and transport • Impact on amenity / environment <p>The site is located on whiteland within the BUAP and 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 and level changes, 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 properties. The mitigation measures include the construction of concrete noise barrier walls ranging in height from 3.5 metres to 4.5 metres around the incoming waste unloading and storage area and along the northwest corner of the site. In addition, early morning activities are restricted only to the arrival of employees and lorry movements leaving the site for waste collection. The existing access, parking and internal traffic arrangements would remain unaffected by the proposals.</p>	

Environmental Health have no objection subject to conditions. 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 Head of Planning and Policy to grant planning permission subject to the conditions listed in Section 11 of the report with the final wording of conditions to be agreed.

Case Officer Report

Site Location Plan



Characteristics of the Site and Area	
1.0	<p>Description of Proposed Development</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 & 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/De-polluted 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"> • Removal of external processing including the disassembly of waste electrical and electronic equipment (WEEE). • Submission of a Cumulative Noise Assessment and Working Plan • Construction of noise barrier walls <p>There is a related planning application LA04/2016/0564/F which appears also on this committee agenda. It seeks full planning permission for the acceptance of additional waste types including a broader range of metal, glass and plastic wastes, construction and demolition waste, textiles, bulky wastes and street cleaning residues and the construction of noise barrier walls ranging in height between 3.5 metres and 4.5 metres. The full list of additional waste codes to be accepted are contained within Table 1 of the Annex Report. 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>Description of Site</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>

Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History</p> <p>Z/2005/2312/F - Change of use from a Bakery to a Recycling Facility for End of Life Vehicles, Waste Electrical & Electronic Equipment and Paper/Plastic – Approved 19th 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 15th September 2017</p>
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 (BUAP)
4.2	(Draft) Belfast Metropolitan Area Plan 2015
	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.
4.1.1	BMA Employment Strategy
4.1.2	Zoning BT005 Existing Employment
4.3	Regional Development Strategy 2035
4.4	Strategic Planning Policy Statement 2015
4.5	Planning Policy Statement 3 - Access, Movement and Parking Planning Policy Statement 11 – Planning and Waste Management
5.0	Statutory Consultees Responses
5.1	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.
	DAERA (Drainage and Water) – No objection
5.2	NI Water – No objection
6.0	Non Statutory Consultees Responses
6.1	BCC Environmental Health - No objection subject to conditions
7.0	Representations
7.1	<p>The application has been neighbour notified on the 21st February 2018 and advertised in the local press on the 22nd December 2017.</p> <p>A 14-day re-notification was carried out with neighbours and objectors on the amended description, additional information and amended plans which expires on the 7th March 2018. No further comments have been received to date as a result of this re-consultation and any additional comments will be reported as an update to committee.</p> <p>1 letter of objection received, summarised as:</p> <ul style="list-style-type: none"> Existing high levels of noise from the site from engines, skips, horns, this will only increase with the installation of more equipment;

	<ul style="list-style-type: none"> Hours of operation, noise starts every weekday morning, at 6:00am and also at the weekend including Sunday; Fumes from vehicles. <p>All other points raised have been addressed directly in the main body of the report.</p>
8.0	Other Material Considerations
8.1	<p>Parking Standards DCAN 15: Vehicular Access Standards Northern Ireland Waste Management Strategy 'Delivering resource efficiency'</p>
9.0	Assessment
9.1	The proposal is considered to be in compliance with the development plan.
9.2	<p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> - Principle of development - Impact on character and appearance of the area - Access, Parking and Transport - Impact on amenity / environment
9.3	<p><u>Principle of development</u> The site is located on whiteland within the BUAP and 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>
9.4	<p><u>Impact on character and appearance of the area</u> The site is well screened by existing dense vegetation around the boundaries. 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 3.5 metres and the storage period to 20 days. The noise barriers walls are a functional element related to the industrial character of the site. They would sit at a lower ground level to the adjoining roads and would be further screened by the retention of the tall boundary vegetation. These structures would therefore not be visible to the wider area. In light of the above, it is considered that the proposal would adequately integrate into the character of the existing site and 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>
9.5	<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 in the Waste Management Licence. 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>
9.6	<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</p>

	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, odour and pests which is subsequently controlled via its Waste Management Licence. DAERA 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, the proposed storage of waste in containers and a condition requiring the submission of a dust management plan.
9.7	The current facility accepts paper, plastics, WEEE and end of life vehicles. The facility wishes to broaden its acceptance of waste to include a broader range of metal, glass and plastic wastes, construction and demolition waste, textiles, bulky wastes and street cleaning residues. The full list is set out in Table 1 of the annex to this report. Many of these waste types are similar to those already accepted at the facility and the additional waste types are non-hazardous and inert. A condition remains to ensure no putrescible waste shall be accepted. 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.
9.8	One of the main objections raised from the local community and Environmental Health related 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 the external processing of WEEE from the scheme, with all processing of waste to be undertaken internally within the existing building along with the removal of the proposed metal shredder.
9.9	The potential noise sources that remain include vehicular traffic, forklifts, unloading, tipping and transfer of waste, shredder and baling activities, plant and extended hours of operation. A revised Cumulative Noise Assessment (CNA) was submitted with further noise monitoring undertaken on the 22 nd January 2018 along with the inclusion of the new work streams and any noise implications from the recently approved servicing and maintenance building under reference LA04/2016/1451/F.
9.10	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 reduced by the embankment on the northern boundary of the site, tree screening and screening by building facades.
9.11	In terms of the increase to the hours of operation from 7:00am, the activities within this period would be restricted only to the arrival of employees and lorry movements leaving the site for waste collection. This activity would have no greater impact as it would be lower than the background noise levels of the area. A condition has been recommended to control this.
9.12	The CNA proposes additional noise mitigation measures in the form of two 3.5 metres – 4.5 metre high concrete barriers in the north western and south western corners of the site which result in a significant reduction in the predicted noise levels. The CNA demonstrates that the ambient noise levels and the WHO organisation guideline limits are not exceeded for the surrounding residential properties. In terms of the internal noise levels of surrounding properties, these would also be within acceptable levels.
9.13	In relation to BS4142 'Methods for rating and assessing industrial and commercial sound', EHO have advised that no receptor locations including the closest properties at Lyndhurst Park and along Ballygomartin Road fall within the adverse impact or significant adverse impact as per the BS4142 guidelines. The site is an established waste management plant within an industrial estate where the background noise levels in the surrounding area are high with busy

<p>9.14</p> <p>9.15</p> <p>9.16</p> <p>9.17</p>	<p>traffic. Having regard to this context, the background noise levels during the day, reduced site activity during early mornings and proposed mitigation, it is not considered that the proposals would result in unacceptable noise impacts on the surrounding area. The EHO has reviewed the CNA and have no objection subject to conditions.</p> <p>EHO had previously advised that the CHA should look at the worst case scenario including the processing of end of life vehicles (ELV). It is acknowledged that the CNA has not assessed the cumulative impact of end of life vehicles with the new work streams, however the applicant has advised that they have no interest in the processing of this waste type. A condition has been recommended restricting the future acceptance of ELV vehicles at the site in combination with the additional waste codes proposed, therefore no concern is raised and there is no need for this to be included within the noise assessment at this stage.</p> <p>Local residents have raised objection on the basis that there is existing noise disturbance caused by the premises. As previously advised this is an established waste management plant which co exists with residential properties in the surrounding area and inevitably there will be a degree of noise disturbance. The existing planning permission does not tightly restrict the operations of the site. These applications now present an opportunity for tighter controls through waste codes and tonnage along with the securing of noise barrier walls. An extensive noise assessment has been carried out which demonstrates that noise levels would not have an unacceptable impact on neighbouring properties.</p> <p>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.</p> <p>In light of the above, it is not considered that the proposed development would have an unacceptable adverse impact on the environment and amenity of neighbouring properties in accordance with the SPPS and PPS11.</p>
<p>10.0</p>	<p>Summary of Recommendation: Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended subject to conditions for the following reasons.</p>
<p>11.0</p>	<p>Conditions</p> <ol style="list-style-type: none"> 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. 2. The facility hereby approved shall be 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. 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 approved drawing No. 08A received by Belfast City Council stamped received 20th February 2018. Reason: In the interests of amenity of residential properties of the surrounding area. 4. The external storage of waste shall not exceed 3.5 metres in height.

Reason: In the interests of the amenity of residential properties of the surrounding area, environmental protection and character and appearance of the surrounding area.

5. The external storage of waste shall be confined only to the following solid waste types including end of life vehicles, WEEE, paper and plastic. The waste shall be stored in concealed containers for a period of no longer than 21 days.

Reason: In the interests of amenity of residential properties in the surrounding area and in the interests of environmental protection.

6. There shall be no external unloading or deposition of WEEE or large domestic appliances.

Reason: In the interests of amenity of residential properties in the surrounding area.

7. There shall be no stacking of end of life vehicles on any part of the site.

Reason: In the interests of visual amenity.

8. 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.

9. 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.

10. No operations shall take place outside the hours of 0900-1800 Monday to Saturday with the exception of administrative functions by employees and departure of HGV's for waste collection between the hours of 0700 - 0900 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.

11. The existing trees and vegetation on all boundaries of this site shall be retained.

In the interests of amenity of residential properties in the surrounding area.

12. 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.

Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

13. The noise mitigation barriers annotated on approved drawing 08A received by Belfast

	<p>City Council stamped received 20th February 2018 and as approved under application LA04/2016/0564/F shall be implemented in full prior to the commencement of development hereby approved. The noise mitigation measures shall be retained in accordance with the approved detail thereafter.</p> <p>Reason: In the interests of amenity of residential properties in the surrounding area.</p> <p>14. Prior to the commencement of the development hereby approved, a dust management plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be operated in accordance with the approved plan thereafter.</p> <p>Reason: In the interests of amenity of residential properties in the surrounding area.</p> <p>15. The Rating Level (dB LAr) of sound from combined plant and operations associated with the development shall not exceed the typical background sound level (for both daytime and night time) at sound sensitive premises when measured in accordance with the assessment methodology outlined in BS4142:2014 - Methods for rating sound and assessing industrial and commercial sound. A Rating Level (dB LAr) indicative of 'no adverse impact' shall be maintained thereafter.</p> <p>Reason: In the interest of the residential amenity of properties in the surrounding area.</p> <p>16. 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> <p>Informatives</p> <ol style="list-style-type: none"> 1. The applicant is advised that the drainage from the area where the waste is to be stored must be contained and separated from uncontaminated site drainage. This drainage must be discharged to the foul/ combined sewer via the oil receptor and not to a surface water sewer. 2. The applicant is required to contact NI Water Trade Effluent Section to request a review of the existing Consent to Discharge Trade Effluent Agreement in respect of this application to remove or vary existing planning conditions.
	<p>Notification to Department (if relevant): N/A</p>
	<p>Representations from Elected members: N/A</p>

ANNEX

Table 1 – List of Additional Waste Codes Proposed

Waste Code	Waste Description
	WASTE FROM AGRICULTURE, HORTICULTURE, AQUACULTURE, FORESTRY, HUNTING AND FISHING
02 01 04	Waste plastics (except packaging)
02 01 10	Waste metal
	WASTE FROM WOOD PROCESSING AND THE PRODUCTION OF PANELS AND FURNITURE
03 01 01	Waste bark and cork
03 01 05	Sawdust, shavings, cuttings, wood, particle board and veneer containing non-hazardous substances
	WASTE FROM PULP, PAPER, CARDBOARD PRODUCTION AND PROCESSING
03 03 01	Waste bark and wood
03 03 07	Mechanically separated rejects from pulping of waste paper and cardboard
03 03 08	Wastes from sorting of paper and cardboard destined for recycling
	WASTES FROM THE MFSU OF PLASTICS, SYNTHETIC RUBBER AND MAN-MADE FIBRES – ORGANIC CHEMICAL PROCESSING
07 02 13	Waste plastic
07 02 17	Wastes containing silicones (non-hazardous substances)
	WASTES FROM MANUFACTURE OF GLASS AND GLASS PRODUCTS – THERMAL PROCESSES
10 11 11	Waste glass in small particles and glass powder containing heavy metals
10 11 12	Waste glass other than those mentioned in 10 11 11
	PACKAGING (INCLUDING SEPARATELY COLLECTED MUNICIPAL PACKAGING WASTE)
15 01 03	Wooden packaging
15 01 04	Metallic packaging
15 01 05	Composite packaging
15 01 06	Mixed packaging
15 01 07	Glass packaging
15 01 09	Textile packaging
	CONCRETE, BRICKS, TILES AND CERAMICS – DEMOLITION AND CONSTRUCTION WASTES
17 01 01	Concrete
17 01 02	Bricks
17 01 03	Tiles and ceramics
17 01 07	Mixtures of concrete, bricks, tiles and ceramics containing non-hazardous substances
	WOOD, GLASS, PLASTIC - DEMOLITION AND CONSTRUCTION WASTES
17 02 01	Wood
17 02 02	Glass
17 02 03	Plastic
	BITUMINOUS MIXTURES, COAL TAR AND TARRED PRODUCTS - DEMOLITION AND CONSTRUCTION WASTES
17 03 02	Bituminous mixtures not containing coal and tar
	METALS (INCLUDING THEIR ALLOYS) - DEMOLITION AND

	CONSTRUCTION WASTES
17 04 01	Copper, bronze, brass
17 04 02	Aluminium
17 04 03	Lead
17 04 04	Zinc
17 04 05	Iron and steel
17 04 06	Tin
17 04 07	Mixed metals
17 04 11	Cables (containing non-hazardous substances)
	SOIL (INC SOIL EXCAVATED FROM CONTAMINATED SITES), STONES AND DREDGING SPOIL - DEMOLITION AND CONSTRUCTION WASTES
17 05 04	Soil and stones (non-hazardous)
17 05 06	Dredging spoil (non-hazardous)
17 05 08	Track ballast (non-hazardous)
	INSULATION MATERIALS AND ASBESTOES-CONTAINING CONSTRUCTION MATERIALS
17 06 04	Insulation materials – Non-hazardous and not containing asbestos
	GYPSUM-BASED CONSTRUCTION MATERIAL
17 08 02	Gypsum-based construction material containing non-hazardous materials
	OTHER CONSTRUCTION AND DEMOLITION WASTES
17 09 04	Mixed construction and demolition wastes containing non-hazardous materials. Does not include wastes containing mercury or polychlorinated biphenyl (PCB)
	WASTES FROM INCINERATION OR PYROLYSIS OF WASTE (WASTE MANAGEMENT FACILITIES, WWTP, PREPARATION OF WATER)
19 01 02	Ferrous materials removed from bottom ash
	WASTES FROM SHREDDING OF METAL-CONTAINING WASTES
19 10 01	Iron and steel waste
19 10 02	Non-ferrous waste
	WASTES FROM MECHANICAL TREATMENT OF WASTE(E.G. SORTING, CRUSHING, COMPACTING, PELLETISING) NOT OTHERWISE SPECIFIED
19 12 01	Paper and cardboard
19 12 02	Ferrous metal
19 12 03	Non-ferrous metal
19 12 04	Plastic and rubber
19 12 05	Glass
19 12 07	Wood containing non-hazardous substances
19 12 08	Textiles
19 12 09	Minerals e.g. sand, stones
19 12 12	Mixture of wastes from mechanical treatment of wastes containing non-hazardous substances
	MUNICIPAL WASTES (HOUSEHOLD WASTE AND SIMILAR COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL WASTES) – SEPARATELY COLLECTED FRACTIONS
20 01 02	Glass
20 01 10	Clothes
20 01 11	Textiles
20 01 38	Wood containing non-hazardous substances
20 01 40	Metals
	MUNICIPAL WASTE FROM GARDEN AND PARKS (INCLUDING

	CEMETERY WASTE
20 02 02	Soil and stones
20 02 03	Other non-biodegradable wastes
	OTHER MUNICIPAL WASTES
20 03 03	Street-cleaning residues
20 03 07	Bulky wastes