

## Committee Report

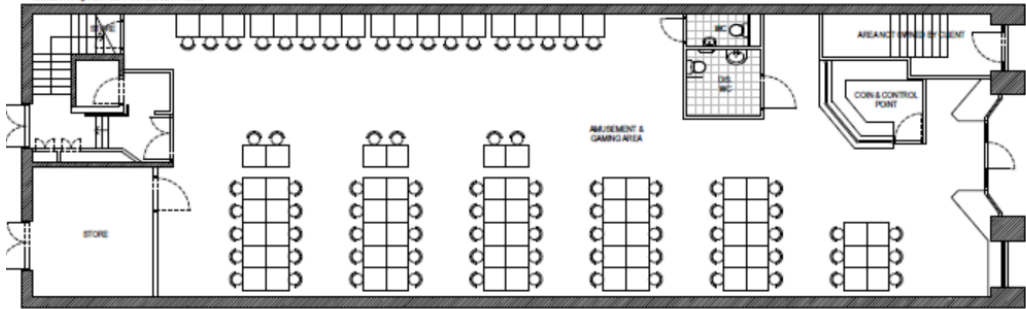
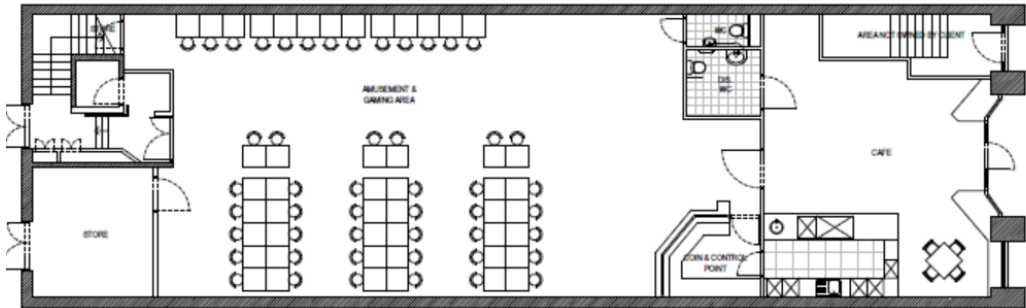
Development Management Report	
<b>Application ID:</b> LA04/2021/1242/F	<b>Date of Committee:</b> 15 <sup>th</sup> March 2022
<b>Proposal:</b> Proposed change of use from coffee shop to extension of amusements arcade on the ground floor	<b>Location:</b> 28 Bradbury Place Belfast BT7 1RQ
<b>Referral Route:</b> Amusement Arcade (par. 3.8.2 (d) of the Scheme of Delegation)	
<b>Recommendation:</b> Approval	
<b>Applicant Name and Address:</b> Gareth Raymond McCausland 28 Bradbury Place Belfast BT7 1RQ	<b>Agent Name and Address:</b> Shane Birney Architects Building 80/81 Ebrington Derry BT47 6FA
<b>Executive Summary:</b> <p>The proposal is for a change of use from a coffee shop to form an extension of an existing amusement arcade on ground floor at 28 Bradbury Place, Belfast.</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"><li>• Principle of amusement arcade in this location</li><li>• Impact on the character and appearance of the area</li><li>• Impact on amenity</li></ul> <p>The site is “white land” within BUAP and dBMAP and within the Belfast City Centre in both Development Plans. The surrounding area is of mixed character containing a variety of retail, offices, bars, restaurants and a hotel opposite. New purpose built managed student accommodation is being constructed on the land to the south. There are no family dwellings or schools in the immediate area.</p> <p>Environmental Health and DFI Roads offer no objections. Building Control, which is responsible for amusement licensing, is concerned that the proposal may 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>Officers advise that the proposal is to extend an existing amusement arcade and not to create new amusement arcade premises. The site is located within the 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> <p>No third-party objections have been received.</p> <p><b>Recommendation</b> It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the conditions.</p>	

# Case Officer Report

## Site Location Plan



## Block Plan



<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<p><b>Description of Proposed Development</b></p> <p>The application seeks planning permission for a change of use from coffee shop to extension of amusements arcade on the ground floor.</p>
<b>2.0</b>	<p><b>Description of Site</b></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 site is located within the City Centre as defined by both BUAP and draft BMAP.</p>
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<p><b>Site History</b></p> <p><u>Application site</u></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><u>Surrounding Area</u></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 This planning permission has not been implemented, the permit license was refused</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. – Under consideration This is a resubmission of the previous 2014 approval</p>
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan 2001
4.2	<p>Draft Belfast Metropolitan Area Plan 2015 (v2004 and v2015)</p> <p>The extant Development Plan is the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. Given the advanced stage that Draft BMAP had reached including modification after independent examination, the most recent version of Draft BMAP is considered to hold significant weight.</p>
4.3	<p>Belfast Local Development Plan – Draft Plan Strategy</p> <p>The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals</p>

	Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered Sound and adopted. Paragraph 1.10 states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.
4.4	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.5	Planning Policy Statement 3: Access, Movement and Parking
4.6	Development Control Advice Note 1: Amusement Centres
<b>5.0</b>	<b>Statutory Consultees Responses</b> DFI Roads – No objection
<b>6.0</b>	<b>Non-Statutory Consultees Responses</b> Environmental Health – No objections Building Control – Raises concerns about proliferation of amusement arcades in the area and cumulative impact (see main assessment of the report).
<b>7.0</b>	<b>Representations</b> The application was advertised on the 3 <sup>rd</sup> June 2021 and neighbour notified on 16 <sup>th</sup> June 2021. No representations were received.
<b>8.0</b>	<b>Other Material Considerations</b> BCC Amusement Permit Policy (2013)
<b>9.0</b>	<b>Assessment</b>
9.1	The key issues to be considered are: <ul style="list-style-type: none"> <li>• Principle of amusement arcade in this location</li> <li>• Impact on the character and appearance of the area</li> <li>• Impact on amenity</li> </ul>
	<b>Principle of amusement arcade in this location</b>
9.2	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.
9.3	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.
9.4	Building Control advises that the premises to the rear have been operating as an amusement arcade since 2017. Both planning permission (Z/2013/0608/F) and an amusement permit were granted at the time.
9.5	The current planning application seeks to extend the premises into the area of the redundant coffee shop at the frontage of the premises onto Bradbury Place. The site area is modest at 53 square metres.
9.6	Building Control has concerns about the proposal. It notes that it would extend the area of the existing amusement arcade by around a third. The Amusement Permit Policy seeks to avoid clustering of these uses in the interests of promoting the vibrancy and

	<p>regeneration of Belfast. Whilst there are no other amusement arcades on this commercial frontage, there are three others operating nearby within 200m walking distance of the application site. These are:</p> <ul style="list-style-type: none"> <li>• Players, 22-23 Shaftesbury Square</li> <li>• Oasis gaming centre, 1-7 Donegall Road/14 Shaftesbury Square</li> <li>• Onassis Amusements, 25-41 Botanic Avenue (2<sup>nd</sup> floor)</li> </ul>
9.7	<p>Building Control advises that the proposal would result in an 11% increase in gambling machines in the area (303 machines in total). It is concerned about a cumulative build-up of amusement arcades at this location, adversely impacting on the character and amenity of the area. Officers advise that whilst an Amusement Arcade permit can stipulate the number of gambling machines, it is not an offence to breach that number.</p>
9.8	<p>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:</p> <ul style="list-style-type: none"> <li>• <b>Impact on the retail vitality and viability of Belfast City</b> – 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.</li> <li>• <b>Cumulative build-up of amusement arcades in a particular location</b> – 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.</li> </ul> <p>The proposal is to extend an existing amusement arcade and does not create a second one and is not within a gateway location. In this regard, the proposal is acceptable.</p> <ul style="list-style-type: none"> <li>• <b>Proximity to residential use</b> – 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.</li> </ul>
9.9	<p>In a planning policy context, it is considered that it would be unreasonable to argue that the proposal would give rise to planning harm due to a proliferation of amusement arcades given that the proposal is to extend an existing amusement arcade, not to create new premises.</p>
9.10	<p>It is acknowledged that a new planning application has been received for an extension of the Players amusement arcade at 22-23 Shaftesbury Square (LA04/2021/2846/F) into the adjoining ground floor unit which is a resubmission of the previous lapsed 2014 planning permission (see planning history section above). In the 2014 planning permission at 22-23 Shaftesbury Square, officers did cite concern over the risk of any</p>

	<p>future gambling establishments resulting in the dominating cumulative build-up of such uses in the one area. Whilst taking this into account, the current proposal at Bradbury Place is for a small extension of existing amusement arcade within the same unit and not for the creation of a new one, therefore officers remain of the view that the proposal will not result in additional cumulative impacts. It is considered that this current application and that of 22-23 Shaftesbury Square can be considered on their own merits.</p>
9.11	<p>The Department's Development Control Advice Note 1: Amusement Centres (DCAN 1) is a material consideration, although it was published in 1983 and is a dated policy. It advises that relevant planning considerations include impact on amenity and the character of the area (discussed in the following sections of this report), and the impacts on road safety and traffic (DFI Roads advises no objection and the proposal is not considered to raise any access or transportation concerns).</p>
9.12	<p>DCAN 1 advises that amusement arcades are usually best located in districts of mixed commercial development. It also seeks to regulate proposals that would breakup an otherwise continuous shopping frontage. In this case, the site is located in a largely commercial area and the proposal would not breakup a continuous shopping frontage</p>
9.13	<p>In conclusion, the proposal is considered acceptable in principle. It is recommended that a condition is imposed to prevent future subdivision of the premises.</p>
9.14	<p><b>Impact on the character and appearance of the area</b></p> <p>The proposal is for a change of use only with no alterations to the exterior of the building. The frontage unit is currently an empty coffee shop with the front entrance to the existing amusement arcade at the rear being quite modest and not particularly noticeable. In this regard, the proposal would make the amusement arcade use much more prominent. However, it not considered that this would of itself significantly alter or harm the character and appearance of the area. In this regard, the proposal is acceptable.</p>
9.15	<p><b>Impact on amenity</b></p> <p>Bradbury Place has a largely commercial character although a Purpose Built Managed Accommodation facility comprising 100 bedrooms and 56 studio flats is under construction on the site to the immediate south. Environmental Health was consulted and has no objections. In view of the response from Environmental Health, it is considered that the proposal would not give rise to unacceptable noise and other environmental impacts. It is considered that the proposal would not give rise to demonstrable harm to the amenity of the area.</p>
9.15	<p><b>Conclusion</b></p> <p>Having regard for the Development Plan, relevant material considerations and above assessment, the proposal is considered acceptable. It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the conditions.</p>
<b>10.0</b>	<b>Summary of Recommendation: Approval</b>
<b>11.0</b>	<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>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.</p> <p>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.</p> <p>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><b>Notification to Department (if relevant)</b></p> <p>N/A</p>
<p><b>Representations from Elected members:</b></p> <p>None received.</p>

<b>Date Last Advertised</b>	4 <sup>th</sup> June 2021
<p><b>Details of Neighbour Notification</b> (all addresses)</p> <p>The Owner/Occupier, 18 Bradbury Place, Malone Lower, Belfast, Antrim, BT7 1RS, The Owner/Occupier, 20-22, Bradbury Place, Malone Lower, Belfast, Antrim, BT7 1RS, The Owner/Occupier, 21 Botanic Avenue, Malone Lower, Belfast, Antrim, BT7 1JG, The Owner/Occupier, 23 Botanic Avenue, Malone Lower, Belfast, Antrim, BT7 1JG, The Owner/Occupier, 23 Botanic Avenue, Malone Lower, Belfast, Antrim, BT7 1JG, The Owner/Occupier, 23-31, Bradbury Place, Malone Lower, Belfast, Antrim, BT7 1RR, The Owner/Occupier, 36 Bradbury Place, Malone Lower, Belfast, Antrim, BT7 1RT, The Owner/Occupier, 9-11, Botanic Avenue, Malone Lower, Belfast, Antrim, BT7 1JG,</p>	
<b>Date of Last Neighbour Notification</b>	22nd August 2013
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No