



Appeal Decision

Site visit made on 16 July 2025

by **P Burley BA(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 July 2025

Appeal Ref: APP/T5150/W/25/3360319

169-171 Cricklewood Broadway, Cricklewood, NW2 3JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Golden Slots (Southern) Limited against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/2700.
 - The application sought planning permission for the change of use of basement and ground floor from a vacant bank to and adult gaming centre (AGC) without complying with a condition attached to planning permission Ref 22/3943 (Appeal Ref APP/T5150/W/23/3325003), appeal decision dated 11 December 2023.
 - The condition in dispute is No 3 which states that: *"The use hereby permitted shall only be open to customers between the hours of 0800 and 0030 Monday to Friday; 0900 and 0100 Saturday; and 0900 and 0030 Sunday and Bank Holidays."*
 - The reason given for the condition is: *"in the interests of certainty and to safeguard the living conditions of surrounding occupiers."*
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the condition is reasonable and necessary to safeguard the living conditions of occupiers of surrounding residential properties with particular regard to noise and disturbance.

Reasons

3. The appeal site is and adult gaming centre (AGC) which is located at the junction of Cricklewood Broadway and Chichele Road. This was granted planning permission at appeal, and it was subject to a number of conditions (the original permission). The AGC is accessed from Cricklewood Broadway. There are residential units on the floors above the AGC which are accessed from Chichele Road.
4. In the vicinity of the site, ground floor uses along Cricklewood Broadway are generally commercial and on Chichele Road uses are predominantly residential.
5. A Noise Assessment, dated August 2024, was prepared to demonstrate compliance with condition 5 of the original permission which relates to a scheme of sound insulation.

6. Whilst condition 5 was discharged on the basis of the Noise Assessment, it does not follow that the Council was content that 24-hour trading was not a noise issue. Rather, the discharge of condition 5 demonstrates that satisfactory sound insulation measures had been implemented.
7. Noise generated within the premises is not the only potential source of disturbance. The Noise Assessment also discusses noise generated by the comings and goings of customers. However, it does not provide any evidence to support the conclusion that noise impact from customers arriving at or leaving the premises is predicted to be low.
8. For that reason, I disagree with the appellant's suggestion that information has been supplied to demonstrate that the removal of condition 3 would not unacceptably increase exposure to noise which is the relevant provision of Policy DMP1 of the Brent Local Plan 2022 (BLP) in this case.
9. The Gaming Licence (GL) that has been issued for the premises does not restrict the hours of operation of the AGC. However, it has been issued by a different regulatory regime which seeks to control different matters and impacts. No evidence has been provided to demonstrate that the licencing authority took into account the effect of the AGC on the living conditions of surrounding occupiers of residential properties in its decision to issue a licence. Consequently, I cannot conclude that the GL renders condition 3 unnecessary and lacking in reasonableness.
10. During my visit to the appeal site I observed the range of land uses, including another AGC, in the local area as well as the wide range of public transport services, some of which operate 24 hours per day. I also note, as highlighted by the appellant, that in the original permission (APP/T5150/W/23/3325003) the Inspector said that the immediate area was largely commercial in nature. However, I do not consider that the existence of 24-hour transport or other commercial uses to be sufficient justification for further 24-hour activities; each site and proposal must be considered on its own merits.
11. Development plan policy seeks to achieve a balance between supporting development and achieving acceptable outcomes. In this case I consider that achieving such a balance must take account of the proximity of residential uses to the appeal site and that, even with the behaviour-related conditions in the GL, there will still be comings and goings and potentially patrons congregating at or in the vicinity of the premises. Such behaviour would not necessarily be anti-social – it could, for example, include people waiting for a taxi or temporarily leaving the venue to smoke outside – but it could nevertheless result in noise and disturbance.
12. Therefore, and in the context of BLP Policy DMP1, I consider it both reasonable and necessary to restrict the opening hours of the premises to safeguard the living conditions of surrounding occupiers of residential properties with particular regard to noise and disturbance.

Other Matters

13. A number of representations have been made which raise issues in relation to whether this is an appropriate location for an AGC, the effect of an AGC on other developments, the amount of gambling facilities in the local area, the loss of the previous use, the impacts of gambling on individuals and communities, the

potential for anti-social behaviour, crime and implications for police resources, signage / advertisements, breaches of planning control by the appellant, and pedestrian and vehicle congestion. However, none of these matters directly relate to the main issue in this appeal and therefore I have not taken them into account.

14. Whilst some representations argue that the decision on this appeal would set a precedent, each decision must be determined having regard to the particular circumstances of the case. I have explained the specific considerations which have informed my decision in this case.

Conclusion

15. For the reasons given above the appeal should be dismissed.

P Burley

INSPECTOR