

ANNEX B – Response Pro-forma

Name: KEN MOORE

Address: 44a New STREET, Enniskillen, BT74 6AH

Original Representation Reference Number: MUDPS/80 (for administrative use only)

Please tick the applicable box below.

- a) I confirm that I wish for my original representation to be considered as my representation.

- b) I confirm that I wish to amend or add to my original representation.

- c) I confirm that I wish for my original representation to be withdrawn and that I no longer wish to make a representation.



Signature ..

Date: 10/03/2020

If you require assistance when completing the above, please contact developmentplan@midulstercouncil.org

Please ensure you return this completed Pro forma (along with any additional documents if you have ticked [b]) above) to Development Plan Team, Planning Department, Mid Ulster District Council, 50 Ballyronan Road, Magherafelt, BT45 6EN, by 5pm on 21st May 2020.

Michael McGibbon

From: Ken Moore Studio 44 <[REDACTED]>
Sent: 18 April 2019 10:41
To: DevelopmentPlan@midulstercouncil.org
Cc: [REDACTED]
Subject: OBJECTION to Draft Plan Strategy - The Greenvale Hotel
Attachments: 20190418104213510.pdf

Please find attached objection - pages 1-9 - for your kind attention.

Please confirm receipt of same.

Thank you.

Kind regards,

Ken Moore - Studio forty four (Agent)

-----Original Message-----

From: info@studiofortyfour.co.uk [mailto:info@studiofortyfour.co.uk]
Sent: 18 April 2019 09:42
To: Ken <[REDACTED]>
Subject: Message from "RNP0026739B2FDF"

This E-mail was sent from "RNP0026739B2FDF" (MP C3003).

Scan Date: 04.18.2019 10:42:13 (+0200)
Queries to: info@studiofortyfour.co.uk

This email has been checked for viruses by Avast antivirus software.
<https://www.avast.com/antivirus>

Mid Ulster District Council

LOCAL DEVELOPMENT PLAN 2030

DRAFT PLAN STRATEGY

OBJECTION on behalf of

THE GREENVALE HOTEL, 57 DRUM ROAD, COOKSTOWN BT80 8JQ.

Studio forty four - Town & Country Planning
44A New Street
Enniskillen
BT74 6AH
Tel : 028 6632 8088

April 2019

Contents	Section
Introduction	1.0
Planning Policy Context	2.0
Specific Objections to Draft Policy TOU 1.	3.0
Conclusion	4.0

1.0 Introduction

- 1.1 **This Objection** has been commissioned by our client Mr Michael McElhatton Managing Director and representative of the Greenvale Hotel, 57 Drum Road, Cookstown BT80 8JQ and is prepared on their behalf. Similar representation is also made by The Glenavon Hotel, 52 Drum Road, Cookstown which is the subject of a separate objection submission.
- 1.2 **Studio forty four –Town & Country Planning** are professional planning consultants with over 35 years planning experience. Ken Moore – Principal Planner worked in the public sector with DOE(NI) Planning Service as a Senior Planning Officer before joining the private sector in 2005. He set up his own Planning and Architectural Consultancy practice in 2008 and specialises in all aspects of Planning, Architecture and Project Management with offices at 44A New Street, Enniskillen, BT74 6AH. Studio forty four has worked on many complex planning proposals and appeal cases, and has advised many leading developers, legal companies, local authorities and private individuals on planning related matters.
- 1.3 **The purpose** of this objection is to consider whether the Mid Ulster – Local Development Plan 2030 – Draft Plan Strategy development plan document (DPD) is **Sound or Unsound** and identify which test(s) of soundness this representation relates having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at <https://www.planningni.gov.uk/index/advice/practice-notes/development> plan practice note 06 soundness version 2 may 2017 -2a.pdf.pdf).

2.0 Planning Policy Context.

Draft Policy TOU 1- Protection of Tourism Assets and Tourist Accommodation.

- 2.1 We consider that this Draft Policy TOU 1 part (b) as contained within the Draft Plan Strategy is Unsound for the following reasons, namely;

Important tourism accommodation will be protected from re-development and changes to other uses. These sites comprise of;

1. *The Glenavon Hotel, Cookstown.*
2. *The Greenvale Hotel, Cookstown.*

The Strategic Planning Policy Statement (SPPS)

2.2 Tourism makes a vital contribution to the Northern Ireland economy in terms of the revenue it generates, the employment opportunities it provides, and the potential it creates for economic growth. The aim of the SPPS in relation to tourism development is to manage the provision of sustainable and high quality tourism developments in appropriate locations within the built and natural environment.

2.3 The SPPS outlines that in preparing Local Development Plans (LDPs) councils shall bring forward a tourism strategy, together with appropriate policies and proposals that must reflect the aim, objectives and policy approach of the SPPS, tailored to the specific circumstances of the plan area.

One of the strategic policies that should be taken into account in the preparation of LDPs and in the determination of planning applications is set out in para' 6.259 of the SPPS which states, *"There will be a general presumption in favour of tourism development within settlements, subject to meeting normal planning requirements."*

2.4 Under the Implementation section of the SPPS para' 6.263 outlines, *"In plan-making councils should consider how best to facilitate the growth of sustainable tourism"* and within para' 6.264, *"Policies to safeguard tourism assets, together with policies for tourism development such as tourist accommodation (hotels, self-catering, holiday parks etc) and tourist amenities (visitors attractions, leisure/recreation facilities etc) will be contained in the LDP along with the criteria for consideration of such proposals."*

2.5 The SPPS does not set out any particular policy emphasis on the protection of existing tourist accommodation from re-development and changes to other uses. Para' 6.265 of the SPPS states that, *"A positive approach should be adopted in determining applications for tourism development so long as proposals are sustainable, are in accordance with the LDP, and will result in high quality forms of development"*.

2.6 At the very outset we are of the opinion that the general presumption in favour of tourist development within settlements as set out in the SPPS is sufficiently flexible in enabling and safeguarding existing tourist accommodation within urban areas. Given this over-arching strategic policy approach there is no necessity to impose the further restrictive policy approach relating the protection of tourist accommodation at the site of The Greenvale Hotel Cookstown as set out in Draft Policy TOU 1 of the Draft Plan Strategy. This is not in accordance with the SPPS and as a result is **Unsound**.

Planning Policy Statement 16 – Tourism

- 2.7 Furthermore within PPS 16 Policy TSM 1 relates to Tourism in Settlements. It states that, *“planning permission will be granted for a proposal for tourism development (including a tourist amenity or tourist accommodation) within a settlement, provided it is of a nature appropriate to the settlement, respects the site context in terms of scale, size and design and has regard to the specified provisions of a development plan”*.
- 2.8 This policy does not set out any specific guidance or criteria in terms of the need to protect important tourist accommodation sites from re-development and changes to other uses. Likewise, the inflexible policy relating to the further protection of the Greenvale Hotel site as identified in the Draft Plan Strategy under Draft Plan Policy TOU 1 is unreasonable and unnecessary therefore **Unsound**.

3.0 Specific Objections to Draft Policy TOU 1.

- 3.1 Position Paper Eight is a supporting paper to the Draft Plan Strategy relating to tourism. Para’ 5.11 refers to accommodation with particular reference made to a number of hotels in the area located on large sites and which have the potential to continue to provide important bed spaces eg. Glenavon Hotel and **Greenvale Hotel** in Cookstown. The pressure of the housing development boom is an example of when hotels like this on key large sites within the urban area can come under pressure to be re-developed for housing development e.g the Inn on the Park in Dungannon.
- 3.2 My client considers it is unfair to impose the policy protection as outlined in Draft Policy TOU 1 based on the failure of the Inn on the Park, Dungannon site to be developed. Had the approval for high quality housing development on this site been actually implemented and developed and the site not remained in a derelict state due to the housing crash, then the Council would not be drawing a parallel with the Greenvale Hotel and the Inn on the Park. It is its state of unsightly dereliction within the urban area that causes the problem with the Inn on the Park site, not the fact that it was approved for re-development for housing as suggested.
- 3.3 In addition, other than making this comparison to the Inn on the Park site there is no robust evidence contained within Position Paper Eight to justify picking out the Greenvale Hotel site and imposing this inflexible restriction from re-development and future changes to other uses. In the absence of such evidence other hotels within the Mid Ulster Council Area such as The Royal, The Terrace, Cohannan Inn, Tullylagan, Corick House, Castledale Inn etc should also be labelled with similar protection.

- 3.4 As already outlined in section 2.0 above, there is no policy criteria or guidance within the SPPS or indeed PPS 16 to justify such protection of existing tourist accommodation sites.
- 3.5 Prevailing policy within the SPPS allows for sufficient controls for appropriate tourist development to take place within settlements without the need for the further blanket protection as suggested in Draft Policy TOU 1 regarding the Greenvale Hotel site.
- 3.6 The site of the Greenvale Hotel lies completely within the current LLPA 1 – Ballinderry River Local Landscape Policy Area as identified within the Cookstown Area Plan 2010. Designation of this river valley is based on the areas topography, tree cover, nature conservation interests, historic buildings and industrial heritage. Within this area there is a strong presumption against new development apart from change of use to outdoor leisure and recreation uses or development that is ancillary to the enjoyment of open space. The importance of such a landscape designation is unlikely to change within the LDP therefore the site of the Greenvale Hotel is already “self - policing” and protected for inappropriate development or change of use.
- As such the protection of this specific site from re-development and changes to other uses as outlines within Draft Policy TOU 1 is unnecessary and unreasonable.
- 3.7 Such suggested policy restriction as contained within Draft Policy TOU 1 will have serious implications on the market valuation of this hotel site. No account has been given or evidence produced which accounts for the changing market place, future demands, changing trends and future growth.
- 3.8 As outlined in the Tourism Strategy of the Draft Plan Strategy the four tailored policies as proposed allow **more flexibility** for major tourism development and are **less prescriptive regarding tourism accommodation** (my emphasis), facilities and attractions, while continuing to safeguard our tourism assets and important tourist accommodation. Sustainable development is a balance between the needs of tourist and the tourist industry, coupled with the need to protect the tourism asset. Given that tourism is underdeveloped in Mid Ulster there is room for a **more flexible, less prescriptive approach** (my emphasis). It is clear that the inflexible and prescriptive draft protection policy relating to the Greenvale Hotel site is contrary to this tourism strategy statement.

- 3.9 Such inflexibility as suggested within the wording of Draft Policy TOU 1 would severely restrict alternative market opportunities for the Greenvale Hotel, particularly in light of the recent tragic events that took place on this site. Such extraordinary circumstances has forced the owner to seriously consider its future as an hotel.

Any future re-development or use of the hotel building for any alternative community uses e.g. Nursing Home, which would be an ideal and much needed local care facility, could not even be considered as an alternative under the present restrictions of the draft plan policy. This is unacceptable.

- 3.10 In term of context the site adjoins and is within the vicinity of existing high quality residential development and other mixed uses. If re-developed or changed to another use were proposed adequate policy controls and guidance will be contained within the LDP to ensure appropriate land use planning takes place without the complete embargo that the protection policy TOU1 imposes.
- 3.11 The Greenvale House Hotel is a very successful, long established, family run hospitality business. Historic occupancy trends are primarily based on business tourism and weddings, not leisure tourism. Our clients are adamant that this trend that has sustained their business all down the years of successfully operating will not change, despite the Draft Plan Strategy suggestion that such a policy designation and restriction will increase longer overnight stays and increase weekly tourist vacations.
- 3.12 Our client feels aggrieved wish us to make the point highlighted by a recent press article, in which both the "Hill of the O' Neills" and the "Seamus Heaney Centre" are held up as shining examples of Tourism Assets in the Mid Ulster Council Area and they are losing money hand over fist – £2.2 million in the last financial year. It is absurd that these same people, the Council, want to ring fence their business as protected tourism accommodation. If the Council with all their resources cannot successfully run their Tourism Assets without losing money, then they feel that they, in the absence of rate payer's money should be allowed to consider any appropriate alternatives uses for their business and their hotel site in response to changing market demands.

4.0 **Conclusion**

- 4.1 This Draft Plan Strategy is clearly **Unsound** for the following reason:

- 4.2 **Policy TOU 1 fails test CE2** as it is in conflict with the SPPS and the strategy policies and allocations are not realistic and appropriate having considered the relevant alternatives and are not founded on robust evidence.

4.3 **Policy TOU 1 fails test CE4** in that it is not reasonably flexible to enable it to deal with changing circumstances.

4.4 In order to make the DPD **Sound** the wording as contained within Draft Plan Policy TOU 1 (b) namely ;

Important tourism accommodation will be protected from re-development and changes to other uses. These sites comprise of;

1. The Glenavon Hotel, Cookstown

2. The Greenvale Hotel, Cookstown

must be completely removed from the Local Development Plan 2030

4.5 Therefore, for the reasons set out above we request that the Council refer this representation to the PAC and request that we wish to appear in front of the Commissioner at the Independent Examination in person.



Ken Moore - **Studio forty four** – Town & Country Planning (Agent)