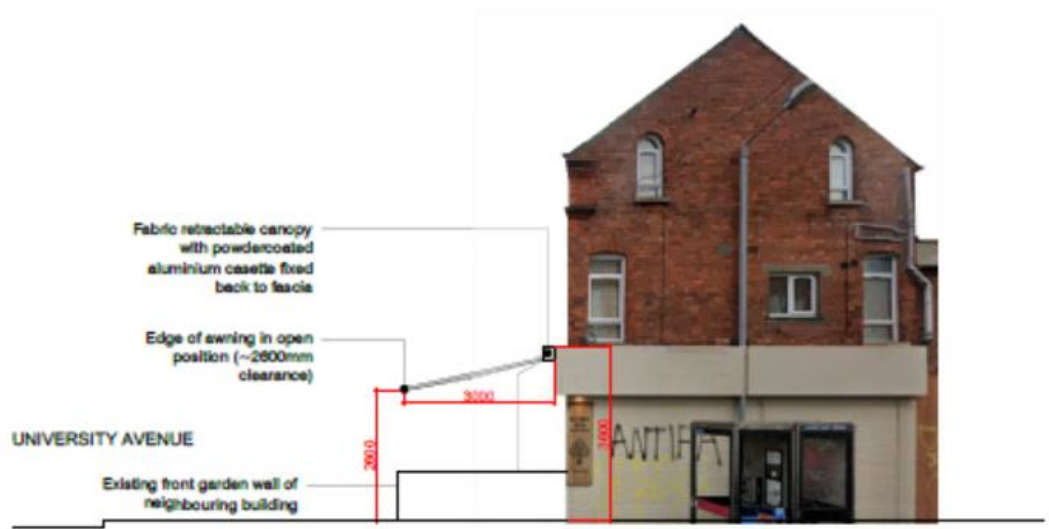


Committee Report

Development Management Report	
Application ID: LA04/2022/0277/F	Date of Committee: Tuesday 17 th May 2022
Proposal: Retractable awning installed to fascia of existing building.	Location: Bo Tree Kitchen 65-67 University Avenue Belfast BT7 1GX.
Referral Route: Referral to the Planning Committee under Section 3.8.5 (d) Subject to council funding.	
Recommendation:	Approval
Applicant Name and Address: Bo Tree Kitchen 65-67 University Avenue Belfast BT7 1GX	Agent Name and Address: OGU Architects Flax Art Studios Havelock House Belfast BT7 1EB
Executive Summary: The proposal is a mounted retractable awning installed to fascia of a restaurant. Area Plan The proposed site is situated on University 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 proposed awning and materials are considered in keeping of the existing ground floor commercial unit of the building. The proposal will not negatively impact the amenity of neighbouring properties and will not prejudice public safety. DFI Roads were consulted and had no objections. No representations have been received. 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	



F Proposed West Facing Elevation (shown with awning retracted)



F Proposed West Facing Elevation (shown with awning opened) Scale 1:100@A1/ 1:200@A3

<p>1.0</p>	<p>Description of Proposed Development Awning attached to Fascia of existing building</p> <p>The application is for a mechanical awning at the north facing front elevation of the property. The application site is a two and a half corner site which is currently occupied by a restaurant. It will project below fascia board, from a height of approximately 2.6m. The awning when not in use will be retracted into a cassette fixed to the fascia, from a height of 3.6m. The cassette will be powder coated aluminium with waterproof fabric.</p>
<p>2.0</p>	<p>Description of Site</p> <p>The site is located on University Avenue at the corner with Carmel Street. The application site is currently used as a restaurant by Bo Tree Kitchen. 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 with a small mix of commercial properties located on University Avenue.</p>
<p>Planning Assessment of Policy and other Material Considerations</p>	
<p>3.0</p>	<p>Site History</p> <p>LA04/2016/0042/F – Vary condition 1 (opening time to be changed from 11.00 to 07.30) – Permission Granted 23.02.2016</p> <p>Z/2011/0404/A - Shop signage to front and gable elevations- Permission Granted 29.12.2021.</p> <p>Z/2009/0034/F (Appeal reference 2009/A0257) –65-67 University Avenue - Change of use of ground floor retail to restaurant and take away – Allowed at appeal 30.09.2010</p>
<p>4.0</p>	<p>Policy Framework</p>
<p>4.1</p>	<p>Belfast Urban Area Plan 2001</p>
<p>4.2</p>	<p>Draft Belfast Metropolitan Area Plan 2004</p>
<p>4.3</p>	<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>
<p>4.4</p>	<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 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.</p>

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 No representations were received.
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	<p>Assessment</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> • Design / Impact on Character and Appearance • Amenity • Public Safety <p>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.</p> <p>Design / Impact on Character and Appearance</p> <p>The proposal is considered to be in compliance with paragraphs 4.23 - 4.30 within the SPPS which seeks to ensure good design. The proposed awning and materials are considered in keeping with the front of the existing building.</p> <p>Amenity</p> <p>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 awning will provide shelter from the weather for customers and passers-by. The proposal will not block light or cause over dominance in the area.</p> <p>The awning is not considered to negatively impact the amenity of neighbouring properties. To diminish the impact to neighbouring properties and to ensure no late night gathering of people, the awning will only be in open position during the operational hours of the business. The opening hours of the premises are restricted via planning condition and are required to close by 10pm.</p> <p>Public Safety</p> <p>There will be no issue of reduced sight lines for traffic in the area and pedestrian movement will not be affected. DFI Roads were consulted and had no concerns.</p>

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	<p>Conditions</p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. The awning hereby approved shall only remain open during the operational hours of business for the premises and shall be fully retracted at the end of each working day (by 10pm).</p> <p>Reason: In the interests of the visual amenity of the area.</p> <p>Informatives</p> <p>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: 01/03/2022, drawing nos. 01,02, 04/05/2022, drawing no 03.</p>
Notification to Department (if relevant): No	
Representations from Elected members: None	