



Fermanagh & Omagh  
District Council  
Comhairle Ceantair  
Fhear Manach agus na hÓmaí

## PLANNING PERMISSION

### Planning Act (Northern Ireland) 2011

Application No: **LA10/2021/0501/F**

Date of Application: **22 April 2021**

Site of Proposed Development: **31-33 Henry Street, Enniskillen**

Description of Proposal: **Three No. 2 1/2 storey townhouses, associated groundworks and garden areas, minor alterations to and retention of existing building's street facade and demolition of the remainder including the large single storey steel truss structure to the rear**

Applicant:  
Address:

Agent: , Martin McGirr  
Address: Glen Cottage Studio  
96 Gargadis Road  
Trillick  
BT78 3TJ

Drawing Ref: 01, 02 REV2, 04 REV1, 05 REV1, 07 REV1, 08, 09 & 10

---

The Council in pursuance of its powers under the above-mentioned Act hereby

### GRANTS PLANNING PERMISSION

for the above mentioned development in accordance with your application subject to compliance with the following conditions which are imposed for the reasons stated:

1. The development hereby permitted shall not commence until further investigation:  
Phase 2 - intrusive site investigation and Generic Quantitative Risk Assessment

(GQRA) and any subsequent required remedial measures have been identified as per the recommendation of the Phase 1 Desk Study Report (PH1-2023-000057 dated 24/07/2023) has been completed.

The GQRA report shall be submitted and agreed in writing with the Council.

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. The strategy should be completed by competent persons in accordance with the LCRM guidance, as applicable. The development hereby permitted shall not be occupied until remedial measures agreed within the 'detailed development specific remediation strategy' have been completed.

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

2. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease, and Fermanagh and Omagh District Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance as applicable.

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. The strategy should be completed by competent persons in accordance with the LCRM guidance, as applicable.

Reason: protection of environmental and human health receptors to ensure the site is suitable for use.

3. After completion of remediation works required under Conditions 1, and 2 (if triggered); and prior to occupation of the development, a verification report shall be submitted in writing and agreed with Fermanagh and Omagh District Council. The report shall be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) and CIRIA C735 guidance (as required).

The verification report shall 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 and human health receptors to ensure the site is suitable for use

4. The development hereby approved shall not be constructed beyond sub floor until such times as a foul mains connection has been provided by NI Water or in the interim period an alternative means of disposal is agreed with NI Water, DAERA Water Management Unit and details submitted to and approved by Council.

Reason: To ensure a satisfactory means of foul disposal

5. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Council in consultation with

Historic Environment Division, Department for Communities.

The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

6. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 5.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

7. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 5. These measures shall be implemented and a final archaeological report shall be submitted to Fermanagh & Omagh District Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Fermanagh & Omagh District Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

8. All proposed trees, vegetation and garden-areas as annotated on drawing 02 Rev 2 shall be planted in the first available planting season following occupation of any one of the dwellings hereby approved and shall be retained in perpetuity. Any tree or vegetation which dies shall be replaced with a similar species of tree a minimum height of 2.5 metres.

Reason: In the interests of visual amenity.

9. Prior to the occupation of each individual dwelling hereby approved, the boundary treatments defining each curtilage shall be constructed as detailed on drawing 02 Rev 2.

Reason: To ensure that boundary treatments are provided in a timely manner to assist in the provision of a quality residential environment in accordance with policy HOU05 – Shaping our Houses and Homes.

10. The development hereby permitted must be begun within five years from the date of this permission.

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

## Informatives

1. This document is the decision of the Council in respect of application LA10/2021/0501/F.

No part of this document may be changed or altered in any way without the consent of the Council.

If you wish to verify the accuracy of the decision notice, or download a copy, please check the Planning Portal by searching at:

<https://planningregister.planningsystemni.gov.uk/simple-search>

2. Many parts of Fermanagh and Omagh District Council are within radon affected areas. Public Health England published updated maps in 2015, which indicate areas where protection measures are considered necessary based on the probability of elevated radon levels. The maps are available at: <http://www.ukradon.org/information/ukmaps>. The current Building Regulations in Northern Ireland do not have regard to the updated 2015 Maps. The EHS highly recommend that the applicant consider the updated maps when agreeing radon protection measures with the Council's Building Control Department.

Construction, demolition, engineering works and works of a similar nature should be carried out using the best practicable means available so as to minimise the impact of noise generated by such activities on the nearest noise sensitive dwellings. Where such activities are to be carried out, consideration should be given to control measures by way of noise generating activities, which are audible at the nearest noise sensitive dwellings.

Noise from construction activities should-

- not exceed 65 dB LAeq,1hr between 08.00 hours and 18.00 hours on Monday to Fridays, or 65 dB LAeq,1hr between 08.00 hours and 13.00 on Saturdays, when measured at any point 1 metre from any façade of any residential accommodation, and
- not be audible between 22.00 hours and 08.00 hours on Monday to Fridays, before 08.00 hours or after 13:00 hours on Saturdays, or at any time on Sundays or Bank Holidays, at the boundary of any residential accommodation.

Advice on noise can be found in BS 5228:2009 +A1:2014 Code of practice for noise and vibration control on construction and open sites – Part 1: Noise. The developer should ensure that disturbance to neighbouring residents from construction noise is kept to a minimum. To reduce the impacts of construction and civil engineering works at the proposed site:

- For any particular job the quietest plant/machinery should be used.
- All equipment should be maintained in good order and fitted with appropriate silencers/mufflers/acoustic covers where applicable.
- Stationary noise sources should be site away from noise sensitive receptors and where necessary acoustic barriers should be employed.

All waste generated by this development, e.g., demolition waste (if applicable) should be handled/disposed of so as to ensure compliance with current legislation. (Special requirements would apply in respect of, for example, asbestos or other hazardous waste). Further information regarding handling and disposal of such waste can be obtained from the Land Resource Management Unit, Northern Ireland Environment

Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast, BT7 2JA – telephone 028 9056 0710.

The developer should be aware that if it is their intention to bring any fill material onto the site they will require a Waste Licensing Exemption under the Waste Management Licensing Regulations (N.I.) 2003. Applications for such an exemption should be made to the Land Resource Management Unit of the Northern Ireland Environment Agency at Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast, BT7 2JA (Tel – 028 9056 9359). Prior to the granting of an exemption under the above regulations the developer will be required to demonstrate to NIEA that planning approval has been granted for infilling/importing inert material to the associated land.

It is the responsibility of the developer to ensure that the development is safe and suitable for the purpose for which it is intended and that any unacceptable risks from contamination will be successfully addressed through remediation.

Sound proofing - separating walls and/or floors should be designed and constructed so as to provide reasonable resistance to sound. The provision of adequate acoustic insulation to reduce the transmission of sound between floors, ceilings and adjoining rooms between the proposed development and residential properties adjoining the development, should be included in the design stage in order to minimise disturbance caused by impact sound and airborne noise generated within the property.

Construction requirements of the Building Regulations (NI), Part G, provides appropriate design details in minimising sound transmissions contained within Technical Booklet G 'Resistance to the Passage of Sound' October 2012. Advice regarding details of suitable construction techniques may be obtained from Fermanagh and Omagh District Council's Building Control Department.

Dated: 3<sup>rd</sup> January 2024

Paul McDermott, Lead Planner