



Planning Committee Report LA01/2020/0918/F	24th February 2021
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>App No:</u>	LA01/2020/0918/F	<u>Ward:</u>	Limavady
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Lands to the rear of The Castle 145 Main Street Dungiven		
<u>Proposal:</u>	Proposed temporary double mobile classroom with associated siteworks		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	01.09.2020
<u>Listed Building Grade:</u>	N/A		
Applicant:	Gaelcholáiste Dhoire, The Castle, 145 Main Street, Dungiven BT47 4LQ		
Agent:	P McVey, 105 Ballyneill Road, Moneymore, BT45 7TE		
Objections: 0	Petitions of Objection: 0		
Support: 0	Petitions of Support: 0		

EXECUTIVE SUMMARY

- Temporary planning permission is sought for a single storey mobile classroom to provide additional classroom accommodation for Gaelcholáiste Dhoire.
- The site is located within the urban area within the settlement limit of Dungiven.
- The southern portion of the application site is located on an area of existing open space and within a designated Local Landscape Policy Area (LLPA). The proposed mobile classroom building itself however is only marginally within these zonings, with the south west and south east corner of the building within the zonings.
- The site is within an area of archaeological potential and in close proximity to Dungiven Castle which is a listed building
- The proposal is considered to not impact on the character or integrity of the LLPA
- The loss of open space is considered to be acceptable given the marginal loss of open space with only the corners of the building within this zoning and given the wider community benefits resulting from the development.
- The proposal will not adversely impact upon archaeological features or the setting of the listed building
- The proposed building is of an appropriate scale and design within the urban context in which it is located.
- Temporary Approval is recommended

Drawings and additional information are available to view on the Planning Portal- <http://epicpublic.planningni.gov.uk/publicaccess/>

1.0 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** full planning permission subject to the conditions set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The site is located at lands to the rear of The Castle, 145 Main Street, Dungiven. The site is currently part of the Gaelcholáiste Dhoire facility. The school grounds site includes Dungiven Castle, a Grade B1 Listed Building to the north-west, a single storey classroom building located to the immediate north, two mobile classrooms located to the south. A carpark is located to the north east of the castle and an area of green open space to the immediate south of the castle.
- 2.2 The application is retrospective and the mobile classroom is currently on site. The mobile is situated on hard tarmacked grounds to the immediate south of the existing school buildings.
- 2.3 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/Archaeological Site and Monument. The southern portion of the site is within a Local Landscape Policy Area (DGL 03) and a Major Area of Existing Open Space (DGE 0S), as per the NAP 2016.
- 2.4 The area surrounding the site is characterised by a variety of different uses. Further to the North West is the old livestock market site. To the south east there is a medical centre and vacant sports pavilion. There are a number of dwellings and a church along Main Street opposite the site. To the south of the site is a Major Area of Existing Open Space (DGE 0S), with this

area of open space extending beyond the southern boundary of the school grounds to the Castle Environmental Park.

3.0 RELEVANT HISTORY

3.1 Planning History on the school site includes;

- LA01/2020/0722/F – Application Under Consideration for Proposed new school building to include 12 no general classrooms, technology department, art studio, associated works and landscaping at Lands 110m S of Dungiven Castle, 145 Main Street, Dungiven.
- LA01/2019/0915/F – Permission Granted 03.12.2020 for Proposed temporary mobile classrooms with associated site works to include the erection of security fencing around the site at 46m SE from Dungiven Castle, 145 Main Street, Dungiven.
- LA01/2019/0287/LBC – Permission Granted 02.09.19 for 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, Caislean Dhun Geimhin 145 Main Street Dungiven.
- LA01/2019/0288/F - Permission Granted 02.09.19 for 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, Caislean Dhun Geimhin 145 Main Street Dungiven.
- LA01/2019/0286/LBC - Permission Granted 02.09.19 for 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, 20m South East of Dungiven Castle, 145 Main Street, Dungiven.

- LA01/2019/0285/F - Permission Granted 02.09.19 for 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 20m South East of Dungiven Castle, 145 Main Street, Dungiven.
- LA01/2017/0289/F - Permission Granted 08.09.17 for Proposed single storey modular building providing additional accommodation for Gaelcholaiste 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, 20m South East of Dungiven Castle, 145 Main Street, Dungiven.
- LA01/2017/0902/LBC - Permission Granted 08.09.17 for Proposed utility/services connections from existing services at Dungiven Castle to adjoining modular accommodation Dungiven Castle, 145 Main Street, Dungiven.
- LA01/2015/0302/F - Permission Granted 01.10.15 for 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, Dungiven Castle, 145 Main Street, Dungiven.
- LA01/2015/0319/LBC - Permission Granted 01.10.15 for Change of Use from a Guest House to a New Irish Medium Post Primary School, Dungiven Castle, 145 Main Street, Dungiven.

4.0 THE APPLICATION

4.1 Retrospective Temporary Planning Permission is sought for a single storey mobile classroom. The mobile building provides 2 classrooms, 2 Toilets and 2 stores. The mobile is a single storey building with an overall height of approximately 3.9m. The building has an overall length of approximately 22.8m and a width of approximately 7.25m. The building is to be finished in multi

board pro with stipple finish to the walls with PPC aluminium windows, timber doors and uPVC gutters and downpipes. This planning application seeks temporary planning permission for a period of 4 years.

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

Neighbours: No letters of objection were received

5.2 Internal:

DFI Roads: No objections

Environmental Health: No objections.

NI Water: No objections

Historic Environment Division: No objections

Loughs Agency: No objections

NIEA NED: No objections

6.0 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

Planning Policy Statement 6: Planning, Archaeology and the Built Heritage

Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation

A Planning Strategy for Rural Northern Ireland

DCAN 15 - Vehicular Access Standards

Parking Standards

8.0 CONSIDERATIONS & ASSESSMENT

Planning Policy

- 8.1 The proposed development must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the

determination of this application relate to: principle of development, loss of open space, local landscape policy area, scale and design, built heritage and access and parking and amenity.

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 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 south east of the site, and farm supply shop and vacant market yard to the north west. The nearest dwellings are located on the opposite side of Main Street approximately 140m from the proposed building. The proposed use of the site for educational use has been previously accepted on the site, with a number of recent planning approvals on this site.
- 8.4 The proposal seeks temporary planning permission for the mobile classroom. Planning approvals LA01/2019/0285/F and LA01/2019/0289/F granted temporary planning approval for the continued use of the Castle and adjacent lands as educational facilities. Application LA01/2020/0722/F is currently under review for the construction of a 12 classroom facility to the immediate south east of this mobile.
- 8.5 Given the sites location within an existing school facility, the fact that there are no residential properties immediately about the site and the variety of uses in the vicinity of the site, the proposed development is considered an appropriate land use and will have no significant impacts on adjacent properties. The Planning

Department considers that the site represents a suitable and sustainable location for the proposal and a suitable land use within the settlement limit.

Loss of Open Space

- 8.6 The southern portion of the site is within a Major Area of Existing Open Space (DGE OS), as per the NAP 2016, which forms the wider area of the Environmental Park and Castle Gardens to the South.
- 8.7 Policy OS1 – Protection of Open Space in PPS8 outlines that the Planning Authority will not permit development that would result in the loss of existing open space or land zoned for the provision of open space. The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance. An exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.
- 8.8 The southern portion of the site is within a Major Area of Existing Open Space (DGE OS). The actual proposed development/mobile classroom is only marginally within the Major area of open space, with only the south west and south east corner of the building overlapping into the zoning.
- 8.9 The agent submitted Doc 01 in support of this loss of open space. This document noted;
- that the area of open space is demised to Gaelcholáiste Dhoire for its exclusive occupation and not open to the general public. There was no obligation placed on either Glenshane Community Association to either maintain this area of land as open space that is accessible to the general public, nor to preserve or provide access to the adjacent environmental park.
 - Gaelcholáiste Dhoire is a major flagship educational project of regional significance. It is one of only two Irish-medium post-primary schools in the north and the only one outside Belfast. It is strategically located within a wide hinterland with 9 feeder

primary schools, spanning over 60 miles from Stabane and Derry City in the west to Magherafelt and Toomebridge in the east.

- It is a vitally important project to the Irish language community, both within Dungiven and right across its hinterland, spanning three counties. It is also a critically important project in meeting the Department of Education's Statutory Duty to encourage and facilitate Irish-medium Education.
- The current application is for temporary accommodation, pending the development of a longer-term solution on the site.
- Part of the process of the preparation of the LA01/2020/0722/F (under consideration for 12 new classrooms) application included a public consultation which involved significant local publicity about the project, a leaflet drop to local houses and businesses and a pre-application public event showing the proposed plans for the school. This event was well attended and feedback forms were available to all those who attended. In total, 24 forms were returned and 22 of these indicated that they were "very supportive" and two indicated that they were "supportive". No one in attendance expressed opposition to the proposals indicating the broad level of support that exists for the development of the school on the proposed site.
- The proposed development will not prevent public access to the Environmental Park. The main access to the Environmental Park is not via the existing steps on our site, but is and will continue be via Bleechgreen lane which is about 4-minute walk from Dungiven Main Street/ Chapel Road

8.10 The statement provided highlights the local community support for the continued development of this site for an Irish Language School. Considering the information provided and the fact that the development is located within an existing school grounds, which are essentially private lands for the exclusive use of the School, officials are satisfied that the proposal for the classroom for a temporary period would bring substantial community benefit that decisively outweigh the loss of open space, the application meets OS 1 of PPS8.

8.11 In the recently approved application for mobile classrooms to the south of this site (LA01/2019/0915/F) which is within the open space zoning it was concluded given the widespread educational, cultural, social and community benefits that the school offers, and given the historical link the application site has to the use of the Castle, the limited visual or biodiversity value of the site and the fact that it makes little contribution to the overall value offered by the Environmental Park, the Planning Department is satisfied that the proposal meets with the exceptional test as outlined in Policy OS1.

8.12 The loss of open space to the south of the site (LA01/2019/0915/F) was considered acceptable. For this current application of which the development is only marginally within the open space zoning, it is concluded that there are no adverse impacts from the loss of this minor portion of area of open space.

LLPA

8.13 The southern portion of the site is partly within a Local Landscape Policy Area (DGL 03) as per the Northern Area Plan. Policy ENV 1: LPPAs within the Northern Area Plan seeks to ensure the intrinsic value and integrity of a LLPA is not adversely impacted upon by development.

8.14 The Environmental Park and Dungiven Castle form two of the key features of the LLPA designation, upon which development should not adversely impact. Given the siting and scale of the buildings proposed, which will be discussed further below, it is considered that the visual impact of the proposal would not impact upon the intrinsic value and integrity of the LLPA.

8.15 The text within the Northern Area Plan outlines that the LLPA should be protected from all non-essential development. There is no definition of what is considered to be 'essential development'. However, given the proposed use for a classroom building at an established school facility and the fact that the actual proposed development/mobile classroom is located only marginally within this zoning with only the south west and south east corners of the building in this zoning, the Planning Department consider that this is an acceptable form of development in this location. The proposal will not adversely

impact on the designated LLPA and is therefore in compliance with Policy ENV1 of the SPPS.

Scale and Design

8.16 The mobile classroom is a single storey mobile building with an overall height of approximately 3.9m. The mobile provides 2 classrooms, 2 Toilets and 2 stores. The building has an overall length of approximately 22.8m and a width of approximately 7.25m. The building is finished in multi board pro with stipple finish to the walls with PPC aluminium windows, timber doors and uPVC gutters and downpipes.

8.17 The mobile is of a typical design for this form of accommodation and is of a scale and form which is reflective of the modular buildings to the north and south of the site. The set-back distance from the road and the existing development to the north of the site ensures there are only brief glimpses from Main Street. Views from within the Environmental Park and from the wider countryside will see the mobile well integrated and not a visually obtrusive feature in the landscape. As the classroom will be viewed with existing buildings within the school grounds and will be screened by existing vegetation to the south of the site, Officials consider the design, scale and use of materials of the temporary buildings to be acceptable and comply with DES2 of PSRNI.

Built Heritage

8.18 The application site is located within an identified Area of Archaeological Potential within the Northern Area Plan and is sited in relatively close proximity to Dungiven Castle which is a Listed Building. Historic Environment Division were consulted to assess the potential impact of the proposal.

8.19 With respect to the siting of the mobile classroom and its potential impact on the setting of the Listed Castle, Historic Buildings assessed the proposal and concluded that the proposal satisfies the policy requirements of paragraph 6.12 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and BH11 Development affecting the setting of a Listed Building of Planning Policy Statement 6: Planning, Archaeology

and the Built Heritage. The proposal therefore complies with Paragraph 6.12 of the SPPS and Policy BH11 of PPS6.

8.20 Historic Monuments noted the application area was excavated in 2007 under licence AE/07/204 with regards to Planning Application B/2005/0573/F. Pits and spreads were identified, including some dating to the medieval period, along with a later boundary or drainage ditch and part of a sandstone wall. All of these archaeological features were fully resolved, and no further archaeological works are therefore required within this application area. HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to the SPPS and PPS 6 archaeological policy requirements. The proposal complies with Paragraph 6.11 of the SPPS and Policy BH4 of PPS6.

Access and Parking

8.21 Access to the proposed site is via the existing access to the school premises. The site is within school grounds and there is no direct vehicular access to the site itself and is accessed via foot. DFI Roads have been consulted on the proposal and have no objections. The proposal complies with Policy AMP2 of PPS3 in that it will not prejudice road safety.

Amenity

8.22 The site is at an existing school grounds. There are no residential dwellings which abut the site with the closest residential properties located over 140m away from the proposed mobile classroom, on the opposite side of Main Street. There is a vacant sport pavilion to the south east, a medical centre to the south east and a tennis court and bowling green to the east. Considering the nature of the site, and the nature of surrounding development the proposed development is not considered to have any detrimental impacts to amenity. The building is to be located at an existing school grounds and the proposed development is considered appropriate land use.

8.23 Environmental Health were consulted on the application and raised no objections and noted provided that external transient noise associated with students moving to classrooms or at playtimes is effectively controlled/managed, deterioration in

amenity should not be envisaged in this instance. With regard to structural acoustic insulation of the classrooms, the applicant is advised to have due regard to the Building Bulletin 93 "Acoustic Design Criteria for Schools; Performance Standards. (Feb 2015). Given the comments from Environmental Health the Planning Department has no concerns regarding the impact on residential amenity given the likely level and hours of use associated with schools.

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 proposal has been assessed against the Northern Area Plan and relevant planning policy and guidance, and is considered appropriate in terms of its use, 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. Approval is recommended.

10.0 Conditions and Informatives

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

Reason: This is a retrospective application.

2. The permission hereby granted shall be for a limited period and shall expire on 24.02.2025.

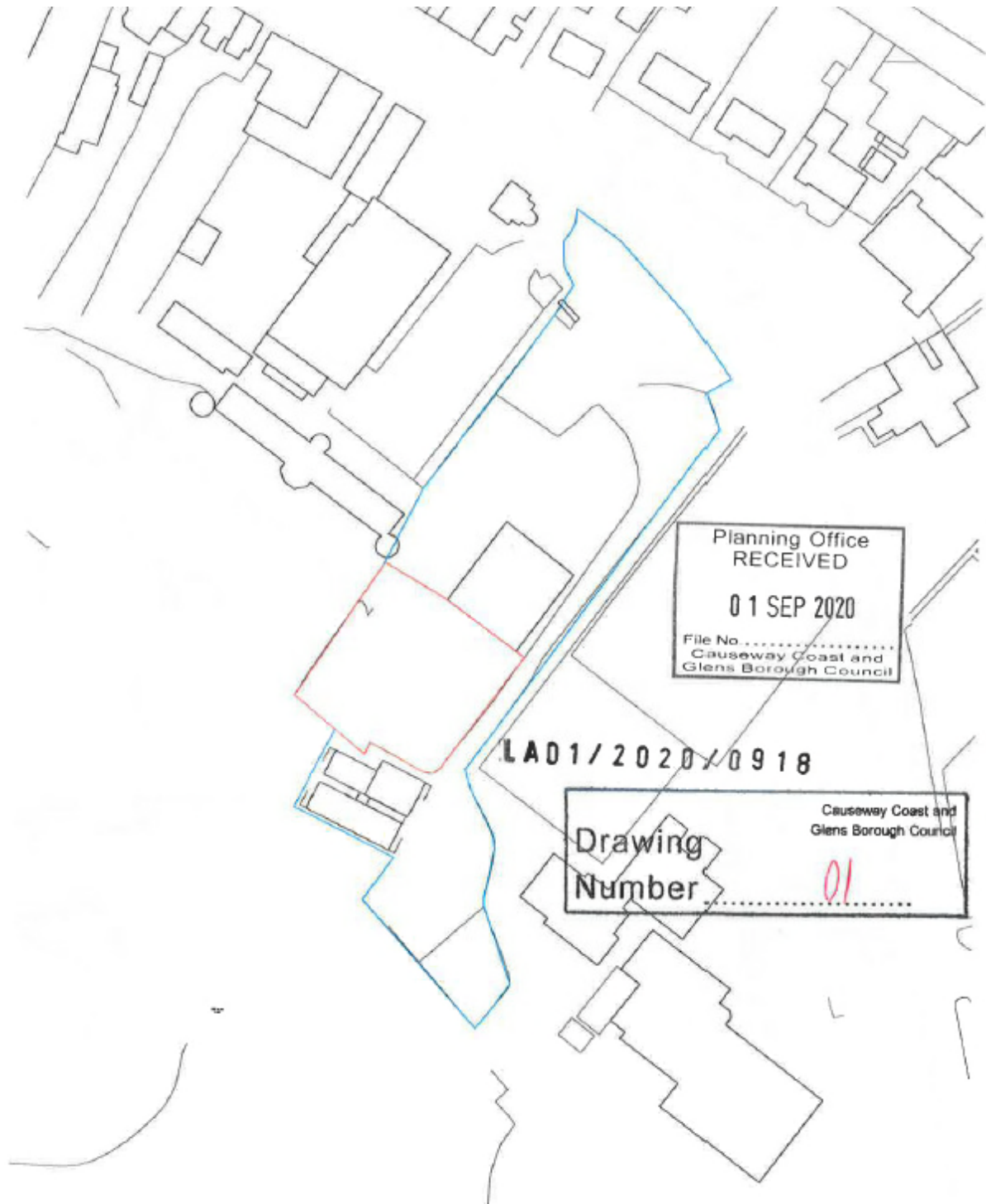
Reason: To enable the Council to consider the development in the light of circumstances then prevailing.

Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent sites for the removal of or building on the party wall or boundary whether or not defined.

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 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.
4. 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.
5. 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/>.

Site Location Map



Site Plan

