



Appeal Decision

Site visit made on 10 March 2026

by K Lancaster BA(hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday 30 April 2026

Appeal Ref: APP/U5360/W/25/3375806

3 Blackstock Road, Hackney, London N4 2JF

- 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 I Miller on behalf of Luxury Leisure against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2024/1414.
 - The development proposed is the change of use from Class E Commercial, Business and Service to Sui Generis Adult Gaming Centre (AGC) use together with shopfront alterations.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from Class E Commercial, Business and Service to Sui Generis Adult Gaming Centre (AGC) use together with shopfront alterations at 3 Blackstock Road, Hackney, London N4 2JF in accordance with the terms of the application, Ref 2024/1414, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal site is located within the London Borough of Hackney. However, I recognise that it lies close to the boundaries with the neighbouring London Boroughs of Islington and Haringey. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the Hackney Local Plan 2033, adopted in July 2020 (the HLP).
3. Reference has been made to policies within the Islington Local Plan, adopted in September 2023. However, these policies do not form part of the development plan for the appeal site, which lies wholly within the London Borough of Hackney. Whilst I have had regard to those policies insofar as they illustrate the planning approach of a neighbouring authority, they do not carry determinative weight in this appeal. The proposal has therefore been assessed against the provisions of the HLP, together with any other relevant material considerations.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the vitality, viability, and character of the town centre;
 - the health and well-being of the local community;

- the living conditions of neighbouring occupiers with particular regard to noise, disturbance and anti-social behaviour; and
- the character and appearance of the host building and surrounding area.

Reasons

5. The appeal site comprises a ground floor unit within a four-storey mid-terrace building located on the northern side of Blackstock Road, close to its junction with Rock Street and close to the junction with Seven Sisters Road. The existing premises is currently in use as a stationery shop.
6. The surrounding area is characterised by a mix of commercial uses at ground floor level, including retail, food and drink, and service uses with some residential uses above. It is also close to a number of primarily residential streets comprising mostly traditional terraced housing. Nonetheless, the appeal site comprises an existing retail unit within an established commercial frontage, and the surrounding context is therefore considered to be a mixed-use area.
7. The wider Finsbury Park Town Centre comprises a typical high-street environment and spans the London boroughs of Hackney, Islington and Haringey, with the majority of the town centre located within Islington. The appeal site is situated within the designated Finsbury Park District Town Centre and lies wholly within the London Borough of Hackney. The designated centre includes frontages along one side of Blackstock Road and one side of Seven Sisters Road, between Blackstock Road and Wilberforce Road, with the opposite sides of these roads falling within the London Borough of Islington. It comprises a relatively small portion of the overall town centre.

Vitality, Viability and Character of the Area

8. The proposed development would involve the change of use from a retail use to an adult gaming centre (AGC) together with shopfront alterations. The application form states that it would operate on a 24-hour basis and would create twelve full time jobs. The Council is concerned that it would lead to an overconcentration of gambling establishments within the Finsbury Park District Town Centre, which would negatively impact the vitality, viability, and character of the area.
9. Policy LP34(a) of the HLP supports new retail, commercial, leisure, and cultural development of an appropriate scale within District Town Centres, including Finsbury Park¹, and the proposal therefore accords with this element of the policy.
10. Policy LP34(b) seeks to ensure that retail (formerly Use Class A1) remains the predominant use within district centres, comprising at least 55% of all units, and to avoid the creation of groups of two or more adjoining non-retail units. In this case, the Council does not dispute that these requirements would be met, as the proportion of non-retail uses would not exceed the relevant threshold and retail units would be retained on either side of the appeal site. Consequently, it is also accepted that the proposal complies with part (c) of Policy LP34.
11. Policy LP34(d) of the HLP states that all proposals must incorporate a shop front, have an active frontage, contribute to the vitality and viability of the town centre or

¹ For the avoidance of doubt, this relates to the part of the wider Finsbury Park Town Centre which lies within the Borough of Hackney.

parade, and be for another A-class, commercial/office or community use. The proposal would retain a shopfront with an active frontage, therefore there would be no conflict with this aspect of the policy.

12. However, whilst the Council states that an overconcentration of betting shops and AGCs would harm the vitality and viability of the town centre, it is not disputed that there are no AGCs or other gambling-related uses within the designated District Centre (which lies wholly within the London Borough of Hackney). The Council has also confirmed in its Statement of Case that any reference to overconcentration within the Finsbury Park District Centre referred to in the first reason for refusal, was made in error, with their concerns instead relating to the wider area, including the parts of Finsbury Park Town Centre which lie within the neighbouring boroughs.
13. On this basis, I have had regard to the proximity of similar uses within the wider area. However, only one other AGC has been brought to my attention, located approximately 7 minutes' walk away. This existing AGC is not within the same street frontage as the appeal site and there are a significant number of intervening town centre uses. Whilst a number of betting shops have also been brought to my attention, none are located within the same row as the appeal site and as an overall representation of the varied uses which exist in the surrounding area, I am not persuaded that the proposal would result in an overconcentration of such uses. Accordingly, it would not result in harm to the vitality and viability of the town centre.
14. Policy LP34(d) also requires that proposal to be for another A-class, commercial/office, or community use. It is not disputed that an Adult Gaming Centre is a sui generis use. The Council therefore states that the proposal does not align with former A-class uses, or with the current Class E or Class F uses that encompass commercial and community uses for the purposes of this policy. However, I understand that this policy predates the changes to the Use Classes Order and subsequent updates to the National Planning Policy Framework (the Framework) which makes clear that planning decisions should support the role of town centres by taking a positive approach to their growth, management and adaptation, and by allowing them to diversify in response to changes within the retail and leisure sectors.
15. Whilst AGCs are not explicitly listed in the Framework as 'main town centre uses', they share characteristics with leisure and entertainment uses that are included within that definition. Moreover, whilst not a retail use, it would be a type of use which would attract footfall to the town centre, with staff and customers likely to visit other shops and services, supporting those businesses and contributing positively to the vitality and viability of the town centre.
16. Therefore, whilst I acknowledge that the proposal may not strictly comply with the wording of this element of the policy, an AGC would constitute a leisure and entertainment use, which is recognised as an appropriate town centre use. Consequently, when read in this broader context, and taking the policy as a whole, I find that the proposal accords with Policy LP34.
17. As noted above, the proposed AGC would operate 24 hours per day. Policy LP38 of the HLP relates to the night-time economy. Part (a) of this policy requires new evening, and night-time economy uses to be primarily located within designated

centres. As the appeal site is within such a centre, the proposal accords with this part of the policy.

18. Policy LP38(b) also supports proposals that contribute to diversifying the evening and night-time economy. The policy justification emphasises the importance of a more varied night-time offering across the Borough, appealing to a wider demographic through non-alcohol-based activities such as restaurants, cultural activities, and late-night coffee bars.
19. The Council states that the proposal does not contribute to such diversification due to the existing proximity of other adult gambling centres in the area. However, based on the evidence before me, I have only been made aware of one other AGC within close proximity (approximately 400 metres away) to the appeal site. Even then, this is a few streets away and not visible from the appeal site. There is no dispute that there are no other AGCs with the defined district centre. Accordingly, even taking into account the presence of an AGC within the wider area, I find that there would not be an over-concentration of such uses and thus the proposal would contribute to the diversification of the evening and nighttime economy.
20. Policy LP38(c) permits evening and night-time economy uses where there would be no adverse impact on the amenity of adjoining or nearby residential or non-residential uses, such as through noise, cooking odours, anti-social behaviour or highway safety, and where the proposal would not give rise to harmful cumulative impacts in terms of the number, capacity, or location of other night-time economy uses in the area.
21. I will return to the first part of this criterion in relation to the effect on the living conditions of neighbouring residential uses later in my decision. However, in respect of the second part of the criteria, I acknowledge that there are a number of betting shops and an AGC within the wider local area², the locations of which have been provided, and I was able to observe the location of these premises during my site visit. However, these premises are located within a town centre environment which has a number of intervening uses, and a number are located on different street frontages.
22. The proposed AGC would be the only such use in the defined district centre, and whilst there is a betting shop is nearby, the two are distinct 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. Furthermore, only one other AGC has been identified on Fonthill Road, which is approximately 7 minutes' walk away. Accordingly, whilst I do not dispute the evidence before me, I am not persuaded that this amounts to an over concentration of these uses, nor would it give rise to harmful cumulative impacts in terms of the number, capacity, or location of other night-time economy uses in the area.
23. The Council has also referred to Policy LP39 of HLP which seeks to resist the clustering of betting shops and payday loan shops. Policy LP39(b) of the HLP states that proposals for new betting shops or payday loan shops (*sui generis* uses) will only be permitted where (i) it is located within a designated centre and

² Location of AGC and Betting Shop Premises: Admiral Casino Slots in 113-115 Fonthill Rd; William Hill, Park Gate House; Paddy Power, 260 Seven Sisters Road; William Hill, 196 Blackstock Road; Ladbrokes, 153A Blackstock Road; William Hill, 91 Stroud Green Road; Coral, 117 Stroud Green Road; and Ladbrokes, 320 Green Lanes.

- would not result in more than 5% of the units in the centre³ being a betting shop or payday loan shop; and (ii) there would be at least three other town centre uses between the proposed use and an existing betting shop or payday loan shop.
24. Whilst I acknowledge that AGCs and Betting Shops share some similar characteristics it cannot be said that the policy is intended to address the effect of all gambling uses given it explicitly identifies the types of uses it seeks to control within the policy wording. The policy makes no mention of the type of use proposed, even within the supporting text. If the intention had been for Policy LP39 to apply to all gambling premises, then it should have said so.
 25. Nonetheless, even if the policy applies to the proposed development, the evidence indicates that betting shops and payday loan shops would account for less than 5% of units within the centre, and that at least three other town centre uses would separate the proposal from the nearest comparable premises. I therefore find no conflict with this part of the policy.
 26. My attention has been drawn to a number of appeal decisions⁴ for AGCs which have been allowed. These decisions relate to a range of different local authority areas. The Council has raised concerns regarding the relevance of these decisions to the current appeal. Whilst I have had regard to these decisions in so far as they relate to the current appeal proposal, I am not persuaded that they are directly comparable. In any event I have considered this appeal on its own individual merits taking into account the site-specific circumstances of the proposal.
 27. The Council has also drawn my attention to an appeal decision⁵ concerning the change of use of a vacant parcels office to an adult gaming centre, which was dismissed. This proposal was located in the London Borough of Islington and as such assessed against policies contained within the adopted development plan for that Borough. In this particular case, the Inspector found conflict with a specific development plan policy to protect retail, at the time Class A1 uses. They also found an unacceptable concentration of gambling related uses in close proximity to one another. However, whilst the Council states that the findings of this decision should be afforded significant weight, the assessment against policies within the Islington Local Plan is different in terms of the policy requirements to the Hackney Local Plan. Furthermore, the circumstances of the two cases are not the same. On this basis, I attribute this decision very limited weight.
 28. I have had regard to local concerns that the proposal relates to a currently occupied retail unit rather than a vacant premises. Although I accept that the appeal site is currently in use, based on the evidence before me, the current business is due to close. Whilst local businesses and residents have expressed a desire to see the existing retail use retained, or that an alternative retail or community-based use could be found, this is not the proposal before me. Furthermore, I have not been directed to any specific provision within the development plan that would seek to prevent or resist the change of use of an existing retail unit in these circumstances. Accordingly, this matter carries limited weight in my assessment.

³ For the purposes of this policy, the 'centre' is the part of Finsbury Park District Town Centre which lies within the London Borough of Hackney.

⁴ Appeal Refs: APP/U5360/W/24/3339475; APP/W4515/W/25/3368345; APP/B0230/W20/3256275; APPF4410/W/20/3250246 and APP/E5330/W/24/3346438

⁵ Appeal Ref: APP/V5570/W/20/3257308

29. Concerns have also been raised by local residents and businesses regarding the potential impact of the proposed development on the character of the area, particularly on the basis that it would be at odds with the prevailing pattern of surrounding uses, many of which comprise independent businesses. However, having carefully considered the evidence before me, I am satisfied that the centre would continue to exhibit a balanced and varied mix of uses, including retail, food and drink, and community facilities. While the proposal would not operate as an independent business, it represents a type of use commonly found within town centre locations of this nature. Accordingly, its introduction would integrate acceptably within the established context and would not result in unacceptable harm to the character or function of the centre.
30. For the reasons given above and having regard to all of the evidence before me, I am satisfied that the proposal would not result in a level of concentration of adult gaming centres that would cause harm to the vitality, viability or character of Finsbury Park District Town Centre. Therefore, I conclude that the proposal would accord, with Policies LP34, LP38 and LP39 of the HLP and Policy SD6 of the London Plan (2021), which collectively seek to maintain healthy and resilient town centres by managing the distribution of uses and avoiding harmful concentrations.

Health and Wellbeing

31. The Council states that there is a well-established relationship between the availability of gambling opportunities and gambling-related harm, which is reinforced by the physical clustering of gambling venues such as betting shops and AGCs. They further state that reducing the prevalence of gambling establishments, would limit exposure and mitigate potential harms, such as gambling addiction, financial hardship, and mental ill health. As such the Council and interested parties have raised concerns that the proposal would adversely affect the health and wellbeing of local residents, particularly vulnerable people.
32. The proposal relates to an Adult Gaming Centre (AGC), which is a distinct form of gambling use and not directly comparable to a betting shop, for example. AGCs typically operate electronic gaming machines with low stakes, generally ranging between 10p and £2, with no more than 20% of machines offering higher stakes⁶. The appellant has confirmed that alcohol would not be served at the premises, and entry would be refused to customers who appear intoxicated. They further state that operators apply a “Think 25” age-verification policy, and the customer profile is generally composed of individuals or pairs rather than large groups. The Council states that the reliance on CCTV to verify age or vulnerability is insufficient. However, whilst I acknowledge the Council’s concerns regarding the process for age verification, this would be regulated under the Council’s licensing regime.
33. A copy of the operators Security and Social Responsibility Policy states that the appellant is a member of the Smart Exclusion (MOSES) scheme, permitting customers to self-exclude from all local AGCs. It further states that a range of responsible gambling measures would be put in place, including Gamblewise technology that enables customers to set personal limits and alerts trained staff where intervention may be required. The policy sets out that these measures are supported by staff training to identify potential indicators of problem gambling and to provide appropriate advice and signposting to support services.

⁶ B3 Machines

34. I do not dispute that there is evidence which indicates that higher levels of deprivation are associated with increased susceptibility to gambling harm and that gambling premises tend to cluster in more deprived areas. That being said, as I have outlined above, based on the evidence before me and my own observations at my site visit, I do not find that there is or would be a harmful overconcentration of such premises within the Finsbury Park District Town Centre or wider area, such that this would give rise to a harmful effect on the health and wellbeing of the local community.
35. I do not dispute that problem gambling can have significant harmful effects on individuals and their families and friends and to concerns that it can be the community who is left to address these societal issues. I have also had regard to the concerns expressed about the numbers of vulnerable people in the local area, which may be more susceptible to problem gambling, or addiction issues. Nonetheless, whilst problem gambling, and links to areas of deprivation have been clearly established in evidence there are a variety of factors which contribute to these issues and the proposal before me must be assessed on its own merits. There is no substantive evidence before me to demonstrate a link between the proposed AGC and an increase in gambling related harm.
36. Therefore, whilst I acknowledge these concerns, planning decisions must be made on site-specific evidence of harm rather than generalised or anecdotal material. In this case, the objection from the Council's Public Health team, and the subsequent submissions, draw on a broad range of research, including data relating to gambling-related harm in Hackney and Islington, levels of social deprivation and crime, and the potential risks to children and vulnerable persons. Whilst these matters are relevant considerations, the evidence presented does not demonstrate a causal or contributory link between this specific proposal and an increased risk of harm at this location. I therefore find that the Council has not provided substantive evidence to show that the proposed adult gaming centre would result in harm to health or wellbeing of the local community.
37. Policy LP9(c) of the HLP requires housing schemes of 50 units or more, non-residential development of 10,000m² or more, and proposals for takeaways, betting shops and payday loan shops of any size to submit a Health Impact Assessment. There is no specific mention of AGCs within the policy wording, nor supporting text and therefore, no policy requirement for a HIA to be submitted for the appeal proposal.
38. Nonetheless, whilst the appellant declined to provide the HIA requested by the Council at validation stage, the appellant did provide a Local Risk Assessment which includes a Health Impact Assessment. Therefore, whilst this document appears to have been prepared to support an application for licensing purposes, and does not follow the Council's prescribed form, it nevertheless, demonstrates that the appellant sought to consider the health and wellbeing effects of the proposed development. Accordingly, I find no conflict with this policy.
39. The Council and interested parties have raised moral and ethical concerns in relation to gambling and concerns have also been expressed that the site is located close to local primary schools and a further education college, as well as a bus stop regularly used by school children. It is inferred that the proximity of the appeal site to these locations will encourage young people to use the gaming machines to the detriment of their long-term wellbeing. However, the proposed use

would be targeted at adults, and there is no substantive evidence before me to demonstrate a link between the visibility of an AGC and increased participation in gambling by younger people.

40. In support of their case, the Council also relies upon evidence provided in connection with an appeal decision⁷ in the neighbouring Borough of Islington, which included a Local Plan Topic Paper⁸. However, whilst I have had regard to this decision, I cannot be certain that the site-specific circumstances are comparable, particularly in relation to the concentration of similar uses and policy context. Accordingly, I attribute this limited weight.
41. For these reasons, whilst I have had regard to the wider concerns about public health and problem gambling in general, linked to economic, social and health issues, these do not provide a compelling reason to withhold granting planning permission. Therefore, I conclude that the proposed development would not cause unacceptable harm to the health and well-being of the local community. Thus, there would be no conflict with Policy LP9 of the HLP which requires amongst other things, new development to contribute to a high-quality environment that enables all Hackney residents to lead healthier and active lifestyles and reduce health inequalities. I also find that the proposal would not conflict with the aims of the Framework to achieve healthy, inclusive and safe places.

Living Conditions

42. Policy LP2 of the HLP states that all new development must be appropriate to its location and should be designed to ensure there are no significant adverse impacts on the amenity of occupiers and neighbours. Policy LP38(c) also states that that proposals for evening and nighttime economy uses will be permitted if both of the following criteria are met there is no negative impact on the amenity of adjoining or adjacent residential accommodation and non-residential uses, such as through noise disturbance, cooking smells, anti-social behaviour, and highway safety.
43. It is accepted that the proposed development would not result in any significant adverse impacts in relation to daylight, sunlight, outlook, or privacy. However, a significant number of objections have been raised by local residents and other interested parties in relation to the potential for noise and disturbance and an increase in anti-social behaviour.
44. The appeal site is currently in use as a retail premises, situated in a row of similar uses. The Council states that the proposed use would be the only 24-hour use in operation in the area, where most premises close between 20:00 and 23:00. The Council states that the increased activity, particularly late at night, could lead to a harmful cumulative impact on the surrounding area.
45. In respect of the potential for noise and disturbance to occur, the application was supported by a Noise Assessment⁹ which concluded that based on the assessment of baseline noise levels, predicted acoustic separation and recommended internal noise limits, no additional airborne sound insulation between the ground floor trading area and the offices above is required. The noise

⁷ Appeal Ref: APP/V5570/W/20/3257308

⁸ Council's Statement of Case – Appendix 5 – Islington Local Plan Topic Paper (Retail, leisure and Services, Culture and Visitor Accommodation) – dated February 2020.

⁹ Noise Assessment prepared by Hepworth Acoustics (Report Number P23-311-R01) dated September 2023

impact from the proposed condensers serving the climate control system would also be low and at an acceptable level. Accordingly, Council's Environmental Health Officer's raised no objection, subject to the imposition of a suitably worded planning condition.

46. However, whilst not disputing these findings the Council states that the assessment failed to consider the effect of customer behaviour outside of the premises, instead relying on evidence obtained from a similar use located on Seven Sisters Road. The Council state that the potential for customers to congregate near the entrance, particularly at night and early morning, raises concerns about exacerbated noise, loitering, and disturbance to local residents, especially those in the upper-floor residential properties adjacent to and opposite the site. However, there is little substantive evidence to support this claim.
47. The appellant's final comments confirm that in the event that customers engage in conversation when leaving the premises, the typical speech noise levels are approximately 65 dB(A) at 1 metre. They further state that taking into consideration the distance to the nearest habitable-room window at the front, this will reduce to 52 dB(A) at first floor level. This is 5 dB(A) below the lowest measured night-time LAeq,15mins level at the front of the building. The Council has provided no substantive evidence to dispute this finding.
48. Additionally, there are two public houses in close proximity and this end of Blackstock Road and it is located in very close proximity to Seven Sisters Road, which is an extremely busy thoroughfare. Therefore, it is a location where background noise is expected to be higher. Furthermore, the evidence provided by the appellant indicates that the numbers of comings and goings during the night would be very low, typically individuals and pairs. The premises does not serve alcohol and will refuse to permit anyone under the influence of alcohol.
49. Therefore, although the proposed AGC would be likely to be the only premises in the row operating on a 24-hour basis, having regard to its town centre location, the anticipated low levels of customer activity during the early hours, and the nature of the use, I find no compelling evidence that it would give rise to noise or disturbance that would harm the living conditions of nearby occupiers. This conclusion is reinforced by the absence of any objection from the Council's Environmental Health Officer. In addition, the lack of alcohol sales, amplified music, or large group activity significantly limits the potential for external disturbance.
50. For these reasons, I therefore find that the proposed development would not cause harm to the living conditions of neighbouring occupiers, with particular regard to noise and disturbance.
51. In addition to the Noise Assessment, the appellant has prepared a Premises Management Plan which includes measures to manage customer behaviour within the premises. Nonetheless, further concerns have been raised the potential for increased loitering and congregation of individuals near the premises, leading to perceptions of insecurity and an increased fear of crime among local residents. The Court of Appeal¹⁰ has held that fear of crime can be a material consideration in planning decisions, provided that it has some reasonable basis; and the object of that fear is the use, in planning terms of the land.

¹⁰ Smith v First Secretary of State [2005] EWCA Civ 859

52. The Council states that between December 2024 and November 2025, the LSOA¹¹ encompassing Blackstock Road recorded 543 offences, accounting for 45% of all offences in the area, with theft from the person and violence against the person forming the highest number of incidents. I am also aware of the ongoing initiatives to tackle crime and anti-social behaviour, including the “Clear, Hold, Build” initiative and “Love Finsbury Park”. Based on the evidence before me, it is clear that the area already suffers from significant levels of anti-social behaviour and crime and that there are vulnerable adults who live in and frequent the area. Therefore, it is understandable that those most likely to be affected, including local residents, local businesses and those that represent them would be concerned with any potential increase in crime and anti-social behaviour linked to the proposed change of use.
53. However, whilst I have taken account of the significant concerns expressed by interested parties, including the local Member of Parliament, the Local Ward Members for the area, and many residents and businesses that the proposed use would exacerbate the existing situation, these instances of crime have all occurred whilst the appeal site has operated as a retail premises. I am satisfied that the proposed adult gaming centre (AGC) would be well managed, and that the appellant has confirmed that they would implement measures to ensure that crime and anti-social behaviour would not become an unacceptable problem. Such measures would include suitably trained staff, the implementation of a CCTV system, implementation of a live monitored hold up alarm system, implementation of strict no under 18 years of age policy, and a no alcohol policy. Furthermore, the Council has identified the presence of an existing AGC, located approximately 400 metres away, but I have not been presented with any substantive evidence that the introduction of this use has led to an increase in crime that is directly attributed with the use of this premises.
54. Therefore, whilst I do not dispute that the existing local crime data, taken with representations from interested parties indicates problems with crime and anti-social behaviour, I must consider whether or not the proposed change of use in land use terms would be likely to have a material impact on these existing circumstances. In this regard, there is no compelling evidence to demonstrate that the change of use of the appeal site would be likely to increase these issues. Furthermore, the presence of a responsible and well managed licensed premises may actually increase safety and security, natural surveillance and deter crime and anti-social behaviour. There has been no objection from the Metropolitan Police, which I attribute significant weight.
55. My attention has been drawn to a set of crime-related statistics from Earls Court (West London). However, whilst these statistics are stated to relate to AGCs, it is not clear whether these relate to a single premises, or cluster of similar premises. Moreover, I cannot be certain if the site-specific circumstances are comparable. Accordingly, I give this limited weight.
56. The Council state that the absence of a granted premises licence further compounds uncertainty regarding operational controls and enforcement. I have also had regard to local concerns regarding the management of the proposed premises and the two examples provided of where the operator has been investigated for regulatory breaches. However, based on the evidence before me,

¹¹ Lower Layer Super Output Areas

the appellant is one of the leading UK operators of AGC premises, already operating a number of premises within Hackney. I have not been made aware of any concerns regarding the ongoing management of these existing premises elsewhere in the Borough. On this basis, even if a license has not yet been granted, there is no compelling evidence before me to indicate that it would not be granted, nor that the premises would be operated in a manner which would cause concern. It is also an established principle that planning should not replicate other regulatory controls. Therefore, whilst I have had regard to the Council's concerns regarding the operational management of the premises, many of these matters fall within the scope of licensing and are not matters for this appeal.

57. Accordingly, I am not persuaded that the evidence before me provides a compelling case that the proposed change of use would result in an unacceptable increase in the level of crime or anti-social behaviour which occurs within the local area.
58. Consequently, I therefore find that the proposed development would not result in an unacceptable impact on the living conditions of the occupiers of neighbouring properties with particular regard to noise, disturbance and anti-social behaviour. Thus, the proposal would comply with Policies D3 and D14 of the London Plan 2021 and Policies LP2, LP38, and LP58 of the HLP. Together these policies require amongst other things, that new development, including evening and night-time uses, must avoid causing adverse or cumulative impacts on neighbouring amenity, particularly from noise or anti-social behaviour, and must demonstrate that any potential noise is effectively mitigated.

Character and Appearance

59. In addition to the proposed change of use, the proposal would also involve the replacement of the existing shopfront, including the incorporation of Secured by Design measures which have been requested by the Metropolitan Police.
60. Policy LP1 of the Hackney Local Plan requires development to respond positively to the form, scale, proportions and architectural detailing of its surroundings. Further guidance is provided in Hackney's Shopfront Design Guide (2006), which seeks the retention of traditional proportions and features and advises against alterations that would erode historic character or introduce visual clutter.
61. The existing shopfront is not statutorily protected and lies outside a conservation area. Nevertheless, it incorporates a number of traditional elements, including a timber stallriser, pilasters, decorative corbels and a timber cornice, with externally illuminated signage. The Council considers these features to make a positive contribution to the character and appearance of the host building and the wider street scene.
62. Although I accept that the proposal would result in some loss of traditional detailing, the main components of the shopfront would be retained, including the entrance position, timber stallriser, pilasters, transom, fascia panel, cornice and corbels. Any changes to proportions would be limited and, in my judgement, would not cause harm of a level that would undermine the character or appearance of the host building or wider area. Whilst the Council's guidance expresses a preference for the retention of original or traditional shopfronts, it also accepts that high-quality contemporary interventions can be appropriate. Having regard to the varied character of the parade, the condition of the existing shopfront and the commercial

context of the premises, I find that the proposed shopfront would represent an sympathetic alteration that would preserve the character and appearance of the host building and the wider area.

63. In relation to concerns regarding the loss of an active frontage, the shopfront design which is before me, would predominantly retain the large, glazed openings which are present in the existing shopfront. These would provide a 'shop window' of similar proportions to other retail premises in this row. Whilst the proposals incorporate a secure door entry system, primarily for use during the night, the premises would not operate differently to other neighbouring business and would not be inward facing. Therefore, whilst I accept the nature of the use would change, the appearance of the unit in the context of its neighbouring uses would not be significantly different to the current situation.
64. I acknowledge that the existing business and shopfront has been part of the community for a large number of years. However, for the reasons set out above, I have found that the proposed shopfront design would retain historical details which contribute positively to the character and appearance of the area and thus would preserve the character and appearance of the area.
65. Whilst I have had regard to local concerns regarding the absence of detailed proposals for advertisements, this does not form part of the proposed scheme. The display of advertisements is controlled by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, and consent to display advertisements may be required. However, as this does not form part of the appeal proposal, this is not a matter for this appeal.
67. The Officer Report raises concern regarding an internally illuminated yellow door surround, on the basis that it would appear incongruous and introduce visual clutter. However, the submitted drawings indicate that this feature would comprise a timber surround finished in yellow coloured paint, and the appellant has confirmed that it would not be internally illuminated.
68. My attention has been drawn to the LB of Hackney's membership of a group of local authorities titled the Coalition to End Gambling Ads, which is stated that the appeal would be at odds with. However, I have no further details of the strategy, nor any details of whether there is adopted policies or guidance. Nevertheless, this appeal is concerned with the use of the appeal premises rather than advertisements. Therefore, this does not alter my findings.
69. For these reasons, I conclude that the proposal would not result in harm to the character or appearance of the host property or the surrounding area. It would therefore accord with Policy LP1 of the HLP and Policy D3 of the London Plan (2021), which seek high-quality design that responds positively to its context.

Other Matters

70. I do not underestimate the concerns of local residents and the strength of objection to the proposed development. However, whilst I have had regard to these, the strength of objection to the proposed development is not reason alone to withhold the grant of planning permission. I have had regard to the concerns expressed regarding the deadline for making representations on the appeal proposal. However, I have been provided with a copy of the appeal notification letter, and I am satisfied that the notifications took place in accordance with the appeals

procedure guide. I also note the number of significant number of representations which have been received.

71. In addition to the points raised by concerned neighbours that I have addressed above, concerns have also been expressed including but not limited to the following: there is a lack of need for the development, Blackstock Road has small community businesses and it should avoid allowing corporate/franchises onto the street; it would set a precedent for future development, encouraging similar types of businesses and altering long term character; the unit could have more positive use such as a restaurant or café; there are no public benefits and concerns that the development would go against the idea of Hackney being a Child Friendly Borough, as this is a main route for children and families.
72. However, I note that these matters were considered, where relevant, by the Council at the application stage and did not form part of the reason for refusal, which I have dealt within the assessment above. Whilst I can understand these concerns, there is no compelling evidence before me that would lead me to reach a different conclusion to the Council on these matters. I have considered this appeal on its own merits and concluded that it would not cause harm for the reasons set out above.
73. The Council of the London Borough of Islington objected on the basis that the appeal proposal would remove an active and occupied retail unit that positively contributes to Finsbury Park Town Centre, an area already identified as one of the most deprived nationally and in urgent need of regeneration. They highlight evidence linking gambling premises to heightened crime, anti-social behaviour, and adverse health impacts, stating that the proposal would worsen existing problems and undermine efforts to regenerate the area. By adding another gambling-related Sui Generis use, they state that the scheme would reduce active retail frontage, harm the town centre's character and function, and fail to support the creation of healthy, safe, and inclusive places as required by local, London Plan, and national planning policies.
74. Whilst I have had regard to the views of the neighbouring authority as a material consideration, I have for the reasons set out above, found that the proposal would not be contrary to the development plan policies for the London Borough of Hackney. In reaching this view I have had regard to the cumulative effect of the proposed change of use on the concentration of uses within the area, which includes the neighbouring authority area. However, for the reasons set out above, I am satisfied that none of the other matters raised, either individually or collectively, would result in a level of harm that would justify dismissal of the appeal, and they do not alter my findings on the main issues.
75. My attention has also been drawn to a joint Supplementary Planning Document covering Finsbury Park Town Centre, adopted in 2014 by the three neighbouring boroughs. Although the Council does not refer to this document in its assessment of the proposal, I have been provided with a copy. The document pre-dates the adoption of the HLP and sets out broad principles for the management of the town centre. However, it contains no specific guidance that would lead me to reach a different conclusion on the main issues of this appeal.
76. The appeal site falls outside of, but immediately adjacent to the boundary of Brownswood Conservation Area (the BCA), which is located to the rear of the

appeal site. Its significance lies in its architectural and historical interest as a high quality late Victorian suburb with a clear hierarchy of housing types set out from the 1860s onwards. The proposal is primarily concerned with the change of use of the premises and replacement of the existing traditional shopfront. On this basis, I am satisfied that the proposal would have a neutral effect on the setting and significance of the BCA and would thus preserve it. Furthermore, the Council raised no specific concerns in relation to the effect of the proposed development on the setting of the BCA. Based on the evidence before me and my own observations, I see no reason to disagree with this conclusion.

77. Consequently, none of these other matters, either taken individually or together, would alter my conclusions in respect of the main issues in this case.

Conditions

78. The Council provided a list of suggested conditions, which I have considered against the tests in the Framework and the Planning Practice Guidance. Where appropriate, I have adjusted the wording of the conditions to improve precision and enforceability.
79. In addition to the standard time limit condition, I have attached a condition to define the permitted drawings to provide certainty. I have amended the suggested wording of the condition relating to the use of materials so that they reflect those shown on the approved plans, this is necessary in the interests of the character and appearance of the area.
80. A condition requiring information on how the development would achieve Secured by Design accreditation is required to provide security and minimise the risk of crime. This needs to be a pre-commencement condition because these measures need to be in place prior to the use commencing. I have obtained the appellant's agreement to this condition.
81. A further condition relating to noise from the proposed condenser units is necessary to safeguard the living conditions of the occupiers of neighbouring properties.

Conclusion

82. I conclude that the proposal would accord with the development plan taken as a whole and there are no material considerations that outweigh this finding. Accordingly, the appeal is allowed.

K Lancaster

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 drawing nos:
 - 3498(B) 04 – Proposed Block Plan
 - 3498(B) 01 Rev B – Floor Plans and Elevations as Existing and Proposed.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 3498(B) 01 Rev B – Floor Plans and Elevations as Existing and Proposed.
- 4) Prior to the first use of the development hereby permitted, information shall be submitted to and approved in writing by the Local Planning Authority detailing how the development would achieve 'Secured by Design' accreditation. The development shall thereafter be implemented in accordance with the details as approved under this condition and shall remain in perpetuity thereafter.
- 5) The level of noise emitted from the condenser units hereby permitted shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property. If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs/clicks/clatters/thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.