

Planning Committee Report LA01/2019/0915/F	25th November 2020
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>	LA01/2019/0915/F	<u>Ward:</u>	Feeny
<u>App Type:</u>	Full Planning		
<u>Address:</u>	46m SE from Dungiven Castle, 145 Main Street, Dungiven		
<u>Proposal:</u>	Proposed temporary mobile classrooms with associated site works to include the erection of security fencing around the site		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	21.08.2019
<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 two single storey mobile classrooms to provide additional classroom accommodation for Gaelcholáiste Dhoire.
- The site is located within the urban area within the settlement limit of Dungiven.
- The application site is located on an area of existing open space and within a designated Local Landscape Policy Area (LLPA)
- 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 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 application site is located 46m SE from Dungiven Castle, 145 Main Street, Dungiven. The application site is situated outside the existing Castle Grounds and outside the perimeter of the Gaelcholaiste Dhoire School site. The application site is accessed via an existing access which runs from the existing bus stop adjacent Main Street. The application site comprises an area of tarmac which served as car parking for the former uses at Dungiven Castle and for access to the adjacent Environmental Park. The application site is generally undefined in terms of boundary definition within the main body of the site, with paladin fencing along the boundary of the Dungiven Castle site/Environmental Park and along the access track on both side. The area of car parking/tarmac is identified as being within a Major Area of Existing Open Space within the Northern Area Plan 2016.
- 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 partly within 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 immediate east there is a medical centre and now vacant 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. Immediately adjacent and 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.

3.0 RELEVANT HISTORY

3.1 Application Site

LA01/2020/0722/F - Lands 110m S of Dungiven Castle, 145 Main Street, Dungiven - Proposed new school building to include 12 no general classrooms, technology department, art studio, associated works and landscaping – Current Application

LA01/2020/0130/PAN - Dungiven Castl, 145 Main Street, Dungiven - Proposed new school building to include 12no general classrooms, technology department, art studio and associated works – PAN Accepted

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 26.07.2016

B/2009/0327/F - Lands 60 metres South West of Sports Pavillion, Chapel Road, Dungiven - Construction of 2no. 3rd generation (synthetic) playing fields and 1no. grass field with erection of fences, catch netting, floodlighting, and dugouts with associated car parking – Permission Refused 27.06.2011

B/2005/0486/F - Land to the south of Dungiven Castle, Main Street, Dungiven - Touring caravan park consisting of 10 bays and an amenity block – Application Withdrawn 02.02.2006

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

B/1993/0023 - Dungiven Leisure Centre Chapel Road Dungiven - Erection of community hall to form extension to leisure Centre – Permission Granted 28.04.1993

Current School Site

LA01/2020/0918/F - Lands to the rear of The Castle, 145 Main Street, Dungiven - Proposed temporary double mobile classroom with associated site works – Current Application

LA01/2019/0285/F - 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 – Temporary Permission Granted 02.09.2019

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 – Consent Granted 02.09.2019

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 – Consent Granted 02.09.2019

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 – Temporary Permission Granted 02.09.2019

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.

4.0 THE APPLICATION

4.1 Temporary Planning Permission is sought for two single storey mobile classrooms. The new classrooms will provide a total of 4 classrooms and WC facilities. One of the buildings is rectangular in shape, while the other building is a linear form but half of the building is wider than the other half. The buildings have shallow pitched roofs with an overall height of approximately 4m and 4.3m above ground level, with even ridge heights. The building is finished in a plasticol cladding to the walls and trocal membrane to the roof. The application is retrospective in that the mobile classrooms had already been put in place at the time of the site visit. This planning application seeks retention of the classrooms for a temporary 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

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, 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 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 160m from the proposed building. The proposed use of the site for educational use has been previously accepted on the site, and within a part of the settlement where there is a diversity of land uses.

- 8.4 The proposal seeks temporary planning permission for the mobile classrooms to accommodate the immediate needs of the school over the next years. Under planning approvals LA01/2019/0285/F and LA01/2019/0289/F temporary planning approval was granted for a period of ten years for the continued use of the Castle and adjacent lands as educational facilities. However, failure to secure a permanent location and increasing enrolment requires the further expansion of the school at this location for a further period of four years, while planning permission of sought for a more permanent solution. Application LA01/2020/0722/F was submitted for the construction of a 12 classroom facility on the same parcel of land as this application and is currently under consideration.
- 8.5 Given the extant use of the adjacent lands for educational use, the application site is conveniently located to the school to allow for expansion without significant impacts on adjacent properties. The site is situated adjacent to existing land uses which are not likely to result in conflict between uses. 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 subject to the considerations outlined below. The design, scale and use of materials will be dealt with under paragraphs 8.17 and 8.18.

Loss of Open Space

- 8.6 The proposed site is located within an area of land which is identified as being within a Major Area of Existing Open Space within the Northern Area Plan 2016, forming part of the wider area of the Environmental Park and Castle Gardens. Access to the Environmental Park was attainable from the application site via existing steps. These steps have been closed off since the mobile classrooms have been placed on site.

8.7 Policy OS1 – Protection of Open Space within 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 applicant was asked to demonstrate how the proposal met the exceptions test and merited the loss of lands identified as open space. The applicant responded to outline their contention that the application site does not represent public open space. The submission outlines that the lands on which the application site is located were leased to the School with no requirement to provide access to the general public or facilitate public access to the Environmental Park. The applicant further clarified that access to the Environmental Park from the site was provided by Glenshane Community Group, from whom the school lease the lands, on a voluntary and temporary basis. Therefore while the lands may be identified as open space in the Area Plan they are essentially private lands for the exclusive use of the School, with no legal requirement to facilitate public access.

8.9 The applicant further clarified their justification under Policy OS1 by outlining the local and wider benefits of the school. The applicant outlines that the catchment for the school's enrolment spans across three countries from Strabane and Derry City to the west to Magherafelt and Toomebridge to the east. The school currently has over 220 pupils and is expected to rise to over 500 in the next five years. Gaelcholáiste Dhoire is a pioneering project in Irish Medium Education (IME) and is the most significant development IME within its hinterland since the first IME Primary School was opened nearly thirty years ago. It is vitally important to the Irish speaking community both within Dungiven and across its hinterland, and is vitally important in meeting the Department for Education's statutory duty to encourage and facilitate Irish Medium Education.

8.10 The applicant also reference the feedback provided from the Public consultation process which was carried out in advance of planning application LA01/2020/0722/F. It is outlined that the

event was well attended and the feedback from those in attendance was supportive of the idea of a school in this location. The applicant concluded that the regional and local significance of the school, the important educational need it fulfils and the community educational and social benefits and support of the wider overall project outweighs the need to retain what is essentially private lands.

8.11 Annex A of PPS8 outlines the definition of Open Space and provide a range of examples of the spaces that are of public value. While the list does not mention car parks, it can be assumed that these features are often ancillary features to open spaces to facilitate access to them. However, from the information provided and from previous planning history the proposed area of hardstanding, is not necessarily an integral or ancillary part of the Environmental Park, but appears to have been historically linked to the use of the Castle, which is not identified as being within the area of open space within the Area Plan, and which is now in educational use. The car park offers little in the way of visual amenity value to the area being devoid of any significant vegetation nor is it of biodiversity value.

8.12 Access to the Environmental Park will not be removed or any right of way altered by the proposal. Access to the Park will remain via the main entrance to the Park along Bleach Green Lane, a short distance from the bus stop/car park and site entrance. While, the existing access via the application site cannot be accommodated in tandem with the proposal, which lessens the connectivity of the site to users, there are no public rights of way which can be retained, with the land essentially privately controlled.

8.13 Given the argument provided by the applicant regarding 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 make 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. The loss of this small amount of land will not have an adverse impact on the visual amenity, biodiversity value or functionality of the publically accessible Environmental Park.

LLPA

- 8.14 The application site is located within the designated Dungiven Castle LLPA (DGL03) as per the Northern Area Plan. Policy ENV 1: LLPAs within the Northern Area Plan seeks to ensure the intrinsic value and integrity of a LLPA is not adversely impacted upon by development.
- 8.15 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.
- 8.16 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 is deemed essential by the applicant to allow the school to accommodate additional numbers and continue to operate and the temporary nature of the proposal, 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

- 8.17 The proposed mobile classrooms are single storey in scale and have a general linear form with a very shallow pitched roof. One of the mobiles measures 20.5m in length and 6.6m wide, while the other mobile has a more irregular formation, with half the mobile being wider than the other half. The overall length of the mobile is 20.8m with the wider portion 8.5m wide and the narrow portion 5.8m wide. The overall height of the mobiles is 4-4.3m above ground level, with both mobile the same height overall. The mobiles are finished in a white/off-white coloured plasticol finish with a trocal membrane roof finish.
- 8.18 The mobiles are of a typical design for this form of accommodation and are of a scale and form which is reflective of the modular buildings which are located a short distance away. The siting of the mobiles ensures there are only brief glimpse from Main Street. Views from within the Environmental Park and from the wider countryside will see the mobiles well

integrated and not visually obtrusive features in the landscape when viewed with existing buildings and vegetation. The Planning Department consider the design, scale and use of materials of the temporary buildings to be acceptable and comply with DES2 of PSRNI.

Built Heritage

- 8.19 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.
- 8.20 With respect to the siting of the mobile classrooms and their potential impact on the setting of the Listed Castle, Historic Buildings assessed the proposal and concluded that the application poses no greater demonstrable harm to the setting of the listed building - Dungiven Castle HB02/06/003 A. The proposal therefore complies with Paragraph 6.12 of the SPPS and Policy BH11 of PPS6.
- 8.21 Historic Monuments Division initially responded to outline that the application was acceptable subject to the implementation programme of archaeological works to identify any potential archaeological features. Officials contacted Historic Environment Division to confirm that the works mainly consisted of the mobile classrooms being set on top of the existing tarmac surface, and limited ground works required, other than for connection to foul and storm drains and for the erection of posts for the security fence. Following clarification of these points HED are content that an archaeological programme of works is not required. The proposal complies with Paragraph 6.11 of the SPPS Policy BH4 of PPS6.

Access and Parking

- 8.22 Access to the proposed site is via an existing track which runs from the bus stop adjacent Main Street, along the eastern boundary of the existing school premises. The site for the mobiles is to be enclosed by a 2.4m high security fence which will provide for vehicular access into the site and provides four car parking spaces. 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

8.23 The closest residential properties are located over 160m away from the proposed mobile classrooms, on the opposite side of Main Street. Environmental Health were consulted, as the competent authority to assess the proposal in terms of its impact on the amenity of surrounding properties. Environmental Health commented that in terms of classrooms these would not generally be indicative of a significant noise source. External and transient noise due to college students, associated with movement to classrooms would be anticipated to occur but would be likely to be of short duration, and part of what would be deemed the existing prevailing background noise due to the extant school, given an already established facility and sports pitches. 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 policies within the Northern Area Plan and PPS8 in particular, as well as other relevant 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. The provision of the additional accommodation will assist with the continued operation of the school accommodation and is therefore a development which serves the present and future needs of the school's population and the wider community. 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 24.11.2024.

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

3. Within three months of the date of this approval the vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 02 Rev 02 bearing the date stamp 20th February 2020. 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: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

4. The access gradient to the development hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

5. Within three months from the date of this approval the proposed security fencing, as indicated on Drawing 03 date stamped received 30th January 2020, shall be erected.

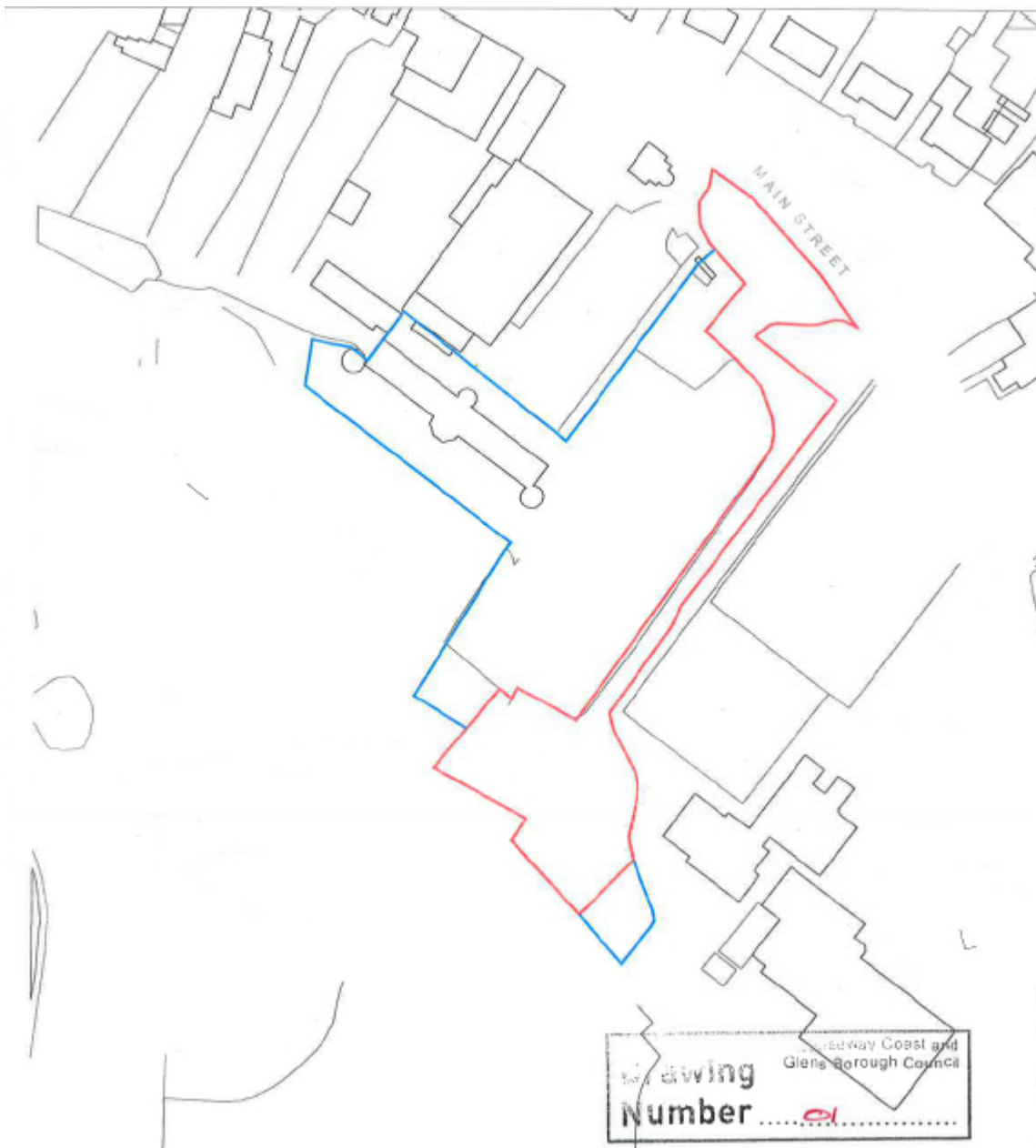
Reason: To ensure the site is secure.

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

