Derry City and Strabane District Council Planning Committee Report

COMMITTEE DATE: 5th February 2020
APPLICATION NO: LA11/2019/0904/F
APPLICATION TYPE: Full Application
DATE OF APPLICATION: 16th October 2019

PROPOSAL: Provide improved visual and pedestrian permeability of the car park improving its use as a public facility while enhancing its impact upon surroundings within the Historic City Conservation Area, including the city walls and surrounding listed buildings. Proposed interventions include the removal of inappropriate/unsightly boundary structures on Bishop Street and Stable Lane along with the car park boundaries adjacent to the Freemason's Hall and St Augustine's Parochial Hall. The improvement of pedestrian access with a new ramp leading to Palace Street and additional access points from Bishop Street and Stable Lane. One additional CCTV camera mounted on a 6.0m high pole is to be erected within the car park area.

LOCATION: Bishop Street Car Park
APPLICANT: Derry City and Strabane District Council
AGENT: Derry City and Strabane District Council
ADVERTISEMENT: 5.11.19 & 11.12.19
STATUTORY EXPIRY: 25.12.19
RECOMMENDATION: APPROVE

REASON FOR PRESENTATION TO COMMITTEE: Council application

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

1. Description of Proposed Development

This proposal is to carry out vehicular and pedestrian access improvements to the car park at Bishop Street. The boundary with Bishop Street and Stable Lane will see the removal of the high wall structure, the boundary to the rear and side of the Freemasons Hall that shares a boundary with the car park will see the removal of the current large blockwork rendered wall and large reinforced concrete wall. These walls will be replaced by low level blockwork plinths with black
steel railings and blockwork pillars allowing intervisibility between the spaces. The St Augustine’s Church boundary currently has a low concrete wall and steel railings above. This boundary will be replaced with the low level plinth blockwork and steel railings to match the other boundary treatments. There is a new disabled accessible pedestrian footpath from the car park through to Palace Street at this location.

The other additional works are the enhancement of lighting of the car park area and provision of an additional cctv pole (5m in height) to provide complete cctv coverage of the car park.

2. **EIA Determination**

   The proposed development is within the scope of Schedule 2 - 10(a) of the Planning (Environmental Impact Assessment) Regulations (NI) 2017 however the area of the site does not exceed 0.5 hectares therefore an EIA Determination is not required for this proposal.

3. **Habitats Regulations Assessment**

   Assessment under the Habitats Regulations is not required for this proposal. There are no waterways directly abutting this site and this proposal is predominately for internal works. Therefore, as there is no hydrological link, it is unlikely that there will any adverse effects from development works on integrity of any National or European site.

   There are no trees or landscape features which will be impacted by this proposal. Therefore, it is unlikely that this proposal will adversely affect a priority species or their habitat which is afforded protection.

4. **Site and Surrounding Area**

   As can be seen in Figures 1 and 2 below, the application site is Bishop Street Car Park. The site is within the Historic City Conservation Area and within the commercial core of the City as defined by the Derry Area Plan 2011. The car park is opposite the Court House and shares a boundary with a listed building at the Freemasons Hall and the Historic City Walls. There are other listed buildings in the vicinity of the site at St Augustine’s School (Church Hall), St Augustine’s Church and First Derry Primary School (Verbal Arts Centre).
Figure 1: Site Location and aerial photograph of the site
5. Site Constraints

Archaeological Sites and Monuments - City Walls

The site is adjacent to Listed Buildings:

- HB01/19/006 – The Freemason’s Hall - Grade B+
- HB01/19/012/B - St Augustine’s School (Church Hall) – Grade B2
- HB01/19/012 - St. Augustine’s Church – Grade B1
- HB01/19/079 - First Derry Primary School (Verbal Arts Centre) – (Grade B+)

Historic City Conservation Area
6. Neighbour Notifications

**Neighbours Notified**

<table>
<thead>
<tr>
<th>Neighbour Address</th>
<th>Date Neighbour Notified</th>
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<td>The Verbal Arts Centre, Stable Lane, Londonderry, Londonderry, BT48 6PU</td>
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7. Recent Relevant Site History

<table>
<thead>
<tr>
<th>REFERENCE NO:</th>
<th>SITE ADDRESS:</th>
<th>PROPOSAL:</th>
<th>DECISION:</th>
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<tbody>
<tr>
<td>LA11/2019/0913/LBC</td>
<td>Bishop Street Car Park, Bishop Street, Derry. Area of land enclosed by Bishop Street Stable Lane City Walls and Grand Parade, St Augustine's Church lands and Palace Street</td>
<td>Removal of reinforced concrete high boundary walls and corrugated metal gates along Bishop Street and Stable lane - replacement of low railing on plinth incorporating pedestrian access to carpark. Removal of rendered block work and reinforced concrete boundary wall to rear of Freemason’s Hall - replacement with rendered block wall, piers and railing infill. Removal of rendered block work and railing boundary wall between carpark and St. Augustine’s Parochial Hall - replacement with brickwork wall, piers and railing infill. Excavations and demolitions to accommodate new pedestrian ramp arrangement.</td>
<td>Under Consideration</td>
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LA11/2018/0894/DCA  |  Bishop Street Car Park. Area of land enclosed by Bishop Street, Stable Lane, City Walls, Grand Parade, St Augustine's Church, Lands, Palace Street, Derry  |  Removal of reinforced concrete high boundary walls and corrugated metal gates along Bishop Street and Stable Lane - Replacement with low railing on plinth incorporating pedestrian access to car park. Removal of rendered block work and reinforced concrete boundary wall to rear of Freemason’s Hall - Replacement with rendered block wall, piers and railing infill’s. Removal of rendered block work and railing boundary wall between car park and St Augustine’s Parochial Hall - Replacement with brickwork wall, piers and railing infill’s. Excavations and demolitions to accommodate new pedestrian ramp arrangement.  |  Under consideration  
A/2007/0298/LB  |  Freemason’s Hall, 25 Bishop Street, Londonderry  |  Erection of 2.14m high security wall in car park  |  25.06.2007  
A/2007/0251/F  |  25 Bishop Street, Londonderry  |  Erection of boundary wall to secure existing building  |  20.06.2007  

8. Policy Framework

Regional Development Strategy (RDS) 2035
Derry Area Plan (DAP) 2011
- Policy ENV 7 Retention of Trees and Hedges and Landscape Requirements.
- Policy ENV 8 The Water Environment
- Policy BE 1 Urban Design
- Policy BE 2 Listed Buildings
- Policy B4 4 Conservation Areas
- Policy BE 5 Development Adjacent The Walls
- Policy BE 7 Archaeological Sites and Monuments and Historic Landscapes
- Policy BE 8 Monuments in State Care
- Policy BE 11 Access to Buildings for People with Disabilities
- Policy COM 1 Role of Commercial Core
- Proposal CA 1 Central Area
- Proposal CA 2 The Commercial Core

Strategic Planning Policy Statement for Northern Ireland (SPPS) 2015
Planning Policy Statement 3: Access, Movement and Parking (PPS 3)
- Policy AMP 1 Creating an Accessible Environment

Planning Policy Statement 6: Planning Archaeology and the Built Heritage (PPS 6)
- Policy BH 1 The Preservation of Archaeological Remains of Regional Importance and their Settings
- Policy BH 2 The Protection of Archaeological Remains of Local Importance and their Settings
- Policy BH 3 Archaeological Assessment and Evaluation 16
- Policy BH 4 Archaeological Mitigation
- Policy BH 11 Development affecting the Setting of a Listed Building
- Policy BH 12 New Development in a Conservation Area

9. Consultee Responses
- DFI Roads have no objections to the proposal.
- Environmental Health have no objections to the proposal.
- Historic Environment Division (HED) are content with the proposal.

10. Representations
There have been no letters of support or objection submitted in relation to this application.

11. 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.

The proposal has been assessed against the policy framework listed in paragraph 8 and all other material considerations.

A detailed Design and Access Statement was submitted with the proposal which described the aim of the overall proposal which is to provide improved visual and pedestrian permeability of the
Appendix 6

carpark improving its use as a public facility while enhancing its impact upon surroundings within the Historic City Conservation Area, including the city walls and surrounding listed buildings. Proposed interventions include the removal of inappropriate/unsightly boundary structures on Bishop Street and Stable Lane along with the carpark boundaries adjacent to the Freemason’s Hall and St Augustine’s Parochial Hall. The improvement of pedestrian access with a new ramp leading to Palace Street and additional access points from Bishop Street and Stable Lane.

This proposal is for the replacement of existing concrete walls ranging from 2.2 metres in height to at some parts 3.6 metres in height at the section around the Freemasons Hall, Bishop Street and Stable Lane. These will be replaced with a blockwork plinth of 0.6 metres interspersed with blockwork pillars (rendered with reconstituted cast stone) and steel railings powder coated black, giving an overall height of the boundary finish of 2.4m to the height of the railings and 3.5m to the top of the pillars.

The St Augustine’s Church boundary currently has a low concrete wall and steel railings above. This boundary will be replaced with the low level plinth blockwork and steel railings to match the other boundary treatments. There is a new disabled accessible pedestrian footpath from the car park through to Palace Street at this location.

The other additional works are the enhancement of lighting of the car park area and provision of an additional CCTV pole (5m in height) to provide complete CCTV coverage of the car park.

**Design**

Policies BE 1, BE 4, BE5 and BE11 alongside Policies BH 11 and BH 12 of PPS 6 and the SPPS provide the policy context in respect of this proposal for the design of development within Derry City. Given its location within the Conservation Area and nearby Listed Buildings and Historic City Walls, design is a significant consideration. Conservation Area Guidance for the Historic City is also relevant.

These policies seek to ensure a good design is achieved, which respects the listed buildings in terms of scale, height, massing and materials and which is sympathetic to and will preserve or and enhance the character and appearance of the Conservation Area.
Figure 3: Photograph showing existing structure to the rear of Freemason Hall.

Figure 4: Existing and Proposed elevations of the wall adjacent to Freemasons Hall
Figure 5: Photograph showing existing structure at St Augustine’s Church Hall
Figure 6: Existing and Proposed elevations of the wall adjacent to Freemasons Hall

Figure 7: Existing elevation onto Bishop Street (above Freemasons Hall)
The car park at present has a frontage onto Bishop Street that consists of a stone wall framed with trees to the rear at the main entrance. This will not be removed. The section of wall and corrugated gate that will be removed and replace with railings is beside the Freemason Hall. (See Figure 7 and Figure 8) These improvements are considered acceptable in the Conservation Area and the design solution proposed is similar to the low wall and railings at the courthouse building opposite this site.

All boundary treatment will now have a uniformity that will preserve the character and appearance of the Conservation Area and will not adversely affect any important views within, into or out of this area.

In terms of the nearby Listed Buildings and Monuments which include the historic Derry Walls, given that the external works proposed are relatively minor, HED are content that this proposal will not adversely affect these historic sites. As such, the proposal respects the character and setting of these sites.

Therefore, it can be concluded that the proposal complies with the DAP, the SPPS and PPS 6 in terms of design.

**Amenity and Safety**

In consideration of amenity, the SPPS and Policy BH 12 provide the policy context. Para.2.3 of the SPPS states that the planning system operates in the public interest of local communities. The
basic question is whether the proposal would unacceptably affect amenities of owners or occupiers of neighbouring properties and the existing use of the land and buildings that ought to be protected in the public interest.

There are no noise or nuisance implications from this proposal other than during construction works and there are very few residential properties nearby which could be adversely affected. The addition of these new intervisible boundary walls and railings in place of the solid block walls will promote personal safety as the car park will no longer feel like a closed in space.

In addition to the boundary treatment work, the upgrading of lighting, including the moving of one lamppost to facilitate the new ramp and the new CCTV camera will add to the security of the area. Environmental Health have raised no concerns in respect of this application. It is therefore considered that this development would not unacceptably affect the amenity of surrounding properties and therefore the proposal complies with DAP, the SPPS and PPS 6.

**Natural Heritage**

Policies ENV 6, ENV 7, ENV 8 and Policy BH 12 of PPS 6 provide guidance on the protection of natural heritage features in respect of tourism development and development within the Conservation Area. PPS 2 is also a consideration.

As detailed previously, the works proposed are to remove existing unsightly structures with an improved boundary design for aesthetic and security reasons. Furthermore, here are no waterways directly abutting this site and there are no trees or landscape features which will be impacted by this proposal. There has been no areas of flood risk identified at this site. Therefore, it is unlikely that this proposal will have an adverse effect in terms of natural heritage or biodiversity. Thus the proposal complies with the DAP, PPS 2, PPS 6, and PPS 16.

**Site Access and Parking**

Access and parking considerations are dealt with mainly under Policy AMP 1 of PPS 3 and also BE11 of DAP.

As detailed previously, the application site is the existing Bishop Street Car Park. There are to be no alterations in terms of parking but in terms of pedestrian access, there will be a new level access pedestrian access with a ramp at the St Augustine’s Church Hall side of the car park at Palace Street and two additional access points from Bishop Street and Stable Lane. This coupled
with the Intervisibility in and around the car park means that the needs of all disabled and able bodied people are catered for and the permeability of access has greatly improved on the site.

DFI Roads have also been consulted and have no objections. Therefore, it is considered that the proposal complies with the DAP and PPS3.

12. Conclusion and Recommendation
The scheme will not only improve both the surrounding historic environment in the locality of the existing car park, by removing inappropriate structures and improving settings and vistas around and across the car park, while also improving the functionality and use of the existing car parking provision at Bishop Street.

It is considered that the improved access to and from the car park will be a welcomed development scheme for the city centre which will improve the visual character of the surrounding historic setting, streetscape and conservation area and will also address the perception of poor safety and security in the enclosed area of the car park. The proposal will also deliver a more welcoming aspect to St Augustine’s Church Hall, improved access to the Historic City Walls and other important buildings such as the Verbal Arts Centre and Siege Heroes Museum.

This proposal will not adversely affect amenity, natural heritage, or the setting of any Listed Buildings. This proposal is considered acceptable within the Historic City Conservation Area. As such, approval is recommended subject to the conditions set out below.

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. No works shall be carried out to St Augustine’s School (Church Hall) railings, plinth wall and gate without consultation with Derry City and Strabane Council and HED (Historic Buildings).
   Reason: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and the setting of the listed buildings.
3. Samples of the proposed paving slabs, shall be submitted to and agreed in writing with the council in consultation with HED (Historic Buildings) before the relevant part of the work commences on site.

Reason: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and the setting of the listed buildings.