



Appeal Decision

Site Visit made on 11 May 2021

by Samuel Watson BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th June 2021

Appeal Ref: APP/E5900/W/20/3263732

Unit 3, 568A Roman Road, London E3 5ES

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Future Leisure Ltd against the decision of London Borough of Tower Hamlets.
 - The application Ref PA/20/01605, dated 28 July 2020, was refused by notice dated 16 October 2020.
 - The development proposed is the change of use from betting office (sui generis) to amusement centre (adult gaming centre) (sui generis).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from betting office (sui generis) to amusement centre (adult gaming centre) (sui generis) at Unit 3, 568A Roman Road, London E3 5ES in accordance with the terms of the application, Ref PA/20/01605, dated 28 July 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan and WH/Bo/02 prop
 - 3) No music or other amplified sound shall be played within the premises or any associated external area so as to be audible 1 metre from the façade of any residential property neighbouring the site.

Main Issue

2. The main issue in this case is the effect of the proposed change of use on sensitive facilities near the appeal site.

Reasons

3. The appeal site is located on a commercial street within the Roman Road East district centre. At the time of my visit I observed a street market and found the area to be busy and vibrant. The appeal site itself is a relatively narrow unit and is currently vacant, although its most recent use was as a betting office. From the evidence submitted, I understand that there are a number of facilities close to the appeal site which the Council consider to be sensitive, including a health centre, mental health centre, place of worship and education facilities. There are also residential properties on the upper floors of some buildings, including the appeal building.
4. Policy D.TC5 of the Tower Hamlets Local Plan 2031 (THLP) only supports new amusement centres where they are within the Central Activities Zone, Tower

Hamlets Activity Areas or Canary Wharf Major Centre. Given that the appeal site is not within any of these three areas it would conflict with the locational aims of Policy D.TC5.

5. However, it is significant that the proposal would involve the conversion of an existing betting office. In my view, both uses provide a space for gambling and are relatively similar in the services they provide and their clientele. I note that both of these uses are considered under Part 4 of Policy D.TC5 of the THLP. Whilst Policy D.TC5 supports betting offices within secondary frontages in district centres, the appeal site is within the primary shopping area where such a use is not supported. In that sense, the proposal would be replacing one unsupported use by another rather than resulting in the creation of an additional unsupported use.
6. That said, as set out by the Council, such uses will also be resisted where one or more of the three criteria at paragraph 4a-c are met. In this case, the Council consider that there is conflict with para 4b. Although I note the proposal would be close to a number of sensitive facilities, the Council has not specified the potential harm to these facilities or those attending them as a result of the change of use. However, from the information before me, it is likely that any harm would revolve around the potential of those under the age of 18, and those with gambling addictions having easy access to the amusement centre. In my judgement, given the current use of the appeal site as a betting office, the risk associated with both of these groups already exists. I therefore find that there would be no significant or unacceptable increase in harm as a result of this development. Whilst I am mindful of the fact that the unit is currently vacant it has the potential to be reopened in this use.
7. Whilst not forming part of the Council's reason for refusal of the application, I also note the Council's reference to THLP Policy S.TC1 which supports vibrant district centres that provide a wide range of shops, services, and employment. Additionally, the Council's Town Centre Strategy 2017-2022 identifies 'unhealthy businesses'. However, the proposal would not result in the loss of a 'healthy' business and to my mind, the proposal would have a neutral impact on the town centre.
8. Taking all of the above into account, I find that whilst there is clear conflict with Policy D.TC5, the change of use would not result in any additional harm to sensitive facilities or vulnerable people. As a result, the proposal would not conflict with the objectives of Policy D.TC5 or the overarching aims of the National Planning Policy Framework (the Framework).

Other Matters

9. I am mindful of the fact that the appeal site is within the Roman Road Market conservation area (RRMCA). Having regard to my statutory duty, I am satisfied that the appeal proposal would have a neutral effect upon the character and appearance of the RRMCA. Therefore, harm to the significance of the heritage asset would not occur.
10. I have also had regard to the other matters raised in the representations, including matters such as potential noise disturbance, and that it is not beneficial to the community nor is it family friendly. However, none of the matters raised provide for a compelling reason why conditional planning permission should not be granted.

Conditions

11. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance and in the interests of clarity and enforceability I have made some changes to the suggested wording. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty.
12. Given the close proximity to residential properties, a condition is necessary restricting the levels of noise produced at the appeal site in order to protect the living conditions of neighbouring residents.
13. The council have also suggested a condition relating to construction works at the site. However, whilst there is likely to be some noise and disruption as a result of any internal works associated with the change of use, this would be temporary and very limited, given the small scale of the development. I therefore find that a condition restricting the construction works is unnecessary.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR