

Derry City and Strabane District Council Planning Committee Report

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| COMMITTEE DATE: | 6 th January 2021 |
| APPLICATION No: | LA11/2020/0407/F |
| APPLICATION TYPE: | Full Application |
| PROPOSAL: | Change of use from guardhouse and jail to offices (class 2A (b) and provision of ramp, steps and planter to front entrance of building |
| LOCATION: | Building 10a Ebrington Square, Ebrington, Derry BT47 6GZ |
| APPLICANT: | HR Team Limited Catalyst INC |
| AGENT: | Michael Galbraith Architects |
| ADVERTISEMENT: | 30.06.2020 |
| STATUTORY EXPIRY: | 15.07.2020 |
| RECOMMENDATION: | APPROVE |

REASON FOR PRESENTATION TO COMMITTEE: Site within Ebrington Complex

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

1. Description of Proposed Development

The proposed development is for the change of use of Building 10a the former jail and guardhouse building to professional offices. The development will incorporate the refurbishment of Building 10a Ebrington Square and will see the addition of a ramp, steps and a planter to the front of the building. The proposed alterations are required to adapt the layout to allow the building to function as offices and meet disability legislation.

2. EIA Determination

The proposed development is not within the scope of Schedule 2 - 10(b) of the Planning (Environmental Impact Assessment) Regulations (NI) 2017 as the area of the development does not exceed 0.5 hectares, it is 0.025 hectares in size.

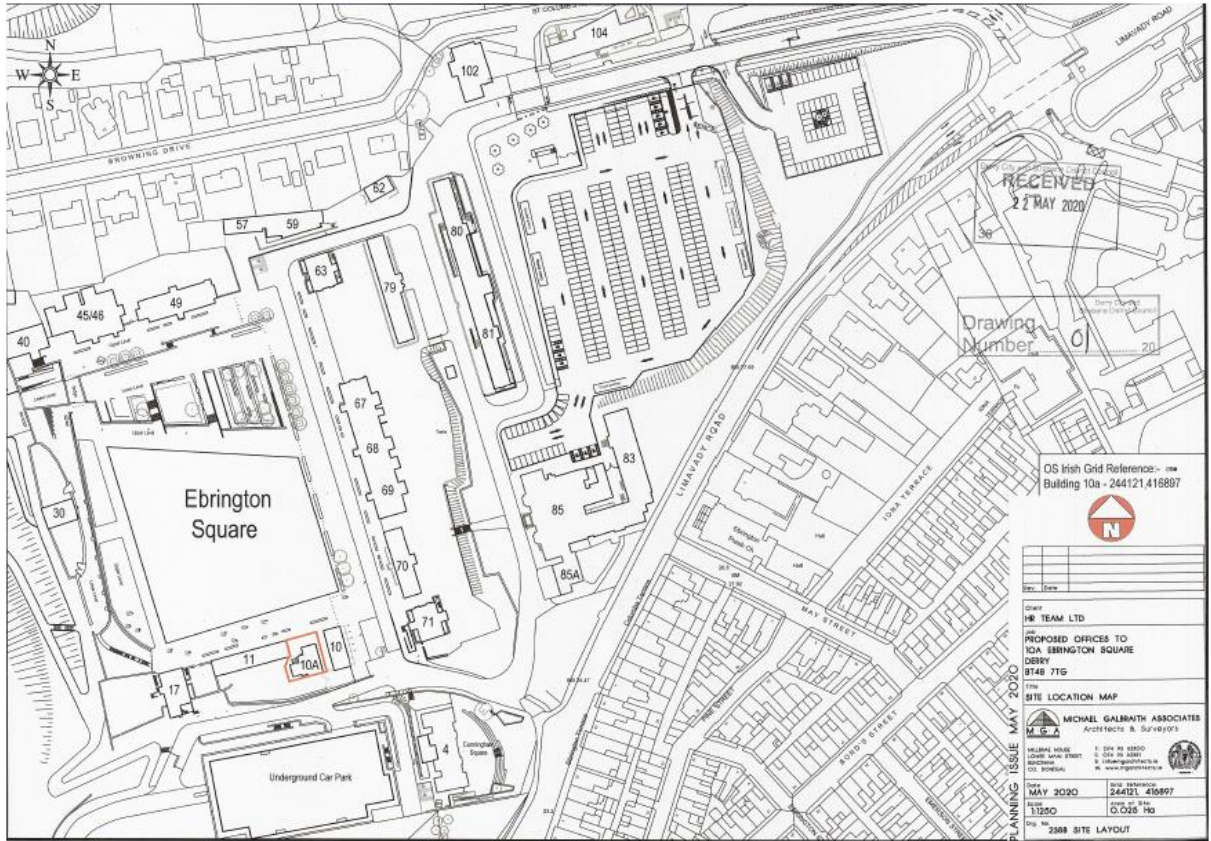
3. HRA Carried Out: No

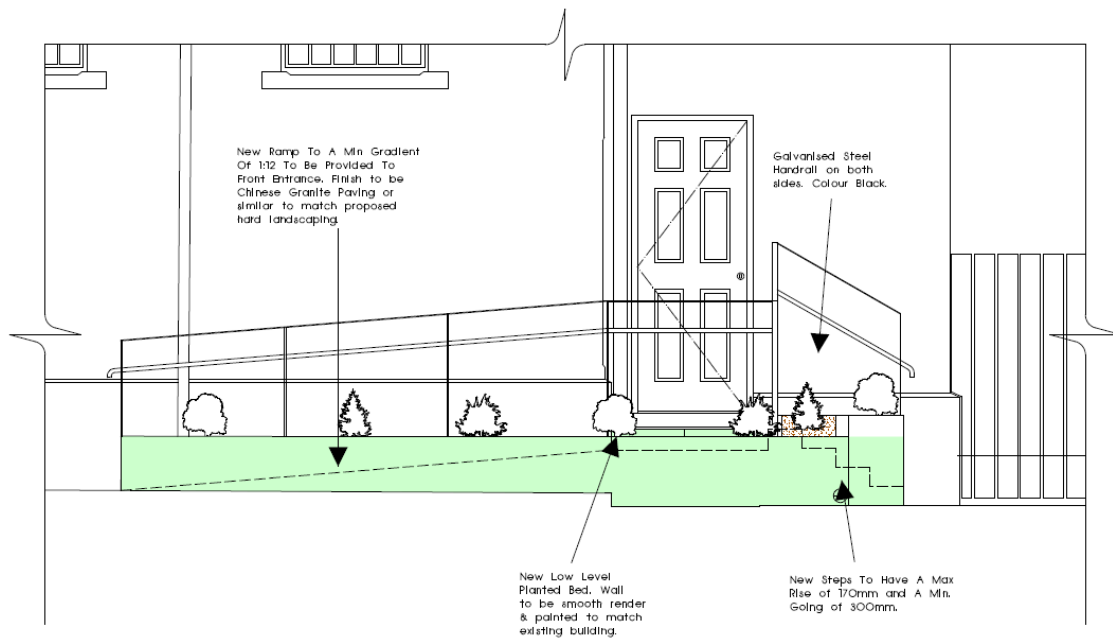
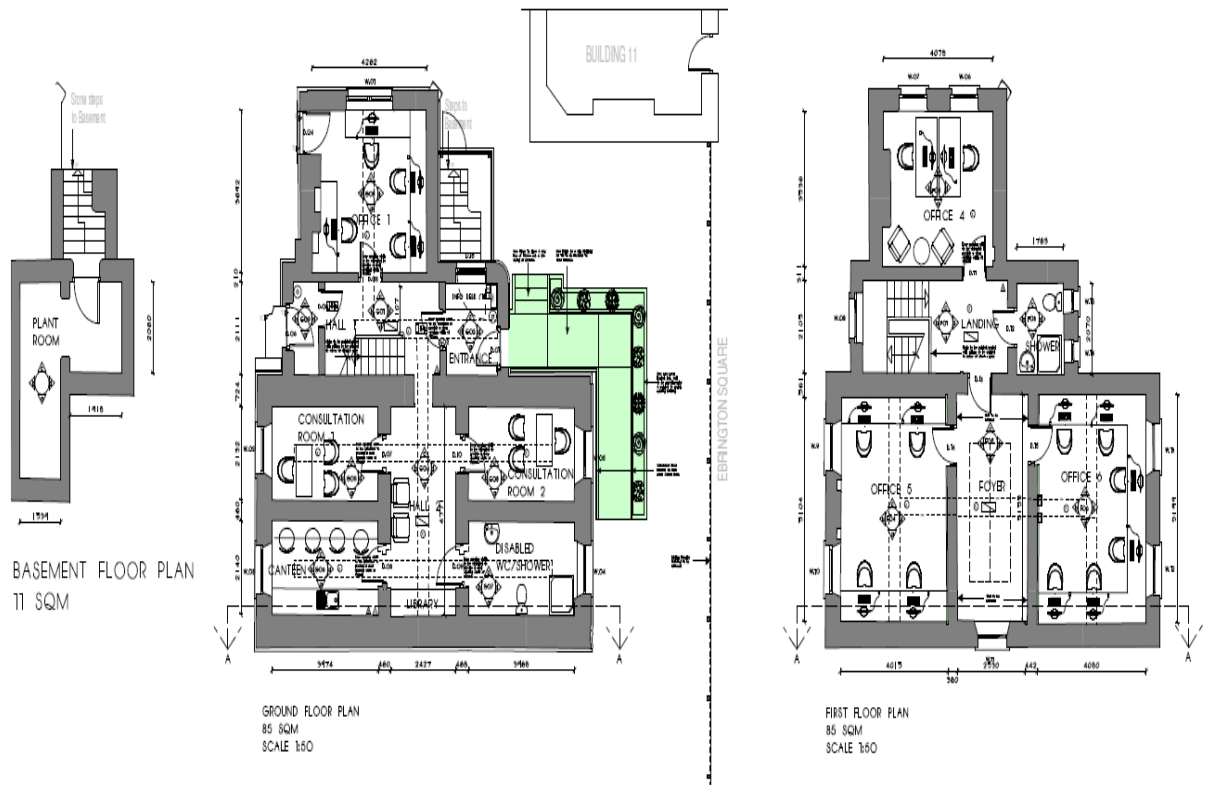
This application is for a change of use to provide offices. The physical alterations to the building are very minimal include a new ramp, planters and step. There is no watercourse directly abutting this site. Therefore, in consideration of the above, it is unlikely that there will any adverse effects from the development works on integrity of any National or European site.

There are no significant trees or landscape features on this site 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

The application site is located on the southern side of Ebrington Square and sitting adjacent to the existing internal access road. This building was a former guardhouse and jail. This building is a two storey, 6 bay white rendered building in the Georgian style with gable facing parade ground. This building is part of the original group of buildings designed to surround the parade ground at Ebrington Barracks. Though much altered, they continue to contribute to the historic character and appearance of the site and are an important consistent part of its story. The wider site contains a number of Grade B2 listed buildings. The site will be accessed and egressed from the main new Ebrington Access, off the Limavady Road.







South Elevation



South Elevation



Example of a proposed office room in the building

5. Site Constraints

The building is listed.

The wider site contains the Star Fort Wall which is a Scheduled Monument

Potential Archaeology

Potential Land Contamination

6. Neighbour Notifications

| Neighbour Address | Date of Notification |
|-------------------------------------------------------|----------------------|
| 10 Ebrington Terrace,Londonderry,Londonderry,BT47 6JS | 23/09/2020 |
| 4 Ebrington Terrace,Londonderry,Londonderry,BT47 6JS | 23/09/2020 |
| 6 Ebrington Terrace,Londonderry,Londonderry,BT47 6JS | 23/09/2020 |
| 8 Ebrington Terrace,Londonderry,Londonderry,BT47 6JS | 23/09/2020 |
| 9 Ebrington Terrace,Londonderry,Londonderry,BT47 6JS | 23/09/2020 |
| Building 10 Ebrington Square, Derry, BT47 6GZ | 23/11/2020 |
| Building 11 Ebrington Square, Derry, BT47 6GZ | 23/11/2020 |

7. Relevant Site History

A/2008/0748/F- Permission Granted 12/11/08

Building 11 Ebrington - Change of use/ refurbishment of existing building, and new 2 storey extension to provide office accommodation

LA11/2016/0815/F and LA11/2016/0824/LBC- Permission Granted 22/03/17

Building 10A, Ebrington Square - Corrective and refurbishment work to listed building, including new roof, render, replacement windows and general works to ensure building is watertight, structurally sound and free from damp. There are no mechanical or electrical works to be included within this proposal.

LA11/2016/0734/F- Permission Granted 14/03/17

Buildings 10, 10A, 11 and 17 Ebrington Square, Derry - Change of use and extension of buildings 10, 10A, 11 and 17 from former military barracks to new craft distillery and visitor centre at Ebrington Square, Derry.

Building 10 and 10A: Change of use from former guard house and jail to visitor exhibition area

Building 11: Change of use from former barrack store to distillery mash house

Building 17: Change of use from former barrack masters house to guided tour and tasting area, cafe & corporate boardroom

A/2011/0562/F- Permission Granted 30/08/12

The construction of a 2 storey subterranean car park providing 230 spaces including 12 accessible parking bays with ancillary staff office, and toilet and access road.

A/2015/0001/O Permission Granted 15.02.2016

Former Ebrington Barracks Site: Site development zones, land uses and open space, access and circulation, urban design and building heights and areas of attenuation/drainage. Land uses to include a mixture of creative industries and culture, education/research, museum and heritage, hotel and leisure, commercial office space, residential, cafes and restaurants/bars and associated car parking and infrastructure.

LA11/2018/0361/F Permission Granted

Surface level temporary car park (approx. 256 car parking bays plus 6 coach parking bays)

LA11/2017/0541/RM Permission Granted 21.12.2017

Former Ebrington Barracks Site: New vehicular/pedestrian access off Limavady Road via a new signalised junction to provide new internal street with associated landscaping, services and boundary treatment works.

8. Policy Framework

Derry Area Plan 2011 (DAP 2011)

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Planning Policy Statement 3: Access, Movement and Parking (PPS 3)

Planning Policy Statement 6: Planning, Archaeology and the Built Heritage (PPS 6)

9. Consultee Responses

HED Historic Monuments

Historic Environment Division: (Historic Monuments) has assessed the application and, on the basis of the information provided, is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. While the application site is part of Ebrington Barracks and is adjacent to the Scheduled star fort wall (LDY 14: 72) it is considered that the proposed works will not provide any adverse impact upon the setting or physical remains of this monument. No archaeological mitigation is required due to the scale and nature of the proposed works.

DfI Roads

DFI Roads has made the following comments:

No assessment has been provided to demonstrate this application's transport impact in comparison to the existing planning permissions for this site within the transport assessment addendum submitted for the Ebrington site and including parking.

As the existing underground car park is committed to LA11/2018/1164/RM and other existing planning permissions within the Ebrington site, the Agent should liaise with the Ebrington site Agent who should be able to provide a demonstration to Council's satisfaction for this planning application how it fits with the current development permitted by planning permission to date.

A letter has been received from the managers of the Ebrington site to state that 6 spaces have been allocated to the occupiers of this building in the undesignated car park at the top of the site. They have confirmed that all access and egress will be from the Limavady Road and have also confirmed that the Transport Assessment has been signed off with DFI Roads for the whole site. As a result of this officers accept that the Roads issues have been resolved.

Environmental Health

Environmental Health have commented on the contamination report supplied for the wider Ebrington Site. They have offered advice in terms of Asbestos and have given a standard contaminated land condition.

NI Water

No objections subject to informatives

10. Representations Consideration

One letter of objection has been received stating the following:

“The demolition of the Georgian/Victoria era gaol on Bishop St Without is often lamented in the local media. The two buildings in this application are therefore of unique heritage value in the City. They are core to the understanding of the function of Ebrington Barracks as designed in 1841. The Ebrington site has many other opportunities for provision of office space and given the large modern office building, currently under construction on King St, the conversion of these two heritage buildings to office accommodation (1) is not needed and (2) undermines the heritage value of Ebrington and (3) dilutes the authenticity of the Ebrington visitor experience. This application should be referred to the Historic Buildings Council for advice.”

This objection letter was sent to HED who have responded as below:

We support the reuse of the listed building, we welcome the revised schemes ability to ensure the minimal intervention to the remaining historic fabric which ensures the character and special interest of this listed building, while in an alternative use from its original inception, will remain to be understood and appreciated, both externally and internally (in plan and section) for future generations.

It is worth noting that this building had a previous application approved under **LA11/2016/0734/F**- Permission Granted 14/03/17. This building was to be used as a visitor centre for a craft distillery.

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 site is located within the Central Area of the City as designated in Map 3 of the Derry Area Plan 2011, where a range of uses would be considered acceptable. The site is located within the historic Ebrington site which has been granted outline approval for redevelopment where a mix of uses including; education, commercial, residential, office and hotel and leisure

have been deemed appropriate. The proposal has therefore been assessed against the policy framework listed in paragraph 8 and all other material considerations including relevant planning history and consultation responses.

PROPOSED OFFICE USE

Although Ebrington has not been designated for any specific use within the Area Plan, the overall master plan for the site as approved under A/2015/0001/O generally accepts the principle of a diverse mix of uses for this site and this application should therefore be considered on its individual merits.

It is considered that the development is compatible with the surrounding land uses and will assist in providing a diverse range of uses for the overall re-development of the Ebrington site. These facilities will support the other uses within the site and future proposed uses and will add an additional degree of sustainability to the wider development of Ebrington. The development will bring extra footfall to the Ebrington site and will assist in promoting the vitality of this area of shared space. The objectors concerns are noted however both Officers and HED consider the scheme appropriate at this location. The proposed office use in this central location is therefore considered acceptable and is in compliance with The Derry Area Plan Policy BE1, PPS 6 and the SPPS.

EXTENSIONS / REFURBISHMENT WORKS

The development involves refurbishment works to this listed building which includes general works to ensure the building can function as a modern office space as well as an external ramp, planter and steps. The proposed works will not adversely affect the setting of the listed buildings in accordance with Policy BH 11 of PPS 6. HED Historic Buildings Unit. Overall, the change of use of the building will make a positive contribution to the townscape of the surrounding area as well as the overall redevelopment of the Ebrington site.

The proposal will not have an adverse impact upon the amenity of the buildings within Ebrington and there are no residential properties adjacent to the site. The Derry Area Plan 2011 Policy BE 1 states that 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. The minor changes to the building are acceptable. It is considered that the proposed development respects the opportunities and constraints of this site especially in regard to the listed buildings.

ACCESS, MOVEMENT AND PARKING

The access to the site will be via the recently approved access off Limavady Road LA11/2017/0541/RM.

There are no provisions shown for car or service vehicles under the current planning application, however The Executive Office has under LA11/2018/0361/F constructed a surface level car park to the east of the Ebrington site which provides 265 car parking spaces and 6 coach parking spaces. The applicant has indicated that that the parking allocation can be accommodated within this car park. The executive office has confirmed that they will make six spaces available for this development. A condition shall be attached to any planning approval requiring these six spaces to be made available.

Giving consideration to the above and the condition suggested with regards to access and parking, it is considered that the development will not prejudice road safety or traffic flow and is capable of providing adequate parking and servicing arrangements in accordance with Policies AMP 2 and AMP 7 of PPS 3.

LAND CONTAMINATION

A contaminated land report was submitted at the request of Environmental Health for the larger Ebrington Site. The Preliminary Risk Assessment (PRA) and Generic Quantitative Risk Assessment (GQRA) included analysis of soil and groundwater samples and an assessment of monitored ground gas. The report concludes that there will be no significant risk to human health and as such no mitigation measures are needed.

12. Conclusion and Recommendation

It is considered that the proposal complies with above mentioned policies of DAP 2011, PPS 3, PPS 6 and the SPPS. Having considered all material considerations including the development plan, relevant planning policies, third party representation, planning history and consultation responses, 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. All servicing to this development hereby approved shall be via this buildings entrance within the Ebrington site only and vehicles must access this entrance via the vehicular Limavady Road access junction.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

3. A minimum of 6 No car parking spaces shall be permanently retained within the Ebrington site for the development use hereby approved.

Reason: To ensure adequate provision has been made for parking and circulation within the site.

4. Construction work, which is audible at any noise sensitive property outside the site, shall only take place between the hours of 07.00 - 19.00 hours on Monday to Friday, 07.00 - 13.00 hours on Saturday with no such working on Sunday. Out with these hours, work at the site shall be limited to emergency works, or construction work that is not audible at any noise sensitive property.

Reason: To control noise levels from construction noise at noise sensitive locations.

5. If during development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council should be notified immediately. This new contamination shall be investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed in writing with the Council, and subsequently implemented and verified to its satisfaction.

Reason: Protection of future users of the site and environmental receptors to ensure the site is suitable for use.

6. Subject to the above conditions, the development shall be carried out in accordance with the stamped approved drawings 01, 02 and 05 received on 18/06/2020, 06 and 08 received on 23/10/2020, 07 Rev 1 and 09 Rev 2 received on 25/11/2020.

Reason: To ensure a satisfactory form of development.