



Appeal Decision

Site visit made on 8 October 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 October 2025

Appeal Ref: APP/W4515/W/25/3368345

**Collingwood Centre, Unit 13 to 14, Preston North Road, North Shields,
North Tyneside NE29 9QR**

- 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 Luxury Leisure against the decision of North Tyneside Council.
 - The application Ref is 24/01636/FUL.
 - The development proposed is change of use of the premises from a retail/commercial unit (Class E) to an Adult Gaming Centre (Sui Generis) including signage, external alterations and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of the premises from a retail/commercial unit (Class E) to an Adult Gaming Centre (Sui Generis) including signage, external alterations and associated works, at Collingwood Centre, Unit 13 to 14, Preston North Road, North Shields, North Tyneside NE29 9QR, in accordance with the terms of the application, Ref 24/01636/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The planning application was recommended for approval by officers but was refused by the Council's Planning Committee. I have reviewed the minutes of the committee meeting, along with the numerous comments of interested parties that formed part of the discussion. I have given full consideration to these details in reaching my decision.

Main Issues

3. The main issues are:
 - whether the proposed development would result in an overconcentration of gambling establishments in the local centre, harming its character and function;
 - whether the proposed development would lead to unacceptable levels of gambling-related harm, contrary to public health objectives.
 - whether the 24-hour operation of the proposed development would generate increased anti-social behaviour, harming public safety and the living conditions of nearby occupiers.

Reasons

Character and function of the area

4. The appeal site is a single-storey commercial unit located within Preston Grange, a designated Local Centre, as defined by the development plan. The unit forms part of a parade of commercial premises, with neighbouring uses including a large supermarket, smaller retail units, a hot food takeaway, a betting shop, barbers, and a veterinary practice. The site frontage opens to a large public car park and it features dedicated service access and staff parking to the rear. Residential properties lie beyond the service yard, separated by a dense belt of trees. The evidence suggests the unit has been vacant for a number of years.
5. The proposed development seeks to change the use of the unit from Class E (retail) to a Sui Generis Adult Gaming Centre (AGC), operating 24 hours a day. Although AGCs are not explicitly listed in the National Planning Policy Framework (the Framework) as 'main town centre uses', they share characteristics with leisure and entertainment uses that are included within that definition. Based on the nature of the proposal, there is no compelling evidence to suggest that AGCs should be excluded from this category.
6. Policy S3.1 of the North Tyneside Local Plan, adopted July 2017 (the LP) seeks to support the growth and regeneration of the Borough's defined centres, providing clear support for appropriate main town centre uses within these centres. The policy states that the Council will seek ways to support centres' growth and regeneration, and support proposals for main town centre development that meet certain objectives, including enhancing vitality and viability, improving the range and quality of services, supporting small businesses, and reducing crime and the fear of crime. Crucially, the policy is not worded in a way that requires all objectives to be met for a proposal to be supported. Rather, it encourages development that contributes positively to one or more of these aims.
7. In this case, whilst the proposed AGC may not meet every objective listed, it would clearly support several, including contributing to the vitality and viability of the centre by bringing a long-term vacant unit back into use, and diversifying the range of services available.
8. Further support is found in the supporting text to Policy S3.1. Paragraph 6.6 emphasises that the Borough's centres should be the focus for new development and provide competitive locations for business investment. Paragraph 6.7 reinforces this by identifying main town centre uses, including leisure and entertainment facilities, as key to the policy's aims. As a recognised town centre use, the proposal aligns with this strategic direction and contributes to the centre's ability to adapt and remain viable in a changing retail environment.
9. The appellant submits that, with the proposal in place, 95% of the total commercial floorspace in the centre would remain in Class E use. Alongside the existing betting shop, approximately 4% would be occupied by gambling-related uses. The Council has not disputed these figures, and I have no compelling evidence to find them unreliable. Accordingly, I have determined the appeal on this basis.
10. Nevertheless, given the existing presence of the betting shop, the Council contends that the proposal would result in an overconcentration of gambling establishments within the local centre. However, this assertion is not supported by

the evidence or by policy. The proposed AGC would be the only such use in the centre, and while a betting shop is nearby, the two are distinct Sui Generis uses under planning law and subject to separate licensing regimes. Their functional differences and regulatory separation mean they should not be conflated when assessing concentration or character impacts.

11. Importantly, the LP does not define numerical thresholds or clustering criteria for gambling uses in local centres. The Council's argument relies heavily on qualitative concerns about the perceived impact of gambling uses on the centre's character, rather than on substantiated evidence of harm. Objections from consultees and interested parties similarly raise concerns about the symbolic prominence of gambling uses and the potential erosion of the centre's family-friendly character. While these concerns are acknowledged, they are not supported by planning policy or objective evidence. The proposed AGC would maintain an active frontage, operate under strict licensing controls, and contribute to the diversity of uses within the centre.
12. The Council also suggests that the unit could be used for a Class E use instead. However, no marketing evidence was requested or submitted, and the unit has remained vacant for a significant number of years. Whilst limited marketing evidence is available, the presence of lettings boards observed during the site visit supports the claim of long-term vacancy, and no compelling evidence has been presented to dispute this. Furthermore, no viable Class E use has been identified for the unit, and the Council's own officer report concluded that the proposal would not undermine the vitality or viability of the centre and would bring a long-term vacant unit back into active use. These are material considerations that weigh in favour of permitting a viable alternative use.
13. Whilst the depth of local feeling and the scale of local opposition to the proposal is noted, there is no substantive evidence that the proposal would conflict with any of the development plan's objectives or undermine the character or function of the centre. For these reasons, I conclude that the proposed development would not result in an overconcentration of gambling uses that would harm the character or function of the local centre. It would therefore accord with Policy S3.1 of the LP, the aims of which have previously been set out. It would also accord with the relevant provisions of the Framework, which have similar aims.

Public health objectives

14. Policy S1.2 of the LP sets out a spatial strategy for health and well-being, requiring development to contribute to creating a healthy and equitable living environment and to prevent negative impacts on residential amenity and wider public safety. Paragraph 96 of the Framework similarly requires planning decisions to support healthy lives and reduce health inequalities, particularly where local health needs have been identified.
15. The Council asserts that the introduction of an AGC within an area of high gambling participation would result in harm to the health and well-being of residents. This concern is supported by the Director of Public Health, who formally objected to the proposal, citing national evidence from Public Health England (now the Office for Health Improvement and Disparities) which identifies gambling-related harm as a public health issue. The objection references elevated rates of gambling participation and at-risk gambling in North Tyneside, and highlights the

potential for financial, relational, and mental health harms associated with electronic gaming machines (EGMs), which are the core product of AGCs.

16. Public representations also raise concerns about the proximity of the site to schools and residential areas, the potential for increased exposure to gambling, and the broader social implications of introducing another gambling venue in the community. These concerns reflect a genuine depth of local feeling and a perception that the proposal may undermine community well-being.
17. While these concerns are acknowledged, planning decisions must be based on demonstrable, site-specific impacts rather than generalised or anecdotal data. In this case, the Council has not presented evidence showing a direct and material link between the proposed AGC and increased harm to public health at this location. The objection from the Director of Public Health relies on national research and local participation rates, which, while relevant, do not establish a contributory relationship between this specific proposal and increased harm.
18. Specific concerns have been raised about the proximity of the site to schools and residential areas, and the potential exposure of young people to gambling. However, the premises would be strictly limited to over-18s, with access controlled under the terms of the premises licence. The appellant has confirmed that robust age-verification procedures would be implemented, supported by staff training and compliance monitoring. No site-specific evidence has been presented to demonstrate that the location of the AGC would result in increased gambling harm to young people or vulnerable groups. In light of the regulatory safeguards in place, I am not persuaded that proximity to educational or residential uses would result in conflict with public health objectives.
19. The appellant has also provided evidence of operational standards, including the absence of alcohol sales, the use of low-stake gaming machines, and survey data from other operational sites demonstrating that customers are often engaged in linked trips to other shops and facilities in the area. Given these factors, I am not persuaded that the nature of the proposal or its proximity to vulnerable populations would result in conflict with public health objectives.
20. The Council's own planning officers concluded that there was insufficient evidence to demonstrate that the proposal would harm the health and well-being of residents. While elected members were entitled to give weight to broader public health concerns, planning decisions must be based on material considerations and supported by evidence of harm arising from the specific proposal.
21. In this case, whilst the public health concerns raised are legitimate and reflect wider societal issues, the evidence presented does not persuade me that the proposed development would conflict with Policy S1.2 or the relevant provisions of the Framework. Accordingly, I conclude that the proposed development would not lead to unacceptable levels of gambling-related harm, and it would not conflict with the public health objectives of the development plan or national policy.

Public safety and living conditions

22. The Council argues that the introduction of the proposed 24-hour AGC would materially alter the pattern and intensity of activity within the centre, leading to increased risks of loitering, disturbance, and disorder, particularly during unsociable hours when other premises are closed.

23. These concerns are echoed in public representations, which cite a history of anti-social behaviour in the area, particularly around the rear service yard and adjacent wooded areas. Residents express fears that the development would attract groups during the night, increase noise from vehicles and customers, and exacerbate existing issues with disorder and nuisance. The Director of Public Health also raised concerns about the potential for late-night congregation and disruption, particularly given the proximity of residential properties.
24. While these concerns are acknowledged and reflect genuine local experience, the evidence presented does not demonstrate that the proposed development would give rise to a material increase in anti-social behaviour or public safety risks. The premises would be subject to licensing controls under the Gambling Act 2005, including requirements for staff presence, CCTV coverage, and security protocols. The appellant has submitted a detailed Security and Social Responsibility Statement outlining measures such as monitored intruder and hold-up alarms, staff training in conflict management, and exclusion policies for intoxicated individuals. These controls are designed to mitigate risks and are standard across the operator's national portfolio.
25. Importantly, Northumbria Police raised no objection to the proposal. Their review of the submitted security documentation did not identify any significant concerns or risks requiring mitigation. This lack of objection suggests that the proposal does not present a policing or safety issue.
26. The Council's planning officers also concluded that, subject to appropriate conditions, the proposal would not result in significant adverse impacts. Conditions were recommended to restrict the use of the rear fire door during night hours, require a noise management plan, and limit external plant noise. In the report to committee recommending approval of the application, these measures were considered sufficient to address potential disturbance.
27. While the proposed AGC would be the only premises in the centre operating 24 hours, the nature of the use would not be inherently noisy or disruptive. Evidence submitted by the appellant, including customer headcount data from other AGC sites, indicates low levels of footfall during late-night hours, with most customers arriving individually or in pairs. I have no compelling reason to dispute this evidence. The absence of alcohol sales, amplified music, or large group activity further reduces the likelihood of external disturbance.
28. In conclusion, whilst the concerns raised by the Council, residents and consultees are noted, they are not supported by site-specific evidence of harm. The proposal includes appropriate safeguards and has not attracted objections from the police or environmental health officers. Accordingly, I find that the proposed development would not generate increased levels of anti-social behaviour that would result in harm to public safety or the living conditions of nearby occupiers. It would therefore accord with the relevant provisions of Policy S1.2 of the LP and the Framework, which seek to promote safe and inclusive environments.

Other Matters

29. I note additional concerns regarding parking and highway safety. However, the site benefits from ample free public parking to the front, and I am not persuaded that the level of traffic associated with the proposed use would materially affect the operation of the highway or compromise pedestrian safety. Moreover, conditions

restricting access to the rear service yard during unsociable hours would help mitigate any potential disturbance to nearby occupiers. Accordingly, I do not find that the proposal would result in harm in terms of parking provision or highway safety.

Conditions

30. The Council has provided a list of suggested conditions that I have reviewed against the tests set out in the Framework and the Planning Practice Guidance. To ensure compliance with these provisions I have omitted and amended conditions where appropriate.
31. Conditions relating to the statutory time limit (1) and a list of approved plans (2) are necessary in the interests of certainty.
32. The Council has suggested a condition to limit noise from external plant and require post-installation acoustic testing. However, the plant is already detailed on the approved plans and has been assessed in the submitted Noise Assessment (NA), which concludes that the predicted sound rating is significantly below the lowest measured background level at the closest sensitive receptors. The Environmental Health Officer does not appear to dispute these findings but nonetheless recommended the condition. Based on the available evidence, and my observations of similar plant on neighbouring units during my site visit, I am not persuaded that further submission of details is necessary. Instead, the condition can be revised to require that all external plant be installed in accordance with the approved plans and the specifications set out in the NA (3).
33. To protect the living conditions of nearby occupiers, a number of conditions are necessary. These include requiring sound reproduction levels to remain inaudible beyond the curtilage of the premises, prohibiting live music and certain forms of amplified music (4), and mandating that the front doors be fitted with a self-closing mechanism (5). Additionally, the hours of use of the rear doors should be restricted (6), and deliveries and collections via the rear service yard should be limited to specified hours (7).

Conclusion

34. For the reasons given above, I conclude that the appeal should be allowed subject to the conditions listed in the attached schedule.

P Storey

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 the following approved plans:
Ordnance Survey Location Plan – 3583(B)03
Floor Plans as Existing & Proposed – 3583(C)01
Proposed Block Plan – 3583(B)05
Elevations as Proposed – 3583(C)02
- 3) Prior to the commencement of the use hereby permitted, all external plant shall be installed in accordance with the details shown on the approved plans and the specifications contained within the Noise Assessment (Ref P25-028-R01v1 by Hepworth Acoustics). The plant shall be retained thereafter in accordance with the approved details.
- 4) The use of all sound reproduction equipment in connection with the development hereby permitted shall be limited to low-level recorded background music only. Such music must not be audible outside the curtilage of the premises when doors are closed. No live music, including but not limited to DJs, bands, solo or duo artists, discos or karaoke, shall be permitted at any time.
- 5) Prior to the commencement of the use hereby permitted, the front door of the premises shall be fitted with a self-closing mechanism and this shall be retained thereafter. During operational hours, the door must remain closed at all times except for access and egress.
- 6) The rear door shall remain closed at all times during operational hours, except for access and egress. It shall not be used for access or egress between the hours of 2200 to 0700 the following day, except in cases of emergency.
- 7) No deliveries or collections shall take place via the rear service road outside the hours of 0700 to 2200 on any day.

**** End of conditions ****