
Appeal Decision

Site visit made on 24 July 2025

by **C Hall BSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 August 2025

Appeal Ref: APP/A2280/W/25/3363346

211 High Street, Chatham ME4 4EB

- 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 Wilson, Slots Trading Ltd against the decision of Medway Council.
 - The application ref. is MC/24/2564.
 - The development proposed is for the change of use to arcade incorporating bingo (sui generis).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use to arcade incorporating bingo (sui generis) at 211 High Street, Chatham ME4 4EB in accordance with the terms of the application ref. MC/24/2564, 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: site location plan, 24.085.PRIV.B.002.
 - 3) Prior to the use commencing a noise management scheme shall be submitted to and approved in writing by the local planning authority. All details and procedures which form part of the scheme shall be completed before any part of the use commences and be retained thereafter.

Preliminary Matter

2. An application for costs was made by Wilson, Slots Trading Ltd against the decision of Medway Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposal on:
 - the vitality and viability of the town centre; and
 - the living conditions of the occupants of neighbouring properties having regard to noise and disturbance.

Reasons

Vitality and viability

4. The appeal site relates to a retail outlet on the junction between Chatham High Street and Meeting House Lane. The appellant avers that the premises have been vacant for 21 months, this is not disputed by the Council. It is located in an urban area, broadly comprising a mixture of commercial, office and residential uses.
5. Annex 2 of the National Planning Policy Framework (the Framework) defines Main Town Centre Uses. Although the section does not specifically mention arcades, it refers to leisure, entertainment and recreation uses including, amongst other things, casinos and bingo halls. The Planning Practice Guidance recognises that a wide range of complementary uses, if suitably located, can help to support the vitality of town centres; it lists indicators which may be relevant in assessing their health. Such indicators include the diversity of uses, proportion of vacant street-level property, and opening hours/availability/extent to which there is an evening and night-time economy offer.
6. Policy S5 of the Medway Local Plan May 2003 (LP) states that a range of other uses appropriate to a town centre location will be permitted, provided that they contribute to the centre's vitality and viability and are consistent with the requirements of the retail policies of the plan. In this respect, Policy R15 advocates that that amusement arcades will only be permitted (within or on the edge of, a retail centre and) subject to, amongst other things there being no detrimental impact on the retail character and function of the centre; and there being no detrimental effect on the amenity enjoyed by neighbouring uses. I note there is no threshold in relevant policy to define an acceptable limit in terms of uses within Chatham town centre; in the absence of any formal definition, I have based my assessment on this together with the evidence before me.
7. The proposal would result in the loss of a Class E retail use. Based on the appellant's figures in the grounds of appeal, along a 500 metre stretch of the High Street uses comprise 54% retail, 21% sui generis, 10.4% café/diner, 7.8% offices, 0.9% public houses and 6.1% vacant. The change of use of the appeal unit would have a 0.9% difference each way for retail and sui generis uses. In terms of specific arcade establishments, there are three other such enterprises in the area, with one opposite and the others being approximately 110m and 190m away in opposite directions from the appeal site.
8. Notwithstanding the percentage increase of arcades, I have taken into account the characteristics of the local street scape. The High Street gently meanders in both directions from the appeal site, such that the two more disparate premises are not visible. To my mind, this would assist in reducing the perception of an over-concentration or clustering of such activity. Whilst I acknowledge the proposal would result in a greater number of similar establishments within the town centre, given the distances between them, the overall size of the centre, and the wide mix of uses within it, this would not be harmful to its vitality and viability.
9. Moreover, whilst a quality retail use might be preferred for the site, it seems to me there is a real risk that the premises may remain vacant for some time. I have therefore had regard to the fact that the scheme would bring the property back into use, facilitating additional footfall and increasing the opportunity for shared trips, new trips and trips combined with visits to other town centre facilities. It would also add to the evening economy, and result in increased employment opportunities, with the provision of 7-8 full-time jobs.

10. I appreciate the Council's concerns relating to the potential appearance of the shop front, which would be more inward-facing rather than outward. Nonetheless, I am aware that the scheme is for a change of use only, and there would still be people coming and going from the premises to increase activity in and around the frontage. Furthermore, I am mindful that in this respect the proposal would be no more harmful than some other Class E uses found in urban centre locations.
11. The Authority also alludes to the presence of three betting shops locally, giving rise to issues in respect of mental and physical health and wellbeing. However, there is no compelling justification before me to suggest that the addition of another gambling-related outlet in the area would increase the number of people using these establishments. Moreover, such premises are controlled by other legislation, and I am informed that the Council has granted a licence for the proposed use.
12. Taken in the round, I therefore conclude that the scheme would not be harmful to the vitality and viability of the town centre. It would accord with Policies S5 and R15 of the LP, paragraphs 1.3, 1.11, 3.3, 3.3.6, 3.3.76 and page 67 of the Chatham Centre Design Code (2024), insofar as they relate to such matters. It would also be consistent with the Framework, which seeks to ensure the vitality of town centres, by taking a positive approach to their growth, management and adaptation.

Living conditions

13. Although the neighbourhood is predominantly a busy commercial area, there are domestic properties situated nearby. This notwithstanding, uses such as that proposed are not uncommon in the town centre, where a certain level of evening and night-time activity is to be expected by local residents. There is no evidence to suggest that noise and disturbance would be difficult to control, and given the proposed 24-hour operation the comings and goings of customers and staff would be infrequent throughout the night. I also note that Kent Police have raised no objections subject to certain steps relating to Designing Out Crime.
14. Mitigation measures could be imposed to include sound insulation, the control of noise breakout from patrons with appropriate signs, control of background music and machines inside the premises, and no tannoy systems as well as the main entrance doors not being fixed or left open. Such matters can be addressed by the imposition of an appropriate noise management condition.
15. I find on this issue that the development would not have an adverse impact upon the living conditions of the occupants of neighbouring properties having regard to noise and disturbance. It would meet with Policy R15 of the LP and the Framework, which advocate safe and healthy living conditions.

Conditions

16. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. In addition to the standard implementation condition, the approved plans are listed for certainty. A noise management scheme is imposed in the interests of local amenity.

Conclusion

17. Having regard to the above and all relevant matters, I allow the appeal.

C Hall

INSPECTOR