

Committee Application

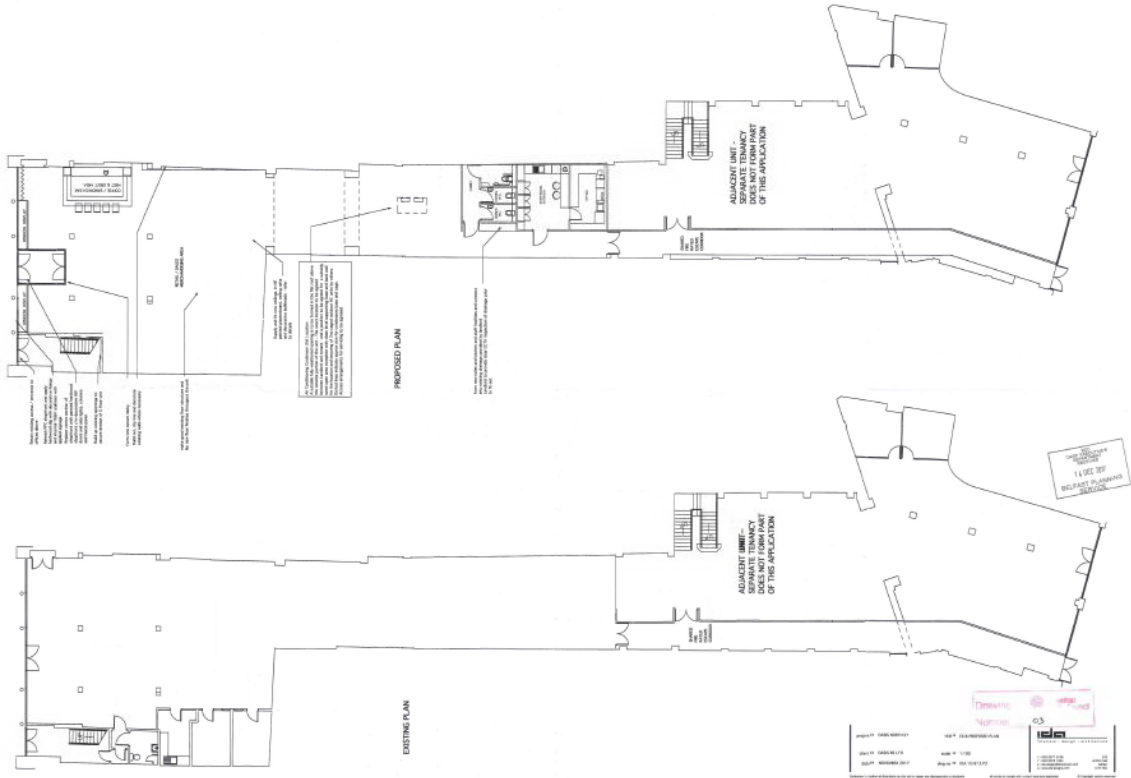
Development Management Report	
Application ID: LA04/2018/0098/F	Date of Committee: 17 April 2018
Proposal: Change of use from retail to amusement arcade and alterations to shop front	Location: 73-75 North Street Belfast BT1 1NL
Referral Route: Amusement arcade	
Recommendation:	Approval
Applicant Name 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:	
<p>Full planning permission is sought for the change of use from retail to amusement arcade and alterations to shop front.</p> <p>The key issues in assessment of the proposed development include:</p> <ul style="list-style-type: none"> • The principle of an amusement arcade at this location • Impact on amenity • Impact on traffic flow • Acceptability of elevation changes on Conservation Area • Impact on the setting of listed buildings <p>The site is located within the city development limits for Belfast as designated within the Draft Belfast Metropolitan Area Plan 2004. It falls within the Cathedral Conservation Area and is in the curtilage of a listed building.</p> <p>DfI Historic Environment Division, DfI Roads, BCC Environmental Health and BCC Building Control were consulted. There are no objections to the proposal.</p> <p>No representations were received.</p> <p>Recommendation</p> <p>It is recommended that the application is approved.</p>	

Characteristics of the Site and Area

1.0 Description of Proposed Development

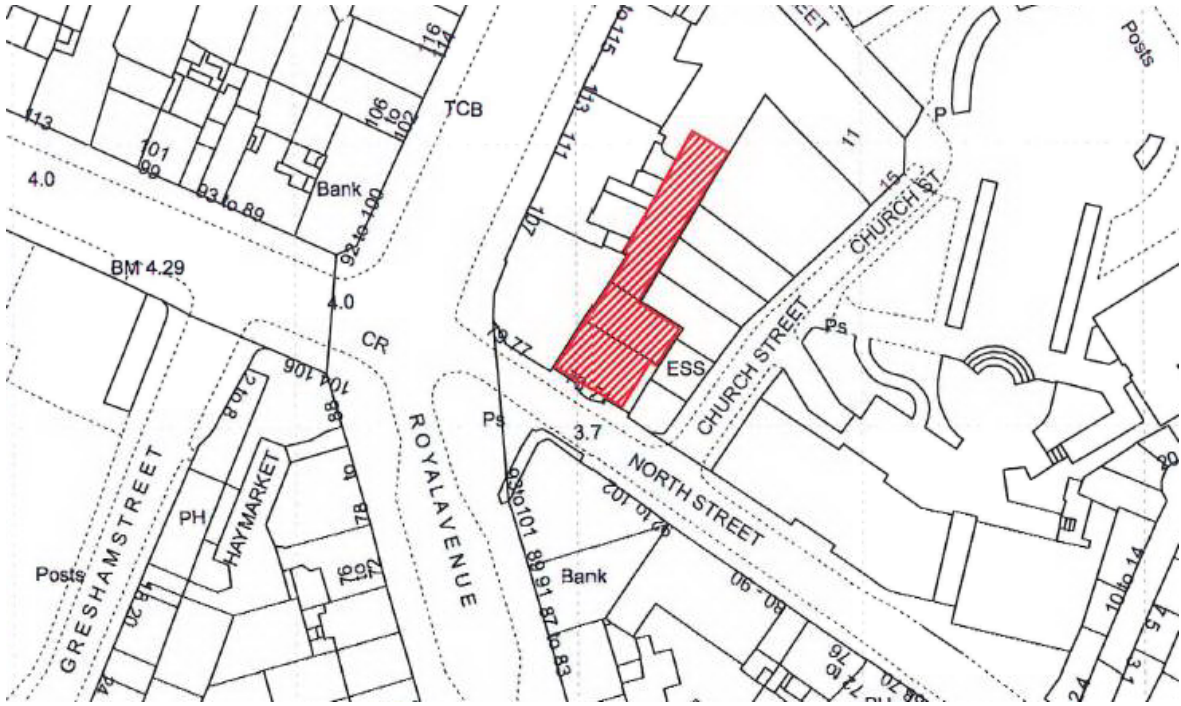
The proposal is for the change of use of the premises from retail an amusement arcade centre for persons of 18 years and over and is to include a lounge area, coffee making facilities, ancillary office space and toilet provision. It also includes alterations to the shop front.

1.1 Existing and Proposed Floor Plans



2.0 Description of Site

The site is located at 73-75 North Street, near the junction with Royal Avenue in Belfast City Centre. It consists of a 3-storey commercial building. The premises is currently vacant and was formerly in use as a furniture showroom. It falls within the Cathedral Conservation Area and is within the curtilage of a listed building. The character of the area is representative of the city centre, composed primarily of retail use.

<p>2.1</p>	<p>Site Location</p> 
<p>Planning Assessment of Policy and other Material Considerations</p>	
<p>3.0</p>	<p>Site History</p> <p>Z/1980/1718 - 71/73 LOWER NORTH STREET - SUB-DIVISION TO PROVIDE TWO SHOP UNITS - PERMISSION GRANTED</p> <p>Z/1987/2181 - 71/73 NORTH STREET - Refurbishment of shop/offices including new front façade - PERMISSION GRANTED</p> <p>Z/1991/2117 - 71/75 NORTH STREET - Erection of shop and offices - PERMISSION GRANTED</p> <p>Z/1992/2516 - 75 NORTH STREET - Reconstruction of a portion of existing building at rear - PERMISSION GRANTED</p> <p>Z/2010/1532/F – Demolition, redevelopment and part change of use of existing buildings to create mixed use development – PERMISSION GRANTED 11.10.12</p>
<p>4.0</p>	<p>Policy Framework</p>
<p>4.1</p>	<p>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 - Policy BH11 - Policy BH12 DCAN 1: Amusement Centres</p>

5.0	Statutory Consultees Responses
5.1	None
6.0	Non Statutory Consultees Responses
6.1	BCC Environmental Health – no objection
6.2	BCC Conservation Officer – no objection
6.3	DfI Roads – no objection
6.4	DfC HED – no objection
7.0	Representations
7.1	The application has been neighbour notified and advertised in the local press. 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 Arcade at Location</u>
9.4	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.
9.5	According to the applicant, the proposed Oasis amusement arcade is relocating to the site from 19 North Street, which is to be demolished to facilitate the mixed use Royal Exchange development granted under Z/2010/1532/F. In this regard the proposal is not for a new amusement arcade but rather the relocation of an established facility. However, since planning permission runs with the land, a formal mechanism will be needed to make sure that the existing and proposed premises do not operate concurrently as amusement arcades. The applicant has been asked to put forward a mechanism. One option would be a Section 76 Planning Agreement to require that on first occupation of the new premises, the existing premises at 19 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.
9.6	The retail composition of North Street currently falls below the 25% R1 threshold. The relocation of the non-retail use floorspace, subject to the appropriate mechanism, will therefore not materially harm the implementation of this policy. However, once the Royal Exchange scheme is implemented the amount of non-retail frontage on North Street will reduce considerably. It is therefore considered that there will be no harmful impact upon the retail character of the area by the proposed change of use.
	<u>DCAN 1 Impact on Amenity/Character of Surroundings</u>
9.7	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.
9.8	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.
9.9	The proposed location for the amusement centre is near to the retail core of Royal Avenue and adjacent to a mixture of uses including commercial offices, cafes and restaurants. There is no residential use in the immediate vicinity. Both the University of Ulster Belfast campus and St Anne's Cathedral are considered sufficiently distanced from the site to be affected by the proposal. While the site does fall within a Conservation Area as there are no significant changes to the appearance of the building it is not considered that there will be any adverse impact on the character of the area.
9.10	The Council's Environmental Health Unit was consulted for comments about the proposal in terms of potential adverse impact due to excessive noise etc. It has no objection to the proposal.
9.1	<u>Impact on Traffic Flow</u>
9.12	DCAN 1 states that consideration is called for where the 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.
9.13	The site is located at the top end of a one way street and near to the pedestrianised part of Royal Avenue. It is not considered that customers of the premises would be in any excessive danger in accessing the venue.
9.14	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, which is in a central location.
9.15	DfI Roads was consulted about the proposal and have no objection.

9.16	<u>Acceptability of Elevation Changes on Conservation Area</u>
9.17	<p>The proposed shopfront alterations comprise a painted hardwood shopfront with decorative hardwood doors, side lights, columns and fascia panel. The Council's Conservation Officer was consulted for comment and advised:</p> <p><i>The host building dates from 1992-93 and is of limited architectural / historic merit.</i></p> <p><i>The existing building – like it or not – is an architecturally unified composition – governed by a single design idea.</i></p> <p><i>A traditional style / Victorian shopfront is therefore somewhat contrary to visual and architectural unity – it is contextually inappropriate to the host building.</i></p> <p><i>However it is appropriate to the area and contributes to the reading of the area in legibility terms as being a Victorian / Edwardian commercial district.</i></p> <p><i>It also provides a distinctive base to the building and is keeping with the traditional architectural paradigm of horizontal subdivision of facades into base, middle and attic. In this respect it would be better to extend the treatment to the final bay of the ground floor – i.e. as per the character of the Conservation Area – in part ascribed by buildings with visually unified bases – it would be preferable if the treatment was extended to the entirety of the base of the building.</i></p> <p><i>Therefore, subject to this, on balance in my opinion the proposal is acceptable in terms of the wider character of the Conservation Area.</i></p>
9.18	<p>The proposed alterations to the shopfront are considered acceptable and compliant with BH 12 of PPS6. As the proposed alterations are minor and do not involve any structural demolition there is no requirement for additional conservation area consent.</p>
9.19	<u>Impact on Setting of a Listed Building</u>
9.20	<p>Historic Environment Division (HED) was consulted to consider whether the application for 73-75 North Street, Belfast affects HB26/50/068 103-107 Royal Avenue & 77-79 North Street, Belfast a Grade B1 listed building of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011. It responded that it is content with the change of use and with the alterations to the shop. The proposal is therefore considered compliant with Policy BH11 of PPS6 – Development Affecting the Setting of a Listed Building.</p>
9.21	<u>Building Control Consultation</u>
9.22	<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 (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. The proposal did, 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>
9.23	<p>BC advised that should an Amusement Permit application come before the Licensing Committee, consideration will be given to the fact that the application relates to the relocation of an existing amusement arcade at 19 North Street and that it will be a matter for</p>

<p>9.24</p> <p>9.25</p> <p>9.26</p>	<p>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.</p> <p>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, provided that a mechanism is put in place to ensure that the existing and proposed amusement arcade premises do not operate concurrently.</p> <p><u>Conclusion</u></p> <p>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 and external alterations are considered acceptable. Delegated authority is sought for the Director of Planning and Place to approve the application subject to conditions and the appropriate mechanism being put in place.</p>
<p>10.0</p>	<p>Summary of Recommendation: Approval</p>
<p>11.0</p>	<p>Conditions</p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>Informatives</p> <p>1. CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT (NORTHERN IRELAND) 2011</p> <p>The applicant is advised to ensure that all plant and equipment used in connection with the development is so situated, operated and maintained as to prevent the transmission of noise to nearby retail accommodation.</p> <p>Should any unforeseen ground contamination be encountered during the development, and in order to protect human health, all works on the site should immediately cease. Belfast City Council should be informed and a full written risk assessment in line with current government guidance (Model Procedures for the Management of Land Contamination-CLR11) that details the nature of the risks and any necessary mitigation measures and verification (if required) should be prepared and submitted for appraisal.</p> <p>2. AMUSEMENT PERMIT</p> <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>

Notification to Department (if relevant)

N/A

Representations from Elected members:

N/A