

Planning Committee Report LA01/2019/0285/F	28th August 2019
PLANNING COMMITTEE	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Protecting and Enhancing our Environment and Assets
Outcome	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
Lead Officer	Development Management & Enforcement Manager
Cost: (If applicable)	N/a

<u>No:</u> LA01/2019/0285/F	<u>Ward:</u> FEENY
<u>App Type:</u> Full Planning	
<u>Address:</u> 20m South East of Dungiven Castle, 145 Main Street, Dungiven, Co Londonderry, BT47 4LF.	
<u>Proposal:</u> Retention of modular building and proposed extension to provide additional accommodation. The accommodation will provide general classrooms, science rooms, home economics room and supporting ancillary accommodation. Site works will include drainage, new pathways, fencing and gates to secure the school grounds	
<u>Con Area:</u> n/a	<u>Valid Date:</u> 25.03.2019
<u>Listed Building Grade:</u> n/a	
<u>Agent:</u> Infrastructure & Capital Design, Education Authority, 1 Hospital Road, Omagh, Co Tyrone, BT79 0AW	
<u>Applicant:</u> Gaelcholáiste Dhoire, Caisleán Dhún Geimhin, Dhún Geimhin, BT47 4LF	
<u>Objections:</u> 0	<u>Petitions of Objection:</u> 0
<u>Support:</u> 1	<u>Petitions of Support:</u> 0

Drawings and additional information are available to view on the Planning Portal- www.planningni.gov.uk

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located approximately 20m South East of Dungiven Castle, 145 Main Street, Dungiven, which is a Grade B1 Listed Building and is currently used as part of the Gaelcholáiste Dhoire facility. The site has been developed in line with the previous approval for additional school accommodation, containing a modular building, with areas of paving, tarmac and grass. The application site is defined to the North West by Dungiven Castle and associated Bawn Wall, which is a Scheduled Monument, with the portion of the site to the front (south) of the Castle defined by timber ranch fencing. The southern boundary is defined by paladin fencing and by two mature trees. The eastern boundary is partly defined along its entirety by black paladin fencing. The North/North Eastern boundary is again defined by black paladin fencing some young saplings/shrubs which are approximately 1m with a car park immediately abutting the site to the Main Street side.
- 2.2 The site is located within the defined settlement development limit of Dungiven Town as defined in the Northern Area Plan 2016. The site is also located in an Area of Archaeological Potential and immediately adjacent the Dungiven Castle Local Landscape Policy Area (DGL 03) as per the NAP 2016. The area surrounding the site is characterised by a variety of different uses. Further to the North West is the old livestock market site and a farm supply shop and yard, to the east there is a medical centre and sports leisure facility, part of which is designated as open space within the Northern Area Plan. There are a number of dwellings along the Main Street opposite the site as well as the Church of Ireland. To the south west of the site is the wider Castle Environmental Park grounds which are zoned as open space and are within (DGL 03) within NAP 2016.

3 RELEVANT HISTORY

LA01/2019/0286/LBC - 20m South East of Dungiven Castle, 145 Main Street, Dungiven - Retention of modular building and proposed extension to provide additional accommodation. The accommodation will provide general classrooms, science rooms, home economics room and supporting ancillary accommodation. Site works will include drainage, new pathways, fencing and gates to secure the school grounds – Current Application

LA01/2019/0287/LBC - Caisleán Dhún Geimhin 145 Main Street Dungiven - Retention of Irish Medium Post Primary School. The works consisted of extra electrical and data sockets surfaced mounted to walls, wall repainted, and new proposed fencing and gates to secure the school – Current Application

LA01/2019/0288/F - Caisleán Dhun Geimhin, 145 Main Street, Dungiven - Retention of Irish Medium Post Primary School. The works consists of extra electrical and data sockets surfaced mounted to walls, walls repainted and new proposed fencing and gates to secure the school grounds – Current Application

LA01/2017/0289/F - 20m South East of Dungiven Castle, 145 Main Street, Dungiven, Co Londonderry, BT47 4LF - Proposed single storey modular building providing additional accommodation for Gaelcholáiste Dhoire. The accommodation will provide general classrooms, science room, home economics room and supporting ancillary accommodation. Site works will include drainage, new pathways, fencing and gates to secure the school lands – Temporary Permission Granted 08.09.2017

LA01/2017/0902/LBC - Dungiven Castle, 145 Main Street, Dungiven - Proposed utility/services connections from existing services at Dungiven Castle to adjoining modular accommodation – Consent Granted 08.09.2017

LA01/2015/0319/LBC - Dungiven Castle, 145 Main Street, Dungiven - Change of Use from a Guest House to a New Irish Medium Post Primary School – Consent Granted 01.10.2015.

LA01/2015/0302/F - Dungiven Castle, 145 Main Street, Dungiven - Proposed change of use from a guest hotel to new Irish Medium Post Primary School. The extent of the works will consist of extra electrical and data sockets mounted to the walls, some walls to be repainted – Temporary Permission Granted 01.10.2015.

B/2013/0200/F - Lands 10m north east of Dungiven Castle, 145 Main Street, Dungiven - Application for the erection of a licensed marquee for occasional use on vacant lands 10m north east of Dungiven Castle for a period of 5 years – Permission Refused 01.08.2016

B/2013/0203/LBC -Lands 10m North East of Dungiven Castle, 145 Main Street, Dungiven - Erection of a licensed marquee for occasional use on vacant lands 10m North East of Dungiven – Permission Refused 01.08.2016

B/2006/0498/F - Dungiven Castle, Main Street, Dungiven - Change of use form a hostel to a Guest House with a licensed restaurant including some internal alterations – Permission Granted 15.02.2007

B/2006/0490/LB - Dungiven Castle, Main Street, Dungiven - Change of use from a hostel to a Guest House with licensed restaurant including some internal alterations – Permission Granted 15.02.2007

B/2005/0573/F - Lands at 145 Main Street, Dungiven - Redevelopment of former nightclub site for residential development comprising 21 units (13 dwellings and 8 apartments) and associated car parking – Permission Granted 22.11.2006

B/2002/0618/O - 145 Main Street, Dungiven, Limavady - Site for hotel, including restaurant, bar and leisure facilities – Permission Granted 06.08.2003

B/1999/0193/F - Dungiven Castle, Upper Main Street, Dungiven - Change of use from vacant residential accommodation to tourist hostel and associated alterations and car park (Listed Building) – Permission Granted 08.12.1999

B/1995/0311 - DUNGIVEN CASTLE MAIN STREET DUNGIVEN - Change of use from vacant building to community business initiative including workshops, exhibition area and café – Permission Granted 13.06.1996

4 THE APPLICATION

- 4.1 This is a full application which seeks temporary permission for the retention of the modular building previously approved under planning approval LA01/2017/0289/F and proposed extension to provide additional accommodation. The accommodation will provide general classrooms, science rooms, home economics room and supporting ancillary accommodation. Site works will include drainage, new pathways, fencing and gates to secure the school grounds. Temporary permission is sought for a period of ten years.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: No objections have been received.

One letter of support has been received from the Department of Education outlining the need for additional accommodation at the school as it continues to grow.

5.2 Internal

Environmental Health Department: No objections

NI Water: No objections

DFI Roads: No objections

Historic Environment Division: No objections

Loughs Agency: No objections

6 MATERIAL CONSIDERATIONS

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 6.2 The development plan is:

- Northern Area Plan 2016 (NAP)

- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3: Access, Movement and Parking

PPS 6 – Planning, Archaeology and the Built Heritage

A Planning Strategy for Rural Northern Ireland

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The application site is located within the defined settlement limit of Dungiven Town. The main consideration in the determination of this application is the principle of development, the design and visual impact of the proposal, impact on surrounding amenity, impact on adjacent Listed Building and Schedule Monument and access.

Principle of Development

- 8.2 Paragraph 2.3 of the SPPS states that the planning system is to operate in the public interest of local communities and the region as a whole and encompasses the present as well as the future needs of society. Policy DES2 – Townscape, within A Planning Strategy for Rural Northern Ireland requires development proposals in towns and villages to make a positive contribution to townscape and be sensitive

to the character of the area surrounding the site in terms of design, scale and use of materials and also outlines that an assessment is required as to whether the type of development is suitable for the site.

- 8.3 Planning permission was granted for the conversion of the Castle to the School under planning approval LA01/2015/0302/F on 28.09.2015, and is also subject to retention under current planning application LA01/2019/0288/F. Planning approval was granted for a period of three years from the date of approval to allow for the establishment of a permanent location. However, failure to secure a permanent location and increasing enrolment has resulted in additional classroom accommodation being required to adequately serve the school. Subsequently planning permission was granted for a temporary modular building adjacent the castle site under planning application LA01/2017/0289/F on 08.09.2017. The current proposal seeks temporary planning permission for the retention of the modular building previously approved on a temporary basis under planning approval LA01/2017/0289/F and the provision of additional accommodation to supplement the existing school premises which are located within the immediately adjacent Dungiven Castle.
- 8.4 The site is located within the settlement limit of Dungiven where there is a presumption in favour of development, and within a part of the town which has a diverse land use, with the medical practice and now vacant sports centre and Civic Amenity Site adjacent to the immediate east of the site, and farm supply shop and vacant market yard to the west. The nearest dwellings are located on the opposite side of Main Street approximately 85m from the proposed building. The proposed use of the site for educational use has previously been accepted on the site, and within a part of the settlement where there is a diversity of land uses. The use is also in direct association with the proposed use of Dungiven Castle, immediately adjacent the site, which has previously been approved for a temporary period and is currently under consideration via planning application LA01/2019/0288/F. The Planning Department considers that the site represents a suitable location for the proposal and a suitable land use within the settlement limit subject to the considerations outline below.

Design and Visual Impact

- 8.5 The existing modular building to be retained is a single storey building, with a footprint measuring 23.815m by 20.6m. The proposed extension is slightly irregular in shape and proposes an additional 269.17 sq. m of floorspace and is proposed to sit at the northern end

of the existing modular building. The building has a very slight sloping roof concealed by the external wall cladding and capping, which gives the impression of a flat roofed structure. The building has a height of 4m above finished floor level and approximately 4.2m above ground level. The proposed building will be clad externally in a fibre cement cladding which will be a two tone sandstone finish to reflect the character and appearance of the adjacent Castle. Given the temporary nature of the building and as the proposed finishes have given regard to the character of the adjacent Castle building the Planning Authority finds the design of the building acceptable. Historic Environment Division have commented on the proposal and have no objections to the design and finishes on the building.

8.6 Views of the proposed building will be limited to a short stretch of road when passing directly past the frontage of the site with critical views for approximately 60m when travelling in both directions. When travelling in an eastern direction views of the site are concealed by the roadside development until passing the public toilets and bawn wall and hedge to the rear of the castle. On approach from the west views of the site are again concealed by the stone wall and mature trees which define the site to the now vacant leisure centre and Health Centre. The north eastern boundary of the site is defined by black paladin fencing with planting having been carried out as part of the previous approval LA01/2017/0289/F. The planting is still at an early stage of development, but once established will provide screening from the public road and car park adjacent.

8.7 The existing screening provided by the built and natural features around the site will screen the proposed building from public view along Main Street, and the building will not appear overly conspicuous or prominent within the urban fabric of Dungiven Town. Given the limited views and set back from the street frontage, the building will not significantly detract from the established streetscape/character in the area, which complies with Policy DES2 of Planning Strategy for Rural Northern Ireland which requires proposals to make a positive contribution to townscape and be sensitive to the character of the area in terms of design, scale and use of materials.

Impact on surrounding amenity

8.8 The application site is located within a part of Dungiven Town which has a diverse land use. Immediately adjacent the application site there is a medical centre, vacant leisure centre, farm supply shop, vacant livestock mart and Church of Ireland on the opposite side of the Main

Street. There are a number of dwellings also located on the opposite side of Main Street from the application site. These dwellings are approximately 85m from the application site and given the nature of the proposal it is not anticipated that there will be high levels of noise, odour or other nuisance, that would result in a detrimental impact on residential amenity. Environmental Health, the competent authority on such matters, were consulted on the proposal and have not raised any objections. The proposal for the retention and extension of the modular building for a temporary period of ten years complies with Policy DES2 of a Planning Strategy for Rural Northern Ireland.

Impact on adjacent Listed Building and Scheduled Monument

- 8.9 The application site is located within a designated Area of Archaeological Potential, and is sited immediately adjacent to Dungiven Castle which is a grade B1 Listed Building, in addition the existing Bawn wall to the rear of the Castle and which forms part of the site boundary, is a scheduled monument. Both Historic Buildings and Historic Monuments within Historic Environment Division were consulted to assess the potential impact on the setting of the listed building, impact on the Scheduled Monument (Bawn Wall) and potential for archaeological remains within the site.
- 8.10 Following revised plans to address initial concerns regarding the proposed finishes to the boundary fencing and landscaping, Historic Buildings have no objections regarding the impact of the proposal on the setting of the Listed Buildings and have provided conditions to be attached to any forthcoming approval. The proposal is therefore compliance with Paragraph 6.12 of the SPPS and Policy BH11 of PPS6.
- 8.11 Scheduled Monument Consent was granted for development at the site under planning approval LA01/2017/0289/F. Historic Monuments have no objections subject to conditions relating to the erection of the protective fencing prior to works commencing and regarding access to the site from an archaeologist. Historic Monuments have advised that any variation to the Scheduled Monument Consent granted with respect to application LA01/2017/0289/F will need to be discussed with HED: HM's Scheduling Department before works begin. The proposal satisfies the requirements of the SPPS and PPS6.

Access

8.12 Access to the site will be via the existing approved site at Dungiven Castle from Main Street, which is a Protected Route, with car parking contained within the previously approved site. Access between the proposed modular building and the main Castle building will be via a pedestrian link to the front of the castle. DFI Roads were consulted on the proposal and have raised no objections as the proposal uses an existing access and is not likely to result in an intensification of use. The proposal satisfies the requirements of the SPPS and Policy AMP2 and AMP3 of PPS3.

9.0 CONCLUSION

9.1 The proposed development is considered acceptable in this location having regard to the area plan and other material considerations. The development is considered appropriate in terms of its scale, layout and appearance. It is sympathetic to the land uses within the locality and does not impact on the residential amenity of the neighbouring properties. The provision of additional school accommodation is therefore a development which serves the present and future needs of the school's population and the wider community. Approval is recommended.

10 CONDITIONS/ INFORMATIVES

10.1 Regulatory Conditions:

1. The permission hereby granted shall be for a limited period and shall expire on 28.08.2029.

Reason: To enable The Council to consider the development in the light of circumstances then prevailing.

2. The scheme of planting as indicated on the approved plan 01 date stamped 19th March 2019 and planting schedule (Doc 01) date stamped 23rd July 2019 shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted 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, and to protect the setting of the adjacent listed building and former bawn wall.

3. The existing former bawn wall and gates shall not be removed or affected as a result of the works.

Reason: To protect the setting of the adjacent listed building and former bawn wall.

4. No site works of any nature or development shall take place until a fence has been erected around the area hatched green on the approved plan 01 date stamped 19th March 2019, on a line to be agreed with the Historic Environment Division: Historic Monuments. No works of any nature or development shall be carried out within the fenced area. No erection of huts or other structures, no storage of building materials, no dumping of spoil or topsoil or rubbish, no bonfires, nor any use, turning or parking of plant or machinery shall take place within the fenced area. The fence shall not be removed until the site works and development have been completed.

Reason: to prevent damage or disturbance of archaeological remains within the application site.

5. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department for Communities – Historic Environment Division to observe the operations and to monitor the implementation of archaeological requirements.

Reason: to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.

10.2 Informatives:

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
4. You should refer to any other general advice and guidance provided by consultees in the process of this planning application by reviewing all responses on the Planning Portal at <http://epicpublic.planningni.gov.uk/publicaccess/>.
5. Any variation to the Scheduled Monument Consent granted with respect to application LA01/2017/0289/F will need to be discussed with HED: HM' Scheduling Department before works begin.

Historic Environment Division – Historic Monuments
NINE Lanyon Place
Lanyon Place
Belfast,
BT1 3LP

Tel: 02890 823100 at least one month before work begins to agree position of fencing.

Quote reference: SM11/1 LDY025:005 and LA01/2019/0285/F

Site Location Map

