

Item I

Dungiven Castle

145 Main Street

Dungiven

LA01/2015/0302/F

Full Application

LA01/2015/0319F

Listed Building Consent

23rd September 2015

<u>No:</u>	LA01/2015/0302/F & LA01/2015/0319/LBC	<u>Ward:</u> Feeny
<u>App Type:</u>	Full Application & Listed Building Consent	
<u>Address:</u>	Dungiven Castle, 145 Main Street, Dungiven	
<u>Proposal:</u>	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.	
<u>Con Area:</u>	N/A	<u>Valid Date:</u> 18 th June 2015
<u>Listed Building Grade:</u>	B1	
<u>Agent:</u>	Education Authority Western Region, 1 Hospital Road, Omagh, BT79 0AW	
<u>Applicant:</u>	Gaelcolaiste Dhoire	
<u>Objections:</u>	0	<u>Petitions of Objection:</u> 0
<u>Support:</u>	0	<u>Petitions of Support:</u> 0

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

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in section 7 & 8 and resolves to **GRANT** full planning permission and Listed Building Consent.

2 SITE LOCATION & DESCRIPTION & CHARACTER OF AREA

- 2.1 The site is located at Dungiven Castle, Dungiven. 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 old castle ruins 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 Limavady Area Plan 1984-1999 and in the draft Northern Area Plan 2016. The site is also located in an Area of Archaeological Potential and Local Landscape Policy Area as per the dNAP 2016. The area surrounding the site is characterised by a variety of different uses. To the north west is the old market site and a farm supply shop and yard, whilst to the east there is a medical centre and sports leisure facility, with dwellings along the Main Street opposite the site and the Church of Ireland also. To the south west of the site is the wider castle grounds which are zoned as open space in dNAP 2016.

3 RELEVANT HISTORY

LA01/2015/0302/F - Change of Use from a Guest House to a New Irish Medium Post Primary School – Current Application

LA01/2015/0319/LBC - Change of Use from a Guest House to a New Irish Medium Post Primary School – Current Application

B/2013/0200/F - 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 – Current Application

B/2013/0203/LBC - Erection of a licensed marquee for occasional use on vacant lands 10m North East of Dungiven – Current Application

B/2006/0498/F - Change of use form a hostel to a Guest House with a licensed restaurant including some internal alterations – Approved 15.02.2007

B/2006/0490/LB - Change of use from a hostel to a Guest House with licensed restaurant including some internal alterations – Approved 15.02.2007

B/2005/0573/F - Redevelopment of former nightclub site for residential development comprising 21 units (13 dwellings and 8 apartments) and associated car parking – Approved 22.11.2006

B/2002/0618/O - Site for hotel, including restaurant, bar and leisure facilities – Approved 06.08.2003

B/1999/0193/F - Change of use from vacant residential accommodation to tourist hostel and associated alternations and car park (Listed Building) – Approved 08.12.1999

B/1995/0311 - Change of use from vacant building to community business initiative including workshops, exhibition area and café – Approved 13.06.1996

4 THE APPLICATION

- 4.1 The applications are seeking Listed Building Consent and Full Planning Permission for the 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, with some walls to be repainted.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours:** No objections

Internal:

- 5.2 **Transportni - No objections**

Environmental Health - No objections

NI Water - No response provided

NIEA Water Management Unit - No objections

NIEA Historic Buildings - No objections

NIEA Built Heritage - No objections

6 MATERIAL CONSIDERATIONS

- 6.1 Article 45 of the Planning Act (Northern Ireland) 2011 states that, “where an application is made for planning permission, the council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan,

so far as material to the application, and to any other material considerations.”

6.2 The development plan is:

- Limavady Area Plan 1984 - 1999
- Draft Northern Area Plan 2016

6.3 The Regional Development Strategy (RDS) is a material consideration.

6.4 Due weight should be given to the relevant policies in the development plan.

6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

PPS 1 General Principles

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 PPS 1 – General Principles is a general policy that the department observes in carrying out its planning functions, including exercising control of development. PPS 1 operates a general presumption in favour of development unless there is demonstrable harm to interests of acknowledged importance. Of particular relevance to this application are paragraphs 15 to 22 of PPS 1 regarding design and paragraph 52 relating to amenity. This policy provides the overall context under which the Department will determine planning applications.

8.2 The main considerations in the determination of this full application for the change of use are amenity, the impact on the listed building, traffic, utilities and archaeology.

- 8.3 The proposal seeks to change the use of Dungiven Castle to provide a temporary location for the post primary Irish school, for a period of three years. The proposed school will make use of the existing castle building with no structural alterations or extensions proposed. The only works to the building will be internally through the installation of electrical and data sockets. The proposed school proposes four classrooms with a number of offices, storage, library and kitchen/dining area.
- 8.4 Policy PSU 1 - Community Needs, within A Planning Strategy for Rural Northern Ireland, states that Community Needs specifies the need to allocate sufficient land to meet the anticipated needs of the community, in terms of health, education and other public facilities.
- 8.5 Policy ECU 1: Education, Health, Community and Cultural Facilities, within the draft Northern Area Plan 2016 states that permission will be granted for education, community and cultural facilities provided all the following criteria are met:
1. There is no significant detriment effect on amenity;
 2. The proposal does not prejudice the comprehensive development of surrounding lands, particularly on zoned sites;
 3. The proposals are in keeping with the size and character of the settlement or neighbourhood and its surroundings;
 4. Where necessary, additional infrastructure is provided by the developer; and
 5. There are satisfactory access, parking and sewerage disposal arrangements.
- 8.6 As the proposal is for the change of use of former guest hotel to school no adverse impact on the amenity of surrounding land uses is anticipated. Given the scale of the proposal it is apparent that there will be relatively few pupils attending the school and the type of use is not likely to generate high levels of noise or traffic, this coupled with the likely hours of operation will not adversely impact any residential properties within close proximity to the site.
- 8.7 As previously stated, the site is located in the settlement development limit and is white land. The change of use

therefore does not prejudice the comprehensive development of the surrounding land.

- 8.8 As the proposal is for the change of use with no extensions the proposal is in keeping with the size and character of the area.
- 8.9 Access is obtained from the existing vehicular access with car parking spaces provided. Transportni have been consulted in relation to the scheme and have no objections.
- 8.10 Water and sewage disposal facilities are present with mains connections serving both issues. NIEA WMU have no objections.
- 8.11 In terms of the provision of and usage of water to the site. The site is served by water connection at present and it is my opinion that the proposed use of the building as a school would be less intensive in terms of water usage than the previous use of the building as a hotel. I therefore do not envisage any issues relating to water supply.
- 8.12 Policy BH 7 - Change of Use of a Listed Building states that the Department will normally permit the change of use of a listed building where this secures its upkeep and survival and the character and architectural or historic interest of the building would be preserved or enhanced. Proposals for a change of use should incorporate details of all intended alterations to the building and its curtilage to demonstrate their effect on its appearance, character and setting.
- 8.13 The proposal is a temporary proposal which will be used until plans/proposals for a new permanent school have been explored approved. The proposal makes use of an existing landmark building which is currently unoccupied. The site has its own parking area which will adequately provide for the daily requirements of the site and is situated adjacent the bus stop in the town which ensures that it is accessible to people. The use of a brownfield site makes the proposal a more sustainable option rather than proposing a greenfield site and temporary buildings. The re-use of the listed building for the school will secure its upkeep and survival. As there is no alterations to the external appearance of the building and minimal alterations

internally to provide electrical points there will be no adverse impact on the character or appearance of the listed building. NIEA Historic Buildings were consulted and have found that the proposal is in keeping with Policy BH 7.

- 8.14 During the processing of the application NIEA sought clarification of the following points.
- 8.15 Clarification that no alterations are proposed to the internal or external fabric of the building beyond the installation of the electrical and data sockets. From inspection of the plans there is no alterations shown on the proposed floor plans or elevations from the existing plans. In addition a letter from the agent has clarified this matter stating that there is to be no alterations. If necessary a condition or informative can be attached to the approval to ensure no alterations are carried out.
- 8.16 On the existing plans some of the windows were shown as hatched but these did not appear as hatched on the proposed plans. Clarification as to the purpose of the hatching was sought. Again the agent has addressed this point in their letter dated 21/07/2015, and informed that the hatching related to frosted glass in toilets and stores and has submitted amended plans 04 Revision 01 and 06 Revision 01, dated 12/08/2015 to ensure that the windows are hatched on both sets of elevations, and that they coincide with the toilets and storage.
- 8.17 The original proposal included the replacement of the existing signage for the guest hotel at the entrance to the site with the new school signage. NIEA did have any issue with the advertising proposed and indicated that it considered the proposal to fail to satisfy Policy BH 11 - Development affecting the Setting of a Listed Building. The applicant has since removed the advertisement element from the proposal on the full application and amended the description accordingly to reflect this.
- 8.18 The proposal also falls within an Area of Archaeological Potential and within a consultation zone of a monument (LDY 025:005). NIEA have been consulted in relation to these and have no objections.

9 CONCLUSION

9.1 On balance, the proposal is a sustainable option making use of an existing listed building where all necessary services are available. The site has had a number of previous planning permissions for a variety of uses, of which this will not be any more intensive or detrimental on surrounding amenity of residents or businesses. The site is white land within the draft Area Plan and therefore is not premature or likely to prejudice the plan process in any way. The proposal is acceptable under current policy and approval of both the listed building and full applications is recommended subject to a condition limiting the permission to three years as requested on the application form.

10 CONDITIONS/ INFORMATIVES

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10.1 Regulatory Conditions:

1. The use hereby permitted shall be discontinued and the land restored to its former condition on or before the expiration of 3 years from the date of this permission

Reason: Time Limit

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.
- 4 All construction plant and materials shall be stored within the curtilage of the site.
- 5 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.

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10.3 Regulatory Conditions:

- 1 As required by Section 94 the Planning Act (Northern Ireland) 2011, the works hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: Time Limit.

10.4 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.