

Committee Application

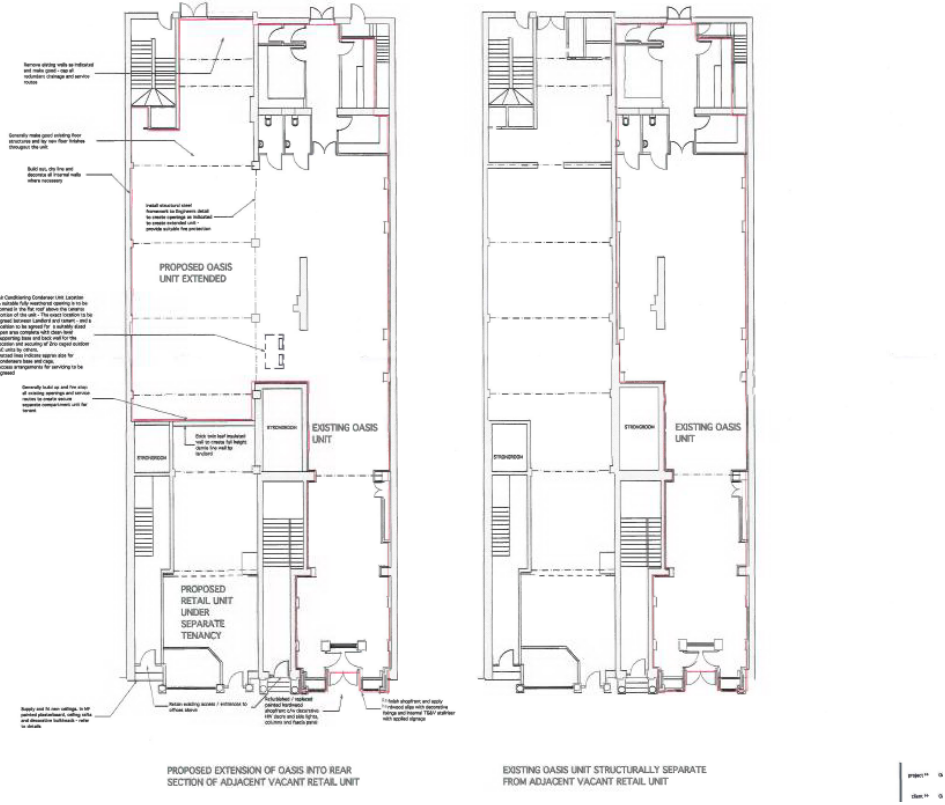
Development Management Report	
Application ID: LA04/2018/0095/F	Date of Committee: 17 April 2018
Proposal: Demolition of partition wall to amalgamate part of No.9 Wellington Place into No.7 Wellington Place to extend existing amusement/gaming centre use and conversion from retail use. Subdivision of No.9 Wellington Place to form a retail unit.	Location: 9 Wellington Place Belfast
Referral Route: Amusement arcade	
Recommendation:	Approval
Applicant Name and Address: Oasis Retail Services Ltd Oasis House Mallusk Drive Newtownabbey BT36 4GX	Agent Name and Address: MBA Planning Ltd 4 College House Citylink Business Park Belfast BT12 4HQ
Executive Summary: Full permission is sought for the internal extension of a gaming centre into the adjoining building and associated internal reconfiguration. Listed building consent is sought under associated application LA04/2018/0131/LBC. The key issues in assessment of the proposed development include: <ul style="list-style-type: none"> • The acceptability of an amusement/gaming centre extension at this location • Loss of retail floor space in PRC • Impact on a listed building • Impact on neighbouring amenity • Impact on traffic flow The site is located within the city development limits for Belfast as designated within the Draft Belfast Metropolitan Area Plan 2004. DfI Roads and Belfast City Council Environmental Health were consulted and have no objection to the proposal. No representations were received. Recommendation It is recommended that the application is approved.	

Characteristics of the Site and Area

1.0 Description of Proposed Development

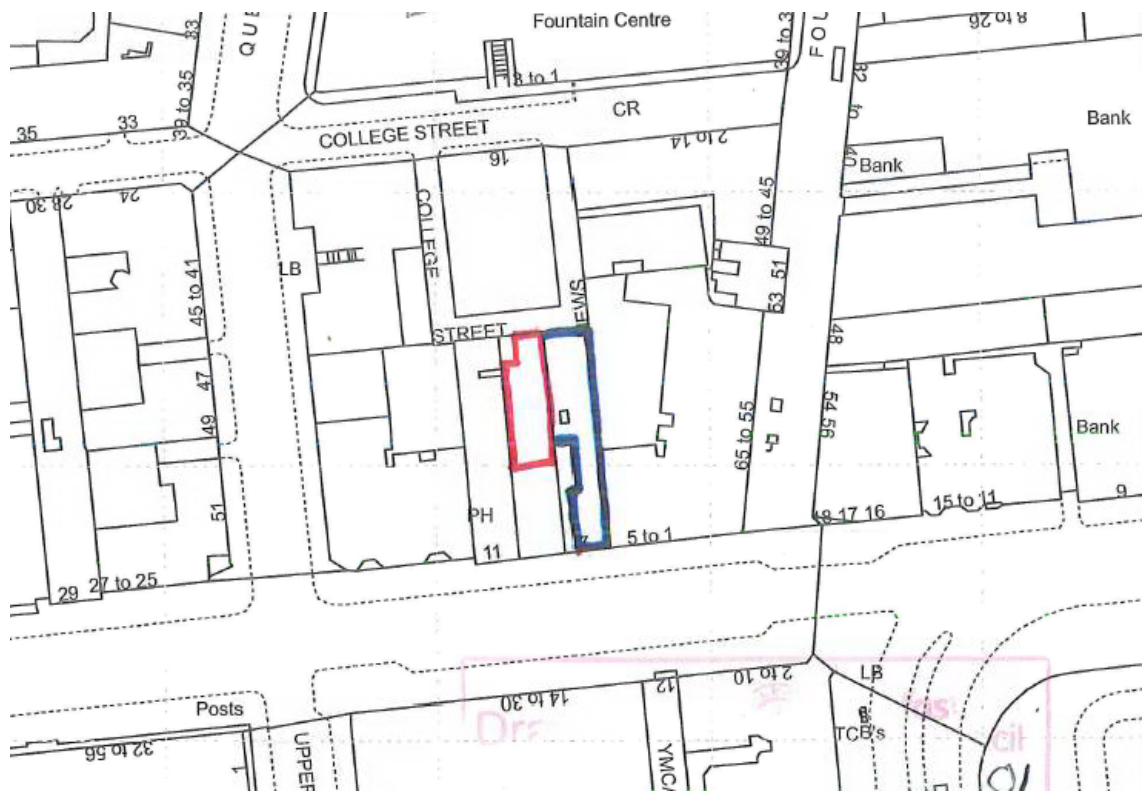
The proposal is for the demolition of a partition wall to amalgamate the rear half of the ground floor of 9 Wellington Place into 7 Wellington Place. No. 7 consists of an existing amusement/gaming. The rear of no.9 is also to change from the retail (A1) use to amusement/gaming (sui generis) use.

2.0 Existing and Proposed Floor Plans



2.0 Description of Site

2.1 The site is located at 9 Wellington Place in Belfast City Centre. It consists of the rear half of the ground floor of a 4-storey mid terrace building. The building is listed as Grade B1. The ground floor of the building is a vacant retail unit and has been vacant since approximately 2008. The character of the area is representative of the city centre, composed primarily of retail use.

2.1 **Site Location****Planning Assessment of Policy and other Material Considerations**3.0 **Site History**

Z/1998/2118 - 7 WELLINGTON PLACE - Change of use from restaurant to gaming machine centre – APPEAL ALLOWED 11.01.99

Z/1999/2958/F - 7-9 Wellington Place - Change of use - from offices to apartments [residential] - internal alterations only - PERMISSION GRANTED 08.01.2000

Z/1999/3217/LB - 7-9 Wellington Place - Alterations (internal) of existing offices to create residential apartments (Listed Building Consent) - PERMISSION GRANTED 08.01.2000

LA04/2016/0948/F - 7 - 9 Wellington Place - Single storey extension at first floor; middle return building to be extended only - PERMISSION GRANTED 09.11.2016

LA04/2016/1083/LBC - 7-9 Wellington Place - Removal of rear roof and side elevation; horizontal extension and construction of new roof all at first floor level; finishes to match existing - PERMISSION GRANTED 09.11.2016

LA04/2016/1178/F - 9 Wellington Place - Change of use from retail and offices to restaurant on ground, 1st and 2nd floor – PENDING

LA04/2016/1179/LBC - 9 Wellington Place - Change of use from vacant retail and office accommodation to restaurant – PENDING

LA04/2018/0131/LBC - 7-9 Wellington Place - Demolition of partition wall to amalgamate part of No.9 Wellington Place into No.7 Wellington Place. Demolition of other internal walls

	at rear of No.9 Wellington Place. Subdivision of No.9 Wellington Place by the erection of a new brick wall - PENDING
4.0	Policy Framework
4.1	BUAP 2001 Draft Belfast Metropolitan Area Plan 2004 Version of Belfast Metropolitan Area Plan published 03.09.14 Strategic Planning Policy Statement (SPPS) Planning Policy Statement 6: Planning, Archaeology and the Built Heritage DCAN 1: Amusement Centres
5.0	Statutory Consultees Responses
5.1	None
6.0	Non Statutory Consultees Responses
6.1	DfI Roads BCC Environmental Health Building Control
7.0	Representations
7.1	No comments have been received.
8.0	Other Material Considerations
8.1	None
9.0	Assessment
9.1	<u>Planning Policy</u>
9.2	Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The proposed site is located within the urban area of Belfast. The Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18th May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area with draft BMAP remaining a material consideration.
9.3	<u>Principle of Amusement/Gaming Centre Extension</u>
9.4	The proposal is to extend the existing Oasis amusement/gaming centre at no.7 Wellington Place into the rear ground floor of the adjoining vacant retail unit at no.9 by demolishing a 13m partition wall. Several internal walls to the rear of no.9 will also be removed. The remaining floorspace of no.9 will be subdivided to form a 94sqm retail unit. There are no proposed external alterations.
9.5	The protection and enhancement of leisure/entertainment uses in town centres are encouraged by the SPPS. As the proposal involves a town centre use located in the city

	centre the extension of the existing amusement centre is compliant with the SPPS in this regard.
9.6	With regard to amusement centres, DCAN 1 states:
9.7	<i>As regards the location, amusement centres are not normally acceptable near residential property nor are they good neighbours for schools, churches, hospitals, or hotels. They are out of place in conservation areas or other places of special architectural or historic interest, except perhaps where these cover a really wide area. In areas where one amusement centre may not be out of place, it would be permissible to take into account the effect of larger numbers on the character of a neighbourhood.</i>
9.8	The proposed site is not in proximity to residential development, schools, churches etc. The site is within the City Centre Conservation Area. Originally the application to change the existing use to an amusement centre was refused but an appeal was upheld [1998/A196] partly on the grounds that the centre would not be an inappropriate use. The proposed extension to the existing centre is therefore broadly compliant with DCAN 1.
9.9	<u>Loss of Retail Floor Space in PRC</u>
9.10	Policy R1 of BMAP Plan Strategy relates to a restriction on non-retail use in retailing in city and town centres. However, this relates more to the frontage of shopping streets and not to the rear uses of premises within the Primary Retail Core. In this regard the proposed change of use of the rear of the premises at no.9 to non-retail use is not contrary to R1 as this will not affect the frontage.
9.11	Additionally, the unit at no.9 has been vacant since 2008. It presents a dead frontage and does not contribute to the vibrancy of Wellington Place. Currently an application to change the use of the unit and upper floors to a restaurant is under consideration [LA04/2016/1178/F]. On balance it is not considered justifiable to refuse the proposal based on the loss of 180sqm of retail space to the rear of the premises given the history of the site and plans currently under assessment.
9.12	<u>Impact on Listed Building</u>
9.13	Policy BH 7 of PPS 6 relates to the Change of Use of a Listed Building. It states that the Department will normally permit the change of use of a listed building where this secures its upkeep and survival and the character and architectural or historic interest of the building would be preserved or enhanced. Proposals for a change of use should incorporate details of all intended alterations to the building and its curtilage to demonstrate their effect on its appearance, character and setting.
9.14	Policy BH 8 of PPS 6 relates to Extension or Alteration of a Listed Building. It states that the Department will normally only grant consent to proposals for the extension or alteration of a listed building where certain criteria are met. DfC HED was consulted for comment and responded:
9.15	<i>Historic Environment Division (HED) has been consulted to consider the application for internal alterations to HB26/50/029 A&B 7&9 Wellington Place, Belfast Grade B1 listed buildings of special architectural or historic interest as set out in Section 80 and protected under the Planning Act NI 2011.</i>
9.16	<i>HED has considered the effects of the proposal on the listed building and on the basis of the information provided advise:</i>

9.17	<ul style="list-style-type: none"> - <i>HED Historic Buildings considers that the proposal satisfies SPPS 6.13/Change of Use, Extension or Alteration of a Listed Building, BH7/Change of Use of a Listed Building and BH8/Extension or Alteration of a Listed Building</i> <p><i>Historic Buildings considers the proposal satisfies:</i></p> <ul style="list-style-type: none"> - <i>6.13/Change of Use, Extension or Alteration of a Listed Building of the Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development.</i> - <i>BH7/Change of Use of a Listed Building</i> - <i>BH8/Extension or Alteration of a Listed Building</i> <p><i>HED notes that the alterations are a relatively minor change to areas of the buildings that lie to the rear of the main listed portions; the plan from remains recognisable and there are no historic details to preserve. They do not represent demonstrable harm to the listed structures.</i></p>
9.18	<u>Impact on Neighbouring Amenity</u>
9.19	The Council's Environmental Health Unit was consulted with regard to the proposal and its impact on general amenity. It responded:
9.20	<i>The Environmental Health Service has examined the plans of the proposed development at the above location, namely the demolition of partition wall to amalgamate part of No.9 Wellington Place into No.7 Wellington Place to extend existing amusement / gaming centre use and conversion from retail use. Subdivision of No.9 Wellington Place to form retail unit. This response considers the proposed development in terms of noise, air pollution, general amenity, ambient air quality, contaminated land, and other considerations.</i>
9.21	<i>In relation to this planning application the Environmental Protection Unit of the Health and Environmental Services Department responds as follows. Should the Council deem to grant this application, I would request that consideration be given to attaching the following informative (see below).</i>
9.22	<u>Impact on Traffic Flow</u>
9.23	No dedicated parking is provided within the scheme. It will rely on on-street parking and multi-storey provision by nearby facilities. DfI Roads was consulted for comment and offered no objection subject to informatives.
9.24	<u>Building Control Consultation</u>
9.25	The Council's Amusement Permit Policy is a material consideration in determining applications for amusement arcades in Belfast. Amusement Permits are issued by the Council's Building Control (BC) section. In its consultation response BC advised that the proposal does not comply with the assessment criteria relating to retail vibrancy and regeneration of Belfast or the cumulative build-up of amusement arcades in a particular location. The proposal did, however, comply with the criteria relating to the impact on the image and profile of Belfast, proximity to residential use and proximity to schools, youth centres and residential institutions for vulnerable people.
9.26	BC advised that should an Amusement Permit application come before the Licensing Committee, consideration will be given to the fact that the proposal will retain the existing shop frontage at 9 Wellington Place and that it will be a matter for the Licensing Committee to take into account any matter which it deems relevant when assessing any application against the criteria laid down in the Policy.

9.27	Having considered the Amusement Permit Policy, in view of the planning issues taken into account under the SPPS and DCAN 1, it is considered that the proposal is acceptable, bearing in mind that it for the extension of existing premises.
9.28	<u>Conclusion</u>
9.29	The proposed internal demolition works and extension of the existing gaming centre are considered acceptable and I recommend approval.
10.0	Summary of Recommendation: Approval
11.0	<p>Conditions</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>Informatives</p> <ol style="list-style-type: none"> 1. Clean Neighbourhoods and Environment (Northern Ireland) Act 2011 <p>In the Interest of commercial amenity the applicant is advised to ensure that all plant and equipment used in connection with the extended amusement / gaming centre is so situated, operated and maintained as to prevent the transmission of noise to nearby commercial premises.</p> <ol style="list-style-type: none"> 2. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc deposited on the road as a result of the development, must be removed immediately by the operator/contractor. 3. Notwithstanding the terms and conditions of the Departments approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Section Engineer whose address is 148-158 Corporation Street, BELFAST, BT1 3DH. A monetary deposit will be required to cover works on the public road. 4. All construction plant and materials shall be stored within the curtilage of the site. 5. Provision shall be made to the satisfaction of DfI, to ensure that surface water does not flow from the site onto the public road.
Notification to Department (if relevant)	

Representations from Elected members: