

ADDENDUM REPORT 2

Application ID: LA04/2023/4162/F

Committee Date: 17th September 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 (change of use to amusement arcade)

Recommendation: Approval

Applicant Name and Address:

Sam Stranaghan
EZE Gaming Ltd
Ava House
14 Prince Regent Road
Belfast
BT5 6QR

Agent Name and Address:

Sam Stranaghan
EZE Gaming Ltd
Ava House
14 Prince Regent Road
Belfast
BT5 6QR

Valid date: 10th October 2023

Target date (15 weeks): 23rd January 2024

Contact officer: Ciara Reville, Principal Planning Officer

Background:

1. This application was deferred at the 14th May Planning Committee for a Committee site visit. The Committee site visit subsequently took place on 21st May 2024.
2. The application was then deferred at the Planning Committee on 18th June 2024 in order that the planning policy concerns that Elected Members raised at the meeting could be considered in more detail by officers and reported back. It was then planned that the application would be reported to the 13th August 2024 Committee, however, the applicant was unavailable for the meeting and so it was not included on the agenda.
3. This report should be read in conjunction with the original Committee report, appended.

Policy concerns raised at the 18th June Committee meeting:

4. At the 18th June Committee meeting, a number of planning policy concerns were raised by the Committee. These are assessed in turn below.

Impact on the character and appearance of the Conservation Area

5. The site is located within the City Centre Conservation Area.
6. Section 104(11) of the Planning Act (Northern Ireland) 2011 states that special regard must be had to the desirability of;
 - (a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise;

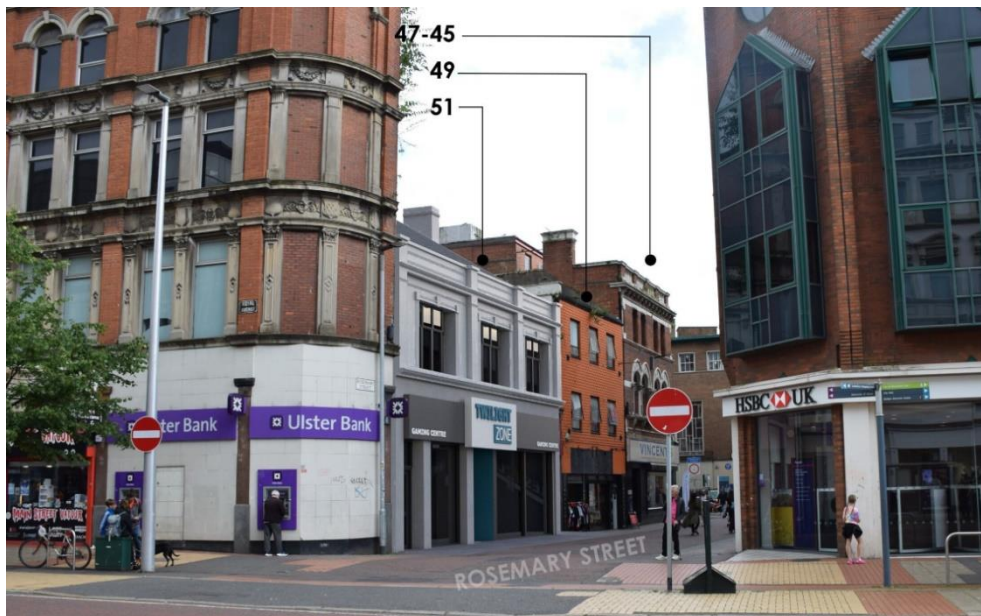
(b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise.

7. Paragraph 7.4.16 of Policy BH2 of the Plan Strategy states: *'New development in conservation areas should respect its context in terms of massing, scale, elevational appearance, materials and quality. The general objective is to be sensitive to the surrounding built heritage and characteristic built form. New development should not compromise key views within, into and out of the conservation area. New development should therefore seek to reinforce character and be determined by the context of the surrounding built form to prevent erosion of character from development considered inappropriate due to scale, massing, form and/or materials.'*
8. Paragraph 6.18 of the Strategic Planning Policy Statement for NI (SPPS) is also applicable. Consistent with Section 104(11) of the Act, it states that: *'In managing development within a designated Conservation Area the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise.'*
9. Paragraph 6.19 of the SPPS goes onto state: *'In the interests of preserving or enhancing the character or appearance of a Conservation Area, development proposals should:*
 - be sympathetic to the characteristic built form of the area;
 - respect the characteristics of adjoining buildings in the area by way of its scale, form, materials and detailing;
 - not result in environmental problems such as noise, nuisance or disturbance;
 - protect important views within, into and out of the area;
 - protect trees and other landscape features contributing to the character or appearance of the area;
 - conform with the guidance set out in any published Conservation Area design guides; and
 - only consider the demolition of an unlisted building where the planning authority deems that the building makes no material contribution to the character or appearance of the area and subject to appropriate arrangements for the redevelopment of the site.'
10. The site is quite prominent, located on the entry to Rosemary Street from Royal Avenue, as depicted in the photograph overleaf (the site is to the right of the Ulster Bank and currently finished in a purple colour).



11. The proposal is for a change of use of the premises to an adult gaming centre only. No external alterations are proposed. Adult gaming centre shopfronts are by their nature largely screened so as not to publicise the activities inside. Some Members of the Committee expressed concern about the proposal presenting an inactive frontage within the Conservation Area. However, the shopfront would not be completely inactive as there would be the comings and goings of patrons and some activity within the shopfront, such as signage and most likely illumination, similar to the other uses within Rosemary Street.

12. The applicant has provided an image to illustrate the proposed gaming centre, which is reproduced below. The applicant is proposing to refurbish the shopfront, finishing it in either grey (first image, below) or white (second image).





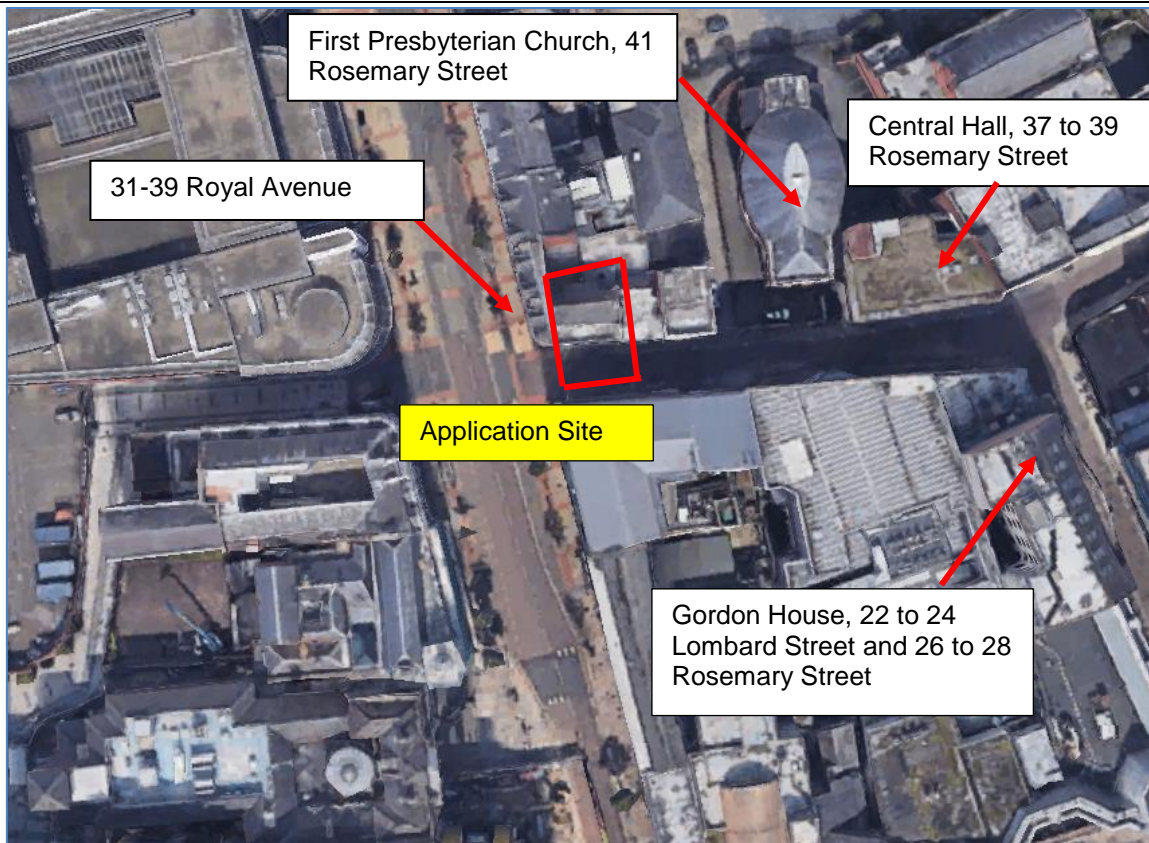
13. Internal conservation advice offers no objection to the proposal: *'The drawings associated with this application would not indicate that any elevational changes are proposed. There is therefore no objection to this proposal from a conservation viewpoint. Comment will be made on any advertisement consent, shopfront applications that come forward in due course.'*

14. In line with para 6.18 and 6.19 of the Act, an opportunity to enhance the conservation area at this location does exist. The advice of officers, as stated in the original committee report, is that as the proposal does not propose any external alterations, it would not adversely impact on the character and appearance of the Conservation Area. Moreover, the refurbishment of the existing shopfront for the proposed new use would represent an enhancement. However, this is a matter judgement for the Committee.

Impact on the setting of Listed Buildings

15. There are a number of Listed Buildings in the vicinity of the site, as shown in the map below, and notably as follows:

- Nos. 31 to 39 Royal Avenue to the west of the site – Grade B2
- First Presbyterian Church, 41 Rosemary Street to the east – Grade A
- Central Hall, 37 to 39 Rosemary Street to the east – Grade B1
- Gordon House, 22 to 24 Lombard Street and 26 to 28 Rosemary Street – Grade B1



16. Section 91(2) of the Act states that: *'In considering whether to grant planning permission for development which affects a listed building or its setting, and in considering whether to grant listed building consent for any works, a council... must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'*

17. Policy BH1 of the Plan Strategy relates to proposals affecting a Listed Building. Policy BH1 states that planning permission will be granted for new development affecting the setting of listed buildings where the following criteria are met:

- a. *The development is sympathetic to the essential characteristic, scale, height, massing and alignment of the listed building by way of its scale, form, materials and detailing;*
- b. *The development does not result in the significant loss of key views of the listed building;*
- c. *The nature of the use proposed respects the character of the setting of the building;*
- d. *The development does not have a detrimental impact on the setting of the listed building; and;*
- e. *The development has regard to relevant supplementary planning guidance.*

18. DfC HED has been consulted. It advises that: *'We have no comment to make as HED consider that we have no remit to comment on this application with respect to policy.'* This position is likely because the proposal only involves a change of use of the property and does not include any external alterations to the building.

19. Officers consider that the proposal is acceptable in respect of its impact on the setting of nearby Listed Buildings having regard to HED's advice and the assessment set out in the original Committee report, appended. However, ultimately this is again a matter of judgement for the Committee.

Conflict with Policy SP3 of the Plan Strategy

20. Policy SP3 of the Plan Strategy states that: *'The Council will support development that maximises opportunities to improve health and wellbeing. Development will not be permitted where it will result in significant harm to life, human health or wellbeing.'*

21. Policy SP3 is one of a series of strategic policies that detail *'...the overarching Plan Strategy that embodies the broad principles upon which the LDP is built. The overarching strategic policies are to be used both as a guide to assist developers to deliver the key aims and objectives of the LDP and, along with the more detailed policies, in assessing development proposals to make planning decisions.'* (paragraph 5.0.1 of the Plan Strategy).

22. Policy SP3 is therefore a high-level policy and is not considered directly applicable to a small-scale proposal of this nature, particular given that the policy relates to the objective of 'improving health and wellbeing'. Whereas the proposal is for an adult gaming centre. The justification and amplification section to Policy SP3 refers to the importance of connectivity, the design and layout of new development to promote health and wellbeing and energy efficiency. None of these criteria can be said to be relevant to the proposal in a strategic sense. An assessment of the visual impact of the proposal is dealt with under the previous section of the report in terms of impact on the Conservation Area.

23. It is considered that refusing application on the basis of conflict with Policy SP3 would be unsustainable.

Conflict with the Housing Policy aims at paragraph 7.1.5 of the Plan Strategy

24. Paragraph 7.1.5 sets out the housing policy aims of the Plan Strategy. The overall objective is to ensure that sufficient land is available to meet the city's future housing requirements. The policy aims are reproduced at **Appendix 1**. They include, amongst others, the facilitation of city centre living to grow the residential population of the city centre.

25. Paragraph 7.1.5 is not considered to be directly applicable to the proposal. There is no evidence that the proposal would undermine housing policy. As set out in the original Committee report, the Council's Environmental Health team has advised no objection to the proposal and there are no substantive concerns about impact on amenity, nor that it would prejudice future housing growth in the city centre.

26. It is considered that refusing application on the basis of conflict with paragraph 7.1.5 would be unsustainable.

Recommendation:

27. Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions.

28. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and deal with any other issues that arise provided that they are not substantive.

Appendix 1 – Paragraph 7.1.5 of the Plan Strategy

Policy aims

- 7.1.5 The residential accommodation policies within the LDP will seek to address current and future residential needs by ensuring sufficient land is made available to meet future housing requirements. The housing policies will therefore aim to:
- Ensure an appropriate supply of land to accommodate the new housing required to grow the population;
 - Promote sustainable housing development within the urban footprint to secure a compact urban form and more sustainable patterns of development;
 - Facilitate city centre living to grow the residential population of the city centre, through the adaption and re-use of vacant and under-utilised land and buildings, particularly as part of mixed use developments;
 - Secure higher density development whilst protecting the quality of the urban environment and established residential environments;
 - Protect the small settlements and rural area from urban development pressures;
 - Manage the supply of housing, including affordable housing, in response to changing housing need;
 - Nurture the development of balanced local communities by achieving an appropriate mix of house types, sizes and tenures;
 - Secure mixed tenure housing developments;
 - Promote regeneration and renewal in areas of social need;
 - Build strong, inclusive and cohesive communities for people from all backgrounds; and
 - Ensure an appropriate supply of housing to provide for those with specialist housing need including specialist residential accommodation and care-related facilities specific accommodation for travellers, shared forms of housing and purpose built student accommodation.

ADDENDUM REPORT 1

Application ID: LA04/2023/4162/F

Committee Date: 18th June 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: Approval

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

Background:

This application was deferred at the Planning Committee on Tuesday 14th May 2024 to allow members of the Committee opportunity to visit the site. The site visit took place on Tuesday 21st May 2024. At the site visit Members raised queries regarding the condition of the front façade and roof of the building at first floor level.

The agent has confirmed the front façade of the building will be refurbished as part of the change of use and overall investment into the site, however no physical alterations are to take place. The proposal relates solely to the change of use of the ground floor unit of the site. A condition can be added any permission ensuring refurbishment of the façade.

This report should be read in conjunction with the original Committee report, appended.

Recommendation

Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and deal with any other issues that arise provided that they are not substantive.

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.

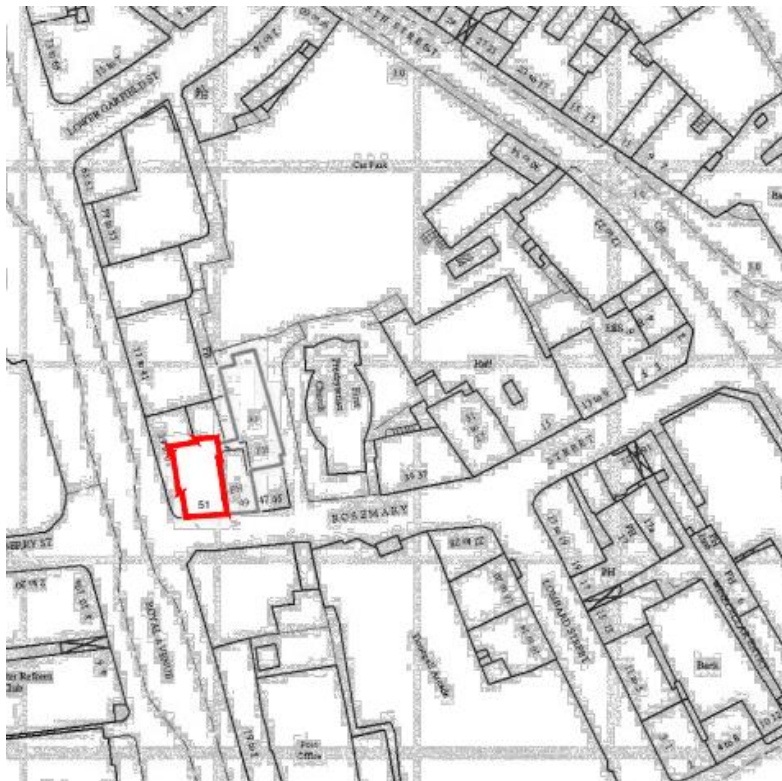
The proposal complies with Plan Strategy Policies SP3 – Improving Health & Wellbeing, RET 1 Establishing a centre hierarchy, RET 5 Primary retail area, Policy ENV 1 – Environmental Quality, BH1 Listed Buildings, BH2 Conservation Areas, TRAN 8 Car Parking and Servicing Arrangements.

Recommendation

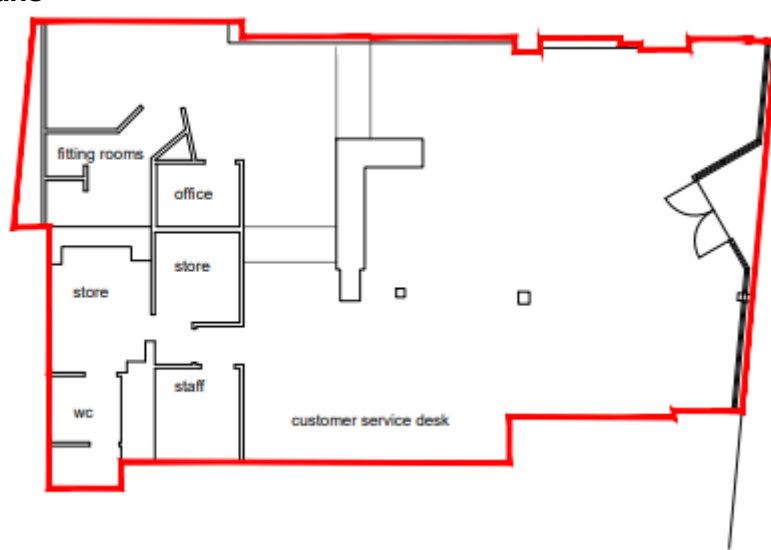
It is recommended that planning permission is granted with delegated authority sought for the Director of Planning and Building Control to finalise the wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.

Case Officer Report

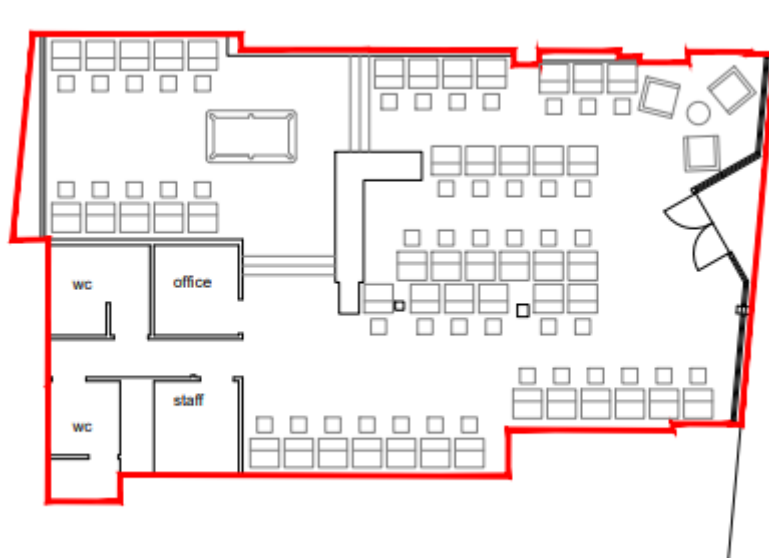
Site Location Plan



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	Assessment
9.1	The proposal is considered to be in compliance with the Development Plan.
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>Principle of the Change of Use</p>
9.3	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.
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.
9.5	<p>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>
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.
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.
9.8	<p>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.
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:
9.10	<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.

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.

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.

9.11

- **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.

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.'

Two of these units are greater than 5mins walking distance and therefore are not considered to result in proliferation in the nearby area.

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.

9.12

- **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 '*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.*' At 31-39 Royal Avenue.

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;

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.

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.

Building Control Officers consider the area is not one that is predominantly residential in character.

Impact on the Character and Appearance of the Area/Conservation Area.

- 9.13 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.
- 9.14 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.
- 9.15 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.
- 9.16 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 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.
- Impact on Amenity**
- 9.17 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.
- 9.18 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.
- 9.19 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

<p>9.20</p> <p>9.21</p>	<p>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.</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>
<p>10.0</p>	<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>
<p>11.0</p>	<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.