

COMMITTEE ITEM	3.1 - Addendum
APPLICATION NO	LA03/2022/0768/F
DEA	BALLYCLARE
COMMITTEE INTEREST	ADDENDUM REPORT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Change of use of buildings and land for salvage, reclamation, upcycling, storage and distribution (mainly architectural and construction materials) with ancillary trade counter, provision of parking spaces and associated site works (Part Retrospective)
SITE/LOCATION	Lands at and surrounding No. 201e and No. 201g Hillhead Road, Ballyclare, BT39 9LP.
APPLICANT	Mr John Williamson
AGENT	MBA Planning
LAST SITE VISIT	1 st October 2024
CASE OFFICER	Ashleigh Wilson Tel: 028 90340429 Email: ashleigh.wilson@antrimandnewtownabbey.gov.uk
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 https://planningregister.planningsystemni.gov.uk/application/167628	
ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS	
<p>Members, further to the publication of the Addendum Planning Committee report 2no. additional letters of objection have been received. One of these objections states that it represents the views of 10 residents. The issues raised include:</p> <ul style="list-style-type: none"> • The site has been operating without the appropriate planning permission; • Site is unsuitable for commercial use and out of character with the residential area; • Concerns regarding procedural fairness and lack of notification; • Amendments received without time for consideration or comment by third parties; • Road safety concerns including insufficient visibility splays, parking compounding views, insufficient road lighting, dangerous conditions due to external storage of goods; inappropriate HGV movements at blind summits; history of accidents; impact on safety of children crossing road; • Car parking - With the parking requirement how can the proposal not generate more than 60 vehicle trips and no parking plan provided; • Impact on the residential amenity including lighting and noise; • Doric caravans was restricted to 10no. spaces and should not be used as a precedent; • PAC determination of nil use; • Query as to how will the "Trade Only" provision be governed; • No EIA conducted despite environmental impacts including lighting, noise, wildlife, burning of rubbish affecting waterways etc; • Impact upon wildlife including otters, swans, geese and birds in lake and burn abutting the development; and • Fear that the site will be sold to a larger commercial entity. 	

In addition, to the objections, the agent has submitted a further email (dated 20th June 2025) requesting that the visibility splays stipulated in Condition 12 are amended. DfL Roads consultation response dated 19 April 2023 confirms that visibility splays of 3.0m x 1.45m in the critical (looking right) direction and 3.0m x 1.10m in the non-critical direction (looking left) are adequately based on a traffic flow of less than 60 vehicles per day and the agent also points out that based on a traffic flow of less than 60 vehicle trips per day DCAN 15 allows for a reduction to 2.4m. The point made by the agent is accepted and DfL Roads has confirmed that the revised splays suggested by the agent are sufficient for the development and are in compliance with DCAN 15. Whilst it has been raised through a number of objections that the visibility splays are inadequate and there are road safety matters, these objections have been considered in consultation with DfL Roads Section and it is considered that road safety will not be prejudiced. It is considered that proposed Condition 12 can be amended accordingly.

With regards to car parking the objectors query how the proposal can require 28no. car parking spaces and not generate more than 60 vehicle trips per day. Sufficient evidence has been provided in terms of surveys indicating the vehicle trips per day for the partly retrospective proposal in order to justify the stipulated visibility splays. However, the current facility that was surveyed involves retail customers coming to purchase new doors and floors, whereas the current proposal will allow for reclaimed and salvaged goods only to visiting members of the public with the doors and floors being for trade only customers. The difference in the two is that trade customers tend to come to collect items only, whereas the dwell time for customers considering the purchase of reclaimed and salvaged goods is likely to be much longer and therefore the same reduction has not been applied for the parking. The requirements set out within the Parking Standards document has continued to be applied in terms of the floorspace of the development without reduction as no evidence has been submitted to justify a relaxation in parking spaces.

A further point made by objectors in relation to parking is that a parking layout plan has not been submitted despite this being requested by the Committee. This matter has been covered via a condition as it is considered there are sufficient areas of hardstanding within the application site to accommodate the required number of spaces.

It has been raised previously and reiterated through objection letters that the development has been operating without the benefit of planning permission. The applicant has sought to rectify the breach of planning by submitting a partly retrospective planning application in order that the development can be assessed.

Objectors raised concerns regarding the changes to the proposal being made without sufficient time for third party comment. Since the consideration of the application at the February Planning Committee meeting the application has been re-advertised and further neighbour notification letters have been issued. All objectors who previously submitted representations were also notified and any additional representations have been considered. The Council's legal expert previously provided a response with regards to the issue of the protocol of the Committee.

A further point of objection was the impact on residential amenity. This matter has previously been considered and a condition was added to ensure that the business

only operates between 7am and 11pm. In addition, all deliveries and collections by commercial vehicles including all loading and unloading shall only take place within the curtilage of the site in order to protect residential amenity. With regards to lighting, there is no lighting proposed as part of this application and should lighting be required a planning application may have to be submitted.

The objectors make reference to the discussion at the last Planning Committee meeting regarding the 'Doric Caravans' site adjacent to the application site. It was suggested by the objectors that this was used to justify the current application. Each application is assessed on its own merits and the stipulations for one planning application may differ from those on another. The presence of other commercial activities in the development limits of Hillhead is a material consideration.

The letters of objection raise concerns regarding the environmental impacts including lighting, noise, impact on wildlife including otters, swans, geese and birds as well as the impact from burning of rubbish affecting waterways etc. This application is for a change of use application and not for the erection of any buildings or hardstanding. As set out within the planning history, the previous planning history included permission for light industrial uses, car breakers yard, etc. It is unknown which of these uses were implemented, however, the relevant procedure to establish a lawful use at the site would be a Certificate of Lawfulness. The last known use at the site was for a car wash facility which was granted retrospective planning permission in November 2004. A Planning Appeals Commission decision on the site at 201 Hillhead Road for a residential development (which was subsequently dismissed) in 2012 states 'in considering the issue of intensification, comparative traffic generation is being assessed on the premise that the buildings have a 'nil use'.

The proposal seeks permission for a different use of existing buildings. The watercourse adjacent to the site flows to the Six Mile Water River and on to Lough Neagh, however, given the proposal is retrospective and is for change of use rather than demolition or new build, there can be no conceivable effects to designated sites downstream given the lack of construction works. With regards to the operational phase, 2no. toilets are indicated within the building; and a septic tank and existing drainage systems are used. It is not indicated that the business will include washing facilities nor are any hazardous waste items. A discharge consent is a separate legislative requirement which is regulated by NIEA. Whereas it would not be normal to duplicate the legislative requirements of any governing body, it is considered that as this is a retrospective application with potential issues for the integrity of any European site, then a negative condition requiring compliance is detailed below.

In order for there to be an adverse impact on protected species there has to be an adverse impact created by the development. It is noted that there is no removal of trees, excavation of land, soil movement, demolition of buildings or additional 'development works' to be undertaken as part of the operations. It is considered that the objector has not made reference to any specific effect which has not been considered and therefore no significant natural heritage impacts are anticipated.

The objectors queried how the 'trade only' stipulation would be governed. It is proposed that the trade counter area will be limited to a floorspace of 40sqm only, (Condition 09). Any breach in planning condition would be a matter that could be referred to the Councils Planning Enforcement Team. In relation to the objectors point regarding fear that the site will be sold to a larger commercial entity, the grant of

permission and its associated conditions would apply to the site and any future owners/operators.

CONCLUSION

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

- The principle of the development is acceptable, subject to condition;
- The proposal will not have an unacceptable impact to the character and appearance of the area;
- The proposal will not result in residential amenity issues subject to the imposition of a planning condition controlling the hours of operation of the business;
- It has been demonstrated that the proposal would not have an unacceptable impact on road safety;
- There are no concerns with regards to flood risk;
- It is considered there would be no significant additional impact on natural heritage or European Sites as a result of this proposal; and
- Letters of objection have been considered.

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 premises shall not be used for the retail sale of goods to visiting members of the public other than architectural salvage and reclaimed materials with the exception of the trade counter hatched in blue on stamped approved drawing 06/1 date stamped 29th May 2025.

Reason: In order to control the nature and range of goods sold.

3. Within two months of the date of this decision, a parking layout indicating 28 no. car parking spaces, 4no. lorry spaces and 2no. cycle spaces within the lands outlined in red on Drawing No. 01 date stamped 25th August 2022 shall be submitted to and agreed by the Council. Within 8 weeks of the granting of the approved car parking layout plan, the hard surfaced areas shall be constructed and permanently marked in accordance with the approved drawing. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

4. There shall be no external storage within the yard area hatched yellow on Drawing Number 02/1, date stamped 10th May 2023.

Reason: To ensure that the development integrates into its surroundings in the interests of visual amenity.

5. The permitted development shall not operate at any time between 23:00 and 07:00 hours.

Reason: In order to protect night time amenity at nearby noise sensitive receptors.

6. The long-term management of the SuDS scheme shall be in accordance with Drawing No. 11, date stamped 4th July 2023.

Reason: To safeguard against flood risk to the development and elsewhere.

7. The net retail floorspace of building 201g shall not exceed 496 sqm when measured internally. The building shall be used solely for the sale of reclaimed, salvaged or second hand goods and shall not be used for the sale of any goods which include and shall be used for the sale and display of the items listed hereunder and that floorspace shall not be used for any other purpose, including any other purpose in Class A1 of the Planning (Use Classes) Order (Northern Ireland) 2015 or any statutory instrument revoking and re-enacting that order with or without modification;

(a) food, non-alcoholic beverages, alcoholic drink;

(b) tobacco, newspapers, magazines, confectionery;

(c) stationery and paper goods; (d) toilet requisites and cosmetics;

(e) household cleaning materials; and

(f) other retail goods as may be determined in writing by the Council as generally falling within the category of 'convenience goods' or as generally being appropriate to the trading in these premises.

Reason: To enable the Council to control the nature, range and scale of retailing activity so as not to prejudice the continued vitality and viability of existing retail centres in line with the SPPS.

8. The units hereby approved, shall not be subdivided into any additional independent or separate retail units without the prior written approval of the Council.

Reason: To enable the Council to control the nature and scale of retailing to be carried out at this location and to ensure adequate parking is provided.

9. No retail sales of any goods shall take place within building 201e other than from the area hatched in blue on stamped approved Drawing No. 06/1 dated stamped 29th May 2025. This area will be limited to a net retail floor area of 40sqm and shall be ancillary to the storage and distribution of doors and floors within the remainder of the building.

Reason: To control the nature, scale and range of commercial activity carried out at this location so as not to prejudice the continued vitality and viability of existing retail centres in line with the SPPS.

10. Notwithstanding the provisions of Class A1 of the Planning (Use Classes) Order (Northern Ireland) 2015 or any statutory instrument revoking and re-enacting that order with or without modification, the proposal herein granted shall only be used

for the purposes hereby approved and shall not be used for any other purpose without the prior written approval of the Council.

Reason: To control the nature, scale and range of commercial activity carried out at this location so as not to prejudice the continued vitality and viability of existing retail centres in line with the SPPS.

11. During the lifetime of the development all deliveries and collections by commercial vehicles including all loading and unloading shall take place within the curtilage of the site only.

Reason: For the protection of nearby residential amenity

12. Within 4 weeks of this decision notice, the applicant must create visibility splays of 2.4m x 145m in the critical (looking right) direction and 2.4m x 110m in the non-critical direction (looking left) from the access/exit of the site. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

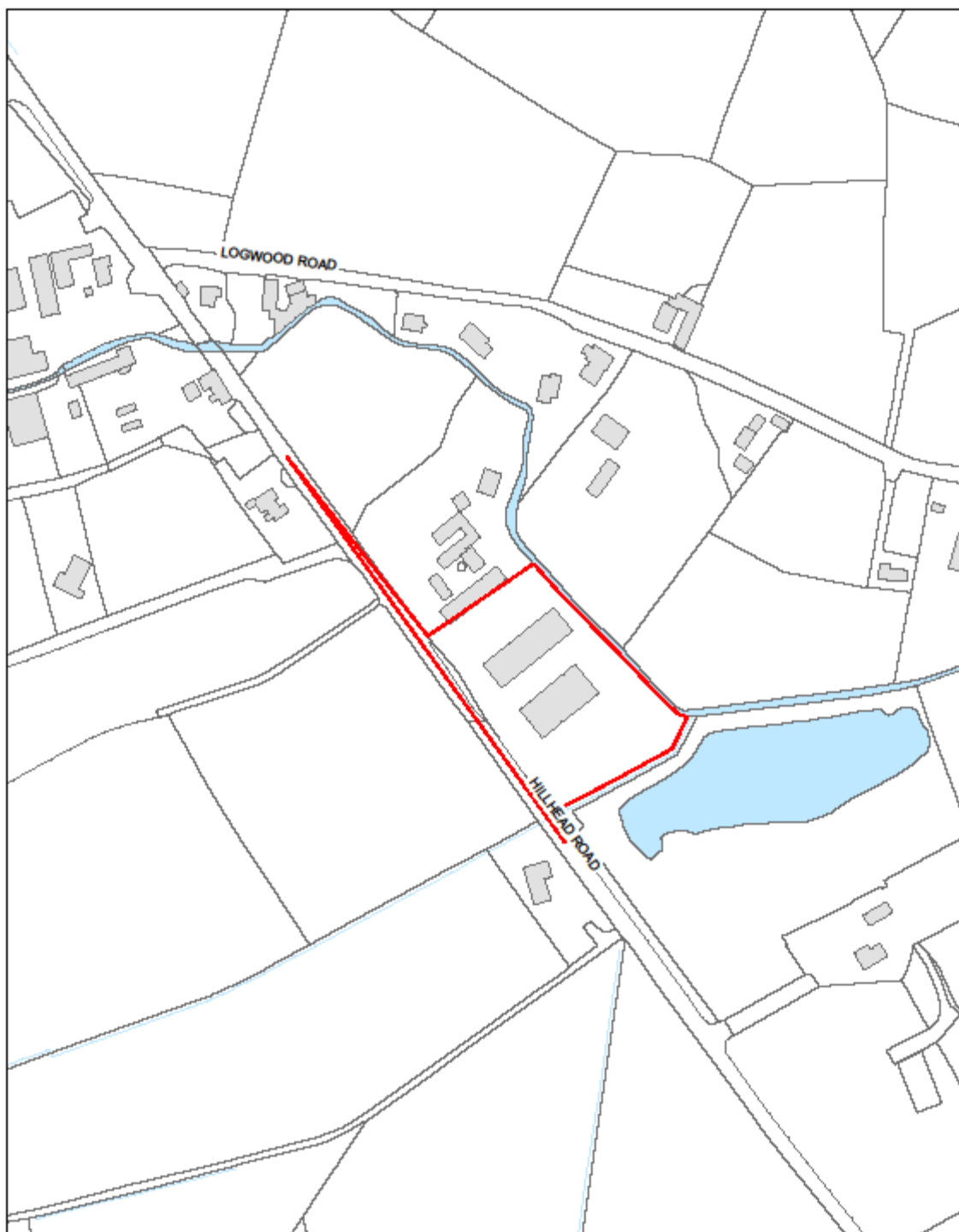
Reason: In the interest of road safety.

13. The existing boundary vegetation along the southeastern boundary shall be retained at a minimum height of 4 metres for the lifetime of the development.

Reason: In the interests of the visual amenity of the countryside.

14. Within 6 weeks of the date of this decision notice, the applicant shall have secured a Discharge Consent for the sewerage and waste water from the site in accordance with the Water (Northern Ireland) Order 1999. If a Discharge Consent is not granted the use will cease to operate until a Discharge Consent has been granted.

Reason: In order to ensure that there is no adverse effect on any designated site.



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Site Location Plan

1:2,500

Reference: LA03/2022/0768/F

 Site Location

