

Committee Report

Development Management Report	
Application ID: LA04/2022/0138/F	Date of Committee: Tuesday 17 th May 2022
Proposal: Victorian Style Canopy localised over entrance doorway.	Location: Ground Floor Office 1 Rugby Avenue Belfast BT7 1RD.
Referral Route: Referral to the Planning Committee under Section 3.8.5 (d) Subject to council funding.	
Recommendation:	Approval
Applicant Name and Address: Boyle Properties 1 Rugby Avenue Belfast BT7 1RD	Agent Name and Address:
Executive Summary: The proposal is for a Victorian Style Canopy installed over entrance of doorway at Ground Floor Office Space. Area Plan The proposed site is situated on Rugby Avenue and falls outside the adopted Holyland Area of Townscape Character. The key issues to be considered are: <ul style="list-style-type: none">• Design / Impact on character and appearance• Amenity• Public Safety The amended plans uploaded to the planning portal on the 03/05/2022 have reduced the size and design of the awning to address concerns of anti-social behaviour and being out of character with the existing building and in a residential area. The proposal will not negatively impact the amenity of neighbouring properties and will not prejudice public safety. The amended proposed scheme is considered acceptable. DFI Roads were consulted and had no objections. Two objections have been received, raising concern over anti-social behaviour, noise and safety as well the awning not being in keeping with the residential area. These matters have been addressed in the report. Having had regard to the development plan, relevant planning policies, and other material considerations, it is determined that the proposal should be approved. Recommendation - Approve subject to conditions It is recommended that the application is approved and it is requested that delegated authority be given to the Director of Planning and Building Control to finalise the wording of conditions	

Case Officer Report

Site Location Plan



Existing Elevation



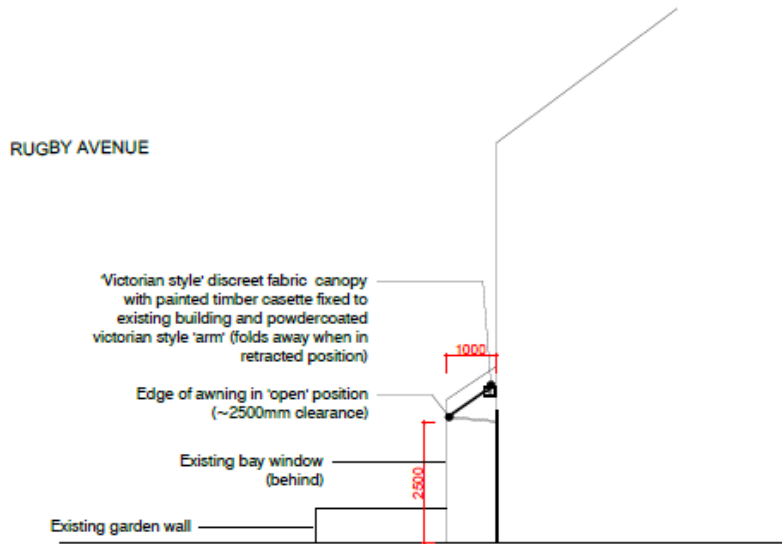
Existing North Facing Elevation

Proposed Elevation

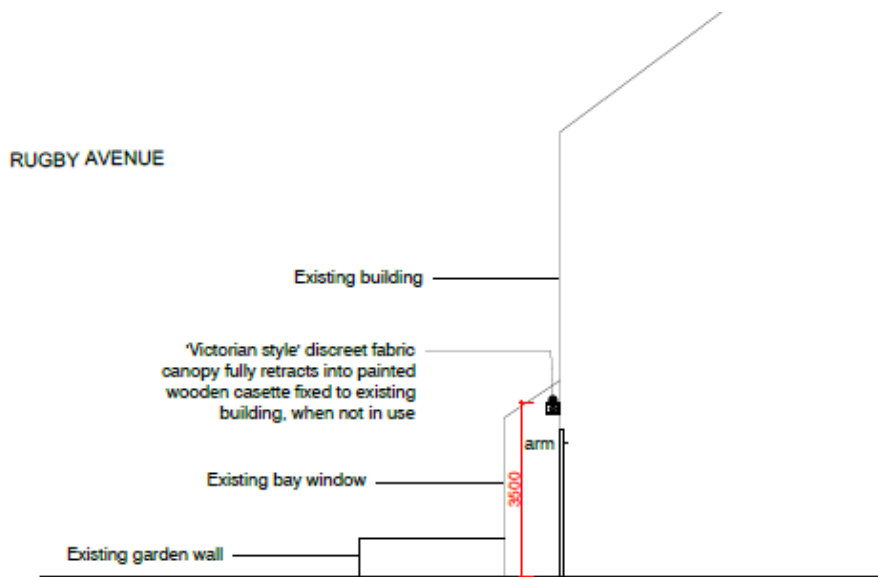


Proposed North Facing Elevation

Proposed Section Drawing



Proposed East Facing Section (shown with canopy open)



Proposed East Facing Section (shown with canopy retracted)

Characteristics of the Site and Area	
1.0	<p>Description of Proposed Development 'Victorian Style' fabric Canopy with painted timber cassette fixed to first storey of existing building and powder coated Victorian style arm.</p> <p>The application is for a fabric awning at the east facing front elevation of the property. The application site is a two and half storey corner site which is currently occupied as an estate agents on the ground floor with apartments on the upper floors. The canopy will extend 1m once in open position with a 2.5m height clearance. The awning when not in use will be retracted into timber frame cassette fixed to the fascia at a height of 3.5m. The timber cassette measures approximately 0.21m in the closed position.</p>
2.0	<p>Description of Site</p> <p>The site is located on Rugby Avenue at the corner with Carmel Street. The application site is currently used as office space. The character of the area is mostly traditional red-brick terrace buildings with two and a half stories. The surrounding area is mostly residential dwellings.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History</p> <p>Z/2008/2442/F- 1 Rugby Avenue- Change of use from offices to apartments on 1st and 2nd floor (one-bedroom apartments) with alterations to rear return and side of terrace (Amended Scheme). Permission Granted- 16.11.2009</p> <p>LA04/2017/1762/F – 1 Rugby Avenue - Change of use from first and second floor offices to 2 No. flats including 3 storey rear extension, replacement single storey bays and elevation changes (amended scheme) Permission Granted</p> <p>LA04/2019/0202/CA- 1 Rugby Avenue- Unauthorised sign advertising a business – Enforcement Closed.</p>
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2004
4.3	<p>Draft Belfast Metropolitan Area Plan 2015</p> <p>Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.</p>
4.4	<p>Belfast Local Development Plan Draft Plan Strategy 2035</p> <p>The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps</p>

	before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.
4.5	Strategic Planning Policy Statement for Northern Ireland (SPPS)
5.0	Statutory Consultees Responses DFI Roads- No objections.
6.0	Non Statutory Consultees Responses None
7.0	Representations The application was neighbour notified and advertised in the local press. The planning service received two letters of objection. The objectors have concerns in respect to: <ul style="list-style-type: none"> - Anti-social Behaviour, noise and safety concerns. - The application is not in-keeping with the residential area. <u>Officer Response</u> These are addressed below.
8.0	Other Material Considerations None
8.1	Any other supplementary guidance None
9.0	Assessment
9.1	The proposal is considered to be in compliance with the development plan.
9.2	Assessment The key issues to be considered are: <ul style="list-style-type: none"> • Design / Impact on Character and Appearance • Amenity • Public Safety It is considered that the proposal is in compliance with SPPS in that the proposed development will not cause demonstrable harm to interest of acknowledged importance which are considered below. Design / Impact on Character and Appearance The proposal is considered to be in compliance with paragraphs 4.23 - 4.30 within the SPPS which seeks to ensure good design. The reduction of size and change of design proposed in the amended scheme are considered to not negatively alter the front of the existing building. Amenity

Paragraphs 4.11 – 4.12 of the SPPS set out the considerations to safeguard residential and work environs. It is deemed that this proposal would not result in demonstrable harm to the residential amenity of neighbours. The proposal will not block light or cause over dominance in the area. The reduction in size of the canopy will only provide shelter over the door entrance of the office space.

The canopy is not considered to negatively impact the amenity of neighbouring properties. The amended scheme has reduced the size of the awning to cover just the doorway entrance, this will discourage any gathering of people and potential anti-social behaviour. The canopy will extend approximately 1m and the height of the awning will be 3m.

Public Safety
 There will be no issue of reduced sight lines for traffic in the area and pedestrian movement will not be affected. The canopy fully extended will be at the height of 2.5m. This is in-line with height clearance levels.

9.3 Having regard for the policy context and the considerations above, the proposal is deemed acceptable.

10.0 Summary of Recommendation: Approval

11.0 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.

Informatives

1. The drawing refs referred to above correspond with those drawings submitted to the Authority in respect of this application and published to the Planning Portal NI on: 03/02/2022, drawing nos: 01, 02 & 03A (03A published to the Planning Portal NI on 03/05/2022)

Notification to Department (if relevant): No

Representations from Elected members: None