

Development Management Report Committee Application

| Summary | |
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| Application ID: LA04/2023/3462/F | Date of Committee: 12 th December 2023 |
| Proposal: Proposed Change of Use of vacant first floor restaurant seating, storage and ancillary space to amusement and gaming to facilitate extension to existing ground floor amusement and gaming premises. | Location: 24- 28 Bradbury Place Belfast BT7 1RS |
| Referral Route: Referral to the Planning Committee under section 3.8.2 (d) of the Scheme of Delegation | |
| Recommendation: | Approve |
| Applicant Name and Address: Sonia Mullan 24-28 Bradbury Place Belfast Bt7 1RS | Agent Name and Address: Ryan Brace Building 104 - Ebrington Derry / Londonderry BT47 6FA |
| <p>Executive Summary:</p> <p>The proposal is for a Change of Use of vacant first floor restaurant seating, storage and ancillary space to amusement and gaming to facilitate extension to existing ground floor amusement and gaming premises.</p> <p>The site is located within a building of a modern design situated within a row of terrace buildings. The building has two storeys and a glass frontage. The surrounding area is of mixed use containing a mix of retail, offices, bars, restaurants and a hotel opposite. Building heights vary between single and two storey buildings on the side of the street the site is on and 3-4 storeys on the opposite side.</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 area • Impact on amenity <p>Previous approvals have established that given the city centre location and mixed use of the area an amusement arcade is suitable in this location.</p> <p>There is no impact on the character and appearance of the area given the extension is located on the first floor of the existing building, there are no changes to the associated frontage.</p> <p>Building Control Service were consulted and consider that the proposed planning application does not conflict with the assessment criteria for the suitability of the location for amusement arcade use, as laid down in Belfast City Council's Amusement Permit Policy. In addition Environmental Health, DFI Roads and NI Water were consulted and had no objections.</p> <p>No third party representations were received.</p> | |

Proposal complies with Plan Strategy Policies SP3 – Improving Health & Wellbeing , DES 1 Principles of Urban Design and Policy ENV 1 – Environmental Quality.

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

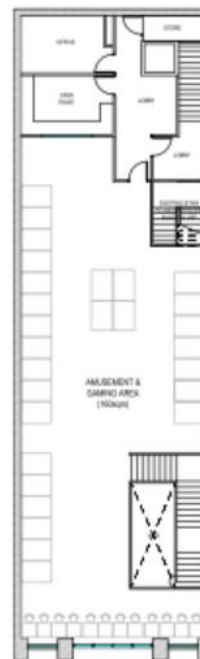
Site Location Plan



Proposed Floor Plans



EXISTING FIRST FLOOR PLAN
SCALE 1:50



PROPOSED FIRST FLOOR PLAN
SCALE 1:50

| Characteristics of the Site and Area | |
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| 1.0 | <p>Description of Proposed Development Proposed Change of Use of vacant first floor restaurant seating, storage and ancillary space to amusement and gaming to facilitate extension to existing ground floor amusement and gaming premises.</p> |
| 2.0 | <p>Description of Site The site is located within a building of a modern design situated within a row of terrace buildings. The building has two storeys and a glass frontage. The surrounding area is of mixed use containing a mix of retail, offices, bars, restaurants and a hotel opposite. Building heights vary between single and two storey buildings on the side of the street the site is on and 3-4 storeys on the opposite side.</p> <p>The site is located within the City Centre as defined by and draft BMAP (v2004 and 2014).</p> |
| Planning Assessment of Policy and other Material Considerations | |
| 3.0 | <p>Site History</p> <p><i>Application site:</i></p> <p>Z/2013/0608/F, 24-28 Bradbury Place, Belfast, BT7 1RQ, Proposed change of use from fast food outlet to coffee shop and amusement arcade on the ground floor only, Permission Granted, 25.09.2013</p> <p>LA04/2021/1242/F, 28 Bradbury Place, Belfast, BT7 1RQ, Proposed change of use from coffee shop to extension of amusement arcade on the ground floor. Permission Granted.</p> <p><i>Surrounding Area:</i></p> <p>Z/2014/0448/F, 22-23 Shaftesbury Square, Belfast, Change of use of ground floor of No. 23 to amusement arcade including extension and frontage alterations to allow for amalgamation with No22. – Permission Granted 01.01.2015</p> <p>LA04/2021/2846/F, 22-23 Shaftesbury Square, Belfast, Change of use of ground floor of No. 23 to amusement arcade including extension and frontage alterations to allow for amalgamation with No22. – Permission Granted</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: SP2 Sustainable Development TRAN 8 Car Parking and Servicing Arrangements ENV 1 Environmental Quality ENV 2 Mitigating Environmental Change ENV3 Adapting to Environmental Change ENV 5 Sustainable Drainage Systems (SuDS)</p> |

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| | <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 | Statutory Consultees Responses DFI Roads- No objection |
| 6.0 | Non Statutory Consultees Responses NI Water - No objections Environmental Health - No objections |
| 7.0 | Representations The application was advertised on the 18 th July 2023 and neighbour notified on 20 th July No representations were received. |
| 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 |
| 9.3 | <p>Principle of the Change of Use Building Control advises that the premises to the rear have been operating as an amusement arcade since 2017. Both planning (Z/2013/0608/F) and an amusement permit were granted at the time. A further extension was approved under the application LA04/2021/1242/F to extend to the front into a vacant coffee shop.</p> |
| 9.4 | The site is located within the City Centre as defined by both BUAP and draft BMAP where main town centre uses, including amusement arcades, are acceptable in principle as per the Sensitive Uses SPG. Previous permissions have established the location as suitable for an amusement arcade given the city centre location and mixed use of the area. There are no residential dwellings or schools within close proximity to the site. |
| 9.5 | 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. |
| 9.6 | Building Control note that whilst there are no other amusement arcades on this commercial frontage there are 3 others operating nearby within approximately 200m walking distance of the application premises. These are: |

- Players, 22-23 Shaftesbury Square (54 machines)
- Oasis gaming centre 1-7 Donegall Road/14 Shaftesbury Square (63 machines)
- Onassis Amusements, Second floor, 25-41 Botanic Avenue (183 machines)

9.7

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:

- **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. However, the site is outside the retail core. 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 adjacent premises being made up of bars, fast food and restaurants. The site to the south is being redeveloped as purpose built managed student accommodation. There is therefore no conflict with this criterion.

In relation to this criterion Building Control Officers state 'As the proposal is located on the first floor it will not break up a continuous shopping frontage at ground floor level.'

- **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), including the ground-floor extension or merger of an existing establishment into an adjoining unit.

The proposal is to extend an existing amusement arcade into the first floor of the premises and does not create a second unit and is not within a gateway location. In this regard, the proposal is acceptable.

In relation to this criterion Building Control Officers state 'the application premises currently provides 66 machines on the ground floor. This application could, in theory, enable it to double its provision to 132 machines. 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.'

- **Proximity to residential use** – the Policy seeks to prevent amusement arcades in areas that are predominantly residential in character. They will also not be granted in non-residential property that is immediately adjacent to residential property. The area in question is largely commercial in question although student accommodation is being constructed on the site to the south. Regard is had to the fact that the proposal is to extend an existing amusement arcade, not to create a new one. In these respects, the proposal is acceptable.

Building Control Officers consider the area is primarily characterised as a mix of uses typically found in a City Centre location and is therefore not one that is predominantly residential in character.

9.8

Building Control state that 'In the main, Building Control Service considers that the proposed planning application does not conflict with the assessment criteria for the suitability of the location for amusement arcade use, as laid down in Belfast City Council's Amusement Permit Policy, save for the fact that the proposed amusement arcade on the first floor will be adjacent on one side to two studios and living/kitchen space for students in the new student accommodation block.'

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| 9.9 | The proximity to the student accommodation block is considered paragraph 9.14 considering the impact on amenity. |
| 9.10 | <p>Additionally Building Control note that while the application may comply with a particular aspect of planning policy which relates to a cumulative build up in that it will not increase the number of amusement arcades along the commercial frontage, 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.</p> <p>Impact on the Character and Appearance of the Area.</p> |
| 9.11 | The proposal does not introduce a new amusement arcade within the surrounding area, it extends an existing ground floor amusement arcade to a vacant first floor. Given the proposal is located on the first floor of the premises it will not impact the character and appearance of the area and will not break up the continuous shopping frontage. |
| 9.12 | <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 that the proposal extends an existing amusement arcade rather than the creation of a new use. The Sensitive Uses SPG does not restrict extensions to existing amusement arcades.</p> <p>Impact on Amenity</p> |
| 9.13 | The Sensitive Use SPG states that noise is a consideration for Amusement Arcades and given the size of the extension (potentially from 66 machines to 132) any impact in terms of noise may be exacerbated. Environmental Health were therefore consulted and had no objections given the mixed commercial area the site is within. |
| 9.14 | Neighbouring the site is the construction of a student accommodation block and Building Control note that the proposed amusement arcade on the first floor will be adjacent on one side to two studios and living/kitchen space for students in the new student accommodation block. There are no windows proposed on the gable wall of the building and therefore no impact on the two studios. |
| 9.15 | 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, Principles of Urban Design DES 1 with criteria f, h and k met and Policy ENV 1 – Environmental Quality, in that the proposal will not result in an unacceptable adverse impact on the environment. |
| 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> |

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| | <p>2. Prior to occupation, the walls and floors of the amusement arcade shall be lined with a suitable sound insulation material to provide and noise reduction value of 60 Db (A) in adjacent premises. This sound insulation shall be retained at all times. Reason: In the interests of public amenity.</p> <p>3. The extended amusement arcade hereby approved shall at all times remain part of the same planning unit as the amusement arcade at No. 28 Bradbury Place (shown blue in the location plan provided with the application) and shall not be sub-divided or operated as a separate amusement arcade. Reason: To prevent proliferation of amusement arcades in the locality, which would be detrimental to the amenities and character of the area.</p> |
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| <p>Notification to Department (if relevant) N/A</p> | |