

Development Management Report

Committee Application

Summary	
Application ID: LA04/2023/4162/F	Date of Committee: 14 th May 2024
Proposal: Change of use from retail unit to amusement arcade and adult gaming centre.	Location: 51 Rosemary Street Town Parks Belfast Antrim BT1 1QB
Referral Route: Referral to the Planning Committee under section 3.8.2 (d) of the Scheme of Delegation	
Recommendation:	Approve
Applicant Name and Address: Sam Stranaghan Ava House 14 Prince Regent Road Belfast BT5 6QR	Agent Name and Address: Sam Stranaghan Ava House 14 Prince Regent Road Belfast BT5 6QR
<p>Executive Summary: The proposal is for a Change of Use of ground floor retail unit to amusement arcade and adult gaming centre.</p> <p>The site is located within a terrace building with retail frontage on the ground floor and upper floor which is finished in white render. The surrounding area is of mixed use containing a mix of retail, offices, and a bank adjacent and opposite the site. Building heights vary between two storey and four storey buildings on Rosemary Street, however the adjoining building which fronts on to Royal Avenue is 5 stories in height.</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> • Principle of the change of use • Impact on the character and appearance of the conservation area • Impact on amenity • Proliferation of Amusement Arcades <p>The site is located within the City Centre within the BUAP and draft BMAP. The site is also located within the Primary Retail Core as well as the City Centre Conservation Area within both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015). There are no family dwellings or schools in the immediate area. There is a live application for 12no residential units adjacent the site 31-39 Royal Avenue, this has been considered in the main section of the report.</p> <p>Environmental Health, Historic Environment Division, DFI Roads and the Conservation Team offer no objections. Building Control, which is responsible for amusement licensing, is concerned that the proposal may impact on retail vitality and viability of Belfast City and result in a cumulative impact due to the number of amusement arcades in the surrounding area. There are currently three other amusement / gambling premises within 200 metres in the immediate area.</p> <p>The site is located within the Primary Retail Core within 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>	

There is no impact on the character and appearance of the conservation area given there are no external alterations proposed.

Two letters of objection have been received in relation to the application. These raised concerns regarding;

1. Clarity of the description
2. Principle of a non-retail use in this location
3. Impact on the character and appearance of the Conservation Area
4. Amenity of the area in terms of noise, litter, and traffic
5. Health and Well-being
6. Impact on character and setting of nearby Listed Buildings
7. Impact on the image and Profile of Belfast City Centre
8. Not supportive to tourism, leisure and cultural development
9. Causes a cluster of these uses in a small area.

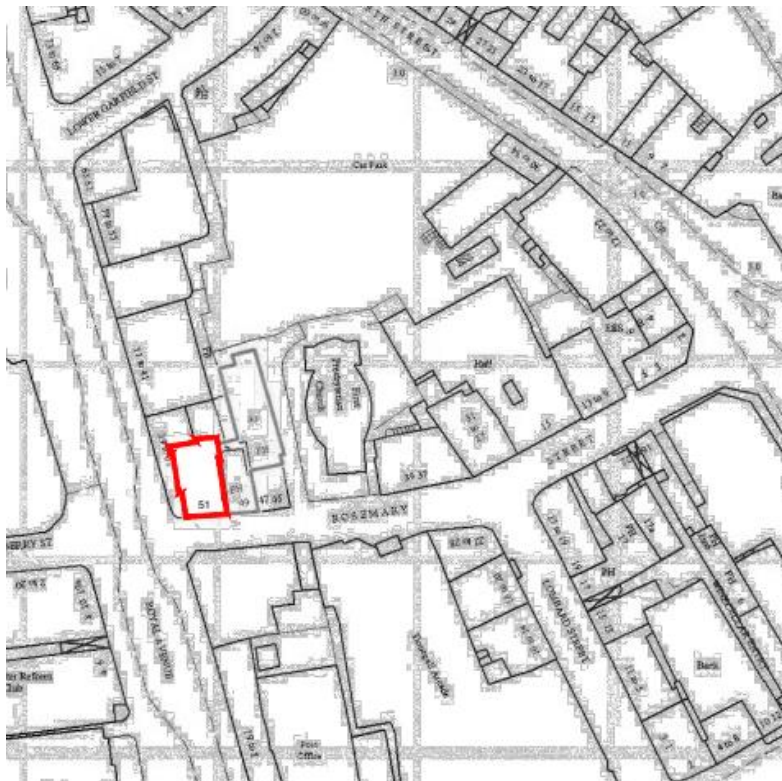
The proposal complies with Plan Strategy Policies SP3 – Improving Health & Wellbeing, RET 1 Establishing a centre hierarchy, RET 5 Primary retail area, Policy ENV 1 – Environmental Quality, BH1 Listed Buildings, BH2 Conservation Areas, TRAN 8 Car Parking and Servicing Arrangements.

Recommendation

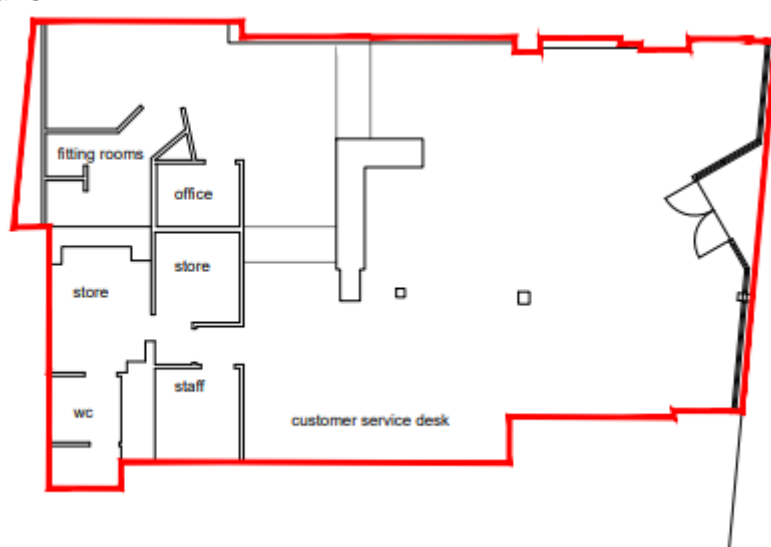
It is recommended that planning permission is granted with delegated authority sought for the Director of Planning and Building Control to finalise the wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.

Case Officer Report

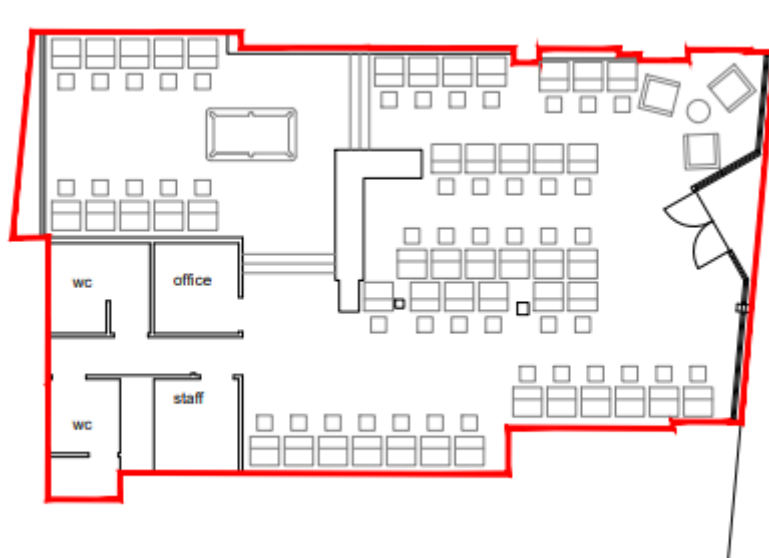
Site Location Plan



Existing Floor Plans



Proposed Floor Plans



Characteristics of the Site and Area

1.0 Description of Proposed Development
Change of use from retail unit to amusement arcade and adult gaming centre.

2.0 Description of Site
The site is located within a 2 storey terrace building. The ground floor has a glass retail frontage whilst the upper floor is finished in white render. The unit is situated within a row of terrace buildings, the adjoining buildings are finished in red brick and are a mixture of 3 and 4 and a half storeys. The surrounding area is of mixed use containing a mix of retail, offices a bar and a bank opposite.

The site is located within the Primary Retail Core within the City Centre as defined by and draft BMAP (v2004 and 2014).

Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History</p> <p>Application site</p> <p>Z/2005/1901/F, 51 Rosemary Street, Town Parks, Belfast, BT01 1QB, New shopfront entrance with change of sashwork colour and provision of air conditioning units., Permission Granted, 25.10.2005</p> <p>Z/2005/1933/A, Ann Summers Ltd, 51 Rosemary Street, Town Parks, Belfast, Northern Ireland, BT01 1QB, Shop sign and projecting sign. Consent Granted. 07.11.2005</p> <p>Surrounding Site History</p> <p>LA04/2021/1222/F, 31-39 Royal Avenue, Belfast, BT1 1FD - Change of use from retail to restaurant at ground floor and 12no. apartments at first to fourth floors (including demolition of internal walls, stairwell, rear return and window openings) and refurbishment works.</p>
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001
4.2	<p>Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035</p> <p>The following policies in the Plan Strategy are relevant to consideration of the application: SP3 – Improving Health & Wellbeing RET 1 - Establishing a centre hierarchy. RET 5 - Primary retail area BH1 - Listed Buildings BH2 - Conservation Areas Policy - ENV 1 – Environmental Quality TRAN 8 - Car Parking and Servicing Arrangements</p> <p>Development Plan – zoning, designations, and proposals maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)</p> <p>Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)</p> <p>Other material considerations Sensitive Uses Supplementary Planning Guidance BCC Amusement Permit Policy (2013)</p>
4.3	Strategic Planning Policy Statement for Northern Ireland (SPPS)
5.0	<p>Statutory Consultees Responses</p> <p>DFI Roads- No objection HED- No Objection</p>

6.0	<p>Non Statutory Consultees Responses Environmental Health- No objections Building Control- Objections raised Conservation Officer – No objection</p>
7.0	<p>Representations The application was advertised on the 10th November 2023 and neighbour notified on 2nd November 2024 and again on 1st February 2024.</p> <p>Two letters of objection have been received in relation to the application. These raised concerns regarding;</p> <ol style="list-style-type: none"> 1. Clarity of the description 2. Principle of a non-retail use in this location 3. Impact on the character and appearance of the Conservation Area 4. Amenity of the area in terms of noise, litter, and traffic 5. Health and Well-being 6. Impact on character and setting of nearby Listed Buildings 7. Impact on the image and Profile of Belfast City Centre 8. Not supportive to tourism, leisure and cultural development 9. Causes a cluster of these uses in a small area. <p>The description for the proposal reads ‘Change of use from retail unit to amusement arcade and adult gaming centre’. This is considered an appropriate description for the proposed use. The agent has also clarified the meaning of ‘an adult gaming centre’ is intended to define the proposed development as being suitable only for those over the age of 18 within the additional information submitted. The proposal has been since neighbour notified again following this clarification.</p> <p>Issues relating to, the principle of a non-retail use, impact on the character and appearance of the area/conservation area, impact on amenity, health and well-being, impact on listed buildings and potential cluster of the proposed use have all been assessed in the main section of the report.</p> <p>In terms of the impact the proposal has on the image and profile of Belfast City Centre, the proposal must be assessed against relevant planning policy. The image or profile of Belfast City Centre can only be taken into account in terms of relevant policy and the impact the proposal would have on the character and appearance of the area.</p> <p>In relation to the proposal not being supportive to tourism, leisure and cultural development, the proposal is again assessed against relevant policy within the Local Development Plan. The proposal is considered to be acceptable in principle. A single unit for a proposed City Centre use of an amusement Arcade located within the City Centre is not considered to have an impact on the tourism leisure and cultural provision within Belfast.</p> <p>The agent contacted the Council to request additional time to consider and respond to the objections raised above prior to April Committee. No further correspondence has been received from the agent following this request.</p>
9.0	<p>Assessment</p>
9.1	<p>The proposal is considered to be in compliance with the Development Plan.</p>
9.2	<p>Assessment The key issues to be considered are:</p>

	<ul style="list-style-type: none"> • Principle of the change of use • Impact on the character and appearance of the area • Impact on amenity • Proliferation of Amusement Arcades <p>9.3 Principle of the Change of Use The site is located within the City Centre as defined by both BUAP and draft BMAP and within the Primary retail core within draft BMAP where main town centre uses, including amusement arcades, are acceptable in principle as per Policy RET1 – Establishing a centre hierarchy and the Sensitive Uses SPG.</p> <p>9.4 The Plan Strategy defines main town centre uses as cultural and community facilities, retail, leisure, entertainment, and business. The proposed use as an amusement arcade and adult gaming centre is considered entertainment and leisure.</p> <p>9.5 Policy RET1 – Establishing a centre hierarchy states;</p> <p><i>The following network and hierarchy is to be maintained to ensure that proposals for main town centres uses, including retail, are directed to the appropriate level of centre based on size, function and catchment. Such proposals will be considered in the following order of preference:</i></p> <p><i>a. Belfast City Centre primary retail core and frontage (retail applications);</i> <i>b. Belfast City Centre;</i> <i>c. District centres; then</i> <i>d. Local centres.</i></p> <p>9.6 The site is located within the Belfast City Centre primary retail core but not along a primary retail frontage. The location of the proposed development is therefore located in the first area of preference and considered acceptable in principle.</p> <p>9.7 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.</p> <p>9.8 Building Control note that there are other amusement arcades operating nearby within walking distance of the application premises. These are:</p> <ul style="list-style-type: none"> • Oasis, 73-75 North Street; • Twilight Zone, 13 North Street; • Funtime, 91 Castle Street; • Oasis, 17-19 Queen Street; and • Oasis, 7-9 Wellington Place. <p>9.9 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:</p> <p>9.10</p> <ul style="list-style-type: none"> • 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. 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 Ulster bank ATM’s in one of the adjacent units to the site. Other units along this section of Rosemary Street are made up of a charity shop, a solicitors Office, cafes, fast food outlet, a bank and Social Club and Church that is set back off Rosemary Street.
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9.11	<p>The Council's Permit Policy indicates that, outside of renewal applications, there is a presumption against granting permits for amusement arcades in the Retail Core unless they are related to a major, retail-led, mixed use development or an upper storey development. This policy is adopted in order to promote retailing and footfall levels, thereby maintaining City Centre vibrancy. It must be considered the unit has been vacant since April 2023 when considering the potential impact on City Centre vibrancy.</p>
9.12	<p>Whilst The Council's Permit Policy is a material consideration that must be considered, it must also be balanced against relevant Planning policy within the Plan Strategy. As per Policy RET1 Establishing a centre hierarchy The Belfast City Centre Primary Retail Core is the first preference for main town centres uses. Therefore, on balance there is no conflict with this criterion.</p>
9.13	<ul style="list-style-type: none"> • 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). There are no other amusement arcades on the same commercial block on Rosemary Street.
9.14	<p>In relation to this criterion Building Control Officers state 'there is availability nearby within walking proximity of the application site. These include: Oasis, 73-75 North Street; Twilight Zone, 13 North Street; Funtime, 91 Castle Street; Onassis, 17-19 Queen Street; and Oasis, 7-9 Wellington Place. If a permit application is subsequently applied for, Members of the Licensing Committee may more broadly consider the issue of the proliferation of amusement arcade use and the effect of same on the character and amenity of an area.'</p>
9.15	<p>Two of these units are greater than 5mins walking distance and therefore are not considered to result in proliferation in the nearby area.</p>
9.16	<p>Due to an amusement arcade being defined as a main town centre use 4no amusement arcades within a 5 minute walk or 200m radius is not considered proliferation.</p>
9.17	<ul style="list-style-type: none"> • Proximity to residential use – There is no residential use currently adjacent to the application site, however there is a live application under consideration - reference LA04/2021/1112/F for '<i>Change of use from retail to restaurant at ground floor and 12no. apartments at first to fourth floors (including demolition of internal walls, stairwell, rear return and window openings) and refurbishment works.</i>' At 31-39 Royal Avenue.
9.18	<p>Environmental Health have been consulted and offer no objection to the proposal in terms of the impact on amenity of any potential residential units should the application be approved. Environmental Health concluded;</p>
9.19	<p><i>The windows of the habitable rooms of the residential accommodation proposed at 31-39 Royal Avenue do not face onto the current proposal or its front curtilage on Rosemary Street apart from the windows to the proposed first floor terrace. This terrace is protected by a parapet wall and given the existing high ambient noise levels it is not considered that there will be an adverse impact from noise should both proposals be granted permission by the Planning Service.</i></p>

9.20	<p>The sensitive Uses SPG states ‘there are locations which would not be preferable, such as wholly residential areas.’ It is considered the surrounding area is not wholly residential, rather an area of mixed-use located within the City Centre. Whilst in many cases a proposal for an amusement arcade may not be suitable next to a residential use, in this specific circumstance it is considered on balance acceptable given the city centre location and both sites have different frontages. It is also noted the Planning application for the residential apartments has not yet been granted.</p>
9.21	<p>Building Control Officers consider the area is not one that is predominantly residential in character.</p>
9.22	<p>Impact on the Character and Appearance of the Area/Conservation Area.</p> <p>The impact of an amusement centre on the amenity and character of an area will usually depend on the location of the premises in relation to other development, its appearance, the type of amusement to be provided, the impact on neighbouring amenity and the hours of operation. Regarding the location, amusement centres are not normally acceptable near residential properties or in close proximity to schools, churches, hospitals or hotels.</p>
9.23	<p>The proposal is not located in close proximity to residential use, schools, hospitals or hotels. There is a Church located on Rosemary Street, however there is a separation distance of 2no units providing a separation between the two units. There is approx. 40m separation distance with the Church being set back from the Rosemary Street, there is not considered to be any significant impact on the Church. Any potential impact on the amenity of the Church can be controlled hours of use that will be obtained through the separate process of applying for an Amusement Permit Policy.</p>
9.24	<p>In a Conservation Area or other area of special architectural or historic interest, amenity value may be higher and here, the major consideration will be the effect of the proposal upon the general character of the area. The proposal does not propose any external alterations that would impact on the character and appearance of the Conservation Area. The Conservation Team have been consulted and offer no objection to the proposal.</p>
9.25	<p>Building Control Service considers that there may be an issue in respect of the proliferation of amusement arcade use at this location, which might impact upon the character and amenity of the area. It is considered that there is not a proliferation of amusement arcades given there are no other Amusement Arcades on Rosemary Street. Building Control have listed 5 other Amusement Arcades, however 2 of these are located greater than a 5 minute walk from the site which are not considered to contribute to proliferation of this area. A total</p>
9.26	<p>of 4no Amusement Arcades within a 200m radius of the site is not considered to impact on the overall character and appearance of this section of the City Centre.</p>
9.27	<p>Impact on Amenity</p> <p>The Sensitive Use SPG states that noise is a consideration for Amusement Arcades. Environmental Health were therefore consulted and took into consideration the proposed use and the concerns raised in the representations.</p>
9.27	<p>Environmental Health considered the potential impact on the proposal in terms of noise, odour, contaminated land, litter and general nuisance and offer no objection to the proposal.</p> <p>Adjacent the site is a live application for 12no. apartments at first to fourth floors of 31-39 Royal Avenue. The windows of the habitable rooms do not face onto the current proposal or its front curtilage on Rosemary Street apart from the windows to the proposed first floor terrace. This terrace is protected by a parapet wall and given the existing high ambient</p>

9.28	<p>noise levels it is not considered that there will be an adverse impact from noise should both proposals be granted permission.</p> <p>Other Issues</p> <p>DFI Roads were consulted and offered no objection to the proposal. Historic Environment Division were consulted on the potential impact on the Setting of Listed Buildings, and offered no objection to the proposal.</p> <p>In conclusion, having regard to the Local Development Plan the proposal is therefore considered to comply with Plan Strategy Policies SP3 – Improving Health & Wellbeing as it will not result in any significant harm to human life, health or wellbeing, Policy RET1 - Establishing a centre hierarchy in that the location is suitable for a main town centre use, RET 5 Primary retail area in that the proposal is not located within a primary retail frontage, Principles of Policy ENV 1 – Environmental Quality, in that the proposal will not result in an unacceptable adverse impact on the environment, BH1 Listed Buildings, BH2 Conservation Areas, TRAN 8 Car Parking and Servicing Arrangements.</p>
10.0	<p>Summary of Recommendation:</p> <p>It is recommended that planning permission be granted. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.</p>
11.0	<p>Draft Conditions</p> <p>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.</p> <p>Draft Informatives</p> <ol style="list-style-type: none"> 1. The grant of planning permission does not dispense with the need to obtain licenses, consents or permissions under other legislation or protocols. The requirement for other authorisations may have been identified by consultees in their response to the application and can be accessed on the Northern Ireland Planning Portal website. The responses from consultees may also include other general advice for the benefit of the applicant or developer. 2. AMUSEMENT PERMIT In accordance with the Betting, Gaming, Lotteries and Amusement (Northern Ireland) Order 1985, the applicant must apply to Belfast City Council, Building Control for an application form to apply for an amusement permit.