

<b>Planning Committee Report LA01/2019/0288/F</b>	<b>28<sup>th</sup> August 2019</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>	Development Management & Enforcement Manager
<b>Cost: (If applicable)</b>	N/a

<b><u>No:</u></b> LA01/2019/0288/F	<b><u>Ward:</u></b> FEENY
<b><u>App Type:</u></b> Full Planning	
<b><u>Address:</u></b> Caisleán Dhun Geimhin, 145 Main Street, Dungiven.	
<b><u>Proposal:</u></b> 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	
<b><u>Con Area:</u></b> n/a	<b><u>Valid Date:</u></b> 25.03.2019
<b><u>Listed Building Grade:</u></b> B1	
<b><u>Agent:</u></b> Infrastructure & Capital Design, Education Authority, 1 Hospital Road, Omagh, Co Tyrone, BT79 0AW	
<b><u>Applicant:</u></b> Gaelcholáiste Dhoire, Caisleán Dhún Geimhin, Dhún Geimhin, BT47 4LF	
<b><u>Objections:</u></b> 0	<b><u>Petitions of Objection:</u></b> 0
<b><u>Support:</u></b> 1	<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 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 at Dungiven Castle, Dungiven, which is a Grade B1 Listed Building. The red line of the application site incorporates the Castle building, a small portion of the gardens to the front (south west) of the castle and the associated car park at the rear of the castle. The site boundaries to the front of the castle are undefined, to the rear the boundaries are defined by leylandii type hedgerows which are approximately 4 metres high on the north western side adjacent the old market site, on the south eastern side it is approximately 2 -2.5 metres in height, with part of the bawn wall forming part of this boundary. The site is accessed from the Main Street via the bus stop lay-by.
- 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 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

LA01/2019/0285/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 – Current Application

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

LA01/2017/0289/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 use of Dungiven Castle as an Irish Medium Post Primary School, previously approved under planning approval LA01/2015/0302/F and proposed extension to provide additional accommodation. The proposed 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, impact on surrounding amenity, impact on Listed Building and Schedule Monument, Impact of LLPA 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 The proposal seeks temporary planning permission for the retention of the use of Dungiven Castle as an Irish Medium Post Primary School on a temporary basis. Under planning approval LA01/2015/0302/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 requires the retention of the school at this location for a further period of ten years.
- 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 been previously accepted on the site, and within a part of the settlement where there is a diversity of land 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.

## **Impact on surrounding amenity**

- 8.5 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 was advertised and neighbour notified and no objections have been received. The proposal complies with Policy DES2 of a Planning Strategy for Rural Northern Ireland

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

- 8.6 The application site is located within a designated Area of Archaeological Potential, and the site includes the lands associated with 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 listed building, the setting of the listed building, impact on the Scheduled Monument (Bawn Wall) and potential for archaeological remains within the site.
- 8.7 Policy BH7 of PPS6 entitled Change of Use of Listed Buildings supports the change of use of a listed building where it would secure its upkeep and survival and the character and the architectural or historic interest of the building would be preserved or enhanced. Planning approval was granted under LA01/2015/0302/F for the temporary change of use from a guest house to an Irish Medium Post Primary School. This application seeks to renew that permission for a further ten year period. The proposed use of the Castle will ensure the continued use of the listed building and the minor works to the building and exterior will not result in any detrimental impact to the character or appearance of the listed building in accordance with Policy BH7 of PPS6.
- 8.8 With respect to the other works indicated HED: HB has reviewed the proposed drawings and considers the proposal for extra electrical and data sockets surfaced mounted to walls and repainting, would have no greater demonstrable harm on the historic building fabric. The proposal is therefore in compliance with Paragraph 6.13 of the SPPS and Policy BH8 Extension or Alteration of a Listed Building of PPS6.



- 8.9 Following initial concerns regarding the proposed height and finish to the boundary fencing along the site entrance and along the south eastern boundary revised plans were submitted which reduced the height of the fence to 1.8m and altered the proposed fence type to a black metal railing. Following re-consultation, Historic Buildings have no objections regarding the impact of the proposal on the setting of the Listed Buildings. The proposal is therefore in compliance with Paragraph 6.12 of the SPPS and Policy BH11 of PPS6.
- 8.10 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.

### **Impact on LLPA**

- 8.11 Part of the application site is located within the designated Dungiven Castle LLPA (DGL 03) within the Northern Area Plan 2016. One of the key features of this LLPA is Dungiven Castle Designation which acts as an important backdrop to the eastern end of the town. DGL 03 specifies that this LLPA will be protected from all non-essential development. Given that this application relates to the change of use/re-use of an existing building, the proposal will not result in additional development within the LLPA, with no visual impact resulting from the proposal, and no impact on the environmental quality integrity or character of the LLPA. The proposal complies with Policy ENV1 and designation DGL 03 of the Northern Area Plan 2016.

### **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 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 continued use of the building for the provision of 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 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.

3. No site works of any nature or development shall take place until a fence has been erected 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.

4. 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.

5. The existing landscaping within the application site shall be permanently retained. Trees or shrubs dying, removed or becoming seriously damaged within five years 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.

## 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/>.

# Site Location Map

