



PLANNING PERMISSION

Planning Act (Northern Ireland) 2011

Application No: **LA04/2023/4162/F**

Date of Application: **10 October 2023**

Site of Proposed
Development:

51 Rosemary Street
Town Parks
Belfast
Antrim
BT1 1QB

Description of Proposal:

**Change of use from retail unit to amusement arcade and
adult gaming centre.**

Applicant: Sam Stranaghan
Address: EZE Gaming Ltd
Ava House

14 Prince Regent Road
Belfast
BT5 6QR

Agent: Sam Stranaghan
Address: EZE Gaming Ltd
Ava House

14 Prince Regent Road
Belfast
BT5 6QR

Drawing Ref: 01, 02, 03, 04

The Council in pursuance of its powers under the above-mentioned Act hereby

GRANTS PLANNING PERMISSION

for the above mentioned development in accordance with your application subject to compliance with the following conditions which are imposed for the reasons stated:

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.

2. The hereby approved Amusement Arcade and adult gaming centre shall only be operational between the hours of 12.00 and 23.00 on a Sunday.

Reason: To safeguard the amenity of neighbouring properties.

Informatives

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.

Dated: 4 October 2024

Authorised Officer:



Place and Economy Department
Planning and Building Control

Belfast Planning Service
Cecil Ward Building
4 – 10 Linenhall Street
BELFAST
BT2 8BP



Bill McAlister
34 Ballybarnes Road
Newtownards
BT23 4UE

Date: 28 October 2024
Your Ref: None
Our Ref: LA04/2024/1688/NMC
(Please quote at all times)

Contact: Conor Merron

Tel: 02890 500510



Dear Sirs,

LA04/2024/1688/NMC

Proposal: - Non-material change to alter wording of condition no.2 of planning application LA04/2023/4162/F

Location: - 51 Rosemary Street, Belfast, BT1 1QB

I refer to the above application for a Non-Material Change to planning permission (LA04/2023/4162/F). The planning permission was granted on 28th April 2023.

Legislative Framework

Section 67 of the Planning Act (Northern Ireland) 2011 gives the Council the power to make a Non-Material Change to a planning permission. The Council must be satisfied that the change is not material. In deciding whether a change is material, the Council must have regard to the effect of the change, together with any previous Non-Material Changes granted.

Section 67 (3) gives the Council the power to impose new conditions; and to remove or alter existing conditions.

Background

The purpose of the Non-Material Change is to amend condition 2 of planning approval LA04/2023/4162/F which states: -

The hereby approved Amusement Arcade and adult gaming centre shall only be operational between the hours of 12.00 and 23.00 on a Sunday.

Reason: To safeguard the amenity of neighbouring properties.

Guidance

Development Management Practice Note 25: Non-Material Changes, published by the Department for Infrastructure in April 2015, is relevant.

There is no statutory definition of a Non-Material Change. Discretion rests with the Council as to whether the amendments constitute a non-material change to a planning permission within the scope of the original permission.

Paragraph 7.5 of the Practice Note 25 states that a council may wish to assess whether a proposed change may give rise to any of the following. It is stressed that this is not a comprehensive list and each application for a Non-Material Change must be judged on its own merits.

1. any potential conflict with planning policy;
2. any alteration to the application site boundary;
3. any potential conflict with any of the conditions on the planning permission;
4. an exacerbation of concerns raised by third parties at the original application
5. an extension to development already approved;
6. an increase in height of the building or extension;
7. any potential overlooking of a neighbouring property;
8. a material change in the design of the building;
9. new works or elements not considered by any environmental statement submitted with the application;
10. the requirement for any consultations to be undertaken or any public advertising or neighbour notification.

Assessment

The proposed Non-Material Change seeks to amend the wording of condition 2 to provide clarity on the opening hours of the Amusement Arcade and adult gaming centre. The amendment will not alter the original purpose of the condition but rather clarify that the Amusement arcade/adult gaming centre will be operational between Monday and Saturday, with no restrictive opening hours and operate on a Sunday between the hours of 12.00 and 23.00. The proposed amendment does not conflict with advice provided by Environmental Health.

The applicant initially sought to change the wording of the condition from:

- *The hereby approved Amusement Arcade and adult gaming centre shall only be operational between the hours of 12.00 and 23.00 on a Sunday.*

Reason: To safeguard the amenity of neighbouring properties.

to

- *The hereby approved Arcade and Adult Amusement Centre shall be open Monday to Saturday with no restricted opening hours and on a Sunday between the hours of 12.00 and 23.00hrs*

To ensure the proposed amendment is considered non-material and the reasoning of the original condition is retained it was agreed with the applicant to amend the condition to read:

- *'When open on a Sunday the Arcade and Adult Amusement Centre hereby approved shall only operate between the hours of 12.00 and 23.00hrs*

Reason: To safeguard the amenity of neighbouring properties.'

The proposed amendment as noted above is considered non-material and there is no conflict with the considerations of paragraph 7.5 of the Development Management Practice Note. It does not alter the original purpose of the condition, despite changing its wording. The amended wording provides greater clarity on the restrictions for operating on a Sunday.

Decision

The Council approves the Non-Material Change. Condition 2 of planning approval LA04/2023/4162/F is amended as follows (edits in bold):

When open on a Sunday the Arcade and Adult Amusement Centre hereby approved shall only operate between the hours of 12.00 and 23.00hrs

Reason: To safeguard the amenity of neighbouring properties.

Administration

A copy of this decision will be published on the Planning Portal alongside the decision for the original planning permission so that they can be ready together.

The applicant is referred to the informatives attached to the decision.

Please let the Planning Service know should you require any further assistance.

Yours sincerely,



Director of Planning and Building Control