

## Committee Report

<b>Development Management Report</b>	
<b>Application ID:</b> LA04/2021/2846/F	<b>Date of Committee:</b> 14 <sup>th</sup> March 2023
<b>Proposal:</b> Change of use of ground floor of No. 23 to amusement arcade including extension and frontage alterations to allow for amalgamation with No. 22.	<b>Location:</b> 22/23 Shaftesbury Square Belfast BT2 7DB.
<b>Referral Route:</b> Amusement Arcade (par. 3.8.2 (d) of the Scheme of Delegation)	
<b>Recommendation:</b> Approval with conditions	
<b>Applicant Name and Address:</b> KB Shaft Limited 3 Forest Hills Newry BT34 2FL	<b>Agent Name and Address:</b> Conor Byrne 17 The Esplanade Holywood BT18 9JP
<p><b>Executive Summary:</b></p> <p>The application seeks planning permission for change of use of ground floor of No. 23 Shaftesbury Square to amusement arcade including extension and frontage alterations to allow for amalgamation with No. 22 Shaftesbury Square. The ground floor of No. 23 is currently vacant with the last known use being retail. The unit has been vacant since at least 2014.</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> <li>• Principle of amusement arcade in this location</li> <li>• Impact on the character and appearance of the area</li> <li>• Impact on amenity</li> </ul> <p>The site is “white land” within BUAP and dBMAP and within the Belfast City Centre in both Development Plans. The surrounding area is of mixed character containing a variety of retail, offices, bars and restaurants. Other amusement arcades are within close proximity of the site. To the rear of the site are a number of terraced dwellings at Stroud Street.</p> <p>Environmental Health and DFI Roads offer no objections. Building Control, which is responsible for amusement licensing, is concerned that the proposal may result in a cumulative impact due to the number of amusement arcades in the surrounding area. There are other properties on the commercial frontage assigned to amusement arcade use and these are located at 14 Shaftesbury Square and 1-7 Donegall Road.</p> <p>Officers advise that the proposal is to extend an existing amusement arcade and not to create new amusement arcade premises. The site is located within the City Centre where main town centre uses such as this are acceptable in principle. There would be no harmful impacts on the character and appearance of the area, amenity or transportation.</p> <p>No third-party objections have been received.</p> <p><b>Recommendation</b></p> <p>It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the conditions.</p>	

# Case Officer Report

## Site Location Plan



## Proposed Ground Floor Plan/ Roof Plan



# Proposed Elevations



<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<p><b>Description of Proposed Development</b></p> <p>The application seeks planning permission for a change of use of ground floor of No. 23 Shaftesbury Square to amusement arcade including extension and frontage alterations to allow for amalgamation with No. 22 Shaftesbury Square.</p>
<b>2.0</b>	<p><b>Description of Site</b></p> <p>The application site is the ground floor of two neighbouring three storey red brick terrace buildings. The ground floor unit at No. 22 Shaftesbury Square is an existing amusement arcade while No. 23 Shaftesbury Square is currently vacant and the shopfront is in a state of disrepair. No. 23 was last used as retail and has been vacant since at least 2014.</p> <p>The surrounding area is a mix of uses including bars, restaurants, retail and offices.</p> <p>The site is located within the City Centre as defined by both BUAP and both versions of draft BMAP.</p>
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<p><b>Site History</b></p> <p>Z/2014/0448/F, 22-23 Shaftesbury Square, Belfast, Change of use of ground floor of No. 23 to amusement arcade including extension and frontage alterations to allow for amalgamation with No22. – Permission Granted 01.01.2015</p> <p>This planning permission has not been implemented and has since lapsed. It is understood that the permit license was refused.</p>
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan 2001
4.2	<p>Draft Belfast Metropolitan Area Plan 2015 (v2004 and v2015)</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. It is considered that significant weight should be afforded to the latest version of Draft BMAP (v2014) given its advanced stage in the Development Plan process, save for retail policies relating to Sprucefield, which remain contentious.</p>
4.3	<p>Belfast Local Development Plan – Draft Plan Strategy</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 DfI in relation to additional required steps before it can be considered Sound and adopted. Paragraph 1.10 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</p>

	during the transitional period planning authorities will apply existing policy together with the SPPS.
4.4	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.5	Planning Policy Statement 3: Access, Movement and Parking
4.6	Development Control Advice Note 1: Amusement Centres
<b>5.0</b>	<b>Statutory Consultees Responses</b> DFI Roads – No objection
<b>6.0</b>	<b>Non-Statutory Consultees Responses</b> Environmental Health – No objections Building Control – Raises concerns about proliferation of amusement arcades in the area and cumulative impact as well as the impact on the image and profile of Belfast (see main assessment of the report).
<b>7.0</b>	<b>Representations</b> The application was advertised on the 21 <sup>st</sup> January 2022 and neighbour notified on 3 <sup>rd</sup> February 2022. No representations were received.
<b>8.0</b>	<b>Other Material Considerations</b> BCC Amusement Permit Policy (2013)
<b>9.0</b>	<b>Assessment</b>
9.1	The key issues to be considered are: <ul style="list-style-type: none"> <li>• Principle of amusement arcade in this location</li> <li>• Impact on the character and appearance of the area</li> <li>• Impact on amenity</li> </ul>
	<b>Principle of amusement arcade in this location</b>
9.2	The site is located within the City Centre as defined by both BUAP and draft BMAP where main town centre uses, including amusement arcades, are acceptable in principle.
9.3	The Council’s Amusement Permit Policy (2013) is a material consideration. Building Control, which is responsible for issuing licensing permits for amusement arcades, has been consulted on the application.
9.4	Building Control has concerns regarding the proposal. It notes that the proposal would approximately double the number of machines within the existing premises (54). The Amusement Permit Policy seeks to avoid clustering of these uses in the desire to promote retailing and regeneration in the City Centre. There are other properties on the commercial frontage assigned to amusement arcade use and these are located at 14 Shaftesbury Square and 1-7 Donegall Road. There are two further amusement arcades operating within approximately 200m walking distance of the application premises, these are: <ul style="list-style-type: none"> <li>• 28 Bradbury Place (extension to an existing amusement arcade, granted planning permission in March 2022, reference LA04/2021/1242/F)</li> <li>• Onassis Amusements, 25-41 Botanic Avenue (2<sup>nd</sup> floor)</li> </ul>
9.5	Building Control advises that one way to avoid a clustering is a policy restriction on ground floor extensions of existing establishments into adjoining units. Building Control give the following reasons why amusement arcades are not considered compatible with retailing and regeneration:

- They are associated with low footfalls given their narrow appeal and it is highly questionable whether they add any vitality to an area. According to the 2010 NI Gambling Prevalence Survey, prepared by the Department for Social Development NI, only 6% of people availed of gaming machines.
- The screening of their gambling interiors to the passing public means that they do little to project an image that Belfast is open for business.
- Viewed in the context of the latter point the extension of the amusement centre into another ground floor unit, as opposed to vertically into the first floor, would be contrary to Urban Design guidance for Northern Ireland, namely the 2014 publication "Living Places - An Urban Stewardship and Design Guide for Northern Ireland". It underscores the importance of creating an active street frontage at ground floor level.

9.6 Building Control recognise that the commercial block is not predominately retail in character and currently has two vacant units. However, it is also recognised that it is a Gateway location with landmark development potential. Building Control consider that in recognition of the Amusement Permit Policy's objective to enhance the appeal of Belfast by protecting its image, the Council considers the granting of Amusement Permits at ground floor level as inappropriate for this and other Gateway locations.

9.7 Officers advise that the Council's Amusement Permit Policy lists five criteria for assessing site suitability. Of these, the following are particularly relevant to planning:

- **Impact on the retail vitality and viability of Belfast City** – the Policy seeks to control amusement arcades in the retail core of the City Centre. However, the site is outside the retail core. The Policy also seeks to prevent the breakup of an otherwise continuous shopping frontage. The application site does not form part of a continuous shopping frontage with adjacent premises being made up of a supporters club, restaurant and offices. There is therefore no conflict with this criterion.
- **Cumulative build-up of amusement arcades in a particular location** – the Policy seeks to prevent more than one amusement arcade per shopping or commercial frontage and one per shopping centre. The policy goes on to state that under this criterion, 2 or more amusement arcades in adjacent ground-floor units will not be allowed (except for those already existing), including the ground-floor extension or merger of an existing establishment into an adjoining unit.

While the proposal involves the ground floor extension of an existing establishment into an adjoining unit it is noted that the neighbouring unit has been vacant for a number of years and that the extension of an existing amusement arcade is preferable to the creation of a new amusement arcade. In making a balanced judgement the re-use of a vacant unit is deemed a visual improvement on the existing unit in a state of disrepair. The proposal would result in investment and potential job creation, factors that weigh in its favour.

- **Proximity to residential use** – the Policy seeks to prevent amusement arcades in areas that are predominantly residential in character. They will also not be granted in non-residential property that is immediately adjacent to residential property. The area in question is largely commercial in question and is not immediately adjacent to residential property.

9.8	In a planning policy context, it is considered that it would be unreasonable to argue that the proposal would give rise to planning harm due to a proliferation of amusement arcades given that the proposal is to extend an existing amusement arcade into a vacant unit in a state of disrepair. Regard is also had to the run-down and unattractive appearance of the existing vacant unit. Whilst the <i>Living Places</i> guidance seeks to promote active frontages, and that amusement arcades are by their nature inactive, given the economic and regenerative benefits of the proposal, is it considered that the proposal is acceptable with regard to this point.
9.9	It is acknowledged that a previous approval was granted for the extension of the amusement arcade under the reference Z/2014/0448/F. In the 2014 planning permission officers did cite concern over the risk of any future gambling establishments resulting in the dominating cumulative build-up of such uses in the one area. It is noted that planning permission was granted for an extension of an amusement arcade at 28 Bradbury Place under the reference LA04/2021/1242/F. Similarly, the application was for the extension of an existing amusement arcade into the same unit thereby not creating a new amusement arcade, the site also not within the same commercial frontage. The previous planning approval is a material consideration.
9.10	The Department's Development Control Advice Note 1: Amusement Centres (DCAN 1) is a material consideration, although it was published in 1983 and is a dated policy. It advises that relevant planning considerations include impact on amenity and the character of the area (discussed in the following sections of this report), and the impacts on road safety and traffic (DFI Roads advises no objection and the proposal is not considered to raise any access or transportation concerns).
9.11	DCAN 1 advises that amusement arcades are usually best located in districts of mixed commercial development. It also seeks to regulate proposals that would breakup an otherwise continuous shopping frontage. In this case, the site is located in a largely commercial area and the proposal would not breakup a continuous shopping frontage.
9.12	In conclusion, the proposal is considered acceptable in principle. It is recommended that a condition is imposed to prevent future subdivision of the premises.
9.13	<p><b>Impact on the character and appearance of the area</b></p> <p>The proposal includes alterations to the shop front to amalgamate the two units. Given the existing shop front at No. 22 Shaftesbury Square is in a state of disrepair the new shop front is of good quality and would improve the existing character and appearance of the area.</p>
9.14	<p><b>Impact on amenity</b></p> <p>Shaftesbury Square is commercial in character with the nearest dwellings located to the rear at St Georges Gardens. Environmental Health was consulted and has no objections. In view of the response from Environmental Health, it is considered that the proposal would not give rise to unacceptable noise and other environmental impacts. It is considered that the proposal would not give rise to demonstrable harm to the amenity of the area.</p>
9.15	<p><b>Other matters</b></p> <p>The licensing regime is completely separate to the planning process and the grant of planning permission does not compel the Council, as licensing authority, to grant an Amusement Arcade permit for the premises.</p>

9.15	<p><b>Conclusion</b></p> <p>Having regard for the Development Plan, relevant material considerations and above assessment, the proposal is considered acceptable. It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the conditions.</p>
<b>10.0</b>	<b>Summary of Recommendation: Approval</b>
<b>11.0</b>	<p>Draft Conditions</p> <ol style="list-style-type: none"> <li>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</li> </ol> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <ol style="list-style-type: none"> <li>2. The extended amusement arcade hereby approved shall at all times remain part of the same planning unit as the amusement arcade at No. 22 Shaftesbury Square and shall not be sub-divided or operated as a separate amusement arcade.</li> </ol> <p>Reason: To prevent proliferation of amusement arcades in the locality, which would be detrimental to the amenities and character of the area.</p>
<p><b>Notification to Department (if relevant)</b></p> <p>N/A</p>	
<p><b>Representations from Elected members:</b></p> <p>None received.</p>	