

<b>COMMITTEE ITEM</b>	<b>3.5</b>
<b>APPLICATION NO</b>	<b>LA03/2018/1096/F</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>ADDENDUM REPORT</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Treatment facility for the depollution of End of Life Vehicles (Variation of condition 2 of Planning Approval Ref: U/2008/0540/F to allow for acceptance of additional waste types at the facility.)
<b>SITE/LOCATION</b>	50 Trench Road, Mallusk, Newtownabbey, BT36 4TY
<b>APPLICANT</b>	McKinstry Metal Recycling Ltd
<b>AGENT</b>	MCL Consulting Ltd
<b>LAST SITE VISIT</b>	20.12.2018
<b>CASE OFFICER</b>	Ashleigh Wilson Tel: 028 903 Ext 40429 Email: <a href="mailto:ashleigh.wilson@antrimandnewtownabbey.gov.uk">ashleigh.wilson@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS</b>	
<p>This application was deferred at the September 2019 meeting of the Planning Committee to provide an opportunity for the developer to undertake a public consultation exercise with the local community on the existing and proposed operations on the site.</p> <p>A "Community Consultation Summary Report", has been submitted which details that a community consultation event was held at The Academy Hub, Mallusk Road on Wednesday 23<sup>rd</sup> October. A total of 130 properties were notified of the event and invitations were sent to all Members of the Council. The report notes that 13 people attended the event which included, local residents, businesses, a Councillor and two of the local MLA's.</p> <p>The report notes that at the event it was evident that there was a misunderstanding that the proposed change to the Waste Codes, which is the subject of the current application would lead to an increase in the size of the site, or the types of waste coming onto the site. The developers explained the objectives of the proposal, however, concerns regarding the existing use of the site and ongoing operations remained a concern amongst some residents.</p> <p>There was also a concern that an acoustic barrier which was a requirement of a planning condition on the grant of a previous planning permission had not been provided around the site. Following a site inspection by Officers it was confirmed that the acoustic barrier had been put in place around the Scrap Shear Machine as required. It is understood that some members of the public had thought that the acoustic barrier was required to go around the entire site, however, this is not the case.</p>	

A copy of the "Community Consultation Summary Report" is available for Members to view on the planning portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

## CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A consultation event has taken place with the public.

## RECOMMENDATION

## GRANT PLANNING PERMISSION

## PROPOSED CONDITIONS

1. Planning permission is granted from the date of this decision notice.

Reason: To comply with the requirements of Section 61 (1) (b) of the Planning Act (Northern Ireland) 2011 given that the development approved via planning permission reference U/2008/0540/F has been implemented.

2. The waste materials to be accepted at the facility hereby approved shall be restricted to those falling within the European Waste Catalogue Codes listed in Appendix A attached below.

## APPENDIX A

EWC Code	Description	Notes
<b>02 01</b>	<b>Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing</b>	
02 01 10	Waste Metal	
<b>10 03</b>	<b>Wastes from aluminium thermal metallurgy</b>	
10 03 05	Waste Alumina	
<b>10 06</b>	<b>Wastes from Copper Thermal Metallurgy</b>	
10 06 02	Dross and skimmings from primary and secondary production	
<b>10 08</b>	<b>Wastes from Other Non-ferrous thermal metallurgy</b>	
10 08 11	Dross and skimmings	
<b>11 05</b>	<b>Wastes from galvanising processes</b>	
11 05 01	Hard Zinc	
<b>12 01</b>	<b>Wastes from shaping and physical and mechanical surface treatment of metals and plastics</b>	
12 01 01	Ferrous metal filings and turnings	
12 01 03	Non-ferrous metal filings and turnings	
<b>13 07</b>	<b>Wastes of liquid fuels</b>	
13 07 02*	Petrol	
13 07 03*	Other fuels (including mixtures)	
<b>15 01</b>	<b>Packaging (including separately collected municipal packaging waste)</b>	
15 01 04	Metallic packaging	
<b>16 01</b>	<b>End-of-Life Vehicles</b>	
16 01 03	End-of-life tyres	
16 01 04*	End-of-life Vehicles	

16 01 06	End-of-Life Vehicles, containing neither liquids nor other hazardous components	
16 01 07*	Oil filters	
16 01 12	Brake Pads	
16 01 13*	Brake fluids	
16 01 15	Anti-freeze Fluids	
16 01 16	Tanks for Liquefied Gas	
16 01 17	Ferrous metal	
16 01 18	Non-ferrous metal	
16 01 22	Components not otherwise specified	Limited to non-RCF Catalytic converters
<b>16 02 Waste from Electrical and Electronic Equipment</b>		
16 02 14	Discarded Equipment	
16 02 16	Components removed from discarded equipment	
<b>16 06 Batteries and accumulators</b>		
16 06 01*	Lead Batteries	
16 06 04	Alkaline Batteries	
16 06 05	Other Batteries and Accumulators	
<b>16 07 Wastes from transport tank, storage tank and barrel cleaning (except 05 and 13)</b>		
16 07 08*	Wastes containing oil	
<b>16 08 Spent catalysts</b>		
16 08 01	Spent catalysts containing gold, silver, rhenium, rhodium, palladium, iridium or platinum (except 16 08 07)	
<b>17 04 Metals (including their alloys)</b>		
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 other than those mentioned in 17 04 10	
<b>19 01 Wastes from Incineration and Pyrolysis of Wastes</b>		
19 01 02	Ferrous materials removed from bottom ash	
<b>19 10 Wastes from shredding of metal-containing wastes</b>		
19 10 01	Iron and steel waste	
19 10 02	Non-ferrous waste	
<b>19 12 Wastes from Mechanical Treatment of Wastes</b>		
19 12 02	Ferrous Metal	
19 12 03	Non-ferrous Metals	
<b>20 01 Separately Collected Fractions (Municipal)</b>		
20 01 34	Batteries and accumulators	
20 01 36	Discarded electrical and electronic equipment	
20 01 40	Metals	

Reason: In the interest of amenity of residents living in the surrounding area.

3. Ferrous and non ferrous metals shall only be stored within the two hatched areas labelled for unprocessed materials and processed materials as indicated on stamped approved drawing No 3 which was received on the 9th December 2009.

Reason: In the interests of visual amenity

4. Stock piles of externally stored ferrous and non-ferrous metals shall not exceed 5 metres in height.

Reason: In the interests of visual amenity.

5. There shall be no outside storage of any materials apart from on the waste reception area, the proposed quarantine area, the area for storage of end of life vehicles, the area for unprocessed materials and the area for processed materials as shown on approved drawing No. 3 which was received on the 9th December 2009.

Reason: In the interests of visual amenity

6. The storage of end of life vehicles shall be restricted to the area indicated for them on stamped approved drawing No. 3 which was received on the 9th December 2009 and they must not be stacked higher than 3 cars high.

Reason: In the interests of visual amenity

7. Only the shearing machine hereby approved shall be brought into operation and sited in the position as shown on the stamped approved Drawing No. 03 which was received on the 9th December 2009.

Reason: In the interest of amenity of residents living in the surrounding area.

8. No operations shall take place outside the hours of 0800 - 1800 Monday to Friday, 0800 -1300 on Saturdays, and no operation shall take place at any time on Sundays or Public Holidays.

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

9. The existing building as shown in stamped approved drawing No. 05 date received the 4th November 2009 shall only be used for the processing of non ferrous metals, the baler as indicated on the ground floor layout shall only be operated within this building.

Reason: In the interests of residential amenity.

10. The proposed auto treatment facility as shown on stamped approved Drawing No. 04 which was received on the 29th January 2010 shall only be used for storage and depollution of End of Life Vehicles. Depollution of End of life vehicles shall only take place within this shed.

Reason: In the interests of environmental protection.

11. Only de-polluted vehicles may be stored within the redline boundary of the application.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

<b>COMMITTEE ITEM</b>	<b>3.6</b>
<b>APPLICATION NO</b>	<b>LA03/2019/0469/F</b>
<b>DEA</b>	<b>Dunsilly</b>
<b>COMMITTEE INTEREST</b>	<b>ADDENDUM TO COMMITTEE REPORT</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>

<b>PROPOSAL</b>	Track for use as exercise/lane for own horses/farm machinery (retrospective)
<b>SITE/LOCATION</b>	Approximately 30 metres west of 17 Whitehill Drive, Randalstown
<b>APPLICANT</b>	Mr Jim McAteer
<b>AGENT</b>	DM Kearney Design
<b>LAST SITE VISIT</b>	26 <sup>th</sup> June 2019
<b>CASE OFFICER</b>	Orla Burns Tel: 028 903 40408 Email: <a href="mailto:orla.burns@antrimandnewtownabbey.gov.uk">orla.burns@antrimandnewtownabbey.gov.uk</a>

**Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal [www.planningni.gov.uk](http://www.planningni.gov.uk)**

#### **ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS**

Following the completion of the Committee Report the agent for the application has submitted amended plans (Drawing 04/1 and 05 , date stamped 30<sup>th</sup> October 2019), additional justification (Document 07 – date stamped 30<sup>th</sup> October 2019), and a Risk Assessment for the track prepared by a Safety Officer for Horse Racing Ireland (dated 13<sup>th</sup> November 2019).

In addition one (1) letter of objection, two (2) letters of support and a rebuttal to the most recent objection letter have been received. The letter of objection has been received from a resident (Owen McConnon) who lives at 63 Barnish Road. Whilst the letters of support have been received from a neighbouring resident at No. 15 Whitehill Drive located some 52 metres east of the application site, the applicant's vet and the rebuttal letter is from the applicant themselves. These documents are available for Members to view at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

Drawings 04/1 and 05 indicate proposed landscaping and additional boundary treatment. The proposal includes semi-mature trees to be planted in the northeastern corner of the application site and a 1.8 metre timber close boarded vertical sheeted fence approximately 31 metres in length. The fence is shown to be erected in the same northeastern corner of the application site between the track and the double hedgerow which separates the applicant's lands from the adjoining residential and agricultural buildings at Nos. 13 & 19b Whitehill Drive. The proposed landscaping and fencing are to limit any unacceptable perceived impact on the amenities of people living nearby.

Drawing 05 indicates the boundary treatment which is already existing between the application site and the neighbouring dwellings located to the north of the site (No's

13 and 15 Whitehill Drive). A hedgerow defines the northern boundary of the wider agricultural field, whilst additional hedging defines the gardens of No's 11 and 13 Whitehill Drive.

Document 06 which has been submitted by the applicant's agent rebuts the objectors' points made at the Planning Committee on 21<sup>st</sup> October which suggested that the Health and Safety Executive for Northern Ireland (HSENI) considered that the horses could scare or spook due to noise. The Council notes that the HSENI deal with complaints relating to health and safety in the workplace. The HSENI's website specifically states the "HSENI is the lead body responsible for the promotion and enforcement of health and safety at work standards in Northern Ireland." (emphasis added). As the proposal is for a private domestic track and no statutory consultation was sought from HSENI. The objectors' comments relating to the HSENI are not a determining material consideration to this planning application. Furthermore, Document 06 states the objectors had referred to case law which was not provided to the committee for scrutiny. Doc 06 raises concerns regarding the implications (if refused) that may occur for the rural area (in terms of setting a precedent), in particular keeping/grazing animals in fields adjacent to dwellings and the risks of noise or vehicles from an adjacent dwelling could scare/spook the animals and cause injury to anyone nearby.

In addition, Document 07 (dated 13<sup>th</sup> November 2019) considers the views of a Safety Officer for Horse Racing Ireland who has prepared a risk assessment for the development. The Report concludes that the development of the track improves the safety of the applicant, removes the animals from the public roads and the track is safe for the animals and humans.

The justification (Doc 06) describes the boundary treatment that exists between the application site and the neighbouring dwellings to the north and the proposed landscaping (as mentioned above). Doc 06 states the separation distance between the track and No. 11 Whitehill Drive (objector) is 40 metres. North of the hedgerow is a farm lane which the agent states is currently used to store bales. The laneway also provides access to two farm buildings located between No. 11 and 13 Whitehill Drive. The agent alleges that the farm buildings to the north are leased by a local farmer who use the buildings to keep cattle. Further north of the farm lane lies the rear garden belonging to No. 13 Whitehill Drive.

Doc 06 clarifies the applicant's land is used for grazing sheep and the exercising of horses on the (retrospective) track, under the supervision of the applicant/and or their family members. The training of the horses takes place 1 hour per day, six days a week and always within daylight hours. It is considered by the applicant that this type of development is compatible with other countryside uses in terms of its nature, scale, and extent. The frequency and timing of the recreational activities proposed is less than 4% of the week and is considered minimal and will not have a significant impact on nearby residential amenity.

Furthermore, Doc 06 considers that the farm buildings and the cattle housed within the sheds which are located to the north of the site, between No's 11 and 13, to have more of a threat to residential amenity than the proposal.

The agent has confirmed in Doc 06 that the applicant has been exercising their horses in the area surrounding the application site for the last 12 years. During the last 12 years, the applicant has confirmed that there has never been an incident caused by a loud noise which has caused any of the horses to bolt or react in a way that threatened injury to the applicant or neighbouring residents.

### **Letter of Objection**

Mr McConnon, 63 Barnish Road submitted an objection relating to the concerns that the objectors have raised in terms of horses being spooked. Mr McConnon states he witnessed a horse be spooked by a car when turning from the Barnish Road towards Whitehill Drive. He states the horse jumped the hedge into a nearby field whilst taking the attached cart and passenger with it. The applicant in their letter of the 13<sup>th</sup> November refutes these comments and states that while an incident occurred it was caused by a vehicle undertaking a dangerous manoeuvre at the junction of the Barnish Road/Whitehill Drive. During this incident the vehicle struck the horse causing it to lose its balance and fall into the hedge. The applicant claims that the horse was not spooked and did not clear the hedge as stated in the objection letter. The applicant also maintains that there were no witnesses to this incident.

### **Letters of Support**

Two (2) letters in support of the application have been received. One (1) letter is from a neighbouring resident at No. 15 Whitehill Drive, located 52 metres east of the track. Within the letter, Ms Logan (occupant) states that the applicant has been their neighbour for 13 years and within that time the applicant has owned and exercised horses on both the roads and fields. During that time, Ms Logan has stated there has never been any problems or issues raised with using the fields for training. Ms Logan further indicates that the track appears to be a much safer option all round for the general public and the horses as it keeps the horses off the public roads.

The second letter of support received was from the applicant's vet – Parklands Veterinary Group (Large Animal Services). Mr Slaine (vet) has confirmed his practice advised the applicant to train their horses on a track rather than the public road as it would be safer for the general public, horses and owners. In Mr Slaine's professional opinion, he states if the horses are frightened on the track caused by noise from nearby machinery (a concern raised within objections) the horses normal reaction would be to run in the opposite direction from the noise. Mr Slaine has confirmed that there would "certainly be no danger of them jumping over a ditch or hedge with a cart attached behind them". Mr Slaine states that horses adapt to machinery noise and after a short period of time would not react at all – as is evident when horses graze beside a busy road or are exercised on the road.

### **CONCLUSION**

The following is a summary of the main reasons for the recommendation:

- It is considered that the proposal will not significantly impact on the privacy or amenity of any neighbouring properties.

**RECOMMENDATION :** GRANT PLANNING PERMISSION

### **PROPOSED CONDITIONS**

1. This decision is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

2. The track hereby approved shall be used for domestic purposes only.

Reason: In the interest of residential amenity and to prevent development of an unacceptable use at this location.

3. The existing natural screenings of this site as indicated on Drawing No: 04, date stamped 21<sup>st</sup> August 2019 shall be retained in perpetuity at a minimum height of 2 metres for hedging and 4 metres for trees, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

Reason: To ensure the development integrates into the surroundings and to ensure the maintenance of screening to the site.

4. If any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

<b>COMMITTEE ITEM</b>	<b>3.11</b>
<b>APPLICATION NO</b>	<b>LA03/2018/0785/F</b>
<b>DEA</b>	<b>ANTRIM</b>
<b>COMMITTEE INTEREST</b>	<b>ADDENDUM TO COMMITTEE REPORT</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>

<b>PROPOSAL</b>	5 no. detached dwellings and associated access road
<b>SITE/LOCATION</b>	Plots 13-17 Moylinney Mill, Nursery Park, Muckamore, Antrim
<b>APPLICANT</b>	Orrson Homes Ltd
<b>AGENT</b>	Donaldson Planning Ltd
<b>LAST SITE VISIT</b>	26 <sup>th</sup> July 2019
<b>CASE OFFICER</b>	Glenn Kelly Tel: 028 903 40415 Email: <a href="mailto:Glenn.kelly@antrimandnewtownabbey.gov.uk">Glenn.kelly@antrimandnewtownabbey.gov.uk</a>

**Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal [www.planningni.gov.uk](http://www.planningni.gov.uk)**

#### **ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS**

This planning application was previously on the list of applications to be presented to the September meeting of the Planning Committee and an amended Report has been presented to the Committee. Following the preparation of the earlier Committee report a further objection letter has been received from The Six Mile Water Trust which had previously objected to the proposal. A total of five (5) objection letters have now been received from two (2) properties.

In addition to the points already made in previous objection letters, the following questions/concerns have been raised;

- Why was Forestry Division not consulted?
- Why was application previously removed from committee meeting?
- The site description draws reference to a current application adjacent that has since been withdrawn.
- Why is open space no longer listed as being unacceptable within the Committee Report
- There is an Enforcement Notice on the site.

#### **Consultation Process**

The objector asks why Forestry Division was not consulted given their input at previous application stages in the past. It was considered during the processing of the current application and following a site visit that the site no longer had any trees present within its perimeter. The woodland that was once present no longer exists and therefore it was not considered necessary to consult with Forestry Division. Natural Environment Division (NED) gave an opinion on the site in terms of trees (or lack of) and this was deemed sufficient.

**Why the application previously was removed from committee meeting**

The objector asks why the application was removed from the Council's Planning Committee schedule in September 2019. Prior to the meeting the application was withdrawn from the Committee by Officers. A concurrent application (LA03/2019/0016/F) on adjoining lands had a material impact on the assessment of the current application and was to be presented to the same Committee meeting, however, this application was withdrawn by the applicant/agent. As a consequence Officers have reconsidered the current application and determined that given the reduction in the number of residential units following the withdrawal of application LA03/2019/0016/F that the reason of refusal relating to the requirement for communal open space could no longer be sustained. There is normally a need for communal open space where the total number of residential units would exceed 25 units, however, in this case the total number of dwellings would only be 17 units. In addition, there were requests for further information from DfI Roads and DfI Rivers. This information has been received and consultation has taken place with the relevant statutory consultees which have responded positively.

**Reference drawn to a current application which was previously withdrawn.**

The Committee Report for this application draws reference to a current application close to the site within the site description. This draws reference to the apartment development that was previously submitted under reference LA03/2019/0016/F. This application has been withdrawn and is no longer relevant to the consideration of the current application.

**Why open space is no longer listed as unacceptable within the report**

As noted above there is no requirement for communal open space for a development with less than 25 residential units. In this case there is only 17 units and therefore there is no requirement for the developer to provide details of communal open space within the scheme.

**Enforcement on the site**

The objector states that an Enforcement Order was issued for unauthorised felling of trees to facilitate this development. Although the Enforcement Section acknowledges it had a case on the site under reference LA03/2018/0344/CA, no Enforcement Notice was ever served and this claim is therefore unsubstantiated.

All other points of objection have been assessed within the original case officer's report. Having taken these points of objection into account, it is not considered that these outweigh the opinion to approve the proposed development on the site.

**CONCLUSION**

The following is a summary of the main reasons for the recommendation:

- Objection letters have been received and considered. Determining weight cannot be afforded to these objections.

**RECOMMENDATION : GRANT PLANNING PERMISSION**

**PROPOSED CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Nos. PSD 01A bearing the date stamp 10<sup>th</sup> September 2019.

Reason: To ensure there is a safe and convenient road system within the development

3. No dwellings shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling

4. No development shall take place until a landscaping scheme has been submitted to and approved by the Council showing the location, numbers, species and sizes of trees and shrubs to be planted. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development.

During the lifespan of the development any trees or shrubs dying, removed or becoming seriously damaged shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.

5. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council 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 Council in writing, and subsequently implemented and verified to its satisfaction.

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

6. After completing the remediation works under Condition 5 and prior to occupation of the development, a Verification Report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The Verification Report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

7. A suitable buffer of at least 10m must be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc and the watercourse.

Reason: To protect the integrity of the nearby Six Mile Water River.