



Appeal Decision

Site visit made on 30 May 2023

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2023

Appeal Ref: APP/W5780/W/22/3310682

Unit 1, 172-174 High Road, Ilford IG1 1LL

- 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 Chongie Entertainment Ltd against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 1445/22, dated 27 April 2022, was refused by notice dated 21 July 2022.
 - The development proposed is the change of use from former bank (Use Class E) to a sui generis adult gaming centre.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from a bank to an adult gaming centre at Unit 1, 172-174 High Road, Ilford IG1 1LL in accordance with the terms of the application, Ref 1445/22, dated 27 April 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Site Plan (Drawing Number: 01); Proposed Site Plan (Drawing Number: 02); Existing Elevation (Drawing Number: 03); Location Plan (Drawing Number: 04); License Plan (Drawing Number: 05); Block Plan (Drawing Number: 06).
 - 3) A window display shall be provided at all times at the ground floor window fronting High Road and the glass shall not be painted, tinted or otherwise obscured and no furniture, fixings or display wall which may obscure visibility shall be placed within 1 metre of the inside of the glass.
 - 4) Prior to first use, the ground floor of the building shall obtain a Secured By Design Accreditation. The development shall be carried out in accordance with the approved details and maintained as such thereafter.

Applications for costs

2. An application for costs was made by Chongie Entertainment Ltd against the Council of the London Borough of Redbridge. This application is the subject of a separate decision.

Preliminary Matters

3. The appellant submitted a Noise Impact Assessment Report¹ (NIA) with this appeal in order to address one of the main issues of the proposed development. It does not seek to evolve or amend the scheme. Moreover, having regard to the Wheatcroft principles², as the Council and interested parties were notified and had the opportunity to comment on this information at the appeal stage, I am satisfied that no one would be prejudiced by me taking the NIA into consideration.
4. For the avoidance of doubt, I have removed superfluous detail from the description of development in the formal decision above.

Main Issues

5. The effect of the proposal on;
 - the vitality and viability of Ilford town centre;
 - the amenity of the area, with particular regard to public safety and wellbeing and noise and disturbance; and
 - the character and appearance of the area.

Reasons

Vitality and viability

6. The appeal site is located within Ilford town centre which is designated as a metropolitan centre. The unit forms part of the primary shopping area and is within the primary shopping frontage.
7. Policy LP10 of the Redbridge Local Plan 2015-2030 (March 2018) (the RLP) seeks to promote the vitality and viability of the borough's town centres and diversify the range of uses by setting out a number of criteria. In order to support the primary retail function of primary shopping frontages, criterion (b) seeks a minimum 70% of ground floor units are used as A1 retail uses.
8. The Town and Country Planning (Use Classes) Order 1987 has been amended since the adoption of the RLP³. This amendment introduced Use Class E, which encompasses uses which previously fell under the now revoked Use Classes A, B and D. The former Use Class A1 is now covered by Use Class E(a), and a bank, which formerly fell under Use Class A2, now falls under Use Class E(c)(i).
9. It is clear that during the course of this appeal, the main parties agree that 70% or above of all units in the town centre are in use as retail. Thus, the threshold within Policy LP10 is met and criterion (d) is not therefore of relevance in this instance.
10. Policies SD6 of the London Plan, The Spatial Development Strategy for Greater London (March 2021) (the London Plan) and LP11 of the RLP also collectively seek to prevent overconcentration of betting/gambling shops, in order to promote a diverse range of uses which support the vitality and viability of town centres.

¹ Noise Impact Assessment Report, Report 25452.NIA.01, Chongie Entertainment Ltd

² Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

³ The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, 1 September 2020

11. There are a number of adult gaming centres and betting shops within the town centre, however they are well separated from the appeal site and not excessive in number. Moreover, the overall numbers are low compared to the total number of units within the town centre and, as noted above, retail remains the predominant use.
12. Furthermore, the evidence indicates that the appeal site has been vacant for a considerable length of time. This proposal would assist in reducing vacancy levels in the town centre and would reintroduce an active frontage at this site. It would diversify the strong retail provision and contribute towards the night-time economy thus enhancing the offer of the town centre. There may also be associated spending in the town centre by those visiting the appeal unit.
13. Taking all the above into consideration, the proposal would ensure a good mix of shops and services is retained and would not result in an over-concentration of adult gaming centres or similar, thus it would not undermine the vitality or viability of the town centre. It therefore complies with policies LP10 and LP11 of the RLP and Policy SD6 of the London Plan, the aims of which are set out above.

Amenity

14. I note the evidence regarding antisocial behaviour and crime rates within Ilford town centre, along with the concerns indicating that local residents, notably women, young people and children, feel unsafe particularly when near existing units in use as adult gaming centres and betting shops.
15. There is, however, no conclusive evidence which directly attributes the high levels of antisocial behaviour and crime rates within this area to the proposal or the existing number of similar uses. Although the appeal proposal would result in an additional adult gaming centre in the town centre, it would not result in an over proliferation of these uses, with retail remaining the predominant use.
16. I am not therefore convinced that this proposal, on its own and in combination with the existing low numbers of adult gaming centres overall, would be a source of or associated with crime and anti-social behaviour issues within the town centre, or prevent the nearby vicinity from being a family friendly space. It also seems to me that the proposal would be strictly controlled through separate legislation which seeks to prevent problem gambling and its associated effects, particularly for vulnerable people in deprived areas.
17. There are residential properties on the upper floors of units along this side of High Road, within close proximity to the appeal site. The proposed change of use seeks to be open 24 hours a day, seven days a week. I note there are other similar businesses within the town centre also operating under similar hours.
18. Even during unsociable hours, I consider it likely that customers of the proposal would enter and leave as they would a retail unit, typically in an orderly manner. Furthermore, the submitted NIA concludes that the resultant noise levels would fall within the no observed adverse effect level during the 24 hour use of the premises, thus it would not result in disturbance to residents living nearby.
19. Additionally, the evidence indicates that the appellant operates adult gaming centres in accordance with a management plan which sets out advice for

employees on conflict resolution, dealing with aggressive customers and extended hours security measures. The latter sets out policies to ensure neighbouring businesses and residents are respected. Any disruption or unacceptable behaviour within or at the entrance to the premises would be controlled in accordance with the management plan.

20. Taking all the above into consideration, the proposed development would not harm the amenity of the area and thus complies with Policies LP11, LP12 and LP26 of the RLP which seek to ensure that developments do not have an undue effect on amenity.

Character and appearance

21. The Council has raised concerns that insufficient information has been provided to allow it to ascertain whether external changes to the appeal unit would be acceptable. Namely, no elevational drawings have been submitted.
22. However, the proposal is for a change of use only, as set out in the description of development, and the appellant has confirmed that no external changes are proposed. Should any external changes be required, along with advertisement displays, these would require further applications for planning permission and advertisement consent.
23. I do however note that the existing unit has a large, glazed shopfront. The proposed change of use may provide opportunity to obscure the glass as a result of its internal arrangement. This would have a harmful effect on the character of the town centre as it would be oppressive for passers by. Ensuring an active frontage could however be appropriately controlled via condition, which the appellant is amenable to.
24. Consequently, the proposal would not harm the character and appearance of the area and thus would accord with Policies LP26 and LP28 of the RLP which aim for high quality design which respects the character of the street scene.

Other Matters

25. My attention has been drawn to a recent appeal decision⁴ which concerned an adult gaming centre within a primary shopping frontage in another part of Ilford. Whilst similarities may be drawn between the type of development proposed, retail uses in that case did not meet the 70% threshold of RLP Policy LP10 and no noise impact assessment was provided. As such, this example is not directly comparable to the appeal proposal.
26. As I have found that the proposal would not undermine the vitality and viability of the town centre by virtue of the high number of retail units which would remain, and it would not harm character and appearance, I am not convinced that it would undermine any regeneration efforts in this locality. Additionally, there is no conclusive evidence to indicate that this proposal would have a harmful effect on nearby businesses.

Conditions

27. The Council has provided a suggested list of conditions which the appellant had an opportunity to comment on. Conditions relating to the standard time limit and the approved plans are necessary in the interests of certainty.

⁴ Appeal Ref: APP/W5780/W/22/3300312

28. A condition restricting the hours of operation is not necessary as 24 hours operation is sought and, for the reasons given above, I consider it acceptable.
29. To ensure an active frontage within the town centre and in the interests of character and appearance, I have attached a condition requiring a window display and the glass of the shopfront to remain unobscured. The appellant provided a suggested condition however, as the wording is ambiguous, I have amended it without altering its overall purpose.
30. In the interests of public safety, a condition which requires the proposal to be secured by design, and accredited as such, is necessary.

Conclusion

31. For the reasons given above, the proposal accords with the development plan as a whole, thus the appeal should be allowed.

H Ellison
INSPECTOR