



Appeal Decision

Site visit made on 17 June 2025

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th July 2025

Appeal Ref: APP/W5780/W/25/3360591

62 High Street, Barkingside, London IG6 2DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Reels Casino Slots Limited against the decision of the Council of the London Borough of Redbridge.
 - The application Ref is 2818/24.
 - The development proposed is the change of use of the ground floor commercial premises from Financial Services (Class E) to 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 of the ground floor commercial premises to Adult Gaming Centre (sui generis) at 62 High Street, London IG6 2DQ in accordance with the terms of the application, Ref 2818/24, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. In allowing the appeal I have excluded the site address from the description of development as was stated on the application form, but this is only for ease of reading and to avoid repetition. This is notwithstanding that the Council, in its decision notice, referred to 58-62 High Street whereas I have used the site address given on the application form here. In any case, the red edge of the site location plan indicates the extent of the application site.
3. Additional information was provided with the appeal, and this included a Planning Noise Assessment (NA) by Hepworth Acoustics. Whilst I accept that this does represent additional information that was not available to the Council when it determined the application, it has not resulted in a substantial difference or a fundamental change to the application. This information was available for the Council to comment upon, and indeed it has done so. Accordingly, there would be no procedural unfairness to anyone involved in the appeal by my taking it into account.

Main Issues

4. The main issues are:
 - 1) the effect of the proposed development on the viability and vitality of Barkingside town centre, and

- 2) the effect of the proposed development on the living conditions of the occupants of upper floor flats, having particular regard to noise, disturbance and general pedestrian activity.

Reasons

Town centre viability and vitality

5. The appeal site is set within the designated Barkingside District Centre as shown on the policies map supporting the Redbridge Local Plan 2015-2030 (adopted 2018) (RLP). The parties are in agreement that the site is set along a secondary frontage within the District Centre.
6. Policy LP10 of the of the RLP sets out that the Council will promote the vitality and viability of the borough's town centres and diversify the range of uses by (under criteria (c)) supporting diversity in the secondary frontages and Key Retail Parades by seeking that a minimum 40% of units are used as A1 retail uses. Amendments to the Town and Country Planning (Use Classes) Order 1987 (the UCO) in 2020 altered the use class status of various uses. This included the revocation of the 'class A' uses and their incorporation into the somewhat more expansive 'class E' group of uses. Whilst the new classes are not the same, the former A1 (Shops) bears a close resemblance to the new class E(a) and former class A2 remains similar to the new class E(c). Under both pre and post-2020 amendments to the UCO, an Adult Gaming Centre (AGC) remains a Sui Generis use.
7. The parties agree that the existing parade of shops, to which number 62 forms a part, presently has 37% of its ground floor uses in a retail function. This is below the 40% stipulated in policy LP10 of the RLP in both the existing and proposed scenarios.
8. Criterion (d) to policy LP10 sets out circumstances under which alternative town centre uses may be regarded as acceptable. In this instance, I have no evidence before me to indicate that the premises has been marketed over the preceding 12 months although I do accept that it has been vacant for this period of time. Nevertheless, there is nothing before me to suggest that marketing has been carried out and thus the proposal does not accord with criterion (d) i.
9. The site is in a corner location and despite being along a secondary frontage, is still set in an important prime position thus failing criterion (d) ii. I have not been provided with any indication of the number of expected visitors to the premises and this does not allow me to form a conclusion on whether there will be a significant number of visitors. Even so, there will invariably be some pedestrian to traffic to the proposed use and this will be greater than to a vacant unit. Accordingly, there is a partial compliance with criterion (d) iii of policy LP10.
10. The proposal would bring the premises into a productive function and would, regardless of the use, represent a contribution to the areas vitality and viability, albeit that this is a somewhat unknown quantity. The frontage may not be as active as a retail function but it would be comparable to the preceding lawful use.
11. However, the wording of policy LP10 means that all criteria of the policy must be met. As there are a series of non-compliances with aspects of the policy, I must therefore conclude it does not meet the terms of the policy as a whole. The proposal therefore does not accord with policy LP10 (d) of the RLP.

12. Even so, I must be mindful that the existing lawful use does not represent a retail (or closely similar) use. Whilst I appreciate the Council's intent to promote a restoration of 40% (or more) of this frontage to a retail function, the proposed development would not alter the current situation in a material way as the number of non-retail uses in this frontage would be unaltered. I must also take into account the overall aim of policy LP10 which does promote the vitality and viability of town centres. Furthermore, I am also having regard to policy LP11 which states that the Council will resist the proliferation of betting/gambling shops. In this location, the appellant has shown that there is not a proliferation of this form of uses within the overall District Centre. Moreover, the site is separated from the next nearest Sui Generis use (a hot food pizza takeaway to the south) by at least two non-Sui Generis units and this accords with the criteria at policy LP11 2. (a).
13. On balance, as there is no change to the number of non-retail uses along this frontage, and the proposal does not result in a clustering of Sui Generis uses, I conclude that it therefore complies with the purposes and intent of policies LP10 and LP11 of the RLP along with policy SD6 of the London Plan.

Living conditions

14. The appeal was submitted with a NA and this indicates a relatively noisy location due to background noise sources. These were identified as being primarily due to road traffic noise and mechanical plant from commercial units.
15. Expected break out noise from the use of the premises as an AGC is not expected to exceed the background noise level. However, I am mindful that the noise characteristics from the proposed use would be different to the background noise. The background noise would most likely be regarded as ambient and would likely be fairly consistent. Whereas noise from the AGC is likely to be intermittent and different in nature.
16. However, with appropriate sound insulation to be installed internally, this should mitigate noise exposure to the upper floor flat. Likewise, the external condenser unit would likely be indiscernible against background noise. Noise from customers could well be noticeable to the occupants of the upper floor flat but this is unlikely to be distinguishable from other people interactions, bearing in mind this is a High Street environment.
17. Accordingly, I find that, with conditions, it would be unlikely that the occupants of the upper floor flat would be exposed to a significantly greater amount of noise intrusion and disturbance than exists at present. I therefore conclude that it would comply with policies LP11, LP12 and LP26 of the RLP insofar as it would not result in an adverse impact upon the amenity of neighbouring occupiers in relation to noise and vibration.

Conditions

18. The Council has provided a schedule of conditions were the appeal to be allowed and I have imposed these in substance with minor edits and corrections in order to comply with the Planning Practice Guidance.
19. I have imposed a general time limit condition to accord with the provisions of the Act and a plans condition for certainty. I have further imposed a use restriction, again for certainty.

20. There are restrictions on the hours of use and in relation to deliveries in the interests of the living conditions of neighbours. Furthermore, there are controls in relation to noise and the management of the premises, and these are also for the protection of living conditions of neighbours.
21. Some of the conditions I have imposed require the submission of additional information to the Council. These are pre-commencement conditions having regard to s100ZA of the Act and the appellant has agreed to their imposition here.

Conclusion

22. The proposal does result in a use that conflicts with policy LP10 of the RLP due to there being a non-compliant amount of non-retail uses along the secondary frontage within the District Centre. However, it replaces an existing non-compliant use and therefore there would be no change to the overall proportion of non-retail uses within the frontage. Conditions can control potential noise and disturbance, including a control on hours of use. There are no other material considerations that would warrant an objection to the proposal, therefore, for the reasons given above the appeal should be allowed.

N Bowden

INSPECTOR

Schedule of 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 plan nos. TQRQM24285105825335 and PP/1024/B.
- 3) The premises shall only be used as an Adult Gaming Centre and for no other purpose or use.
- 4) The premises shall only be open for customers between the following hours:

09:00 – 23:00 Mondays to Fridays,
09:00 – 23:00 Saturdays,
10:00 – 21:00 Sundays and on Bank or Public Holidays.
- 5) No goods shall be delivered to, nor dispatched from the site, outside the following hours:

08:30 – 22:00 Mondays to Fridays,
09:00 – 22:00 Saturdays,
10:00 – 21:00 Sundays and on Bank or Public Holidays.
- 6) The building shall be adapted so internal noise generated is no greater than the threshold of NR15 (as detailed in table 6 of the Planning Noise Assessment by Hepworth Acoustics) with windows shut and other means of ventilation provided. Such works shall be completed prior to the first occupation or use of the premises as an Adult Gaming Centre.

The commissioning protocol shall be submitted to and approved in writing by the Local Planning Authority in advance of testing and the results shall be submitted to and approved in writing prior to the first occupation or use of the premises as an Adult Gaming Centre. Testing shall be carried out by a suitably qualified Acoustician.
- 7) Noise emitted from any new fixed building service plant and equipment shall be designed to a level at least 5dB below the representative existing background noise level when assessed in accordance with BS: 4142 + A1: 2019 at a position 1 metre from the window (or a calculation thereof) to the nearest sensitive premises.
- 8) A Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation or use of the premises as an Adult Gaming Centre and thereafter the use shall be maintained in accordance with that plan. The Noise Management Plan shall include (but not limited to):
 - a) Location and type of noise generating activities (indoor and outdoor areas inclusive of smoking areas) and proposed mitigation measures.
 - b) Proposed monitoring (on and off site) to check compliance with noise limits,
 - c) How noise complaints will be dealt with.

End of Schedule