

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

18 October, 2023
04
23/0989

SITE INFORMATION

RECEIVED	28 March, 2023
WARD	Harlesden & Kensal Green
PLANNING AREA	Harlesden Neighbourhood Forum
LOCATION	5-6 Park Parade, London, NW10 4JH
PROPOSAL	Change of use from 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 louvre vent and installation of new door at 6 Park Parade
PLAN NO'S	See Condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_164275</p> <p><u>When viewing this as an Hard Copy</u> .</p> <p>Please use the following steps</p> <ol style="list-style-type: none">1. Please go to pa.brent.gov.uk2. Select Planning and conduct a search tying "23/0989" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

RECOMMENDATIONS

A. That the Committee resolve to GRANT planning permission.

B. That the Head of Planning is delegated authority to issue the planning permission and impose conditions and Informatives to secure the following matters:


Conditions:

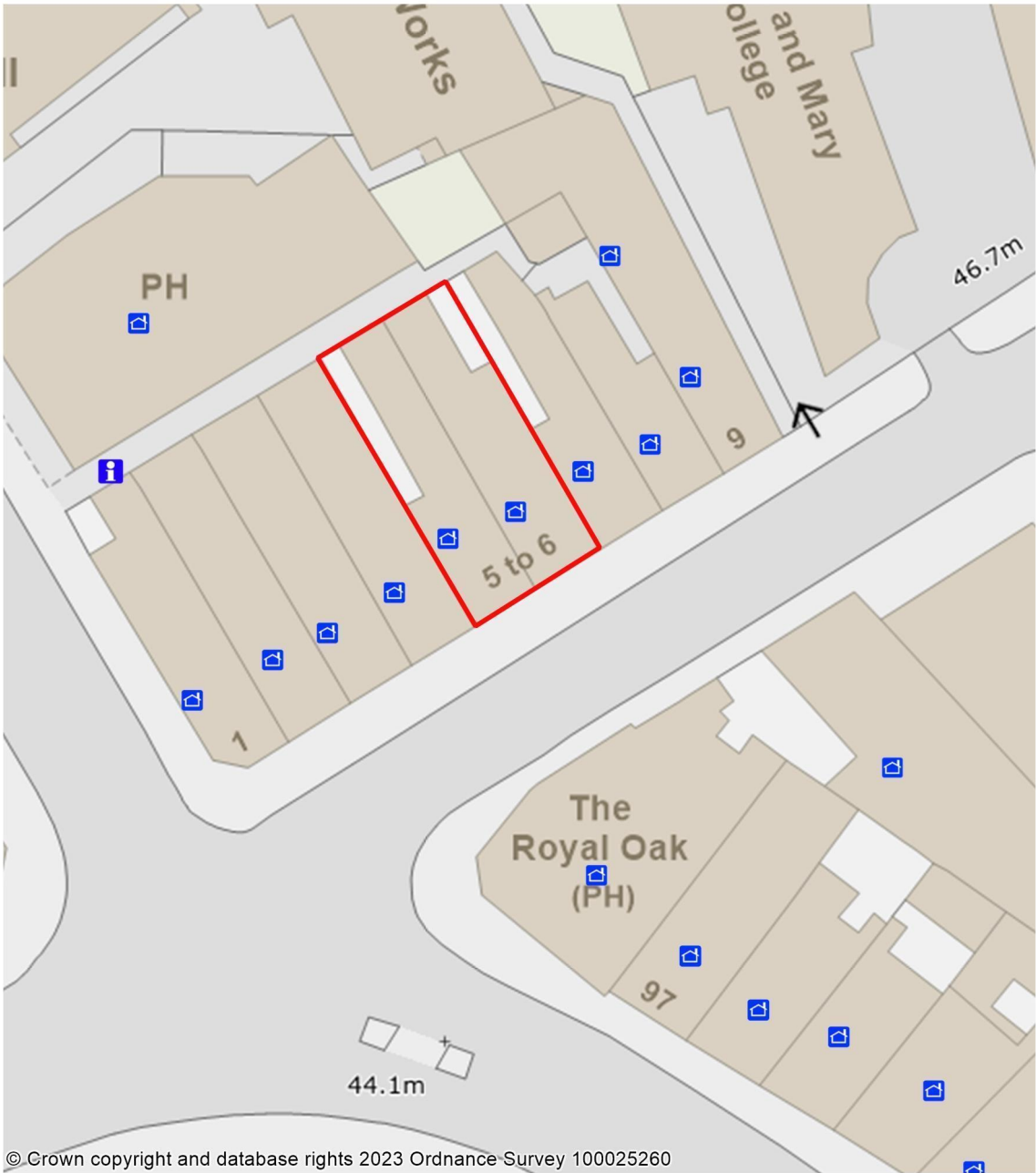
1. 3 Year time period
2. Approved plans / drawings
3. Materials
4. Window Display
5. Opening Hours
6. Details of slope to entrance 5 Park Parade
7. Noise

Informatives:

Any informative(s) considered necessary by the Head of Planning

SITE MAP

	Planning Committee Map Site address: 5-6 Park Parade, London, NW10 4JH © Crown copyright and database rights 2011 Ordnance Survey 100025260
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This map is indicative only.

PROPOSAL IN DETAIL

Change of use from 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 louvre vent and installation of new door at 6 Park Parade.

EXISTING

This application relates to a double fronted ground floor commercial unit currently comprising a vacant betting shop. It sits within a three-storey Victorian terrace with residential properties above. The site is located within secondary shopping frontage within Harlesden Town Centre. The site is within the Harlesden Creative Cluster.

The site is located in an Archaeological Priority Area and to the rear boundary of the site is a site of Archaeological Importance. The site is within an air quality management area and the Harlesden and Willesden Junction Air Quality Focus Area. The site is not listed nor located within a conservation area.

SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application:

- 1. Representations received:** 60 objections have been received. Officers have considered the comments and these are discussed in the report below. When taking into account the planning policies that are relevant to the proposal, it has been found that the proposal is in general accordance with the development plan.
- 2. Change of Use/Principle of Development:** The existing site was previously in use as a double fronted betting shop. The proposal includes the sub-division to two separate units, one to be retained as a smaller betting shop and the other as an adult gaming centre. The proposal has been assessed to comply with Policy BE5 of the Brent Local Plan and is not considered to lead to an over-concentration adult gaming centres and pawnbrokers in the vicinity. The proposal would result in a reduced frontage of betting shop use.
- 3. Character and Appearance:** The external alterations are minor in nature and would not detract from the appearance of the subject property or wider streetscene or Harlesden Town Centre. A condition is recommended to secure an appropriate level of active frontage.
- 4. Neighbouring Amenity/Noise:** The development has been assessed having regard to the proposed development and proximity of residential sensitive receptors with regard to the proposed operating hours, use and regard paid to the appeal decision and planning history. A restriction to opening times is proposed which is considered to be reasonable for the proposed use and size of the premises along with the submission and approval of a sound insulation condition.

RELEVANT SITE HISTORY

History

22/1619 – Refused (06/07/2022)

Change of use from 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 louvre vent and installation of new door at 6 Park Parade

Reason for refusal:

'The proposed change of use would result in an unacceptable over-concentration of Adult Gaming Centres, it would harm the vitality and viability of Harlesden Town Centre. The proposed development is contrary to

20/3169 – Appeal Dismissed (14/10/2021)

Change of use from betting office (Use Class Sui Generis) to amusement centre (adult gaming centre) (Use Class Sui Generis).

00/1706 – Granted (19/09/2000)

Change of use from retail (Use Class A1) to licensed betting office (Use Class A2)

Condition 2: _

‘The premises shall not be used except between the hours of 0800 hours and 2230 hours Sundays to Thursdays and between 0800 hours and 2300 hours Friday and Saturdays without the written consent of the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.’

CONSULTATIONS

A total of 89 consultation letters were sent on 23rd May 2023, this is inclusive of Harlesden Neighbourhood Forum and Local Ward Councillors.

60 objections were received in total inclusive of objections from Councillors, Harlesden Neighbourhood Forum and Harlesden Area Action Group, the Police Safer Neighbourhood Team and the Salvation Army. The following Councillors objected:

Cllr Mili Patel –Harlesden and Kensal Green Ward
Cllr Jumbo Chan – Harlesden and Kensal Green Ward
Cllr Jake Rubin – Roundwood Ward
Cllr Elliot Chappell – Roundwood Ward
Cllr Fleur Donnelly – Jackson – Roundwood Ward

The table below summarises concerns raised and provides officer comments or direct readers to the main body of the report:

Objections Raised	Officer comment
<p><u>Impact to vitality and viability of town centre and overconcentration of adult gaming centres</u></p> <p>Over concentration of adult gaming centres, pawn brokers or loan shops. Does not accord with Brent policy. Lack of diversity in shops.</p> <p>Other adult gaming centre nearby.</p> <p>Reference made to OPDC Polices, they state betting shops, pawnbrokers and payday loans should not be located within 400m of one another.</p> <p>Creation of separate does not meet the requirement for having at least 4 units of intervening uses in between such uses.</p> <p>Reference made to NPPF sustainable principles and states this contravenes such principles.</p> <p>Concern proposal would have negative impacts for the vitality and viability of town centres. Contravenes Harlesden Neighbourhood Forum</p> <p>States that footfall would be less than a betting shop. Refers to other</p>	<p>See main body of this report which addresses impact to vitality and viability of the town centre as well as the impacts of an overconcentration of such uses.</p> <p>The Council’s planning polices seek to ensure the viability and vitality of our town centres is maintained. The impact of non-retail uses is assessed against the relevant policies in the Principle of Development</p>

documents such as the OPDC Town Centre Study.

Crime and anti –social behaviour will drive customers away from Park Parade, impacting on nearby shops and an empty shop is better than an adult gaming centre.

Could be used by an actual shop front or alternative use that provides positive benefit for the community.

States an alternative use would employ more people and though the applicant states an advantage would be investment to the premises objectors note any investment would be an improvement.

Use drains money from residents to use in shopping centre.

The stretch of the road is littered with shops and cafes that are used mainly by males.

Less attractive to employees in local businesses

Obligation to regenerate high streets, states that it is not in line with the 'borough of culture'

Park Parade improved dramatically since closure of betting shop.

Park Parade is a side street different to a high street, caters for the residents who live on and around Park Parade.

Splitting the premises into an adult gaming centre and betting shop goes against the spirit of the plan, still advocating gambling.

Reference to the Harlesden Neighbourhood Plan and intent to manage clusters of such uses to prevent overconcentration.

Applicant not shown due diligence, no evidence of impact of proposal.

States criteria D required 4 alternative uses in between and this proposal would fail on this ground.

In close proximity to other Adult Gaming Centres.

Undermines regeneration plans of OPDC and Crossrail HS2 and improvements to Town Centre.

Despite being under threshold, concerns still raised.

Footfall for retailers adjacent to betting shops, payday lenders and adult gaming centres is significantly lower (reference made to Brent Surveys)

Harlesden not listed in London Plan for night time economy, yet applicant refers to contributing to night-time economy.

Not an inclusive use.

Requests number of machines should be limited to 4 in the adult gaming premises.

A full assessment should be undertaken to ensure figures are accurate.

Section.

It is not considered reasonable to impose such a condition given that the threshold of adult gaming centres has not been breached.

A survey of the Town Centre has been

Shop Vacancy .

Notes the shop has been vacant, but that there is no evidence of marketing.

Applicant has left shop to deteriorate to be used as an argument that the AGC will improve the area.

Although vacant an AGC would not improve Harlesden's Vitality and viability.

Vacancy rate concern and any active retail is welcomed subject to constraint, including active frontage.

Short term commercial gain.

Number of businesses used as fronts for money laundering.

Increase in anti- social behaviour, crime and disorder, littering, noise and disturbance .

Already a problem in area with crime and anti-social behaviour. Concern proposal would worsen crime and anti-social behaviour.

Use will encourage loitering, crime, noise and disorder.

Police objected to previous applications.

undertaken and, planning history of the properties within the Town Centre has also been reviewed in consultation with the Planning Policy Team . Following the evaluation of this information, it has been concluded that the proposal would not result in the 3% threshold being breached. Please see the Principle of Development' section for more details about the policy wording.

As a result of the proposed development the threshold of 3% outlined in Policy BE5 of the Brent Local Plan would not be breached. There is no requirement to undertake marketing in this instance.

Marketing information is not required by the planning policy and officers cannot speculate on the reasons for the unit remaining vacant. Nevertheless, only modest weight is given to the benefits associated with bringing a vacant unit back into use in the absence of such information.

Please see 'Principle of Development section of this report.

A Planning Condition is recommended to address level of active frontage.

The previous application and appeal decision are material planning considerations. The Planning Inspector did not support the Local

Concern about gangs loitering.

Use would attract ASB (anti-social behaviour) /opens up late and has in turn led to many years of complaints from residents and businesses alike.

Late night licence encourages drinking and anti-social behaviour on Park Parade

Objection refers to a Witness Statement referring to customer becoming intoxicated, abusive and threatening.

When money lost people can be aggressive and attack shopfront. Not all incidents are reported.

Flats above will be affected by noise.

Male dominated area and concern about intimidation from loitering and street drinking. The site is in the path of the main route from the station to the Town Centre.

Many objections refer to Park Parade being residential in character and increasingly so with new residential developments.

Resource intensive to police.

Open Space Closure Orders in addition to Brent Council's PSPO's implemented.

Harm outweighs benefits.

Requests a licence is not granted.

CCTV is not adequate mitigation.

Public Order applied to William Hill on Craven Park.

Lack of space to rear will mean smokers stand on pavement.

Police previously opposed licence.

Concerns about licensing and alcohol.

Planning Authorities view in terms of impact of the proposal on crime, anti-social behaviour and disorder. Please see the Planning Background section as well as a further assessment with the 'Impact to Residential Amenity' section of this report.

Given the size of the premises, it is not considered to give rise to significant numbers of people as to cause an obstruction of the pavement outside.

Planning is a separate legislative regime to Licencing.

An alcohol licence would be required to consume alcohol on the premises and would be considered under Licencing Legislation.

Operational Hours

Concern about opening hours which is not clear. Could be open later than existing.

Increase in opening hours would increase net amount of gambling,

Please see Impact to Residential Amenity section of the report

exacerbating crime, ASB and disorder as well as disturbance. Requested earlier closing times be conditioned.

Close to residential use.

Social impacts

High levels of debt and deprivation and vulnerable people. Already huge inequality in area. Reference made to Brent Poverty Commission Report, case studies include those addicted to gambling.

Results in addiction.

Concerns about impact to crime, poverty, addiction and well-being. Raises concerns regarding the negative impacts to health and wellbeing. Reference made to studies about the impacts of gambling.

Makes reference to Labour Councillors statement to improve things including unmanageable debts.

Drains money from most vulnerable and targets these people specifically.

Does not social cohesion. Should encourage businesses for jobs and community spirit. Does not serve community.

Schools/places of education nearby and near key transport, main thoroughfare. Reference made to the Governments launch of 'School Super zones' concept. Concerns for harm to young and/or vulnerable people. Studies refereed to.

Harm to vulnerable people such as homeless. In addition located close to homeless accommodation shelter.

Refers to existing problems including 'male only' cafes with drug dealing and street drinking. Refers to gender asserting male orientated use

Impacts to social and mental health. Use is negative for health and does not contribute to a healthier place to live.

Rebranding to gaming centre may make it more attractive to young people.

References made to the 2019 Statement of Principles for Gambling, particularly that gambling is a source of crime or disorder.

References made to the 2019 Statement of Principles for Gambling noting that *the cost to the borough of gambling-related harm is, per the 2012 Health Survey for England in excess of £2 million. At a time when services are hard hit by the impact of COVID -19 it seems illogical to increase the burden on services by expanding the impact of a recognised co-morbidity. In 2019 there were 94 licensed gambling premises in Brent. These have a dire impact in a deprived borough. Allowing an adult gaming centre to operate from 9am-midnight in an area with a late night economy of late-opening cafes and a pub cannot rationally accord with Objective 1 of the Statement of Principles for Gambling.*

Many residents in Harlesden have mental health problems, are on low income or have various physical or learning disabilities. Gambling is known addiction, that appeals to poor judgement, ruins lives of whole families and takes away the future financial security from children. It is a great temptation to those residents who lack greater vision and motivation in their life.

Doesn't make Harlesden a nice place to live and work

Impact to well-being.

The Council can only consider planning policies and material planning considerations, and the policies relating to are discussed in this report. Nevertheless, the Council must also consider potential equalities impacts associated with a proposal.

With regard to the impact on children, there is a statutory requirement to exclude under 18s from AGCs.

The Gambling Commission sets out the Licence Conditions and Codes of Practice (LCCP), which are applicable to operators of AGCs. Monitoring and enforcement is undertaken by local authority licensing officers and the Gambling Commission's licensing officers. It is that regulatory, licensing and enforcement framework which is intended to enable safe gambling as a leisure activity whilst protecting children and vulnerable persons and ensuring that there is no association with anti-social behaviour and criminal activity.

Gender imbalance.

Wouldn't be accepted in other boroughs.

Concern would result in 'Dompamining' refers to neuro diversity.

Vulnerable people with mental health issues are at risk.

Advertising encouraging gambling, references to advert impact studies.

Obscuring view of machines not effective mitigation.

Cost of living and impacts from Covid, plus cost of living crises results in more vulnerability.

States that it may offer employment but raises concerns that it leaves a legacy of social problems.

Visual appearance

Impact to active frontage. Addition of advertising on windows. Looks tacky.

Reference made to Harlesden Heritage Action Zone work. States proposal would undermine this work, including bringing community together for cultural creative activities, yet an AGC may put people off.

Please see 'Impact to Character and Appearance section of this report'.

The site is not located within the Conservation Area. There is no evidence to suggest that resident's would not use the Town Centre due to the AGC in this instance.

Previous cases/appeals

Reference made to previous refusal in 2021 and the dismissed appeal in this site. Planning was refused and states nothing has changed since. Multiple applications, wasting time.

Questions why another application has been accepted by Brent Council.

Each application is determined on its own merits.

The detailed consideration section of this report provides an analysis of the site planning history and differences between the previous case and this proposal. This is summarised in the 'Planning Background' section of this report.

Other

Term amusement too vague, could mean a number of uses.

Pavement narrow and next to a bus stop.

The proposed use is understood, Paragraphs 4.7 – 4.9 provide more information about the use and refer to the premises containing gaming

machines.

It is not considered that the scale and type of use would result in significant numbers of people 'spilling' out onto the pavement. Brent's Transport Team did not raise any objection in this regard.

Internal Consultations

Brent Transport Team – No objection

Brent Environmental Health – No objection

POLICY CONSIDERATIONS

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of this application should be in accordance with the development plan unless material considerations indicate otherwise.

The development plan is comprised of the

London Plan 2021

Brent Local Plan 2019-2041

Harlesden Neighbourhood Plan 2019

Relevant policies include:

London Plan 2021

- D4: Delivering Good Design
- D12: Fire Safety
- E9: Retail, markets and hot food takeaways
- T4: Assessing and Mitigating Transport Impacts
- T5: Cycling
- T6: Car Parking

Brent Local Plan 2019-2041

- DMP1: Development Management General Policy
- BD1: Leading the Way in Good Urban Design
- BE5: Protecting Retail in Town Centres
- BE7: Shop Front Design and Forecourt Trading
- BT1: Sustainable Travel Choice
- BT2: Parking & Car Free Development

Harlesden Neighbourhood Forum

Other material considerations

The following are also relevant material considerations:

- National Planning Policy Framework
- National Planning Practice Guidance

Supplementary Planning Guidance / Documents:

- SPD1 – Brent Design Guide 2018
- SPD3 – Shopfront Design Guide

Public Sector Equality Duty

In line with the Public Sector Equality Duty, the Council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics.

DETAILED CONSIDERATIONS

Planning Background

1. This application relates to a double fronted ground floor commercial unit currently comprising a vacant betting shop. It sits within a three-storey Victorian terrace with residential properties above. The site is located within secondary shopping frontage within Harlesden Town Centre.
2. The previous planning history is a material consideration when determining a planning application. An application (reference 20/31698) for the change of use from betting office (Use Class Sui Generis) to amusement centre (adult gaming centre) (Use Class Sui Generis) was refused for the following reasons:
 - *The proposed change of use and operational hours would result in an unacceptable over-concentration of Adult Gaming Centres, it would harm the vitality and viability of the Harlesden Town Centre and is likely to result in exacerbated negative impacts such as noise disturbance, crime and anti-social behaviour. The proposed development is contrary to DMP 1 and DMP 3 of the Brent Development Management Policies Plan (2016).*
 - *Insufficient details have been submitted in regard to the external alteration (staircase, access and changes to window) as such the Local Planning Authority is unable to fully consider the impacts of the external alterations, contrary to Policy DMP 1 of the Brent Development Management Policies (2016).*
3. The application was appealed and dismissed. The Inspector agreed that the proposed development would result in an exceedance of 3% of the frontages in use as adult gaming centres or pay day loan shops, resulting in an overconcentration of uses within the frontage. The Inspector concluded the proposal would have a harmful effect on the vitality and viability of Harlesden Town Centre.
4. The Inspector found that the proposal would result in harm to the living conditions of occupiers of neighbouring properties with regards to noise and disturbance. However, they did not support the Local Planning Authorities view in terms of crime, anti-social behaviour and disorder, at paragraph 16 of the Appeal Decision they stated:

'From the evidence before me, I am not convinced that the proposal would have a harmful effect on crime, disorder and anti-social behaviour in the surrounding area.'
5. Finally, the Inspector agreed that there was insufficient information provided to determine whether the proposed external alteration such as an external staircase would be acceptable.
6. A later planning application (reference: 22/1619) was submitted for the *'Change of use from 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 louvre vent and installation of new door at 6 Park Parade'*.
7. Key changes between the above case (ref 22/1619) and the dismissed case included:
 - The proposal sought to divide the unit into two units, resulting in the change of use of number 5 Park Parade; with the retention of 6 Park Parade as a reduced sized betting office.
 - Alterations to the frontage of number 5 including the addition of a door and recessed entrance

area

- To the rear the existing louvre vent to the plant room would be removed and a new door is proposed with the remaining area being bricked up
- The operating hours were previously proposed to be 24 hours in the dismissed appeal scheme, whereas the later refused scheme sought the following opening hours

Monday to Friday, Saturdays & Bank Holidays: 08:00-22:00

8. This later scheme (ref 22/1619) was refused on 06/07/2022 for the following reason:

'The proposed change of use would result in an unacceptable over-concentration of Adult Gaming Centres, it would harm the vitality and viability of Harlesden Town Centre. The proposed development is contrary to DMP 1 and BE5 of the Brent Local Plan 2019-2041.'

9. This application currently under review seeks planning permission for the exact same development. The applicant outlines within their Planning, Design and Access Statement that there has been a change to the proportion of frontage in pay day loan use and as such the proposed development would now comply with the overall 3% threshold for adult gaming centres, pawnshops and payday loan shops collectively, as outlined within Policy BE5 of the Brent Local Plan.

Principle of Development

10. The proposal would result in the subdivision of numbers 5 & 6 which are currently amalgamated into one unit and the change of use of number 5 Park Parade to an adult gaming centre (sui generis use). The resulting unit at 6 Park Parade would be retained as a reduced sized betting office. Other external alterations are proposed and discussed in detail later sections of this report.
11. The site consists of a double fronted unit which is currently vacant, the last use was as a betting shop. The site is secondary frontage within Harlesden Town Centre. London Plan policy E9 C) 7 states development should manage clusters of uses having regard to their positive and negative impacts on town centre vitality, viability and diversity. An overconcentration of uses can reduce the diversity of offer of a town centre and can therefore impact on its ability to meet local needs as well as its vitality.
12. Policy BE5 relates to betting shops, adult gaming centres and pawnbrokers, it seeks to prevent an over-concentration of particular uses in close proximity to a unit in the same use. The diversity of uses can be impacted by over concentration of uses, it can impact the Town Centre's ability to meet local need as well as the vitality and viability.
13. Harlesden Neighbourhood Plan asserts that although many of the services taking over shop units attract people to town centres, some are less of an attraction and an over-concentration especially can lead to a centre being less attractive to shoppers and other visitors. It asserts that Harlesden has the second highest level of 'casino/betting floorspace, it then goes on to say that Harlesden has no casino and this must relate to betting and/or adult gaming centre floorspace.
14. Brent Local Plan Policy BE5 outlines criterion where Betting Shops, Adult Gaming Centres and Pawnbrokers may be considered acceptable in principle.
15. The relevant criterion is there for a), b) and d) as listed below:
 - a) *no more than 4% of the town centre frontage consisting of betting shops;*
 - b) *no more than 3% of the town centre frontage consisting of adult gaming centres or pawnbrokers/payday loan shops;*
 - c) *no more than 1 unit or 10% of the neighbourhood parade frontage, whichever is the greater, consisting of betting shops, adult gaming centres or pawnbrokers/payday loan shops;*

d) a minimum of 4 units in an alternative use in-between each.

16. The proposal would retain one of the units as a betting shop, although Criterion 'a)' is relevant, the proposal would result in the reduction of betting shop use. As such the proposal would not result in an overconcentration of betting shop uses.
17. The previous section of this report provides details of the planning history on site, to re-iterate the previous application (which was for exactly the same development) was refused on the basis that it would exceed the 3% threshold of frontage of the town centre in the following uses; adult gaming centres/pawnbrokers or payday loan use Thereby, failing to accord with Policy BE5 criterion b), resulting in an overconcentration of such uses, which was considered to harm the vitality and viability of Harlesden Town Centre. Updated town centre information, such as the occupancy / use information has been provided and further surveys have been undertaken by Council officers, including a review of recent planning permissions for premises within the centre.
18. It is noteworthy that, since the previous refusal (06/07/2022), number 89 High Street Harlesden, which was formerly in use as a pawnbroker has been occupied by a retail use. This has resulted in a reduction in the frontage of length in the town centre in pawnbroker use (captured under criteria b of policy BE5).
19. 5-6 Park Parade have been vacant since at least December 2020 and have been subject to continuous vandalism harming the impression of the town centre. As a double fronted vacant unit it currently offers no meaningful contribution to the vitality or viability of the Town Centre.
20. Objectors have commented that the applicant has left the unit vacant and then cited this as part of the justification for the proposal. Marketing information is not required in relation to proposals for adult gaming centres as the Council's policies examine the concentration of such uses rather than the evaluation of alternative uses. It is therefore not known (and not required to be shown by the applicant) whether this unit could have been let for alternative purposes instead of remaining vacant. As such, very modest weight is given to the benefits associated with bringing a vacant unit back into use.
21. Objections have been received in relation to the vitality and viability as well as the concentration of adult gaming centres and betting shops in the town centre. Policy BE5, Criterion b) addresses this matter and seeks to limit the proliferation of uses such as adult gaming centres. The proposal would result in the addition of one shop unit to an adult gaming centre use. When taking into account the updated surveys and recent planning consents, the proposed development would not result in more than 3% of the town centre frontage in adult gaming, centres/pawnbrokers/payday loan shops thereby complying with criteria b.
22. Therefore, the proposed development has overcome the previous reason for refusal and is compliant with Policy BE5. It is not considered that the proposed development would result in an overconcentration of adult gaming centres or pawnbrokers/payday loan shops, nor would harm be caused to the overall vitality and viability of the Harlesden Town Centre.
23. Objections have been received in regards to the proximity to other gambling premises, noting number 10 Bank Buildings and number 53 Harlesden High Street. These are located approximately 163m and 170m from site respectively. Nevertheless, the proposed development is not considered to result in an unacceptable concentration or clustering of such uses when taking into account the parameters set within the adopted policies.
24. Criterion C is not relevant as the site is not located with a neighbourhood parade frontage.
25. Criterion d) asserts that there should be a minimum of 4 units in alternative use in-between each. The proposal would result in the sub-division of the unit with one unit being a betting shop and the other proposed as an adult gaming centre.
26. It is acknowledged that the wording within criteria d) is arguably open to interpretation as the wording within the policy itself refers to a "minimum of 4 units in alternative use in-between each" without clarifying

whether that is between each separate use of each separate unit. For example, if it related to each separate use then a betting shop next to an adult gaming centre would comply with this policy (as they are different uses). If it related to each separate unit then it would not comply. However, the supporting text within the Local Plan (para 6.4. 39) clarifies that this policy looks to ensure that sufficient separation is present between each use (rather than unit). Given that the supporting text has been provided to explain the purpose of the policies within the plan, this is considered to be the correct interpretation. As such, the proposal complies with this part of the policy as there are a minimum of 4 units in alternative use between each use. For clarity, the following is specified within paragraph 6.4.39 within the Local Plan:

'To ensure there is not an overconcentration of particular uses within any single length of frontage the policy seeks to prevent adult gaming centres, pawnbrokers, betting shops and takeaways locating in close proximity to a unit in the same use.'

27. In summary, the proposed change of use would not result in an unacceptable over-concentration of Adult Gaming Centres, it would harm the vitality and viability of Harlesden Town Centre. The proposed development is considered to be in accordance with DMP 1 and BE5 of the Brent Local Plan 2019-2041. The principle of development is in accordance with the Council's policies and the London Plan and therefore is considered acceptable.

Impact Residential Amenity

28. The site is located within a town centre with commercial uses at ground floor and residential uses above. A number of objections were received in relation to impact to residential amenity.
29. It is considered that the proposed use, including the type and number of machines and commercial activity would result in the transmission of noise from commercial activity at the ground floor to the residential units above. Therefore, if the application was minded for approval a condition requiring the submission of a scheme of sound insulation measures to be submitted to the Local Planning Authority for approval would be recommended.
30. Brent's Environmental Health Team were consulted they raised no objection, they referred to the need to limit noise from plant, yet no plant is proposed as part of this application.
31. The application has applied for the following operational hours for both units:
- Monday to Friday, Saturdays & Bank Holidays: 08:00-22:00
32. Under reference 00/1706 which was a change of use to a betting shop, condition 2 restricted the use between 8am -10:30pm Sunday to Thursday and between 8am and 11pm Friday and Saturday, the reason attached was *'To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.'*
33. The appeal scheme was for 24 hour use and the Inspector at Paragraph 11 of the Decision Notice states:
- 'The proposal would be in close proximity to residential properties, mainly upper floor flats. It has been indicated that the proposal would operate 24 hours a day which would lead to comings and goings at times which are late at night or early in the morning. Customer movements during hours when noise levels are usually low would be prominent and much more noticeable which would result in occupiers of surrounding properties being unduly disturbed.'*
34. At Paragraph 12, the Inspector emphasised noise during the night and in the early morning. Given that the proposed development now proposed reduced opening hours as listed above, given the reduced hours and Town Centre location, it is not considered that the proposed comings and goings would result in adverse noise and disturbance if both premises are restricted to the hours proposed.
35. Comments were received raising concern that the use would result in crime, disorder and anti-social behaviour, noting the Police objected to the previous applications. Previous comments from the Police Safer Neighbourhoods Team suggested that adult gaming centres were driver for anti-social behaviour, maps were previously provided showing the location a concentration of anti-social behaviour, violence and drug offences. The comments noted a concentration around the Jubilee Clock and Silvertime gaming

centre. The Safer Neighbourhood Teams raised similar concerns with the Appeal Scheme, a list of offences were submitted and the Inspector was furnished with this. The Inspector did not support the Local Planning Authorities view in terms of crime, anti-social behaviour and disorder, at paragraph 16 of the Appeal Decision they stated:

'The Council have detailed concerns relating to crime, disorder and anti-social behaviour including comments from local residents and bodies, the Police Safer Neighbourhoods Team and the Metropolitan Police. The Harlesden area is identified as an area of high deprivation with unemployment and homelessness levels generally high. There is no unequivocal link presented to me between these matters and the proposal which would result in a single AGC leading to a harmful effect on crime, disorder and anti-social behaviour in the area.'

36. The appeal decision is material planning consideration. As such, having regard to the appeal decision, it is not considered that the proposed development would result in an unequivocal link between the addition of one adult gaming centre and the incidence of crime, disorder and anti-social behaviour.
37. A number of objections have been received in regard to the impact of betting shops and adult gaming centres (please see consultation section for more details). Planning and licensing are separate functions with different procedural and policy frameworks. The Gambling Commission sets out the Licence Conditions and Codes of Practice (LCCP), which are applicable to operators of AGCs. Monitoring and enforcement is undertaken by local authority licensing officers and the Gambling Commission's licensing officers. It is the regulatory, licensing and enforcement framework which is intended to enable safe gambling as a leisure activity whilst protecting children and vulnerable persons.

Impact to Character and Appearance

38. Policy DMP 1, BD1 and SPD 3 (Shopfronts) advocate good design and seek to ensure that proposed development does not result in harm to the character and appearance of the site and surroundings.
39. The proposal includes alterations to the frontage of number 5 including the addition of a door and recessed entrance area. The design and set back matches that of the existing entrance located at number 6. The plans show a slope up from the pavement into number 5, number 6 appears to have a minor slope up. In the interest of accessibility a condition is recommended to ensure 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.
40. To the rear the existing louvre vent to the plant room would be removed and a new door is proposed with the remaining area proposed to be bricked up. If the application was minded for approval a condition ensuring all materials match existing would be recommended.
41. Brent SPD 3 relating to shop fronts asserts shopfronts should provide or maintain an active frontage. While the proposal shows large divided glazed panels, betting shops and adult gaming centres often do not maintain an active frontage with obstructed or and as such a condition is recommended to ensure a reasonable level active frontage is maintained. Signage would be subject to Advertisement Consent.
42. A condition is recommended in regard to the window display to ensure an appropriately activated frontage is secured. It is also recommended that this condition seeks details to ensure an appropriate visual connection with views into and out from the unit.
43. The proposed development would not result in harm to the character and appearance of the host site or wider surrounding area.

Transport Considerations

44. Car parking and servicing standards would remain the same. The site currently does not offer off street parking or servicing and no changes are proposed either, so maximum standards will continue to be complied with. The site lies in a town centre and has excellent access to public transport services, so there are plenty of alternatives to driving to the site available. Whilst it is not ideal to service from the main street, the site will not have frequent servicing needs. The proposed new door to the frontage will be

similar to the existing, with a recessed inward opening door, which would be fine from a transport point of view.

45. Brent's Transport Team were consulted and raised no objection.

Fire Safety

46. London Plan policy D12a indicates that the fire safety of developments should be considered from the outset. This includes measures to demonstrate space identified for the appropriate positioning of fire appliances, appropriate evacuation assembly points and floor layouts and cores planned around issues of fire safety for all building users.

47. A fire safety statement has not been submitted pursuant to Policy D12A which intended to ensure fire safety is considered early in the development process and accordingly deals with fire safety matters that could relate to land use planning. However, it is not intended to replace the detailed information required through Part B of the Building Regulations.

48. A fire statement has not been submitted. However, given the nature of the change of use, scale and type of minor external changes, the location it is considered reasonable to determine this case with an informative to the applicant regarding their obligations under Building Regulations.

Flooding and Sustainable Drainage

49. Local Plan Policy BSUI4 sets out proposals for minor developments, householder development, and conversions should make use of sustainable drainage measures wherever feasible and must ensure separation of surface and foul water systems. Proposals that would fail to make adequate provision for the control and reduction of surface water run-off will be refused.

50. Local Plan Policy BSUI4 requires new developments to make use of sustainable drainage measures wherever feasible and ensure separation of surface and foul water systems. On site water management and surface water attenuation suggest that proposals should submit a Drainage Strategy in line with the hierarchy set out in policy SI13 of London Plan and must ensure separation of surface and foul water systems.

51. The site is in Flood Zone 1 at low risk of flooding. A small area to the frontage of unit 5 where a new door is proposed would include the addition of a slight slope, yet is already an area of hardstanding. In this circumstance, given the nature of the change of use, low risk of flooding and minor scale of external alterations it is considered that the proposal is acceptable in regard to flood risk and drainage and such reports are not necessary.

Equalities

52. In line with the Public Sector Equality Duty, the Council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

Conclusion

53. The principle of development is acceptable in principle. The proposed external alterations are considered to be acceptable in terms of impact to character and appearance of the subject property and the wider streetscene. The proposed development is not considered to have an adverse impact on the amenities of neighbouring properties. Subject to conditions the proposed use would be acceptable and not result in harm to the locality and neighbouring occupiers. The proposal is considered to be in general accordance with the development plan having regard to material considerations.

Approval is accordingly recommended.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 23/0989

To: Mr Etchells
Roger Etchells & Co
The Old Bank
Kilwardby Street
Ashby De La Zouch
Leicestershire
LE65 2FR

I refer to your application dated **28/03/2023** proposing the following:

Change of use from 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 louvre vent and installation of new door at 6 Park Parade

and accompanied by plans or documents listed here:
See Condition 2.

at **5-6 Park Parade, London, NW10 4JH**

The Council of the London Borough of Brent, the Local Planning Authority, hereby **GRANT** permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 10/10/2023

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is in general accordance with the:-

National Planning Policy Framework 2019
The London Plan 2021
Brent Local Plan 2019-2041
Harlesden Neighbourhood Plan 2019 -2034

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the following approved drawings:

Location Plan
A2855/P1 – Existing & Proposed Ground Floor Layout + Elevations

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 All new external work shall be carried out in materials that match, in colour, texture and design detail those of the existing building.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

- 4 The premises No.5-No.6 Park Parade shall not be open to customers other than between the hours of:

08:00-22:00 (Monday to Friday, Saturdays, Sundays & Bank Holidays)

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- 5 A clear and unobstructed window display 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 to a maximum height of 1.2 metres from ground level with no promotional material shall be displayed on the windows or entrance door.

Reason: In order to provide and maintain active frontage and to maintain a positive character of the shopping area.

- 6 Prior to the commencement of the use of number 5 Park Parade 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.

Reason: In the interest of accessibility and equality.

- 7 Prior to the first use of number 5 Park Parade 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 number 5 Park Parade.

Reason: To protect acceptable local noise levels.

Any person wishing to inspect the above papers should contact Sarah Dilley, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 2500