

**Development Management Officer Report  
Committee Application**

<b>Summary</b>	
<b>Committee Meeting Date: 9<sup>th</sup> April 2019</b>	
<b>Application ID:</b> LA04/2018/2712/F	
<b>Proposal:</b> A Material change of use from retail unit to an amusement centre.	<b>Location:</b> Ground Floor at 115-119 Royal Avenue Belfast BT1 1FF.
<b>Referral Route:</b> Amusement arcade	
<b>Recommendation:</b>	<b>Approval subject to Section 76 agreement</b>
<b>Applicant Name and Address:</b> EZE Gaming Ava House 14 Prince Regent Road Belfast BT5 6QR	<b>Agent Name and Address:</b> Colm Flanagan 6 Kirklowe Drive Belfast BT10 0LP
<p><b>Executive Summary:</b></p> <p>Full planning permission is sought for the change of use from retail to amusement arcade.</p> <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>• The principle of an amusement arcade at this location</li> <li>• Impact on amenity</li> <li>• Impact on traffic flow</li> <li>• Impact on setting of listed buildings and Conservation Area</li> <li>• Impact on primary retail core</li> </ul> <p>The application site is located within Belfast City Centre and Cathedral Conservation Area and falls within the primary retail core of the city centre. There are a number of listed buildings within the immediate location of the site.</p> <p>DFI Roads and Historic Environment Division were consulted and have no objections to the application.</p> <p>Environmental Health was consulted and requested an amended noise impact assessment. Their comments to this amendment are outstanding.</p> <p>Building Control advised that the proposed change of use does not comply with the Council's Amusement Permit Policy (May 2013) criterion 1) Impact on the retail vitality and viability of Belfast City in that 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 redevelopment. Notwithstanding the comments from Building Control it is considered that the proposal seeks the relocation of an existing amusement arcade from 13 North Street to facilitate redevelopment of the area and will not result in the proliferation of non-retail units in the retail core at this location along Royal Avenue.</p> <p>10 objections were received in relation to the proposal. The main points raised in the objections are set out below and considered in the assessment.</p>	

- An amusement arcade does not comply with the regeneration of the area
- Businesses close at 5.30pm in this area and there is increased risk of break ins if the amusement arcade is open later.
- It is believed that an amusement arcade would be inappropriate in an area where students are living and where school children are.
- The proposal is to the detriment of the quality, character and amenity value of the area.
- Duty of care to young people in relation to gambling and its impact on mental health.
- Increased loitering and open drug use, noise and nuisance.
- The nature of the Cultural Quarter and its profile would be compromised with the introduction of an amusement arcade and may damage footfall and appeal.
- Potential increase in anti-social behaviour
- Proliferation of amusement arcades as there is one located on North Street
- Neighbouring units are service providers for vulnerable adults

**Recommendation**

Having regard to the development plan, relevant planning policies and other material considerations it is considered that the proposal complies with planning policy and the development plan context and it is recommended that planning permission is granted, subject to conditions and a Section 76 Planning Agreement. It is requested that authority is delegated to the Director of Planning and Building Control and Legal Services to resolve outstanding issues, finalise the Section 76 agreement and conditions.

### Case Officer Report

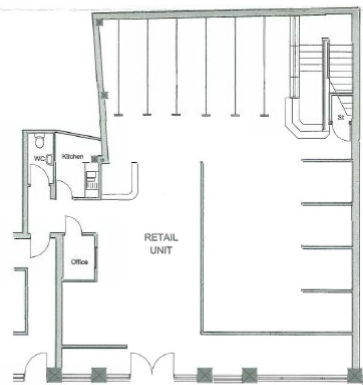
#### Site Location Plan



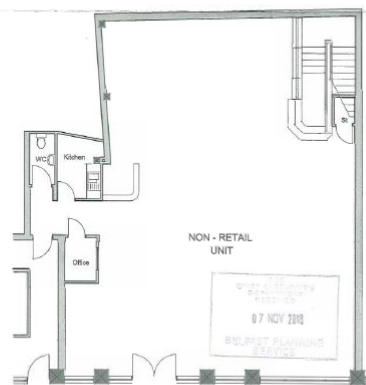
E-25 EXISTING ELEVATION 1:100



E-25 PROPOSED ELEVATION 1:100



0. Existing Floor Plan 1:100



0. Proposed Floor Plan 1:100

Drawing Number 02  
07 NOV 2018  
02  
City Council

<b>Consultations:</b>		
<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
Non Statutory	DFI Roads - Hydebank	No objection
Non Statutory	Env Health Belfast City Council	No objection
Non Statutory	Building Control Belfast City Council	Does not comply with criterion a of BCC Amusement Permit Policy
Non Statutory	BCC Conservation Officer	No Objection
Statutory	Historic Environment Division	No Objection
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	10	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<b>Summary of Issues</b>		
<ul style="list-style-type: none"> <li>- An amusement arcade does not comply with the regeneration of the area</li> <li>- Businesses close at 5.30pm in this area and there is increased risk of break ins if the amusement arcade is open later.</li> <li>- It is believed that an amusement arcade would be inappropriate in an area where students are living and where school children are.</li> <li>- The proposal is to the detriment of the quality, character and amenity value of the area.</li> <li>- Duty of care to young people in relation to gambling and its impact on mental health.</li> <li>- Increased loitering and open drug use, noise and nuisance.</li> <li>- The nature of the Cultural Quarter and its profile would be compromised with the introduction of an amusement arcade and may damage footfall and appeal.</li> <li>- Potential increase in anti-social behaviour</li> <li>- Proliferation of amusement arcades as there is one located on North Street</li> <li>- Neighbouring units are service providers for vulnerable adults</li> </ul>		

<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b>Description of Site</b>
<b>1.1</b>	The site is located on the ground floor of 115-119 Royal Avenue, a currently vacant retail unit. The site is within the Cathedral Conservation Area and is surrounded by a number of listed buildings. The premises falls within the primary retail core of the city but is not within the area of protected retail frontage. The surrounding area is mixed use in nature, comprising cafés, retail units and offices.
<b>2.0</b>	<b>Description of Proposed Development</b>
<b>2.1</b>	This application seeks a material change of use from a retail unit to an amusement arcade to facilitate the relocation of an existing amusement arcade from 13 North Street.

<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b>
3.1	Z/2009/0289/F - Refurbishment of existing commercial premises, to include external re-cladding of 115-119 and change of use of 121-125 1st, 2nd and 3rd floor from retail to office. Permission granted 26.08.2009
3.2	Z/2002/1966/F - Ground floor coffee shop and entertainments venue on upper three floors to include live bands & DJs, fashion shows, art gallery, recording studios, exhibition & conference facilities. Application withdrawn 19.06.2003
<b>4.0</b>	<b>Policy Framework</b>
4.1	Strategic Planning Policy Statement
4.2	Draft Belfast Urban Area Plan
4.3	Belfast Urban Area Plan
4.4	Planning Policy Statement 6: Planning, Archaeology and the Built Heritage
<b>5.0</b>	<b>Statutory Consultees Responses</b>
5.1	Historic Environment Division – no objection
<b>6.0</b>	<b>Non Statutory Consultees Responses</b>
6.1	DFI Roads – no objection
6.2	BCC Building Control – proposal does not comply with criterion a) of BCC Amusement Permit Policy - Retail Vibrancy and regeneration of Belfast.
6.3	BCC Conservation Officer – no objection
6.4	Environmental Health – final response outstanding
<b>7.0</b>	<b>Representations</b>
7.1	<p>The application has been neighbour notified and advertised in the local press.</p> <p>10 objections were received in relation to the proposal. The main points raised in the objections include:</p> <ul style="list-style-type: none"> <li>- Businesses close at 5.30pm in this area and there is increased risk of break ins if the amusement arcade is open later.</li> <li>- It is believed that an amusement arcade would be inappropriate in an area where students are living and where school children are as there is a duty of care to young people in relation to gambling and its impact on mental health.</li> <li>- The nature of the Cultural Quarter and its profile would be compromised with the introduction of an amusement arcade and may damage footfall and appeal.</li> <li>- Potential increase in anti-social behaviour</li> <li>- Proliferation of amusement arcades as there is one located on North Street</li> <li>- Neighbouring units are service providers for vulnerable adults</li> <li>- The proposal is to the detriment of the quality, character and amenity value of the area.</li> <li>- Increased loitering and open drug use, noise and nuisance.</li> </ul>

	<p>Response to issues raised:</p> <p>Break ins and anti-social behaviour are not planning considerations in the assessment of a planning application. There is not considered to be a proliferation of amusement arcades within the city centre or the surrounding area as the proposal relates to the relocation of the Twilight Gaming Centre at 13 North Street. There is no evidence to support the concern regarding the potential increase in anti-social behaviour. Building Control was consulted and have taken into consideration the proximity of the proposal on vulnerable people. Although the site is located close to Central Library which is used by school children and the nearby offices of Start360 which provides support to vulnerable people and the offices of Extern and the Probation Board NI, there are no schools, youth centres or residential institutions for vulnerable people within 200m of the application premises and the proposal is considered to comply with criterion e of the Council's Amusement Permit Policy. HED and the BCC Conservation Officer were consulted and have stated that the proposal will have no impact on the quality, character and amenity of the area and Environmental Health have been consulted in relation to noise and nuisance. Their final comments are outstanding.</p>
<b>8.0</b>	<b>Other Material Considerations</b>
8.1 8.2	DCAN 1: Amusement Centres BCC Amusement Permit Policy
<b>9.0</b>	<b>Main Issues</b>
	<ul style="list-style-type: none"> <li>• The principle of an amusement arcade at this location</li> <li>• Impact on amenity</li> <li>• Impact on traffic flow</li> <li>• Impact on setting of listed buildings and Conservation Area</li> <li>• Impact on primary retail core</li> </ul>

10.0	<b>Assessment</b>
10.1	<u>Planning Policy</u>
10.2	<p>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.</p>
10.3	<p><u>Impact on retail core</u></p> <p>Policy R1 of BMAP Plan Strategy refers to retailing in city and town centres. It states that non-retail development will be restricted in designated Primary Retail Cores (and Primary Retail Frontages) so that no more than 25% of the frontage of the shopping street(s) to which it relates is in non-retail use and no more than three adjacent units are in non-retail use.</p>
10.4	<p>This change of use will not lead to a proliferation of non-retail uses at ground floor on Royal Avenue. The unit is currently vacant and does not have a positive impact on the surrounding area. It is considered that there will be no harmful impact on the retail character of the area by the proposed change of use.</p>
10.5	<p>The proposed amusement arcade is relocating to the site on Royal Avenue from 13 North Street as a result of redevelopment of the area. The proposal is not for an additional amusement arcade within the city centre but rather the relocation of an established facility. However, since planning permission runs with the land, a formal mechanism will be needed to ensure that both the existing and proposed premises do not operate concurrently as amusement arcades. The applicant is required to put forward a mechanism, such as a Section 76 Planning Agreement, to require that on first occupation of the new premises the existing amusement arcade at 13 North Street shall not at any time be used as an amusement arcade. The recommendation of this report is subject to an appropriate mechanism being put in place.</p>
10.6	<p><u>Road Safety/Traffic Flow</u></p> <p>DCAN 1 states that the factors which call for consideration on a planning application for an amusement centre are its effects on the amenity and character of its surroundings, and its effects on road safety and traffic flow. Consideration is called for where premises front onto a busy traffic route or are near an awkward road junction, or are so sited that many visitors arriving on foot will have to cross a busy road or use an inadequate footway.</p> <p>The site is located on Royal Avenue where traffic flows both ways and is within a short distances from junction crossings. It is not considered that customers of the premises would be in any excessive danger in accessing the venue.</p> <p>No dedicated parking is provided within the scheme. The site will rely on street parking and the multi-storey provision in nearby facilities such as Castlecourt and Hi-Park. It is considered that these car parks will provide ample parking provision for staff and customers of the premises.</p> <p>DFI Roads was consulted in relation to the proposal and have no objections. The proposal is therefore not considered to prejudice road safety and traffic flow.</p>

10.7	<u>Amenity and character of the area</u>
10.8	<p>DCAN 1 states that the effects on amenity and the character of the surroundings depend on the location of the proposed amusement centre in relation to other development, its appearance, the kind of amusement to be provided, the noise likely to be produced and the hours of operation. 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.</p>
10.10	<p>The proposed location for the amusement centre is within the retail core of Belfast City Centre and adjacent to a mixture of uses including commercial offices, cafes and restaurants. There is no residential use in the immediate vicinity. Whilst the site does fall within the Cathedral Conservation Area as there are no changes to the appearance of the building, it is not considered that there will be an adverse impact on the character of the area.</p>
10.12	<p>The proposal is considered to meet the criteria set out in Policy BH 12 of PPS 6 in that the change of use includes no external alterations to the front elevation of the building and will not have an adverse impact on the visual amenity of the area.</p>
	<p>The BCC Conservation Officer was consulted in relation to the proposal and has no objections.</p>
	<u>Impact on setting of a listed building</u>
10.13	<p>Policy BH 11 (Development affecting the Setting of a Listed Building) states that proposals will normally be considered acceptable where the detailed design respects the adjoining listed building (No. 113 Royal Avenue) in terms of scale, height, massing and alignment; the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and the nature of the use proposed respects the character of the setting of the building.</p>
10.14	<p>Historic Environment Division was consulted and have considered the effects of the proposal on the listed building and on the basis of the information provided consider the proposal satisfies the policy requirements of paragraph 6.12 of SPPS and BH 11 of PPS 6. HED are content with the change of use and the existing façade being retained.</p>
10.15	<u>Building Control Consultation</u>
10.16	<p>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 section. In the consultation response received by Building Control</p>
10.17	<p>it was advised that the proposal does not comply with the assessment criteria relating to retail vibrancy and regeneration of Belfast. The proposal does, however, comply with the criteria relating to the cumulative build-up of amusement arcades in a particular location, 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.</p>
10.18	<p>As with any application for an amusement permit it will be considered on its own merits and 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. The</p>



10.19	application relates to the relocation of an existing amusement arcade on North Street as a result of wider regeneration in the north-eastern part of the City Centre and may be a factor the Licensing Committee wish to consider.
10.20	<u>Environmental Health</u> Environmental Health was consulted and requested clarification of the Noise Impact Assessment dated 13 February 2019. The final comments in relation to the amended report are currently outstanding. In the event that the previous concerns raised by Environmental Health have been addressed, it is anticipated that Environmental Health will raise no objection to this proposal.
10.21	<u>Conclusion</u> Subject to a mechanism to ensure that the existing and proposed premises do not concurrently operate as amusement arcades, the proposed change of use to amusement arcade is considered acceptable. Delegated authority is sought for the Director of Planning and Place to approve the application subject to resolution of outstanding issues, conditions and the appropriate mechanism being put in place.
10.22	
10.23	
10.24	
10.25	

<b>11.0</b>	<b>Summary of recommendation: Approval</b>
<b>12.0</b>	<p><b>Conditions:</b></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> <p>Informatives:</p> <ol style="list-style-type: none"> <li>1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.</li> <li>2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.</li> <li>3. AMUSEMENT PERMIT</li> </ol> <p>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.</p>
<b>Notification to Department (if relevant) N/A</b>	
<b>Representations from Elected members:</b>	
<b>None</b>	

<b>ANNEX</b>	
<b>Date Valid</b>	7 <sup>th</sup> November 2018
<b>Date First Advertised</b>	30 <sup>th</sup> November 2018
<b>Date Last Advertised</b>	
<p><b>Details of Neighbour Notification</b> (all addresses)</p> <p>The Owner/Occupier, 114-116 O'Reilly Stewart House,Royal Avenue,Belfast,Antrim,BT1 1DL  The Owner/Occupier, 115-119 ,Royal Avenue,Belfast,Antrim,BT1 1FF  The Owner/Occupier, 118-122 ,Royal Avenue,Belfast,Antrim,BT1 1DL  The Owner/Occupier, 1st, 2nd &amp; 3rd Floor Offices,St. Annes House,15 Church Street,Belfast,Antrim,BT1 1PG  The Owner/Occupier, 2nd Floor Left,Cathedral Quarter,109 Royal Avenue,Belfast,Antrim,BT1 1FF  The Owner/Occupier, Cafe (Gd Floor),109-113 Cathedral Quarter,Royal Avenue, Belfast, Antrim, BT1 1FF  Gareth Neill, Cathedral Quarter BID,109-113 Royal Avenue,Belfast,BT1 1FF  Susan Picken,Cathedral Quarter Trust 109-113 Royal Avenue Belfast  Annabel Wener,Clements Royal Avenue,Belfast,BT1  Gareth Neill, Destination Cathedral Quarter BID 109-113 Royal Avenue Belfast  M Gordon, Fountain of Beauty,108 Royal Avenue,Belfast,BT1 1DL  The Owner/Occupier, Ground Floor,St. Annes House,15 Church Street,Belfast,Antrim,BT1 1ER  Neil Duffy,Kantar Media,1st Floor 115 Royal Avenue,Belfast,BT1 1FF  Khara Pringle,Khara Pringle Photography,108-112 Royal Avenue,Belfast,BT1 1DL  The Owner/Occupier, Macc Hair,143 Royal Avenue,Belfast,BT1 1HF  The Owner/Occupier, Office (Mezzanine),109-113 Cathedral Quarter,Royal Avenue, Belfast, Antrim, BT1 1FF  The Owner/Occupier, Office 1 (1st Floor),109-113 Cathedral Quarter,Royal Avenue, Belfast, Antrim,BT1 1FF  The Owner/Occupier, Office 1 (3rd Floor),109-113 Cathedral Quarter,Royal Avenue, Belfast,Antrim,BT1 1FF  The Owner/Occupier, Office 1 (4th Floor),109-113 Cathedral Quarter,Royal Avenue, Belfast, Antrim,BT1 1FF  The Owner/Occupier, Office 2 (1st Floor),109-113 Cathedral Quarter,Royal Avenue, Belfast, Antrim,BT1 1FF  The Owner/Occupier, Office 2 (2nd Floor),109-113 Cathedral Quarter,Royal Avenue, Belfast, Antrim,BT1 1FF  The Owner/Occupier, Office 2 (3rd Floor),109-113 Cathedral Quarter,Royal Avenue, Belfast, Antrim,BT1 1FF  The Owner/Occupier, Office 2 (4th Floor),109-113 Cathedral Quarter,Royal Avenue, Belfast, Antrim,BT1 1FF  Sean O Neill Office 3 (1st Floor),109-113 Cathedral Quarter,Royal Avenue,Belfast,Antrim,BT1 1FF  The Owner/Occupier, Office 3 (2nd Floor),109-113 Cathedral Quarter,Royal Avenue, Belfast, Antrim, BT1 1FF  The Owner/Occupier, Office 3 (4th Floor),109-113 Cathedral Quarter,Royal Avenue, Belfast, Antrim,BT1 1FF  The Owner/Occupier, Office 4 (1st Floor),109-113 Cathedral Quarter,Royal Avenue, Belfast, Antrim,BT1 1FF  The Owner/Occupier, Office 4 (4th Floor),109-113 Cathedral Quarter,Royal Avenue, Belfast, Antrim,BT1 1FF</p>	

Gillian Thompson, Roberta Mechan College of Beauty, 115-119 Royal Avenue, Belfast, BT1 1FF The Owner/Occupier, Showroom (Gd Floor), 109-113 Cathedral Quarter, Royal Avenue, Belfast, Antrim, BT1 1FF The Owner/Occupier, St. Annes House, 15 Church Street, Belfast, Antrim, BT1 1ER	
<b>Date of Last Neighbour Notification</b>	30 <sup>th</sup> November 2018
<b>Date of EIA Determination</b>	n/a
<b>ES Requested</b>	No
<b>Drawing Numbers and Title</b>	
Drawing 01 – site location map Drawing 02 – existing and proposed elevations and floor plans	