Derry City and Strabane District Council Planning Committee Report

COMMITTEE DATE: 22nd March 2017 (previously presented 8th March 2017)

APPLICATION No: LA11/2016/0635/F

APPLICATION TYPE: Full Permission

PROPOSAL: Proposed public realm works and installation of an artwork sculpture (Factory Girls)

LOCATION: Lands at the Harbour Square, Custom House Street, Guildhall Street and Whittaker Street

APPLICANT: Derry City & Strabane District Council

AGENT: RPS

ADVERTISEMENT: 20th September 2016

STATUTORY EXPIRY: 5th October 2016

RECOMMENDATION: Approve

REASON FOR PRESENTATION TO COMMITTEE: Derry City and Strabane District Council application

All planning application forms, drawings, letters etc. relating to this planning application are available to view on www.planningni.gov.uk

1. Description of Proposed Development

The proposal is to erect an artwork sculpture and public realm works to the Harbour Square area. The sculpture will consist of a large wheel that is 6.2 metres in height and 7.5 metres wide at the widest point. There will also be a decorative archway to resemble a needle panel, that will be 5 metres in height and 4.2 metres wide. There will be granite stonework laid on the ground between the archway and the wheel, depicting the surface of a sewing machine. There will also be public realm works including new surface finishes and street furniture.
Appendix 2

Proposed surface treatments: Formaldehyde will be used, to prime the metal will be extensively shot blasted and surface prepared.

Paint specification

The system will be a first coat of interprotective 95, a sponge coat in a different colour, a second coat of interprotective 95 and a final top coat of Hardcoat 800 which has a final top coat of Hardcoat 800 for colour and for protection. The first and second coats are spray applied in an atomiser, with a final coat being hand applied in masked marine environment and air dried in these conditions. The top coat is designed to ensure all surfaces receive the correct paint thickness including welds and sharp edges. The top coat goes on at 500m².

The lettering will be fully coated with a black hard coat. A silver metallic colour will highlight the outer half of the wheel.

Artistic treatment

Artistic treatment will be used. In order for the wheel to be extensively shot blasted and surface prepared.

Paint specification

The system will be a first coat of interprotective 95, a sponge coat in a different colour, applied by roll and hand to panel areas, a second coat of interprotective 95 and a final top coat of Hardcoat 800 for colour and for protection. The first and second coats are spray applied in an atomiser, with a final coat being hand applied in masked marine environment and air dried in these conditions. The top coat is designed to ensure all surfaces receive the correct paint thickness including welds and sharp edges. The top coat goes on at 500m².

Cill detail

The cill will have the front and back faces fully coated with aluminium oxide colour. The sides will have a nautical theme with white base highlighted in black/narrow metallic shear.
2. EIA determination

An EIA determination was carried out on the proposal under category 2 10B of the Planning (Environmental Impact Assessment) Regulations (NI) 2012 as the site is greater than 0.5 ha and therefore exceeded the threshold set out in Schedule 2. Having considered the characteristics of the development, the location and potential impact, it was considered that the impacts of the proposal will not cause significant environmental effects.
3. Site location and description

The site is situated at Harbour Square which is within the Historic City Conservation area, within the Commercial core of the City as defined by the Derry Area Plan 2011. The proposed works is to the front of two listed buildings namely Harbour House and the Guildhall. The area at present is a green area with pathways linking into the City Centre via Guildhall Street and Custom House Street. The pathway from Harbour house is a connection to the controlled crossing allowing access to the Riverside walkway and Peace Bridge.
View 1: Overhead view of the site showing green space at the front of the Guildhall and Harbour House where the sculpture and ancillary works are to be carried out.

View 2: Existing site frontage showing Harbour Square, Harbour house and the Guildhall

4. Site Constraints

The application site is within the Historic City Conservation Area and is at the front of two listed buildings. The buildings on Guildhall Street and Custom House Street are also listed.
5. Neighbour Notification Report

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6. Relevant Site History

A/2008/0167/F - Public Realm works to the central area including new paving, street furniture and water features;

A/2009/0568/F - Exterior fabric restoration including replacement of existing lattice windows, and new access ramp and steps to Shipquay Place entrance


A/2011/0461/F - Renovation of existing Guildhall to include new storage to basement, new lifts and back of house staircase, relocation of council chamber, mayors parlour, green room and staff welfare facilities. Creation of new cafe, tourist information point and exhibition room.

7. **Policy Framework**

SPPS, RDS, Derry Area Plan 2011, PPS3, PPS6

8. **Consultee Responses**

8.1 Transport NI - no objections to the development subject to conditions.

8.2 Historic Environment Division Historic Monuments (HM):

Historic Monuments is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works.

Historic Environment Division Historic Buildings (HB)

Whilst acknowledging support for the concept of Public Realm and Artwork scheme on this site and the need to commemorate the history and heritage of the shirt factories and their workers, Historic Buildings advised:

- HB remain of the view that the alignment, orientation and scale of the artwork will have an adverse impact on the setting of nearby listed buildings.
- The structure remains a large object that will alter the character and focus of this public space significantly. HB is concerned that this is likely to be to the detriment of the setting of the prominent civic buildings located nearby.

HB also acknowledge the early engagement in the pre-application process, however they state the current application does not appear to have taken note of HB comments or altered the proposal accordingly.

8.3 Marine and Fisheries Division- Content with the proposal;

8.4 Water Management Unit- Content with the proposal subject to relevant statutory permissions and the applicant adhering to standing advice.
9. Representations Consideration

There have been no representations received to this application. The application was presented on the Councils social media pages as part of the Improve project. There were two comments received from members of the public, broadly supporting the application.

10. Planning Assessment and Other Material Considerations

Section 6 (4) of The Planning Act (Northern Ireland) 2011 requires the Council to make planning decisions in accordance with the local development plan, unless material considerations indicate otherwise.

This proposal has been assessed against the provisions of the Derry Area Plan 2011, as well as other material considerations including the Regional Development Strategy; the Strategic Planning Policy Statement for Northern Ireland; PPS 6 Planning, Archaeology and the Built Heritage; PPS 3 Access Movement and Parking, as well as consultation responses.

The application is a public sculpture to commemorate Derry’s women shirt factory workers. The sculpture references the wheel and front plate of a singer sewing machine whilst on the ground there will be a granite surface linking the wheel and the archway representing the shape of the sewing machine. The archway has been further designed to replicate some of the window pattern on the riverside façade of the Guildhall.

**SPPS**

The SPPS supersedes PPS 1 General Principles, however the guiding principle of what PPS 1 aimed to achieve in terms of public interest is supported through the SPPS; in particular, paragraph 2.3 states that “the planning system operates in the public interest of local communities.... It does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases”.

**Derry Area Plan 2011**

The site is within the commercial core and also in the Historic City Conservation Area of Derry City as defined by the Derry Area Plan 2011.

**Policy BE4**- Conservation Areas- This policy seeks to preserve and where possible enhance the Conservation area. It is considered that whilst the sculpture is large in scale and would appear
prominent on the edge of the Historic City Conservation Area, that it would not have a significant
detrimental impact on the setting of the Conservation Area

**PPS 6 Planning, Archaeology and the Built Heritage**

**Policy BH11 – Development affecting the setting of a listed building.**

BH 11 states that development will not normally be permitted which would adversely affect the
setting of a listed building. Development proposals will normally only be considered appropriate
where all the following criteria are met:

- the detailed design respects the listed building in terms of scale, height, massing and alignment;

- the works proposed make use of traditional or sympathetic building materials and techniques
  which respect those found on the building; and

- the nature of the use proposed respects the character of the setting of the building.
Appendix 2

Map of area, red line denotes Conservation Area boundary and yellow denotes the listed buildings in the locality

This site has six listed buildings in direct proximity, these are:

- The Guildhall- Grade A
- Custom House- Grade B1;
- Harbour Commissioners Office- Grade B+;
- 1-3 Guildhall Street- Grade B1;
- 5 Guildhall Street- Grade B2;
- 6 Shipquay Place- Grade B+

Historic Environment Division Historic Buildings were consulted to consider if the application site and the proposal affects any listed buildings in the area that are of special architectural and historic interest as set out Section 80 and is protected under the Planning act (NI) 2011.

Historic Buildings have advised the alignment, orientation and scale of the sculpture as proposed will have an adverse impact on the setting of nearby listed buildings. They express further concerns in their consultation response by stating “the structure proposed remains a large object that will alter the character and focus of this public space significantly”.

Historic Buildings comments should be afforded significant determining weight, given the importance of the nearby listed buildings. Therefore, this sculpture as proposed would be contrary to Policy BH11 as the scale, height, massing and alignment would be detrimental to the setting of the adjacent listed buildings as detailed above.

BH12- New development in a Conservation Area

BH 12 will only permit development proposals for new buildings, alterations, extensions and changes of use in, or which impact on the setting of, a conservation area where all the following criteria are met.

1. the development preserves or enhances the character and appearance of the area;
2. the development is in sympathy with the characteristic built form of the area;
3. the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area;
4. the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area;

5. important views within, into and out of the area are protected;

6. trees and other landscape features contributing to the character or appearance of the area are protected; and the development conforms with the guidance set out in conservation area documents.

The proposal sits within and on the periphery of the Conservation Area boundary. The proposed siting will have open views in and around this peripheral part of the Conservation Area. Views will also be taken from across the Peace Bridge on the approach from Ebrington. Notwithstanding the large scale of the proposal, it is considered that on balance the sculpture will not have a significant detrimental impact on the overall character of this part of the Conservation area. The proposal does not erode or appear unsympathetic to the Conservation area, unlike its impact on the setting of the adjacent listed buildings.

The Guildhall and Harbour House have undergone large scale exterior and interior refurbishments in recent years and this has created a strong visual edge to the Conservation Area and brought re-use to the buildings.

It is proposed to remove one tree as part of the proposal. Although this is within the Conservation area, it will not have a detrimental impact on the character of the Conservation Area.

View from Foyle Embankment
PPS 3 Access Movement and Parking

There has been no issues raised by Transport NI in relation to the application

11. Council Reconsideration following Planning Committee 8th March 2017

At the Planning Committee on 8th March 2017, members voted not to agree with the case officer opinion to refuse. Members were of the opinion the sculpture did not adversely affect the adjacent listed buildings. Members considered that due to the design, scale and siting of the sculpture, it was still possible to view the listed buildings without causing any adverse impact on their setting. Members advised the large BT building adjacent was more of an adverse impact on the setting of the listed buildings than the proposed sculpture, when viewed from the Foyle Embankment.
The interpretation of BH 11 of PPS 6 is advised on by Historic Environment Division and whilst their view are respected and acknowledged by Council, members have disagreed with HED views on this matter, for the reasons stated. Officers can advise there is no departure from the Local Development Plan being taken, it is a matter of policy interpretation, therefore approval can be recommended in this instance.

12. Conclusion and Recommendation

After consideration at Planning Committee on 8th March 2017, approval is recommended subject to the conditions outlined in Section 13 of this report.

13. Conditions

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. Details of the road works, a programme of the works and any required / associated traffic management proposals shall be submitted to and agreed by TransportNi, prior to the commencement of any element of works on the public road network.

Reason: To facilitate the convenient movement of all road users and the orderly progress of work in the interests of road safety.

3. No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Department. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.
Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

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 monitor programmed works in order 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.