



Appeal Decision

Site visit made on 13 November 2019

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2019

Appeal Ref: APP/K5600/W/19/3235437

Harrods Ltd, 87-135 Brompton Road, London SW1X 7XL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Harrods Ltd against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/19/01536, dated 1 March 2019, was approved on 29 May 2019 and planning permission was granted subject to conditions.
 - The development permitted is for change of use and the extension of hours of an area of the lower ground floor of Harrods Store to create a new wine bar to accommodate up to 75 covers at any one time.
 - The condition in dispute is No 6 which states that:
The permitted A4 use shall be retained for a limited period only of one year from the date of written approval from the local planning authority of the details required under condition 5 (management plan), on or before which date the use shall be discontinued.
 - The reason given for the condition is:
To allow the authority to reassess the impact of the development in the light of experience of the use and ensure there is no conflict with the development plan, in particular policies CL5 of the Consolidated Local Plan.
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Decision

1. The appeal is allowed and consent Ref PP/19/01536 for change of use and the extension of hours of an area of the lower ground floor of Harrods Store to create a new wine bar to accommodate up to 75 covers at any one time at Harrods, 87-135 Brompton Road, London SW1X 7XL, granted on 29 May 2019 by The Council of The Royal Borough of Kensington & Chelsea is varied by deleting Conditions 6.

Main Issue

2. The main issue is whether the condition in dispute is necessary to safeguard the living conditions of neighbours to the site.

Reasons

3. As expressed in the reason for the condition, the need for the disputed condition, according to the Council, is in particular regard to policy CL5 (Living Conditions) of the consolidated Local Plan 2015. This includes reference to traffic and noise.
4. The proposed wine bar would be within the existing building. There were objections raised with regards the potential for noise and other issues. However, with the planning application there was a Noise Assessment (WSP)

- submitted. This found that internal entertainment noise from the wine bar would be well contained. No significant noise is predicted from customers arriving and departing, or from smokers within the designated and managed terrace area. Noise from fixed plant is also not expected to be a problem due to its screened position on the roof and also the separation distance to receptor locations.
5. This is a detailed report which addresses the issue of potential noise. Although I note the comments received from neighbours to Harrods, there is no substantive evidence to the contrary to suggest that noise is going to be a significant issue as a result of the wine bar, to the detriment of neighbour living conditions.
 6. The wine bar could result in some associated traffic. This aspect of the proposal has been assessed through the Transport Assessment (TTP Consulting) which found that this is a highly accessible site with good public transport links. The increase in visitor numbers to Harrods as a result of the wine bar is said to be negligible. The report also concludes that the wine bar would not result in "noticeable change in local traffic or an impact on parking availability".
 7. Indeed, Harrods is a large and busy store, with high traffic levels evident in the vicinity. In this circumstance, I have no substantive evidence to disagree with the information supplied by the appellant and their consultants.
 8. Regarding the impact to living conditions, I also note that there was no objection in the Planning Officers report to the proposal on these grounds, or a detailed explanation as to why Condition 6 is required. There was an explanation as to the need for Condition 5, regarding a management plan being required, to help minimise noise and disturbance potential. Condition 5 is not disputed by the appellant.
 9. I have had regard to the comments from neighbours to the site and the incidents that have been written about. Whilst it is clear that there have been some issues with noise and disturbance in the area, I have no substantive evidence that this wine bar would result in an increase in such issues. Indeed, the evidence suggests noise and traffic would not materially change with the wine bar.
 10. The National Planning Policy Framework requires that conditions should meet the tests of being necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects. From the evidence before me, the condition requiring the A4 wine bar to only be permitted for one year is neither necessary nor reasonable. It is also not required for the development to accord with policy CL5 of the Consolidated Local Plan.
 11. Comments have been made with regards other issues relating to the use of the ground floor as a wine bar, but whilst I have had regard to these representations, I do not have sufficient evidence to come to a different decision on the overall approval of the proposal made by the Council. This appeal only related to the condition in dispute and so this has been the focus of my considerations.

Conclusion

12. The appeal is allowed, and the disputed condition is deleted. All the other conditions on this permission remain and are required to be adhered to.

S. Rennie

INSPECTOR