



Appeal Decision

Site visit made on 17 July 2024

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 August 2024

Appeal Ref: APP/T5150/W/23/3332772

5 to 6 Park Parade, Brent, London NW10 4JH

- 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 Silvertime Amusements Limited against the decision of the Council of the London Borough of Brent.
 - The application Ref is 23/0989.
 - The development proposed is described as a change of use from a betting office to amusement centre (adult gaming centre) and alterations to shopfront at 5 Park Parade; Retention of (reduced size) betting office and alterations to the rear elevation comprising removal of louver vent and installation of a new door at 6 Park Parade.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from a betting office to amusement centre (adult gaming centre) and alterations to shopfront at 5 Park Parade; Retention of (reduced size) betting office and alterations to the rear elevation comprising removal of the louver vent and installation of a new door at 6 Park Parade all at 5 to 6 Park Parade, Brent, London NW10 4JH in accordance with the terms of the application, Ref 23/0989, 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 drawings: Location Plan and A2855/P1.
 - 3) The external materials for the development hereby approved shall match, in colour, texture and design detail those of the existing building.
 - 4) The premises 5 and 6 Park Parade shall not be open to customers other than between the hours of 08:00 to 22:00.
 - 5) For the adult gaming centre hereby approved a clear and unobstructed window display facing Park Parade shall be maintained at all times with non-tinted/obscured glass in the entrance door and front windows. Additionally, signage and/or visual obstructions on the entrance door and any of the windows may be allowed up to a maximum height of 1.2 metres from ground level but no promotional material shall be displayed on the windows or entrance door.
 - 6) Prior to the first use of 5 Park Parade as an adult gaming centre hereby approved, a scheme of sound insulation measures shall be submitted to the local planning authority for approval. The insulation shall be designed so

that noise from the adult gaming centre use does not result in an exceedance of the indoor ambient noise levels specified within BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' in the flats above and adjacent to the uses. The approved insulation measures shall be implemented prior to the first use of 5 Park Parade.

- 7) Prior to the commencement of the use of 5 Park Parade as an adult gaming centre hereby approved, an entrance ramp shall be provided for customers which is sufficient to allow wheelchair access in accordance with Part M of the Building Regulations and the ramp shall thereafter be retained and maintained.

Procedural Matters

2. Since the determination of the appeal application the council has extended the Harlesden Conservation Area to include the property. There is a statutory duty to pay special attention to preserving or enhancing the character or appearance of the Conservation Area. The parties were asked to comment on the implications of this designation for the assessment of the proposed development but the extent of the physical alterations principally relate to the erection of external doors.
3. The description of development has been adopted from the Appeal Form for reasons of clarity.
4. In December 2023 an update to the National Planning Policy Framework (the Framework) was published but this does not alter the assessment of this appeal scheme.

Main Issue

5. It is considered that the main issue is the effects of the proposed development on the vitality and viability of Harlesden town centre.

Reasons

6. The proposed development includes the sub-division of a former betting office to retain this use in a smaller unit and to create a separate adult gaming centre (AGC). This is a resubmission of a previous proposals which was refused and an appeal dismissed because of there being an over concentration of adult gaming centres, pawnbrokers and pay day loan shops within Harlesden town centre adversely affecting its vitality and viability¹.
7. The previous appeal was assessed under an earlier development plan policy. However, Policy BE5(d) of the Brent Local Plan (BLP) still seeks to protect retail use in town centres, such as Harlesden, by preventing an over concentration of, amongst other uses, AGCs. Such centres would not be permitted where more than 3% of the town centre's frontage consist of AGCs or pawnbrokers/payday loan shops. Criterion (d) of the policy also refers to a minimum of 4 units in an alternative use in-between each.
8. Although numerous local residents and others have raised a concern about the number of AGCs within Harlesden town centre, the available evidence from the council and the appellant is that the 3% threshold specified in BLP Policy BE5(b) would not be exceeded. There is, however, a different interpretation of

¹ APP/T5150/W/21/3269557

criterion (d) and what is or is not meant to be an alternative use.

Interpretation of policy is a matter for the courts but there is a requirement for the assessment of this appeal scheme against this policy.

9. In the assessment of the proposed change of use the Planning Officers identified that the criterion could be interpreted in the manner adopted by the appellant, namely the 4 alternative uses should not include another AGC, a pawnbroker or a payday loan shop. This approach is supported at paragraph 6.4.39 of the BLP explanatory text which refers to ensuring there is not an over-concentration of a particular use within any single length of frontage by preventing, for example, an AGC locating in close proximity to a unit in the same use. Accordingly, in assessing the appeal scheme the appellant's approach is adopted.
10. Although there would be a betting office adjoining, there would not be another AGC within 4 units either side of the proposed AGC. The proposed sub-division of the property and the creation of a betting office and AGC would, therefore, not conflict with BLP Policy BE5 and, as such, the retail function of Harlesden town centre would be protected. It would be possible through a suitable condition to control the window display to ensure the AGC maintains an active presence facing towards Park Parade.
11. Reference has been made by the council to Policy SD6 of the London Plan which, in summary, seeks to support the vitality and viability of town centres by carefully managing the proliferation of the types of uses identified in BLP Policy BE5, particularly those town centres which are within Strategic Areas for Regeneration such as Harlesden. Such proliferation is to be managed through Development Plans and planning decisions and this would require proposals to be assessed primarily against BLP Policy BE5. This approach has been adopted in assessing this appeal.
12. The council and local residents refer to the Harlesden Neighbourhood Plan which notes the number of vacant units, the number of takeaways and betting offices within the town centre; the over concentration of service uses taking over shops and the need for concerted action to address the town centre's decline, including in the face of competition from elsewhere. There is also reference to the town centre having a high level of betting office/casino floorspace, which is taken to include AGC. However, no specific policy has been identified in the Neighbourhood Plan which would require the proposed change of use to be further assessed other than in accordance with BLP Policy BE5 in terms of its impact on the vitality and viability of the town centre .
13. Although claimed by local residents, there is no clear evidence that if the property remained vacant that another use would occupy the property, whether in its current form or as proposed to be sub-divided. From what was observed, and referenced above, there are other vacant units within the town centre which could fulfil a need for retail space and be occupied instead.
14. The council has provided a copy of an appeal within the London Borough of Islington² but the full planning circumstances of this other scheme within another London Borough have not been provided. Accordingly, limited weight is given to this other appeal decision in the determination of this appeal.

² APP/V5570/W/20/3257308

15. Surveys about the visitors to other AGCs to justify the appellant's claims about their contribution to the vitality and viability of a local centre have been provided and the council has responded to these. However, these surveys have been given limited weight in the determination of this appeal which has been assessed on its own planning circumstances.
16. For the reasons given, it is concluded that the proposed development would not cause unacceptable harm to the vitality and viability of Harlesden town centre and, as such, it would not conflict with BLP Policies BE5 and DMP1(f) which also refers to development not resulting in a loss of other land/buildings for which there is an identified need

Other Matters

17. Local residents and the Police Service have identified concerns relating to crime, disorder and anti-social behaviour, including people being approached in the street for money. The Harlesden is also identified as an area of high deprivation with demographic indicators identifying that unemployment and homelessness levels are generally high. Reference is also made to the potential to encourage children to gamble because the appeal property is located close to a school. There is no unequivocal link presented between these matters to demonstrate that the proposed AGC would lead to a harmful effect on the fear of crime, disorder and anti-social behaviour in the area. In reaching this judgement, consideration has also been given to the controls which would be imposed by a Gaming Licence and the assessment of the previous Inspector. Accordingly, there would not be a conflict with BLP Policy DMP1(f).
18. The previous Inspector had concerns about the potential impact of noise and disturbance on the occupiers of near-by residential properties associated with the customers of the proposed AGC. However, the previous proposal was for a 24 hour operation rather than the proposed AGC closing at 22:00 hours. Although the concerns of local residents have been noted, there is no objection to the proposed hours of operation from the council's Environmental Health Officers and this closing time would be 30 minutes earlier than the condition which controls the opening of the current betting office use. Suitable conditions to control the hours of opening and the provision of noise insulation could be imposed if this appeal succeeds and this would ensure that there would not be a conflict with BLP Policy DMP1(a).
19. The proposed development includes physical alterations to the property including the erection of 2 external doors which were assessed by the council to be acceptable. The council has not identified that the inclusion of the property in the Harlesden Conservation Area alters this assessment to such a degree that less than substantial harm would be caused to the significance of this designated heritage asset nor that its character and appearance would be adversely affected. Subject to an appropriate condition relating to matching external materials being used, there are no reasons to reach a different judgement and, as such, there would not be a conflict with BLP Policy DMP1(d). In reaching this judgement account has been taken of the council's suggested condition to erect a ramp outside the property to allow access by people either in wheelchairs or possessing other restrictions on mobility.

Conditions

20. The council has suggested conditions in the event that this appeal succeeds which have been assessed against the tests in the Framework. For reasons of clarity, it is necessary to include a list of the approved drawings. As has already been identified, conditions relating to hours of operation, noise insulation, window display and the erection of an access ramp are also necessary.
21. Accordingly, it is concluded that the appeal should be allowed.

D J Barnes

INSPECTOR