



Appeal Decision

Site visit made on 4 March 2026

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

an Inspector appointed by the Secretary of State

Decision date: 11 May 2026

Appeal Ref: APP/X5990/W/25/3374439

1A Bedford Street, London WC2E 9HD

- 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 Luxury Leisure against the decision of City of Westminster Council.
 - The application Ref is 25/00130/FULL.
 - The application sought planning permission for change of use of the basement unit and ground floor entrance from a betting shop (sui generis) to an Adult Gaming Centre (sui generis) with external alterations and associated works, without complying with a condition attached to planning permission Ref 20/07141/FULL dated 9 June 2021.
 - The condition in dispute is No 4, which states that:
Customers shall not be permitted within the adult gaming centre premises before 10am or after 2am each day.
 - The reason given for the condition is:
To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021).
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Decision

1. The appeal is allowed and planning permission is granted for change of use of the basement unit and ground floor entrance from a betting shop (sui generis) to an Adult Gaming Centre (sui generis) with external alterations and associated works, at 1A Bedford Street, London WC2E 9HD, in accordance with the application Ref 25/00130/FULL, without compliance with condition No 4 previously imposed on planning permission Ref 20/07141/FULL dated 9 June 2021, and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:
3398 (C) 01; 3398 (B) 01; 3398 (C) 01 A; 3398 (B) 02 A
 - 2) All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required by conditions to this permission.
 - 3) The design and structure of the development shall be of such a standard that it will protect occupiers within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens.

- 4) The development hereby permitted shall be operated only where waste storage is provided in accordance with the details approved under RN: 22/07654/ADFULL, and this shall be retained thereafter in accordance with the approved details.
- 5) The development hereby permitted shall be operated only where cycle storage is provided in accordance with the details approved under RN: 22/07654/ADFULL, and this shall be retained thereafter in accordance with the approved details.
- 6) The development hereby permitted shall at all times be operated in accordance with the 'Security and Social Responsibility Statement' (Appendix 2 of the Planning Statement dated November 2020).

Background and Main Issue

2. The proposal to remove condition No 4 would permit 24-hour operation of the consented adult gaming centre. The main issue is therefore whether the proposed extension of the premises' operating hours to 24-hour use would result in an unacceptable effect on the character and function of the area and on the living and working conditions of nearby residential and commercial occupiers, having regard to cumulative late-night activity.

Reasons

3. The appeal site lies within the Central Activities Zone and the West End Retail and Leisure Special Policy Area, an area characterised by a high concentration of commercial, leisure, hospitality and visitor-focused uses. The surrounding streets include hotels, restaurants, pubs, theatres and other late-night premises, and activity levels during the evening and night-time period are an established and defining feature of the area's character.
4. The proposed removal of the condition would permit an additional eight hours of lawful operation between 02:00 and 10:00 each day. The Council's concern is that this would add to late-night and early-morning activity to an extent that would be inappropriate for Bedford Street, which it describes as a narrower, secondary street with nearby residential accommodation. I acknowledge that Bedford Street itself is not one of the principal thoroughfares of the West End and that the character and intensity of activity can vary between streets. However, this does not alter the fact that the street forms part of a broader, intensely commercial and visitor-focused area where late-night activity is well established.
5. The proposal does not introduce a new use, nor does it alter the physical form, scale or layout of the premises. The appeal concerns only an extension to the late-night and early-morning operating hours of a use that is already permitted to operate until 02:00. In that context, the key issue is whether the additional hours between 02:00 and 10:00 would materially change the character or functioning of the area.
6. Having regard to the nature of the use, the evidence before me does not demonstrate that operation during the late-night and early-morning period would result in a perceptible or harmful change to the character of the area. At my site visit I noted evidence that other commercial premises within the wider area operate on a 24-hour basis, indicating that round-the-clock activity is not

uncharacteristic of this part of the West End and that the proposal would not represent an isolated 24-hour use. Furthermore, there is no persuasive evidence that the premises is a venue associated with large numbers of patrons congregating or dispersing simultaneously, nor that extending the operating hours would increase activity levels to such a degree that the character or function of the area would be materially altered.

7. The Council places particular reliance on the potential for noise and disturbance during the night-time and early-morning period, including cumulative impacts alongside other late-night uses. At application stage, the Council's Environmental Health team objected because no Noise Assessment (NA) had been submitted, stating that this prevented a proper assessment of potential impacts.
8. A detailed NA was submitted as part of the appeal. Although this information was not before the Council when determining the application, it serves only to clarify matters rather than to amend the proposal, and the Council was afforded the opportunity to comment on it during the appeal. I am therefore satisfied that no party has been prejudiced by the submission of this additional evidence.
9. The NA considers baseline night-time noise levels, operational noise from within the premises, noise from plant and equipment, and customer arrival and departure during the extended early-morning hours. It concludes that predicted noise levels would be below existing background noise levels and within accepted standards at nearby noise-sensitive receptors.
10. I am presented with no technical evidence that contradicts these findings. While the Council maintains concerns regarding noise in principle, it has not identified specific deficiencies in the methodology or conclusions of the NA, nor has it provided alternative technical evidence demonstrating that unacceptable noise impacts would occur. I also note no substantiated evidence of noise complaints associated with the operation of the premises during its existing permitted hours.
11. Based on the available evidence, I am therefore not persuaded that the proposed extension of operating hours would give rise to unacceptable noise or disturbance that would harm the living or working conditions of nearby occupiers, either individually or cumulatively with other late-night activities in the area.
12. I give due weight to the professional expertise of the Metropolitan Police Designing Out Crime Officer, whose objection is based on high levels of crime and anti-social behaviour in the wider area and the view that extending hours could exacerbate these issues. However, this objection relies primarily on area-wide crime statistics and generalised concerns relating to late-night activity, rather than on a clear or defined link between the proposed extension of hours at this specific premises and a demonstrable increase in crime or disorder.
13. Site-specific evidence submitted during the appeal indicates that a limited number of incidents have been recorded in connection with the premises over its period of operation. While little detail has been provided as to their precise nature, on the information before me these incidents appear limited rather than notable, particularly when viewed in the context of the substantial level of late-night activity already established in this part of the West End. I am therefore not persuaded that the evidence supports the contention that the premises has been a significant generator of crime or disorder, or that extending its operating hours would

materially increase such risks. While it is accepted that the wider area experiences crime and disorder consistent with its role as a major visitor and night-time destination, a clear causal link between the proposed extended hours and a likely increase in crime or disorder has not been demonstrated.

14. In the absence of convincing evidence that the proposed extended hours would materially worsen crime or disorder attributable to this premises, I find no harm on this basis.
15. The Council's concerns regarding cumulative late-night impacts are a legitimate planning consideration, particularly in areas with a high concentration of late-night uses. However, cumulative impact does not arise automatically and must be supported by evidence that a proposal would result in harm, or a realistic likelihood of harm. In this case, while the proposal would facilitate additional late-night and early-morning activity, the evidence does not demonstrate that the continued operation of the premises between 02:00 and 10:00 would be likely to tip the balance from acceptability to harm. The proposal would neither introduce a new source of late-night noise or activity of a markedly different character, nor would it significantly intensify activity beyond that which already forms part of the established functioning of the area.
16. For the reasons given above, I am not persuaded that the proposed extension of the premises' operating hours to allow 24-hour use would have an unacceptable effect on the character and function of the area or on the living and working conditions of nearby residential and commercial occupiers, even when the cumulative effects of late-night activity are taken into account. Accordingly, I find no conflict with Policies 7, 14, 16, 33 or 38 of the City Plan 2019-2040, Adopted April 2021. Collectively, these policies seek to support the city's commercial, cultural and night-time roles, safeguard amenity, environmental quality and local character, and manage cumulative impacts.

Other Matters

17. The appeal site lies within the Covent Garden Conservation Area (the CA), the significance of which is derived from its special architectural and historic interest arising from its distinctive townscape, historic street pattern, and long-established mix of commercial, cultural, entertainment and leisure uses. The proposal involves no physical alterations to the building and does not affect its appearance, setting or broad function within the CA. Having regard to the nature of the proposal and the evidence before me, I am satisfied that the proposal would preserve the character and appearance of the CA, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Conditions

18. Permission granted under section 73 (S73) of the Town and Country Planning Act 1990 (as amended) takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The Planning Practice Guidance makes clear that any permission granted under S73 should set out all of the conditions imposed on the new permission, and, for the purpose of clarity, restate the conditions imposed on earlier permissions that continue to have effect.

19. Having regard to the nature of the appeal, the fact that the development has already commenced, and the agreement between the main parties on the approach to conditions, I am satisfied that it is necessary to delete condition No 4 in order to allow 24-hour operation of the premises. It is also necessary to amend condition Nos 6 and 7 so that they accurately reflect the waste and cycle storage details that have already been approved.
20. The Council has not requested the reimposition of condition No 2, which relates to piling, excavation and demolition works. Based on the evidence before me, it appears that any works associated with this condition have been completed and it is therefore no longer necessary. The remaining conditions attached to the original permission continue to be necessary and reasonable, subject only to minor wording adjustments for clarity and precision. This approach is consistent with the tests set out in the National Planning Policy Framework regarding the use of planning conditions.

Conclusion

21. For the reasons given above, the proposed development would accord with the development plan as a whole, and there are no other considerations to indicate that the appeal should be determined other than in accordance with the plan. Accordingly, for the reasons given above, I conclude that the appeal should succeed.
22. I shall therefore allow the appeal and grant a new planning permission without the disputed condition, and subject to other conditions as set out in my formal decision.

P Storey

INSPECTOR