Derry City and Strabane District Council Planning Committee Report

COMMITTEE DATE: 4th March 2020

DATE OF APPLICATION: 11th September 2019

APPLICATION No: LA11/2019/0764/F

APPLICATION TYPE: Full Application

PROPOSAL: A new family justice centre 'One Safe Place' for Foyle Women's Aid including reception, offices, family rooms, ancillary facilities and a public drop in centre café at ground floor level with 9no. Supported housing units in a separate associated block to the rear.

LOCATION: 7-9 Bishop Street, Derry ~ Londonderry, BT48 6PL

APPLICANT: Foyle Women’s Aid

AGENT: Michael Whitley Architects

ADVERTISEMENT: 26.09.2019

STATUTORY EXPIRY: 16.10.2019

RECOMMENDATION: Approve

REASON FOR PRESENTATION TO COMMITTEE: 5 units or more

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 consists of a new family justice centre 'One Safe Place' for Foyle Women’s Aid including reception, offices, family rooms, ancillary facilities and a public drop in centre café at ground floor level with 9no. supported housing units in a separate associated block to the rear.
2. **EIA Determination**

This application has been screened by Council and as the development does not meet any thresholds, in schedule 2 as set down in The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017, an EIA determination is not required.

3. **Habitats Regulations Assessment**

The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

4. **Site and Surrounding Area**

The proposed site is located at No 7-9 Bishop Street and includes backland to the rear of the existing 3 storey property. The South Eastern portion of the site comprises the derelict former commercial premises which was most recently occupied by Poundstretcher (retail premises) with the buildings having been destroyed by fire in July 2015. The building has remained in its current state over the last 4 years. The North Western portion of the site comprises the existing access lane for the site accessing off Magazine Street Upper.

The area surrounding the site is predominantly commercial with a mixture of retail premises, offices, public houses, cafes and halls. First Derry Presbyterian Church which fronts onto Magazine Street Upper immediately backs onto the site for sheltered accommodation to the rear with St. Augustine’s Church and graveyard is c50m west of the site at its closest point.

The site is set within the Derry City Central Area, the Historic City Conservation Area and An Area of Archaeological Potential. To the rear of the site is the City Walls a monument of regional importance. As this is the central core, there is a broad range of uses adjacent to the site.
Figure 1 - Site Location Map
Figure 2 - Site concept and existing uses within the locality
5. **Site Constraints**

CA2 – Commercial Core (DAP 2011)

The Historic City Conservation Area

Area of Archaeological Significance/Potential

Listed Buildings within locality (Bright Pink on map below)

![Map of Site Constraints](image)

6. **Neighbour Notification**

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7. **Relevant Recent Site History**

   No relevant site history.

8. **Policy Framework**

   Regional Development Strategy

   Strategic Planning Policy Statement for Northern Ireland

   Derry Area Plan 2011 – CA2 Commercial Core, CA3 Primary Retail Frontage, Policies BE 1 Urban Design, BE2 Listed Buildings, BE4 Conservation Areas, BE5 Development Adjacent to The Walls, BE7 Archaeological Sites and Monuments and Historic Landscape, ENV 7 Retention of Trees and Hedges and Landscape Requirements

   Planning Policy Statement 3: Access, Movement and Parking

   Planning Policy Statement 6: Planning, Archaeology and the Built Heritage

9. **Consultee Responses**

   - **NIEA HED**: No objection
   - **NIEA Drainage and Water** – No objection
   - **DFI Roads**: No objection
   - **NI Water strategic**: No objection
   - **Environmental Health**: No objection subject to conditions
   - **Shared Environmental Services**: The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.)
Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

10. Representations
No representation received.

11. Site Photos and Proposed Plans

Figure 3 - Site Frontage
Figure 4 - Bishop Street Vista

Figure 5 - View from Upper Magazine Street showing rear access point and view of rear of site
Figure 6 - View of Rear of site
Figure 7 - Proposed Front and Rear Elevation
Figure 8 - Proposed Block Plan
Figure 9 - 3d Visual of proposed development showing front façade and gable elevation.
Appendix 4

Figure 10 - 3d visual of proposed development of side elevation

Figure 11 - cross section of gable elevations
12. Planning Assessment, including Other Material Considerations

Section 6 (4) of The Planning Act (Northern Ireland) 2011 requires Council to make planning decisions in accordance with the local development plan, unless material considerations indicate otherwise. The site is located on Primary retail frontage within the Commercial Core of the City as designated in Map 2 of the Derry Area Plan 2011. The site is within the Historic City Conservation Area, and Area of Archaeological Potential and is in proximity to the Historic City Walls which are a Scheduled Monument and Listed Buildings in close proximity. The proposal has therefore been assessed against the policy framework listed in paragraph 7 and all other material considerations including relevant planning history, consultation responses and representations.

Regional Development Strategy (RDS)

This document provides an overarching strategic framework, committed to the promotion of sustainable development. Northern Ireland has a rich and diverse inheritance of historic buildings, which provide valuable links with the past and enlarge our understanding of our society and
culture. They are a limited and finite resource, vulnerable to damage and irreplaceable. Under this documents the following polices are pertinent;

SPG-LNW 2.2 of the RDS seeks to “promote an attractive and historic city”... and to “protect enhance the historic townscape of a heritage city of regional and international significance.”
SPG-ENV3 of the RDS seeks “To conserve the built environment.” These buildings “..continue to our sense of belonging, “the sense of place”....”

**Strategic Planning Policy Statement for Northern Ireland**
The SPPS refers to Conservation Areas in paras 6.18 & 6.19, the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists. Any new development needs to be carefully managed so as to ensure it respects its overall character and appearance.

Section 6.8 highlights the need for Archaeological remains of regional significance in state care namely the City walls to benefit from statutory protection, whilst Section 6.13 stresses the importance of development that respect the essential character and architectural or historic interest of Listed Buildings and their setting, and that features or special interest remain intact and unimpaired.

The SPPS supports good design and positive place-making. In terms of design and visual impact, the proposal is acceptable. This proposal would be in keeping with the character of the Conservation area and Listed Building’s located within the locality. The design will not detract from the setting of the City walls or listed buildings and will upgrade a site that has fallen into a bad state of repair especially on a site of primary retail frontage.

**Derry Area Plan 2011**
The site is within the Commercial Core as zoned in the Derry Area Plan 2011 and Policy CA 2 & CA3 applies and is also set within The Historic City Conservation Area and an Area of Archaeological Significance/Potential. The main planning considerations that need to be taken into account in assessing this proposal are therefore the planning history of the site, the issues raised in the objection letter, PPS 1, PPS 7, PPS 7 Addendum, PPS6, PPS 12, Creating Places and Living Places in terms of design, layout, character, appearance and residential amenity.
CA 2 The Commercial Core
The Commercial Core contains the traditional concentration of retailing and other town centre uses. Proposal which prejudice the vitality and viability of the Commercial Core either directly or indirectly will not be acceptable.

CA 3 Primary Retail Frontage
The DAP 2011 has identified Bishop Street as a Primary retail frontage. Along these frontages change of use to non-retail commercial uses such as service trades and offices will be discouraged. The proposal itself is comprised of two distinct elements, the Shared Justice Centre which occupies the frontage onto Bishop Street and the rear block which houses the specialised supported residential accommodation. The new build block to the rear of the site is a 3 ½ storey building housing only the residential accommodation and some communal family spaces, this is attached to the main block by a glazed connection. The Family Justice Centre referred to also as One Safe Place is essentially office space for statutory agencies which deal specifically with victims of domestic violence. The supporting statement submitted by Foyle Women’s Aid states:
“The centre will bring together governmental and non-governmental professionals including law enforcement, prosecution, social services, medical and mental health services, faith-based representatives and child protection professionals in one co-located, multi-disciplinary space for victims.”

In planning terms, the use therefore of the family justice centre can be adequately described as an A2 office use as per the Planning (Use Classes) Order (Northern Ireland) 2015. Therefore the principle of this type of development within the town centre is assessed through the Strategic Planning Policy Statement. Appropriate town centre uses are set out within para 6.271 of the SPPS and listed as, cultural and community facilities, retail, leisure, entertainment and businesses. The ‘A’ class uses within Use Classes Order are generally accepted as being appropriate town centre uses in the spirit of the SPPS definition. Therefore, given that this is an appropriate town centre use, within the town centre, no further assessment of the potential impacts of this proposal upon existing centers or uses is required.

There is precedent within the locality for similar type uses and officers are satisfied that enterprise café’s close association with the overall concept negates the test set out in
Policy CA3. The café will be developed not only as an economical asset but will act as a social hub and training facility for Foyle Women’s Aid. This frontage has been vacant for a considerable time and normally change of use to non-retail commercial uses will be discouraged under policy CA3 of the DAP 2011, however, given the nature of the proposal for an enterprise café located on the site frontage, officers contend that this is an appropriate town centre use within the town centre and are content that the proposal will complement the existing retail provision within the locality. It will bring much needed footfall onto Bishop Street and could potentially be the catalyst for future investment/development within this part of the commercial core.

Para 6.292 of the SPPS further advises that main town centre type uses will also be assessed in accordance with normal planning criteria including transportation and access arrangements, design, environmental and amenity impacts.

*Policy BE 1 - Urban Design*

Development proposals are required 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. Development proposals should respect the opportunities and constraints of the specific site and have regard to the potential to create a new sense of place through sensitive design.

*BE4 Conservation Areas*

Development proposal must preserve and where possible enhance the character and appearance of Conservation Areas. Proposals must ensure retention of trees important to the character of the area and pay special attention to the design, form and materials of new development.

*BE7 Archaeological Sites and Monuments and Historic Landscape*

Development which would be likely to alter, damage or destroy individual sites or monuments, or result in inappropriate change to the setting of such sites or monuments or to the historic landscape will not normally be permitted.
Planning Policy Statement 3 – Access, Movement and Parking

This PPS sets out the Department’s planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning. DFI Roads are now content with the proposal subject to conditions. (See section 13)

Planning Policy Statement 6 – Planning Archaeology and Built Heritage

This PPS sets out the planning policies for the protection and conservation of archaeological remains and features of the built heritage and is the most relevant policy in assessing this application.

Policy BH 1 the Preservation of Archaeological Remains of Regional Importance and their Settings:
This policy operates with a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings. These comprise monuments in State Care, scheduled monuments and other important sites and monuments which would merit scheduling. Development which would adversely affect such sites of regional importance or the integrity of their settings will not be permitted unless there are exceptional circumstances. A program of archaeological works has been submitted by the agent and found acceptable by Historic Environment Division.

Policy BH 3 Archaeological Assessment and Evaluation and Policy BH 4 Archaeological Mitigation:
Where it is decided to grant planning permission for development which will affect sites known to contain archaeological remains, conditions will be attached to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate the completion of a licensed excavation and recording of remains before development commences. A program of archaeological works has been submitted by the applicant and assessed by HED and found acceptable. This can be secured through appropriate conditions.

The removal of the existing building within the Walled City Conservation Area is also a primary policy consideration. This is dealt with through the associated Demolition in the Conservation Area consent (LA11/2019/0767/DCA). It can be seen from the photos above and the detailed consideration of the full application that the existing structure, in its current derelict state, offers no significant character or amenity benefit to the conservation area. Its current state, after being partially destroyed by fire, impacts significantly upon the character of the Walled City
Appendix 4

Conservation Area. Its current condition offers no possibility of a retention and refurbishment of the existing structure. The removal of this building and its replacement with a modern, well designed building will add design quality and vitality to this part of the streetscape and will contribute to the overall aesthetic value of the conservation area.

Policy BH 11 – Development affecting the Setting of a Listed Building

The Department will not normally permit development 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:

(a) The detailed design respects the listed building in terms of scale, height, massing and alignment; Historic Environment Division have commented in respect of the detailed design of the proposal and found it acceptable, this building is not listed but due to its proximity to other listed buildings has the potential to affect their setting.

The height of the existing structure on site is approx. 14m with a rear return which has been badly damaged by fire. The proposed building on site is to have a 14.5m ridge height onto the front elevation with the rear return stepping down to approx. 11.7m with a flat roof, with a lift shaft approx. 13m in height. Overall the height and massing onto the streetscape is acceptable as it respects the context which surrounds it and is broadly similar to the development which is being replaced. Whilst the rear return proposed is more significant than the development in situ, these views are not as critical as the front elevation in terms of their impact on the wider street scene, it does however have the potential to impact upon First Derry Presbyterian Church (B1 Listed), Officers agree with HED on this issue and consider this impact would not be significantly detrimental.

(b) The works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building, whilst the existing building is not listed, the principle here is to determine that the finishes proposed will not conflict with the adjacent listed buildings. The finishes proposed are red clay brick with sandstone cills and coursing with dark grey slate effect roof tiles. Grey aluminium window frames and shop front style windows to the lower floor. The rear return is finished with similar materials.
(c) The nature of the use proposed respects the character of the setting of the building, as allowed by the agent, the building is in a very poor state of repair and has sat derelict for a number of years. As assessed above, the proposed use is appropriate in the City Centre and therefore given that it provides a material benefit to the overall aesthetic and character of the surrounding area, is in compliance with this element of PPS 6.

Policy BH 12—New development in Conservation Areas

The Department will normally 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:

(a) the development preserves or enhances the character and appearance of the area; Officers consider that although the scale, form and massing are not typically in accordance with of the traditional built form within the wider Walled City, the proposed front elevation is broadly accords with the character and appearance of the area and will positively contribute to the character of the Historic City Conservation Area.

(b) the development is in sympathy with the characteristic built form of the area; The proposal seeks to redevelop an existing site with specialised supported residential accommodation and the design and layout proposed are functional in response to the proposed use of the building. The height of the existing structure on site is approx. 14m, whilst the proposed building on site is to have a 14.5m ridge height onto the front elevation with the rear return stepping down to approx. 11.7m with a flat roof, with a lift shaft approx. 13m in height. Overall the height and massing onto the streetscape is acceptable as it respects the context which surrounds it and is broadly similar to the development which is being replaced.

(c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area; Whilst it is noted in (a) above that the scale, form and massing is not typical of buildings in the wider Walled City Conservation area, the proposal is not dominant or incongruous in the context of the adjoining buildings.

(d) 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; The agent has
submitted an acoustic report in relation to this proposal and demonstrated that there will be no detrimental nuisance in respect of noise.

(e) important views within, into and out of the area are protected; The backlot nature of the site and the scale of the buildings which surround ensures that the extension building will not be visible from Bishop Street, there are limited views of the proposal from the City Walls but these are to be considered against the view of what exists currently. This proposal undoubtedly enhances any vista of the surrounding listed buildings form the City Walls.

(f) trees and other landscape features contributing to the character or appearance of the area are protected; there are no landscape features relative to the site which are worthy of retention.

(g) the development conforms with the guidance set out in Conservation Area documents the proposed development conforms with the Walled City conservation area guidance.

To summarise, Officers consider that on balance, the proposal complies with the relevant policy considerations within PPS 6. Historic Environment Division and Historic Monuments Division who also consider the proposal is satisfactory with regard its impacts on the character and setting of the surrounding listed buildings. Officers consider the wider impact of the proposal on the conservation area is satisfactory.

NIEA Historic Monuments Division have also provided detailed conditions (see section 13) with regards to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded prior to commencement of development to address policies BH1, BH3 & BH4 of PPS6.

Particular tests in respect of the built heritage element of the SPPS 6.5 – 6.30 conform with those as found within PPS 6 and do not require any further policy examination over and above those presented above.
Planning Policy Statement 7

The supported living residential units which are proposed, are subject to a full policy assessment under Planning Policy Statement 7 and its addendums. Policy QD 1 of PPS 7 sets out 9 criteria which proposals for residential development must adhere to. These are assessed below:

(a) The development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;

The proposal includes the development of social enterprise café and multi-agency office space which front onto Bishop Street and an extension to the rear of the redevelopment of unit 7-9 Bishop Street to provide 9 supported apartments, children’s play area, family suite/common room which will provide a “One Safe Place” facilitated by Foyle Women’s Aid. The residential accommodation is to provide short term, temporary, supported accommodation for victims of domestic and sexual abuse, in particular victims of elder abuse, sexual assault, vulnerable adults in crisis and women being released from prison. Supervised access to the residential accommodation is via reception foyer and entrance onto Bishop Street.

This is a derelict site of a considerable size set within the commercial core. The site is not constrained by topography or natural features. The majority of the site frontage onto Bishop Street will accommodate the social enterprise café as well as separate access to the residential facility to the rear. This facility will provide walk in provision as an open café but will also provide a function for training for women and youth as well as providing a night time space/social hub. The café will also be part of the emergency procedure enabling food to be provided for emergency cases. It is proposed that the café premises will become an integral element of the urban fabric with the city centre. The floors above the café will provide multi agency facility for up to 40 agencies with all Foyle Women’s Aid referral cases being assessed through this proposed Bishop Street premises. The premises will have support facility as well as specific training room and on the upper floor video conferencing/link for court.

The proposed layout with regards to the rear extension generally respects it context, in that the development will not impinge in any potential development on either side of the proposed site. The SW and NE elevations which bound No 11 and No 5 (albeit this area to the rear of No 5 has already been developed) respectively, provide adequate separation distance whilst the siting of
fenestration will not impinge on any possible future development within the large backland area. The three storey structure will provide 9 no self-contained apartments for emergency cases although developed by Apex Housing the facility will be operated by Foyle Women’s Aid. As can be seen from Figure 6 above the area is a derelict parcel of backland with no amenity value set within the Conservation area. The proposal will enhance the vistas into the site from Magazine Street Upper and will not impinge but will enhance the layout, scale, proportions, massing and appearance of buildings structures within this locality.

(b) Features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development; The site itself is within the Walled City Conservation Area. Historic Environment Division have commented upon the proposal and are satisfied that the development respects the integrity of the listed buildings within the locality and conditions have been provided with regards to potential archaeological issues.

(c) Adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Whilst there is no requirement for public open space for a development of this size, there would be a requirement for private open space. There is a communal open space area on the ground floor of the building which measures approx. 100msq. It is also a material consideration that this facility is for emergency cases with the emphasis on relocation within a short period of time to a more appropriate location/facility. Officers consider as the scheme is specifically designed to function, access and deliver this critical short term emergency living accommodation private external amenity space is not required.

(d) Adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development; Local neighbourhood facilities are not required due to the small scale of the scheme.

(e) A movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and Convenient access to public transport and incorporates traffic calming measures; The development will sit within an existing network, therefore there is no opportunity to enhance its movement pattern given its scale and link to an established road and public transport network.
(f) Adequate and appropriate provision is made for parking;
This proposal is within the Central Area and as such parking provision is not necessary. There are several paid public car park in close proximity as well as a significant number of on street spaces available. The site is also in close proximity to the existing bus centre and as such is well served by public transport.

(g) The design of the development draws upon the best local traditions of form, materials and detailing; Overall, the proposed site frontage onto Bishop Street is satisfactory in respect of the existing built form and fenestration. The proposed brick type to both the front elevation (Oast Russet Stock) with smooth Portland Stone and coloured granite to windows and entrance detail and a white beige brick called “Wheat” to the rear apartment block which will complement the surrounding stone buildings and walls at magazine Upper. Minimal views of the site with a modest glimpse of the site from Magazine Street Upper and from the City Walls. The existing vistas of the backland show a site devoid of any architectural merit and in a poor state of repair (see Figure 6 above) due to service areas, dereliction and fire escapes. Officers do consider the proposal will enhance this area of back land whilst being sensitive to the character of the surrounding area (namely Magazine Street Upper) in terms of design, scale and materials. The tests set out within PPS 6 in respect of how the proposal must respect the character, form and materials of the listed buildings adjacent are more restrictive that this part of PPS 7, as such it is reasonable that if the proposal is deemed acceptable under PPS 6 then it should also satisfy this policy criteria.

The proposed frontage will create a vibrancy and re-establish commercial frontage onto Bishop Street, which in turn will enhance the character and appearance of the Conservation Area and add value to the historic building stock.

(h) The design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; Within the city centre there is undoubtedly the potential for residential units to conflict with adjacent land uses. One must consider that this is a built up urban area. The critical test is therefore if any of the potential impacts creates an unacceptable adverse impact, rather than simply quantifying distances etc.

Overlooking was a potential of concern when assessing any residential proposal within an urban context. Given the orientation and nature of the proposed development the critical consideration
of overlooking is between the rear elevation and that of the First Derry Presbyterian Church, Society Street. The residential units themselves rely on the rear elevation and the SW elevation to provide much of the natural light into the properties as the front aspect is facing into the atrium. Seven of the apartment’s living room windows face directly onto the rear elevation, this eliminates any direct window to window overlooking from any property. This is the main habitable space within the residential units.

In relation to noise, it is not considered that the residential use at the proposed site will detrimentally impact the adjacent land uses in respect of noise. The issue with regards to noise may be the impact upon the amenity of the proposed residents of the development from the adjacent uses namely a public house which sit on the Diamond and close to the proposed site. The Environmental Health Department of Derry City and Strabane District Council commented as follows:

(i) The development is designed to deter crime and promote personal safety;

The nature of the units proposed is such that the security and personal safety of the proposed occupants is of paramount importance. The personal safety of their residents is a matter which they are expert in. Apart from the social enterprise café, no other parts of the development are open to the public.

Paragraph 4.10 of PPS 7 sets out additional tests for residential development within the Conservation Area. This states that “housing proposals in Conservation Areas, the protection of the existing character and distinctive qualities of the area will be paramount…..proposals in the primarily residential parts of these designated areas which involve intensification of site usage or site coverage will not normally be acceptable.” In respect of this proposal, it is not within a primarily residential part of the Historic City Conservation Area, the site is within the mixed use City centre and as such the additional policy test set out in 4.10 is not applicable.

Policy LC1 of PPS 7 addendum does not apply considering that the proposal is within a designated City Centre within a large town as per annexe E of this document.

In summary therefore it is considered that the residential element of the proposal complies with the specific policy tests as set out within PPS 7. Given the need for this short term emergency accommodation the scale, form and massing are satisfactory when assessed against PPS 6 and PPS 7. Officers note the minimal private amenity space is provided, but when balancing this against
the priority need for this functional supported residential accommodation it is acceptable on this basis only. Officers consider this scheme is only acceptable on this site due to the short term emergency accommodation being proposed. Therefore due to the lesser residential amenity standard and the need to access critical services, this residential block will be conditioned to be in connection with Foyle Women’s Aid/Social Justice Agency for emergency uses only.

13. Conclusion

The application site is close to the historic city walls of Derry (LDY 14:33). This is a monument of regional importance scheduled for protection under the Historic Monuments and Archaeological Objects (NI) Order 1995. Policies BE 1, BE 2 and BE 4 of the DAP 2011, alongside Policies Policy BH 1, BH 2, BH 3, BH 4, BH 7, BH 11 and BH 12 of PPS 6 provide the policy content in terms of good design, Listed Buildings, Buildings at Risk, Archaeological Sites and Monuments and Development within Conservation Areas.

The proposal itself is comprised of two distinct elements, the social enterprise café and shared justice centre which occupies the three floors of the building which fronts onto Bishop Street and the 9no supported living units which are located in a new build block to the rear of the proposed Justice Centre/cafe. The new build block to the rear is a three storey building with family room space, covered open space for children and 9 no apartments. This block is attached to the Justice Centre through a glazed covered atrium on the ground floor.

As previously highlighted Officers consider the residential element of the proposal complies with the specific policy tests as set out within PPS 7. The space standards for each units is comparable to the standards set out in Annex 1 of the addendum to PPS7. The degree of private amenity space well below the policy requirements however it is envisaged that this specialised supported accommodation is only short-term due to the level of additional support services available on site for victims of domestic abuse. The proposed residential units are to be operated solely in conjunction with the Justice centre and this can be secured through conditions.

Therefore on balance, having considered the proposal against the policy and all material considerations, approval is recommended in accordance with the SPPS, DAP 2011, PPS 3, PPS 6 and PPS 7.
14. Conditions

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

   Reason: Time Limit.

2. The supported housing units hereby approved shall remain as an associated service provided by Foyle Women’s Aid and the approved Shared Justice Centre.

   Reason: To ensure an appropriate standard of amenity for proposed residents.

3. Prior to first occupation of the development, acoustic glazing providing a minimum sound reduction value of 36 dB Rw+Ctr shall be installed to all windows of habitable rooms within the 9. No. supported housing units located at the rear of the Family Justice Centre building as included within Noise Assessment report by Layde Consulting dated November 2019 (Report 389/1). Details of the acoustic performance of the type of glazing chosen (i.e. the glazing specification and sound reduction attenuation achieved by the window system as outlined above) shall be submitted to and approved by the Planning Department prior to commencement of works.

   Reason: To protect residential amenity against the impact of noise

4. Prior to first occupation of the development, an appropriate alternative means of ventilation (i.e. acoustically treated trickle vents and/or mechanical ventilation) shall be provided within all habitable rooms within the 9. No. supported housing units located at the rear of the Family Justice Centre building. The system shall not compromise the façade insulation or the resulting noise level for all habitable rooms so as to provide internal noise levels less than 35 dB LAeq, 16 hour in living rooms (07.00 to 23.00) and 30 dB LAeq, 8 hour in bedrooms (23.00 to 07.00). The inherent sound level of the mechanical ventilation system when operating at its optimal capacity shall not exceed the aforementioned noise levels and in particular shall not have an inherent sound pressure level (measured at 1 metre) in excess of 30 dBA whilst providing a flow rate of at least 15 litres per second. All provided mechanical ventilators shall meet the requirements contained within “The Building
Control Technical Booklet K – Ventilation October 2012”. The scheme of ventilation system selected shall be submitted to and approved by the Planning Department prior to commencement of works.

Reason: To protect residential amenity against the impact of noise

5. In the event that during development contamination is found, that had not previously been identified or considered, it shall be reported immediately to the Planning Authority and works in the affected area(s) shall cease. The contamination shall be investigated in accordance with the Model Procedures for the Management of Contaminated Land (CLR11) and where remediation of this contamination is necessary, a Remediation Strategy shall be submitted to and agreed in writing with the Planning Authority.

Reason: To protect human health and ensure the site is suitable for use.

6. Following completion of the remediation measures required by Condition 4 of this approval and any remediation measures agreed under Condition 4, a verification report shall be completed by a competent person(s) and submitted to the department for approval together with a certificate signed and dated by the developer that the remediation works have been completed in strict accordance with the conditions and the documents to which they refer and any additional remediation strategy agreed under Condition 4. The verification report shall describe all the agreed remediation works undertaken and seek to prove that the remedial objectives have been met. This report must be agreed with the Planning Authority prior to the occupation of the development.

Reason: To protect human health and ensure the site is suitable for use.

7. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Derry City & Strabane District Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:
   - The identification and evaluation of archaeological remains within the site;
   - Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
   - Post-extraction analysis sufficient to prepare an archaeological report, to
publication standard if necessary; and
• Preparation of the digital, documentary and material archive for deposition.

Reason: To ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

8. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 6.

Reason: To ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

9. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 6. These measures shall be implemented and a final archaeological report shall be submitted to Derry City & Strabane District Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Derry City & Strabane District Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

10. Windows or doors shall not open out over the public road, verge or footway.

Reason: In the interest of pedestrian safety, road safety and convenience of road user.

11. Steps, pillars, access ramps, down spouts etc. shall not project out into the public road, verge or footway.

Reason: In the interest of pedestrian safety, road safety and convenience of road users.

12. A detailed programme of works and any required / associated traffic management proposals shall be submitted to and agreed by the planning authority, prior to the commencement of any element of road works.

Reason: To facilitate the convenient movement of all road users and the orderly progress of work in the interests of road safety.
13. The development shall be carried out in accordance with the stamped approved Drawings No: 01, 02, 03, 04, 05, 06, 07, 08, 09, 10 dated 11th September 2019 and drawing 11 dated 16th January 2020.

Reason: To ensure the development is carried out in accordance with the approved plans.