

<b>Planning Committee Report LA01/2017/0289/F – 20m South East of Dungiven Castle, 145 Main Street, Dungiven</b>	<b>23<sup>rd</sup> August 2017</b>
<b>PLANNING COMMITTEE</b>	

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

**20m South East of Dungiven  
Castle, 145 Main Street,  
Dungiven.**

**LA01/2017/0289/F  
Full Application**

**23<sup>rd</sup> August 2017**

<b><u>No:</u></b>	LA01/2017/0289/F	<b><u>Ward:</u></b>	Feeny
<b><u>App Type:</u></b>	Full Application		
<b><u>Address:</u></b>	20m South East of Dungiven Castle, 145 Main Street, Dungiven, BT47 4LF.		
<b><u>Proposal:</u></b>	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.		
<b><u>Con Area:</u></b>	N/A	<b><u>Valid Date:</u></b>	27 <sup>th</sup> February 2017
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Property Services Department, Education Authority, 1 Hospital Road, Omagh, Co Tyrone, BT79 0AW		
<b><u>Applicant:</u></b>	Gaelcholáiste Dhoire		
<b><u>Objections:</u></b>	0	<b><u>Petitions of Objection:</u></b>	0
<b><u>Support:</u></b>	0	<b><u>Petitions of Support:</u></b>	0

**Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://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 section 7 & 8 and resolves to **Approve** full planning permission for the reasons set out in Section 10.

## **2 SITE LOCATION & DESCRIPTION & CHARACTER OF AREA**

- 2.1 The site is located on vacant land approximately 20m South East of Dungiven Castle, 145 Main Street, Dungiven, which is currently used by Gaelcholáiste Dhoire (Derry Irish College). The site is relatively flat and is overgrown with long grass and bushes located throughout. 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 temporary security fencing. The southern boundary is defined by fencing and by two mature trees. The eastern boundary is partly defined by a

wire mesh fence and partly undefined. The North/North Eastern boundary is defined by some young saplings/shrubs which are approximately 1.5-2m with a car park immediately abutting the site.

- 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. To the immediate west of the site is Dungiven Castle, which is a Listed Building and has a temporary planning approval for Gaelcholáiste Dhoire. 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**

LA01/2015/0319/LBC - Dungiven Castle, 145 Main Street, Dungiven - Change of Use from a Guest House to a New Irish Medium Post Primary School – Temporary Permission Granted 28.09.2015.

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 28.09.2015.

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.

#### **4 THE APPLICATION**

- 4.1 This is a full application for a 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. Planning permission was granted for the conversion of the Castle to the School under planning approval LA01/2015/0302/F 28.09.2015 for a temporary period of three years.
- 4.2 Details accompanying the application state that temporary planning permission is sought for a period of 5 years. However, the original permission for change of use of the castle for the school (LA01/2015/0302/F) expires on 27.09.2018. Therefore the temporary timeframe for this application cannot extend beyond that date.

#### **5 PUBLICITY & CONSULTATIONS**

##### **External:**

##### **5.1 Neighbours:**

No representations or objections have been received in respect of the application.

##### **Internal:**

**TransportNI:** No objection

**NI Water:** No objection

**Historic Environment Division:** No objection

**Environmental Health:** No objection

**Loughs Agency:** No objection.

## **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 development 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
- 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 RELEVANT POLICIES & GUIDANCE**

Northern Area Plan 2016

Strategic Planning Policy Statement

PPS 2 – Natural Heritage

PPS 3 - Access, Movement and Parking

PPS 6 – Planning, Archaeology and the Built Heritage

A Planning Strategy for Rural Northern Ireland

## **8. 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, access and impact on adjacent Listed Building and Scheduled Monument.

### **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.

8.3 The proposal seeks temporary planning permission for additional accommodation to supplement the existing school premises which are located within the immediately adjacent Dungiven Castle. Planning permission was granted for the conversion of the Castle to the School under planning approval LA01/2015/0302/F 28.09.2015. 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 due to a failure to secure a permanent location and increasing enrolment additional classroom accommodation is required to adequately serve the school.

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 100m from the proposed building. Given the siting of the proposed new accommodation within the settlement limit and adjacent to the existing school it is the recommendation of the Planning Authority 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 proposed modular building is a single storey building, with a footprint measuring 23.815m by 20.6m. 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 design of the building is 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. There is currently some vegetation along the north eastern site boundary which provides some screening from Main Street, and in addition the proposal has indicated additional screen planting along the newly defined north eastern boundary behind the security railing fence.
- 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 100m 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.

### **Access**

8.9 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. TransportNI 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.

### **Impact on adjacent Listed Building and Scheduled Monument**

8.10 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.

8.11 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. Following the

granting of Scheduled Monument Consent, and revised plans indicating the protective fencing to be erected along the Bawn Wall 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. Following the revisions to the proposed layout the proposal now satisfies the requirements of the SPPS and PPS6 in relation to the Archaeological and Built Heritage features.

## **9 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. All other matters can be secured by planning condition. 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 27.09.2018

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 Revision 02 date stamped 3<sup>rd</sup> July 2017 and planting schedule (Doc 02) date stamped 19/07/2017 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.

3. 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 Revision 02 date stamped 3<sup>rd</sup> July 2017, 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. 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.

4. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department 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. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

All construction plant and materials shall be stored within the curtilage of the site.

It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

4. Construction Noise Impact

BS 5228: 1997 in relation to construction activities states,

“Noise and vibration can be the cause of serious disturbance and inconvenience to anyone exposed to it and in certain circumstances noise and vibration can be a hazard to health.”

Therefore, Causeway Coast and Glens Borough Council’s Environmental Health Department would request that the following informative be attached to any Planning Permission granted:

“Noise from construction activities should –

(a) not exceed 75 dB LAeq, 1hr between 07.00 hours and 19.00 hours on Monday to Fridays, or 75 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

(b) not exceed 65 dB LAeq, 1hr between 19.00 hours and 22.00 hours on Monday to Fridays, or 13.00 hours to 22.00 hours on Saturdays when measured at any point 1 metre from any façade of any residential accommodation, and

(c) not be audible between 22.00 hours and 07.00 hours on Monday to Fridays, before 08.00 hours or after 22:00 hours on Saturdays, or at any time on Sundays, at the boundary of any residential accommodation. (As a guide the total level (ambient plus construction) shall not exceed the pre-construction ambient level by more than 1 dB(A). This will not allow substantial noise producing construction activities but other “quiet” activities may be possible). Routine construction and demolition work which is likely to produce noise sufficient to cause annoyance will not normally be permitted between 22.00 hours and 07.00 hours.”

#### Noise from Plant & Equipment

The applicant shall ensure that all plant and equipment used in connection with the proposal are so situated, operated and maintained as to prevent the transmission of noise and odour to surrounding sensitive receptors.

#### Contamination

If, during the proposed development, any ground contamination is encountered then all works on the site should cease. Causeway Coast and Glens Borough Council Environmental Health Department should be informed and sufficient information to assess potential risks arising from the former use of the land should be submitted. Any necessary mitigation / remediation measures should be clearly specified. The above work should be undertaken by a suitably competent person/s and in accordance with current government guidance.

## Radon

The applicant should be aware that an updated Atlas of Radon Affected Areas in NI has been published in August 2015, via Public Health England. A radon affected area is defined as 1% probability or higher of present or future homes above the action level – 200Bq/m<sup>3</sup> (annual average radon concentration). The applicant is strongly recommended to access the updated atlas at: <http://www.ukradon.org/information/ukmaps> and <https://www.gov.uk/government/publications/radon-indicative-atlas-for-northern-ireland>.

Further information regarding radon (How it affects you and Guidance with respect to what mitigation measures will be required to safeguard health) can be accessed from the Causeway Coast and Glens Borough Council website Health and Built Environment Department – Environmental Protection/Building Control sections accessed at: <https://www.causewaycoastandglens.gov.uk/live/health-and-built-environment/environment-health-and-well-being/environmental-protection>”.

\*Building Regulations (NI) 2012 Guidance Technical Booklet C “Site Preparation and Resistance to Contaminants and Moisture, October 2012 : Section 3 provides further information on the level of protection required and directs to the Building Research Establishment (BRE Reports) which provide detailed guidance on protective measures relevant to new dwellings in NI).

Technical Booklet C can be accessed at:  
<http://www.buildingcontrol-ni.com/regulations/technical-booklets>

Note :The guidance in BR211 applies to all new buildings, extensions, conversions and refurbishment for domestic or non-domestic use (unless subject to local exemptions contained within the above Regulations).

The current 2015 edition of BR211 covers the whole of the UK and replaces three earlier guidance documents:

- BRE Report BR211 Radon: guidance on protective measures for new buildings – originally introduced in 1991 and amended in 1992, 1999 and 2007 covering England and Wales.
- BRE Report BR376 Radon: guidance on protective measures for new dwellings in Scotland – introduced in 1999.

(Please note that whilst this guide has been superseded it is still referred to in Scottish Technical Handbook guidance.)

- BRE Report BR413 Radon: guidance on protective measures for new dwellings in Northern Ireland – introduced in 2001. (Please note that whilst this guide has been superseded it is still cited for Building Regulations purposes)

BR211 (2015) includes guidance for all building types including extensions, conversions and refurbishment. The report identifies the areas of England, Wales, Scotland and Northern Ireland where measures should be taken to provide protection against radon and offers extensive guidance on the technical solutions that are required to satisfy Building Regulations requirements.

## Health and Safety

The Health and Safety Executive Northern Ireland (HSENI) are the relevant enforcing authority in Northern Ireland for educational premises. The applicant is advised to consult with them to ensure that the planned development complies with relevant health and safety legislation.

5. Public water supply within 20m of your proposal, the Developer is required to consult with NIW to determine how the proposed development can be served. Application to NIW is required to obtain approval to connect.

Foul sewer within 20m of your proposal, the Developer is required to consult with NIW to determine how the proposed development can be served. Application to NIW is required to obtain approval to connect.

No surface water sewer within 20m of your proposal, developer is required to consult with NIW and may wish to requisition a surface water sewer to serve the proposed development and / or obtain approval from Rivers Agency for discharge to a watercourse.

6. The Loughs Agency requests that all storm water from the development site should not be discharged to nearby

watercourses unless first passed through pollution interception and flow attenuation measures to prevent pollution to surface waters which is detrimental to fisheries.. Storm water can carry pollutants into watercourses and high volume discharges can alter the prevailing hydrological regime, both of which can impact on fisheries interests.

Loughs Agency request that work methods and materials must not impinge upon any nearby watercourses. The use of cement/concrete on site will require careful management. While they are versatile building materials, they are also highly toxic to aquatic life and therefore must be kept out of all drains and watercourses.

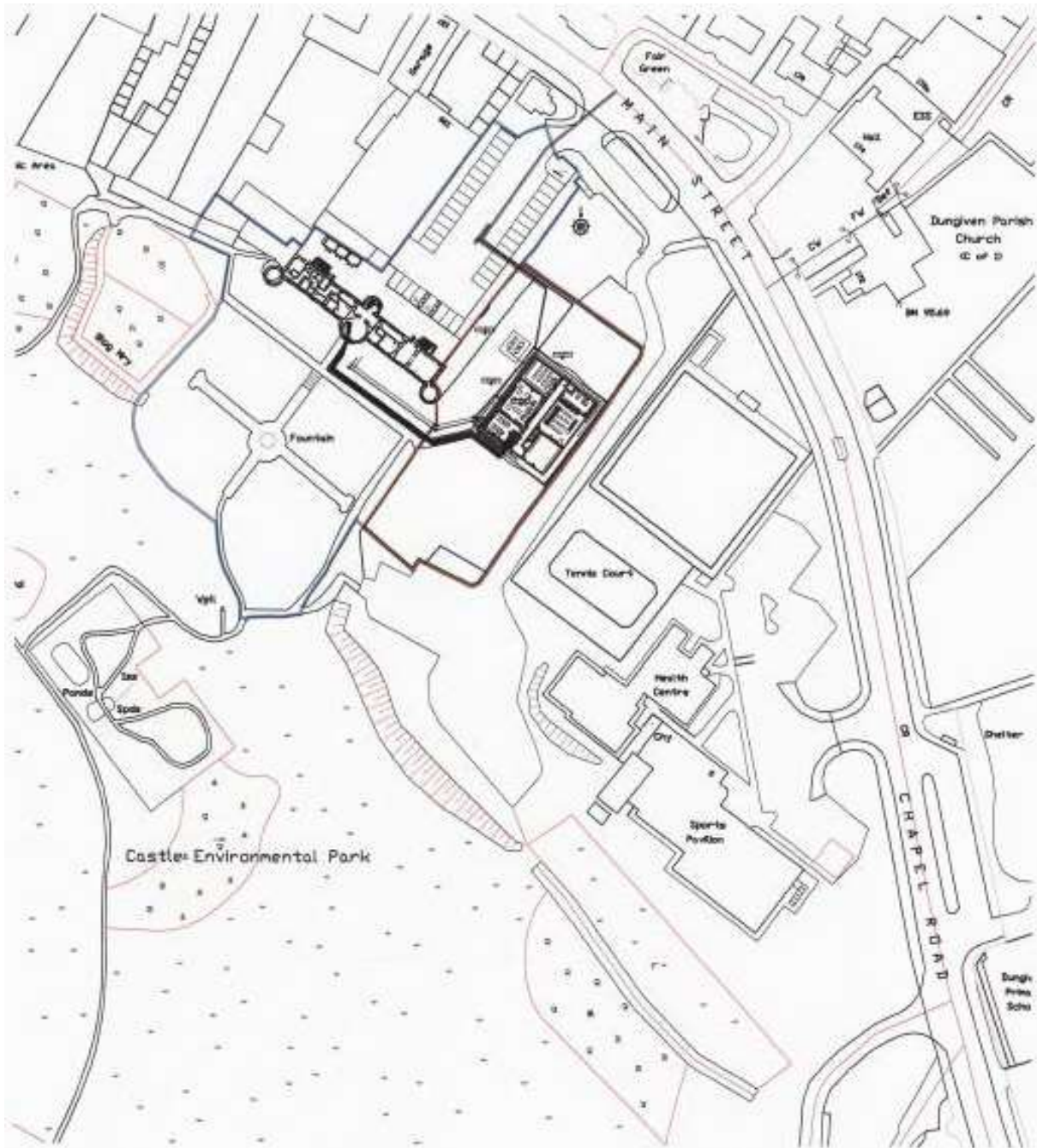
Should for any reason, oil or fuel be stored in the area, it must be kept in a bunded area (providing 110% capacity of the largest stored unit), 100m from any watercourse that appears on a 1:10 000 O.S. map of the site.

The applicant should demonstrate best environmental practice when working close to watercourses. The potential for deleterious matter to enter a watercourse is of primary concern. Impacts on the aquatic environment such as a decrease in water quality can cause a significant impact upon various life history stages of fish species.

The applicant should also be aware that it is an offence under section 41 of the Foyle Fisheries Act (1952) to cause pollution which is detrimental to fisheries interests.

7. 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.





SITE LOCATION MAP 1:1250

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