

ROYAL BOROUGH
OF
KENSINGTON & CHELSEA

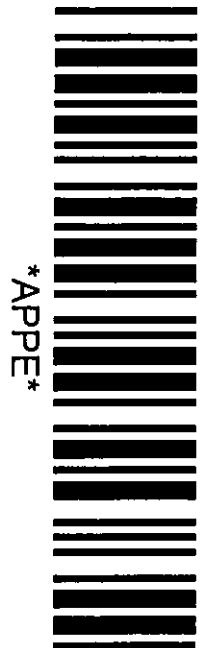
DOCUMENT SEPARATOR

DOCUMENT TYPE:

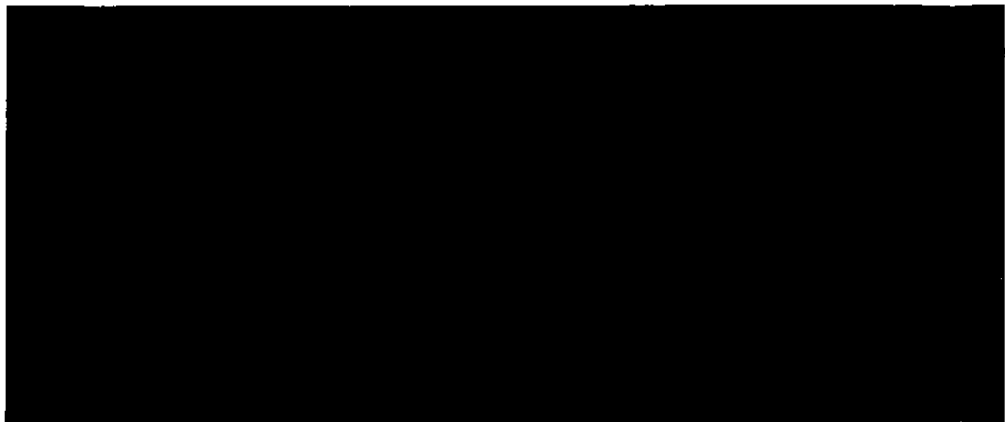
APPEAL



APPE



APPE



1081

PLANNING EVIDENCE

**APPEAL BY HARRODS LTD
PROPOSED EVENING EVENTS FACILITIES
APP/K5600/A/03/1118221**

87-135 BROMPTON ROAD, LONDON, SW1X 7XL

**PROOF OF EVIDENCE PREPARED BY
NICHOLAS DE LOTBINIERE BSC MPhil MRICS MRTPI**

Date: January 2004

Our reference: NDL/KJR/029963205

**GVA Grimley
10 Stratton Street
London
W1J 8JR**

Tel: 0870 900 8990

1082

CONTENTS

	PAGE
1.0 QUALIFICATIONS AND EXPERIENCE	1
2.0 INTRODUCTION	2
3.0 SITE AND SURROUNDING AREA	4
4.0 THE PROPOSAL	12
5.0 PLANNING POLICY CONTEXT	17
6.0 PLANNING CONSIDERATIONS	24
7.0 CONCLUSIONS	39

RELATED DOCUMENTS (SEPERATELY BOUND)

- Appendices
- Summary of Proof of Evidence

1083

1.0 **QUALIFICATIONS AND EXPERIENCE**

NICHOLAS HENRY JOLY DE LOTBINIERE:

- 1.1 I am the Senior Partner of The London Planning Practice – a firm which I established with a colleague in December 2003. Prior to setting up my new firm, I was a Partner in the firm of GVA Grimley, for whom I worked for over 20 years. In respect of my evidence at this Inquiry, I am appearing as a consultant to GVA Grimley, as the instruction still remains with my former practice.
- 1.2 I have over 23 years experience in the Planning and Surveying profession. I am a member of the Royal Town Planning Institute and an Associate of the Royal Institution of Chartered Surveyors. I hold a Bachelor of Science degree in Land Management and a Master of Philosophy postgraduate degree in Environmental Planning.
- 1.3 During the last 20 years of my career, I have specialised in planning consultancy with a particular emphasis on planning in Central London. In this regard, I have represented the Kensington & Chelsea Chamber of Commerce on planning matters for the last 8 years; I was a member of the London Borough of Lewisham Conservation Advisory Panel for three years; and I have given evidence at several of the London Unitary Development Plan public inquiries and the recent Examination In Public on the Draft London Plan.
- 1.4 I have advised on major leisure developments in Central London and am familiar with the planning issues related to such development. Well known clients for whom I have acted in respect of leisure development include: CDL Hotels; Intercontinental Hotels; Grosvenor Clubs; LA Fitness; Marylebone Warwick Balfour; and Millennium Copthorne Hotels. I have also spoken at several conferences concerning late night entertainment uses and the night-time economy.
- 1.5 I am familiar with the appeal site and surrounding area and I have studied the relevant national, strategic and local plan policy background. I have also advised Harrods in respect of the development at Knightsbridge Crown Court and the Brompton Place Car Park.
- 1.6 My evidence is confined to the planning policy and land use issues. In my evidence I shall refer to a number of appendices which are contained in a separate document.

1084

2.0 INTRODUCTION

- 2.1 I am instructed by Harrods Ltd to prepare evidence in respect of the appeal (Ref:APP/K5600/A/03/1118221) against the Royal Borough of Kensington and Chelsea's (RBKC) failure to determine the planning application relating to the use of the Department Stores' Georgian Restaurant and Food Halls as a venue for evening events.
- 2.2 The proposals, which are outlined in detail in Section 4, do not involve any internal or external alterations to the existing building. The Georgian Restaurant and the Food Halls will retain their current use during the day and will be used in the evening for up to 75 events per annum. 65 of these events will be cocktail/reception type events, which will have a maximum of 500 guests and be restricted to a closing time of up to 12.30 am. The remaining 10 events will be dinner/dance events and will close no later than 1.30 am.
- 2.3 The planning application (Ref:PP/02/02905) to which this appeal relates was submitted on 4 December 2002 and was registered as complete on 23 December 2002; a decision on the application was due by 17 February 2003. However, as at 22 May 2003, the Council had still not issued their decision; this appeal is hereby submitted on the grounds of non-determination.
- 2.4 Following the submission of this appeal, the Council resolved to refuse the application on 13 August 2003. The Decision Notice and Committee Report, which list the full grounds of refusal, are attached at **appendix 1**. It is evident from the Planning Officer's Report to Committee that the specific points on which the planning application would have been refused relate to:
- Perceived operational problems associated with vehicles arriving in a short space of time in Hans Crescent;
 - Operational and amenity problems caused by vehicles waiting to collect departing guests;
 - Amenity issues associated with the increased traffic late at night in residential streets;
 - Operational and amenity issues in Basil Street caused by taxis required to transport staff home;
 - The impact of parking in the local residential streets;
 - Noise generated by additional traffic; by parking; and from guests leaving events.
- 2.5 The policy matters and material considerations on which the Council's Planning Officer's did not find the proposals to be objectionable were:
- The impact on the character of the listed building and the conservation area;
 - As the proposals would take place outside normal shopping hours, they would not involve any net loss of retail floorspace and on this basis would not adversely affect the essential shopping character or function of the Knightsbridge Centre;
 - The internal noise generation, which the Council considers could be controlled by a suitable safeguarding condition preventing the use of the external terrace;

1085

-
- The use of extractor fans on the roof, which means that cooking smells would be undetectable outside the store; and further air conditioning equipment would not be required;
 - Servicing, in terms of the supply of catering supplies and kitchen equipment that would take place during normal store hours;
- 2.6 My Proof provides a comprehensive review of the proposal and seeks to address the planning issues resulting from the Council's reasons for refusal:
- **Section 3** provides a detailed description of the application premises and the surrounding area. It also lists the relevant planning history;
 - **Section 4** sets out the proposed development, describing the operational characteristics of evening events; including management measures proposed to ensure there is no impact on residential amenity;
 - **Section 5** provides the relevant planning policies at national, regional and local level;
 - **Section 6** identifies the key planning considerations and justification in respect of the proposals;
 - **Section 7** suggests a number of planning conditions;
 - **Section 6** draws my conclusions in respect of the overall proposals.
- 2.7 In order to address the Council's concerns relating to the impact on the transportation network; and the noise and disturbance created by the proposals, the following statements have been prepared in support of this appeal:
1. Transportation Impact Assessment, produced by Mr. A Savell of Savell Bird and Axon;
 2. Environmental Noise Impact Assessment prepared by Mr S G Morgan of Hann Tucker Associates; and
 3. Operational Statement prepared by Mr R Assanand of Harrods Ltd.
- 2.8 In addition to the above, a Statement of Common Ground has been prepared and agreed by the appellant and the Council. This will be submitted to the Inspectorate shortly.

1086

3.0 THE SITE AND SURROUNDING AREA

a) Application Premises

- 3.1 Harrods department store is located at the heart of the Knightsbridge Principal Shopping Area, within the boundary of the defined Central London Area. The store has a gross floor area of 111 500 m²; is 6 storeys high; and covers a whole street block with a 135 metre frontage to Brompton Road and similar return length frontages to Hans Road on the south side; Hans Crescent to the north; and Basil Street on the east. The building is a Grade II* listed structure (May 2000), which is characterised by a pink terracotta façade with baroque detail. The combination of the Store's prominent location on Brompton Road and its imposing height scale and massing means that is clearly visible and readily identifiable to visitors, particularly at night time when the store's front façade is lit.



Harrods Store - Brompton Road Elevation

- 3.2 There are 11 doors around the circumference of Harrods, which provide the public access to the store; the location of these doors is shown in **appendix 2**.
- 3.3 Harrods is one of the premier department stores in the United Kingdom, with a world-renowned reputation. Harrods has an approximate footfall of 60,000 shoppers per day (200,000 shoppers during sale times) and makes a significant contribution to the local economy and tourist industry alike, helping to attract additional trade into central London. The store acts as a tourist destination in itself, with an estimated 20% of sales made to overseas visitors. Indeed, a survey undertaken on behalf of RBKC by MORI in 1996 (reproduced in RBKC's 'Visitor Management Strategy', February 1999) found that "visiting Harrods is an essential part of the London experience for many visitors from overseas" and that "3 visitors in 10 of the 1275 visitors surveyed in September and October 1996 expected to visit Harrods".
- 3.4 The store has a net retail sales area of 74 000m² with over 330 departments offering goods ranging from high fashion items to quality furniture; audio and electrical goods; children's toys; books and jewellery. Harrods also

contains a variety of other ancillary non-retail uses including a bank; travel agent; food advisory service; the largest hair and beauty salon in Europe; dry cleaners; pharmacy; wedding services; opticians and many more.

- 3.5 Harrods is particularly well known for its 5 Food Halls, which sell extensive ranges of specialist food products, fine wines, chocolates and gifts, within the lavish setting of its original art nouveau décor, as shown below.

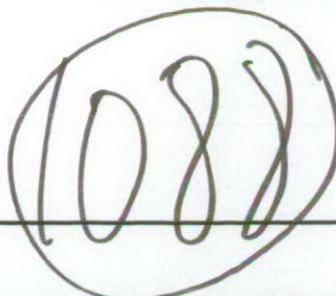


The Food Halls

- 3.6 In addition to the Food Halls on the ground floor, there are 25 existing bars, cafes and restaurants located throughout the store; including the Georgian Restaurant on the 4th floor. The Georgian Restaurant has been in existence since 1911 and has retained much of its early grandeur and elegance with the appearance of a very large, light and airy dining hall, with circular tables and seating (As shown in the photograph below). The Georgian Restaurant is still one of the biggest restaurants in Europe with the capacity to seat 500, either within the main restaurant or in the more recently constructed terrace bar, which has a glazed canopy overlooking Basil Street.



The Georgian Restaurant

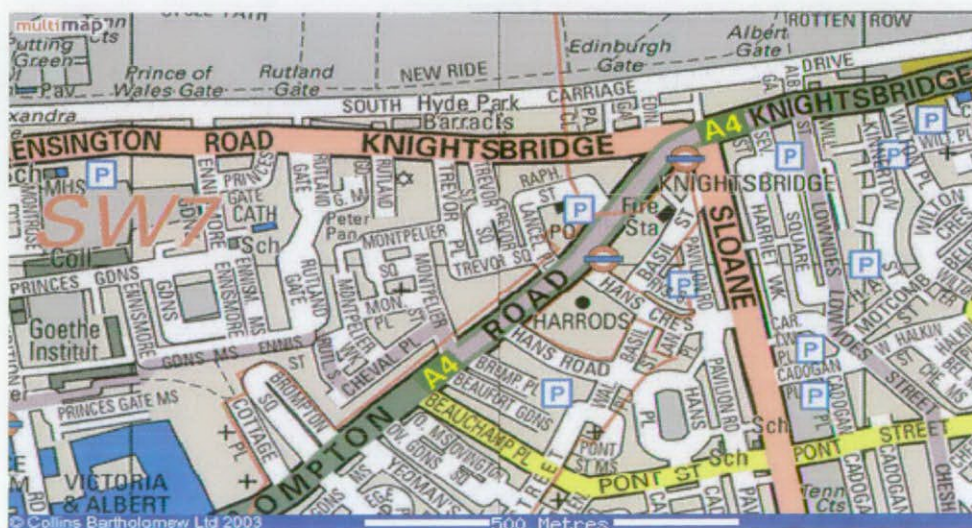


3.7 The Georgian Restaurant currently hold a Supper Hours Licence till 12.00am (a copy of which is attached at **appendix 3**) and for many years has played host to formal dinner dances, cocktail parties, product launches and fashion shows for both incidental in-house and outside functions. Records demonstrate that since as early as 1901 regular evening functions have been held in the store, notably the Georgian Restaurant and the Food Halls (evidence of this is reproduced in Appendix 5 of Mr Assanand's Proof). It must be noted that there are no planning restrictions on the type, size or number of events held at Harrods when they are ancillary to the use of the Store.

b) Surrounding Area

3.8 Harrods holds a commanding position within Knightsbridge, drawing a significant number of shoppers and tourists into the area. The store's shopping frontages onto Brompton Road; Hans Road; Basil Street and the west side of Hans Crescent are defined as 'Core Frontages' within the UDP. The main retail frontage is on Brompton Road, which is a strategic, arterial road 'Red Route' providing a fast, direct link between central and west London, towards the M4 Motorway. Brompton Road carries a large volume of traffic including a significant number of taxis into and out of London during the day and night time.

Location Plan



3.9 A land use plan of the surrounding area is reproduced at **appendix 4**, as can be seen Hans Road is characterised by a mix of commercial retail, restaurant, residential and office uses. The majority of residential properties on Hans Road sit well above street level, over commercial accommodation. Notably, 4-6 Hans Road is a popular local restaurant with a licence to remain open until midnight; and seating for up to 80 customers with an average of 30-40 customers on a weekday night and 60-80 customers on Fridays and Saturdays. The area as a whole is particularly well served by restaurants, cafes and public houses; a plan of other licensed premises within a 200 metre radius of the Store is at **appendix 5**. In addition to the premises within a 200 radius, there are also many

bars, pubs and restaurants operating along Walton Street, which has become a popular spot for residents and young professionals alike - many customers spill out onto the street in summertime, creating an ambient environment.

- 3.10 The busy thoroughfare of Basil Street is split into 2 sections, running parallel to Brompton Road, the first flanking the south east corner of the store, the second continues past the junction of Hans Crescent in an north easterly direction. In the first section, opposite the south east facade of Harrods, Café Rouge on the corner of Basil Street and Hans Road attracts many people during the day and evening, with a licence to remain open until midnight. For much of the time Café Rouge has open street frontages, typical of many french cafes, giving diners the choice of eating alfresco by the pavement. The remainder of the south side of Basil Street, flanking Harrods, comprises office and some residential uses, including in the Ecuadorian and Colombian Embassies, in which there is a mixture of both. This is also the case for the Knightsbridge Crown Court building, which is used by Harrods for offices and staff facilities along the Basil Street frontage; with 33 flats facing Hans Crescent - forming the main facade. Residents living within the Crown Court development have 56 designated car parking spaces within 400 metres of the development. The development includes a service track from Hans Crescent/Landon Place for lorry's entering under Basil Street into Harrods underground loading facility. An underground link has also been created, which provides the new staff access off Basil Street (a copy of the Decision Notice relating to this development is reproduced at **appendix 6**; the location of the staff access is shown on the plan at **appendix 2**).



Knightsbridge Crown Court - Service Access



Existing Road Closure - Hans Crescent

- 3.11 Beyond its junction with Hans Crescent, Basil Street extends towards Sloane Street - also designated as Core Shopping Frontage in the Principle Shopping Area, and contains many commercial use and late night A3 uses (See Plan at **appendix 5**). This section of Basil Street, sandwiched in-between Harrods and Sloane Street, contains a wide variety and mix of uses, including retail, offices, hotel, restaurant, health and residential uses. Leading off from Basil Street is the Pavilion Road multi-storey NCP, which has returns onto Stackhouse and Rysbrack Street. The NCP operates on a 24 hour basis and has the capacity to accommodate 311 cars. At No. 30 Pavilion, is Searcey's, an events venue with a licence to remain open until 1.00 am.

1090

- 3.12 The top-end of Hans Crescent, adjoining Brompton Road has been closed for traffic as part of the London Underground works to the Knightsbridge tube station. The road has been closed for over 2 years and could be closed for a further 2 years. The road closure extends approximately 50 metres from Brompton Road down Hans Crescent, to the junction with the north side of Basil Street (as shown on the photograph above), although vehicular access can still be gained to Harrods by a single lane, which is currently used as a taxi pick up point able to accommodate 7 taxis. Behind the underground works, at 54-46 Hans Crescent there is newly constructed development, which provides retail uses on the ground, first and second floors and offices on floors 3-6. The remainder of the Hans Crescent frontage at 32-44, immediately opposite door 5 of Harrods is currently under construction for a new 6 storey building comprising retail uses in the basement and ground floor and offices on the upper levels.
- 3.13 As stated above, Hans Crescent is currently closed for the first 50 metres south from Brompton Road. The future vehicular access of Hans Crescent is still under consideration and the final outcome will not be decided prior to the determination of this appeal. There are 2 possible scenarios currently under consideration, which are discussed in detail in the Transportation Assessment; these are:
- i) Hans Crescent will be re-opened fully;
 - ii) Hans Crescent will be closed for 50 metres between Basil Street and Brompton Road.
- c) Transport**
- 3.14 There is existing provision for on-street car parking around Harrods, as discussed in detail in the Transport Assessment. Additionally, there are several car parks in the vicinity, many of which operate on a 24 hour basis; notably, the multi-storey car park at Pavilion Road only 1 to 2 minutes walk from door 5 of Harrods.
- 3.15 Brompton Road is well served by public buses, including night buses. The closest London Underground Station is Knightsbridge Station, on the Piccadilly Line to London Heathrow Airport, with a pedestrian subway link from the corner of Hans Crescent, opposite Harrods Door 6. The first train operating from Knightsbridge Station is at 5.44am, with the last train leaving towards Heathrow at 12.37 am.
- 3.16 As stated above in Paragraph 3.8, Brompton Road Red Route is popular with taxi drivers picking up/dropping off throughout the day and night time. There is a taxi rank immediately opposite door 7 on Brompton Road for 8 taxis and a taxi rank on Hans Road for 4 taxis. The attraction of the Brompton Road area for taxis is that it provides direct access into and out of central London area, with correspondingly high fares from visitors and tourists alike, particularly from those on-route to Heathrow Airport. Importantly, changes introduced by the Mayor of London in November 2001 raised London taxi fares between the hours of 8.00pm and 10.00pm on weekdays, which increase further in-between the hours of 10.00pm and 6.00 am, 7 days a week. TfL have indicated that this has served to increase the number of taxis operating in central London in the evenings, with an initial rise in the number of black cabs of 10%. Congestion charging has also increased the total number of black cabs on the road. A TfL press

release, dated 23 October 2003, suggests that there has been an overall 20% increase in taxi movements in the Central Area resulting from congestion charging.



Brompton Road Frontage – Taxi Rank

1091

d) Planning History

- 3.17 Harrods Department Store has a long and complex planning history, with numerous planning applications made for minor alterations since 1953.
- 3.18 Prior to the proposals for change of use for the operation as a venue for evening functions, there were two previous applications, which are relevant to the Georgian Restaurant:
- i) In October 1981, listed building consent (TP/81/0756) and planning permission (TP/81/0757) were granted for the "*The Construction of a Glazed Conservatory on the 4th floor on the Hans Road Elevation and the Internal Alterations Involving Relocation of the Bar Facilities*".
 - ii) In November 1988, listed building consent (TP/88/1653) and planning permission (TP/88/1654) were granted for "*The formation of a Terrace Bar over the Existing 4th Floor Flat Roof Area on the Hans Road Elevation*". The proposal incorporated an extension to the Georgian Restaurant of approximately 212 m². The terrace bar was attached to the glazed conservatory, extending 83 metres along the Hans Road elevation.
- 3.19 There are also several applications that relate to the Food Halls, as follows:
- i) In August 1971, listed building consent (TP/679/249) was granted for "*Internal Alterations to the Food Halls*".
 - ii) In August 1983, listed building consent (TP/83/0787) and planning permission (TP/83/0786) were granted for "*Internal Alterations to Extend Food Hall Operation, and External Alterations to Replace the Hans Road Entrance Doors with a Refrigerated Window Display*";

1092

- iii) In November 1995, planning permission (TP/95/1740) was refused for "Installation of a Mezzanine Floor in the Provisions Food Hall", on the grounds that the works would be detrimental to the character of the listed building.
- 3.20 In addition to the consents for the Georgian Restaurant and the Food Halls, the following decisions are considered to be relevant to this appeal:
- i) *Former Knightsbridge Crown Court, 1 Hans Crescent*
- 3.21 In 1997, consent (Ref:TP/96/1584) was granted for redevelopment of the former Knightsbridge Crown Court site, on the south of the Department Store. Permission included provision for car parking; new retail and restaurant floorspace; offices ancillary to Harrods; and residential units. An access from the store to the new loading bay in the south east corner at sub-basement level was also permitted as was a new staff access tunnel. Revised schemes were granted consent in November 1999 and August 2000; works began on the basis of these consents, however, further revisions were made by an additional application (PP/99/01887), which was approved June 2001. This final consent made provision for further storage space, reduction of car parking, a change in the number of residential units from 41 to 33 and other minor amendments including changes to the Basil Street elevation.
- (ii) *Multi-Function Suite, 6th Floor Harrods*
- 3.22 In September 2000, consent (TP/98/1210) was granted, subject to a Section 106 agreement for the erection of a multi-function suite on the 6th floor level of Harrods, above the Basil Street elevation for use within Classes A1, A3, D1 (Restricted use as Exhibition Hall, Museum, Library and Art Gallery Only) and D2; Reconfiguration and Rationalisation of Plant and Equipment and Addition of entrance on Basil Street with Lift to 6th Floor).
- 3.23 There are two main sections to the multi-function suite; the proposed floorspace of the main function space is 544m²; with the function space adjacent to Basil Street, measuring 130m². The whole the suite has the capacity to accommodate 317 people overall.
- 3.24 The Section 106 agreement made provisions to restrict the hours of operation of the multi-function suite from 10.00am to 7.00pm Mondays to Saturday and for it to be closed on Sundays; in-conjunction with normal store opening hours. However, this use has not been implemented by Harrods, and even if it was decided to do so, operational times would not co-inside with the proposed use of the Georgian Restaurant and the Food Halls.

Summary

Site & Surroundings:

- i) Harrods is one of the best known department stores in the world;
- ii) Harrods contains a variety of ancillary non-retail uses, including 25 restaurants;

1093

- iii) The Food Halls and Georgian Restaurant have a long history of use for venues for evening events;
- iv) Harrods is situated in a mixed use area on a major road, with excellent access to public transport;
- v) Doors 5 and 7 are well placed in respect of access to the tube and taxis in Brompton Road; both situated away from residential property;

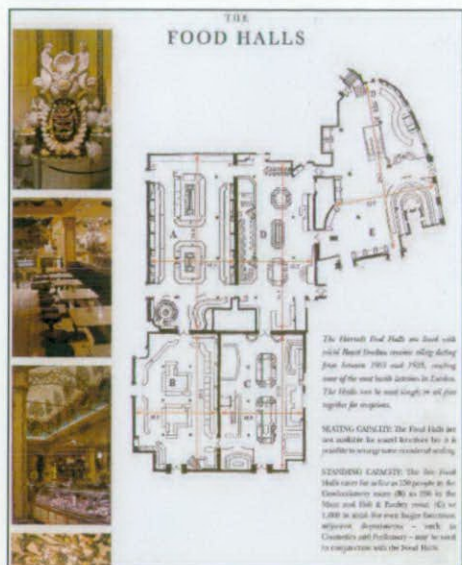
The Planning History of the Store Demonstrates:

- vi) The Council have been prepared to allow an extension to the Georgian Restaurant;
- vii) The consent for the Crown Court scheme has provided a new underground off- street service facility and separate staff entrance;
- viii) The provisions of 56 off-street parking spaces in the Crown Court for sale to local residents will help to reduce pressure for on-street parking;
- ix) The Council have accepted the principle of the expansion of non-retail uses via the granting of permission for a multi-functional suite; albeit it at restricted hours from 10.00am-7.00pm on Monday to Saturday.

1094

4.0 THE PROPOSAL

4.1 The total gross floor area subject to the proposed events is approximately 4511m². This incorporates the 5 Food Halls, which have a total area of 2965m²; and the Georgian Restaurant, which has an overall area of 1546m² and includes the main restaurant area; the ice cream parlour and the kitchen. The Georgian Restaurant's terrace bar is to be excluded from the proposals



Rationale for Evening Events

4.2 Harrods are not currently restricted by the number, type or size of event that they can hold per annum, providing they are ancillary to the use of the store. However, as Harrods has always sought, as a commercially driven business, to make the best use of its facilities, they are keen to expand the Georgian Restaurant and the Food Halls utilisation by formalising the use for evening events. This approach has been adopted by an increasing number of other London visitor attractions, which now cater for evening functions e.g. The Victoria and Albert Museum; the Natural History Museum; London Zoo and the London Aquarium. Furthermore, a number of other department stores are also known to have existing or proposed facilities, capable of being used for evening entertainment, these include Harvey Nichols; Selfridges and Liberty - details of these facilities are reproduced at appendix 7.

4.3 The Georgian Restaurant and the Food Halls are of such a size that they can be used for a wide variety of events including dinner and dances; conferences; receptions; charity balls and private functions – weddings, anniversaries and birthday parties. I consider that the use of the Harrods for evening functions would represent an important addition to the range of comparable facilities in central London by providing an attractive dining venue in one of the world's top retail stores. The famous Harrods branding and reputation for high quality food products coupled with the Georgian Restaurant's and the Food Halls' original splendour has already proved extremely

1095

popular, particularly with corporate clients. Its unique setting is therefore, likely to help guarantee its place as a top London venue for events.

Operation of the Events

- 4.4 Harrods propose to restrict events within the store to the Georgian Restaurant and the Food Halls. In practice both could be use in-conjunction with one another, whereby guests assemble in the Food Halls and are then led to the Georgian Restaurant via the Egyptian escalators; this is particularly popular for more 'formal' banqueting events. However, the number of covers for any function held in the store at any one time will be restricted to a maximum of 500, irrespective of which combination of venue is used.
- 4.5 In Harrods experience, the highest demand for evening functions is for reception type events, where guests tend to travel straight from work for drinks and canapé style food. Generally these events commence from 7.00pm (or at least ½ hour after the closing of the store) but as there is no set time when guests must arrive or depart, in practice it is staggered up until around 8.30pm, with guests arrivals coinciding with when they have been able to leave their office or other prior engagements. Due to guests reluctance to stand for long periods, most reception events finish at 9.30-10.30pm, at the request of the client booking an event. For the occasional reception that has a later closing time of up to 12.30am, in both Harrods' and my experience, guests also depart in a sporadic fashion, with leaving times often determined by other commitments and/or access to public transport.
- 4.6 In addition to reception events, Harrods proposes to hold banqueting functions, which often include formal sit down meals and dancing, commencing at around 7.30-7.45pm. It is generally easier to predict the arrival and departure times of these types of events as they are normally determined by the times meals are served or speeches are delivered. For departures, as with cocktail receptions, many guests leave in accordance with public transport accessibility.
- 4.7 Harrods propose to restrict the number of functions to 75 a year, of which 65 events will have a closing time up to 12.30 am and 10 will close up to 1.30 am (with all guests having left the premises). In practice it is anticipated that the 65 events will be reception style functions and so the majority will finish well in advance of 12.30 am; and the remaining 10 are likely to be banqueting/dinner-dance events, which will finish up to 1.30 am, although this will vary and inevitably some dinner dance events will finish in advance of 12.30 am. The 75 events will include ancillary events such as staff functions as well as externally hired independent events. The overall number of ancillary events that took place in the store in between 1990 and 2003 are marked is highlighted in Appendix 7 of Mr Assanand's Proof (those marked with an asterisk). In total out of 189 events, 136 were ancillary. The inclusion of these events within the total number that will be held in the store forms an important consideration, which for the first time, will have the effect of reducing the potential number of guests using the Georgian Restaurant and the Food Halls outside the store's opening hours, by a substantial margin (e.g. as the lists at Appendix 7 of Mr



Assanand's evidence shows past ancillary events at Harrods have had up to 2000 guests in attendance); it will also ensure that there is not a significant net increase in the total number of events.

- 4.8 The evening events would be primarily weekday events with no events on a Sunday or Bank Holiday. The hiring of the facilities will be handled by Harrods Events Management Team, with advertisements placed in quality press; Harrods would ensure that the facilities are only hired to recognised businesses and registered clubs.

Access to the Banqueting Suite

- 4.9 For evening events, guests will be directed towards door 5 to gain access to functions. Literature will be sent with invitations to advise on the precise location of access. Depending on the type of event (and time of store closing), arrival times for guests will typically be between 7.00 and 7.45 pm. For guests departures, Harrods propose to use doors 5 and 7. Guests leaving by taxi or public transport will be directed towards door 7 on Brompton Road, which primarily due to the influx of traffic remains busy and noisy after midnight primarily. Those departing by private car will be directed towards door 5, opposite the eastern part of Hans Crescent. Guests waiting to be picked up from door 5 will be made to wait inside the foyer to ensure that there is no noise emanating from the street, albeit the immediate environment opposite door 5 is commercial in nature (as shown on the land use plan at **appendix 4**). The Noise Report demonstrates that the proposals will not cause harm to residential amenity, irrespective of the future vehicular access to Hans Crescent.
- 4.10 From within the store, it is proposed that access to the Food Halls will be via a straight route leading from door 5 on the ground floor. Access to the Georgian Restaurant can be achieved by the escalators near door 5 and the Egyptian Escalators, with simple arrangements put in place to direct guests through the store (as shown in **appendix 8**).
- 4.11 It is predicted that the majority of guests would arrive to the evening events by taxi or public transport, particularly as those attending corporate receptions often travel directly from their place of work, and under normal circumstances would not have their car available due to general constraints of traffic congestion and ease and accessibility of public transport in central London. As mentioned in Paragraph 3.15, Harrods has excellent public transport connections including Knightsbridge Underground Station; buses along Brompton Road and a taxi rank in front of the store. For events closing up to 12.30 am, guests have the option to travel home by the underground and this would also have significant implications on the likely method of transportation chosen by guests.

Management Measures to Reduce the Impact on Residential Amenity

- 4.12 Brompton Road already attracts a regular supply of taxis throughout the night, as demonstrated in the transport evidence. Notwithstanding this, to assist in the smooth operation of the departure of guests after events, Harrods has an existing informal arrangement with a mainframe taxi network, with contacts to all local taxi drivers in the area. In practice Harrods pre-warn the taxi network of the finishing times of forthcoming events, to ensure vehicles

109

- become available to transport guests to their next destination. Word is also spread to taxi drivers dropping off customers throughout the day of an event, by the 'Green Doormen'. These arrangements have proved extremely effective in ensuring the swift dispersal of guests after leaving the store, helping further to ensure that the incidence for late night noise and potential congestion in the surrounding neighbourhood is managed effectively.
- 4.13 Uniformed security officers have a strong presence throughout all evening events both within the store and at manned entrances and exits. Additionally, it is Harrods normal practice to have at least one security officer, designated the task of patrolling the perimeter of the store every ½ hour throughout the day and night; and at least 8 guards roaming throughout the whole store over the nightshift period. There are also 560 cameras in and around the store covering the interior and exterior of the building which comprehensively record the entire store, including all entrances and contextual shots of the external streetscape. 36 cameras alone monitor the entire exterior and surroundings of the building so that immediate assistance is available at all times. Appendix 6 of Mr Assanand's Proof shows the extensive equipment used by Harrods' security to monitor evening events.
- 4.14 Other security measures would include the provision of ground floor cloakrooms for coats and bags; invitation checks and doormen. The management staff would be specifically responsible for ensuring that guests leave the premises in a quiet and orderly manner.
- 4.15 In terms of staff numbers, I understand there would be approximately 17 staff per 100 guests for reception type events and 31 staff per 100 guests for dinner-dance events; thereby giving a maximum of around 100-150 staff for events with 500 guests. A breakdown of the types of staff required for events is supplied in Raj Assanand's Proof, as shown the majority are formed by catering staff such as chefs, waiters and dishwashers; the remainder include security staff, fire and engineering cover, cloakroom staff and first aiders. In practice, a large percentage of staff will have left well in advance of the end of any event, due to the nature of their individual roles, again this is demonstrated in Mr Assanand's Proof.
- 4.16 Harrods has a separate staff entrance from Basil Street, which all staff working at events will use to enter and exit the store (the location of which is shown on the plan at **appendix 2**). Therefore, helping to reduce the impact on residential amenity. Harrods would also organise group minicabs to transport staff home after the normal operation of the tube around 12.30 am (night buses run throughout the night). In Harrods experience, 12 taxis are the maximum normally required for larger events with around 150 staff. Staff waiting for taxis/minicabs would be required to do so wait inside the staff entrance at Basil Street, to ensure that groups do not congregate and cause any disturbance.
- 4.17 Harrods already operates on a 24 hour basis and accordingly staff are present in the store after normal business hours; undertaking roles such as cleaning, security, maintenance and other services. In addition, many employees participate at peak periods in 'overtime' throughout the night to undertake all necessary sale and Christmas preparations for the Store. There is therefore, already an established pattern of use of Harrods' staff and

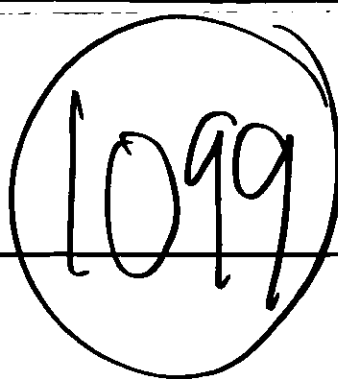
1098

contractors arriving at and leaving the Store (via the dedicated staff entrance) around the clock; a feature of the neighbourhood which has taken place for many years without attracting any complaints. Indeed, even in non-peak periods, the figures supplied in Raj Assanand's Proof demonstrate that there can be up to 158 staff entering and leaving the Store on a week night between 10.00pm and 7.00am; and up to 546 staff during the busiest times.

- 4.18 All catering supplies and kitchen equipment would enter the store via the Store's central main service lifts, as existing. The use of existing heavy-duty extractor fans and vents on the roof of Harrods means that no cooking smells would be detectable from outside of the store.
- 4.19 The evening use of the Georgian Restaurant and the Food Halls for events would not involve any internal or external works to Harrods Store, requiring listed building consent. Further, it has been previously established in discussions with the Council; and in the Planning Officer's Report to Committee following the submission of this appeal, that the Georgian Restaurant and the Food Halls are well insulated, so as not to give rise to any anticipated external noise problems.

Summary

- i) Harrods' proposals for evening functions would represent an opportunity to provide a premier events facility in central London and in so doing make a contribution to London's attraction as a World Class cultural and entertainment centre;
- ii) Harrods propose to host 75 evening events per annum; 65 will close up to 12.30am and 10 will close up to 1.30am. Guests will not exceed a maximum of 500 and events will not take place on Sundays or Bank Holidays.
- iii) Harrods are not restricted by the number, type or size of event they can hold, as long as it is ancillary to the use of the Store; since 1990, this has formed approximately 71% of all events held in the Store. The proposals will bring these events under control for the first time;
- iv) After the Store closes, Doors 5 and 7, which are immediately opposite commercial uses, will be used to access and exit events. All staff will leave via the staff entrance on Basil Street, which is already used on a 24 hour basis;
- v) Strict management measure will be put in place to ensure guests leave in a orderly manner;
- vi) Other department stores and central London attractions are making provisions for evening events uses.



5.0 PLANNING POLICY CONTEXT

5.1 The prevailing planning policy context in support of Harrods' proposals at the National, Strategic and Local level is set out below.

a) National Guidance

PPG1 - General Policy and Principles (1997)

5.2 PPG1 emphasises the Government's commitment to a plan led system of development control. This is given statutory force by Section 54 (A) of the 1990 Act, which requires that an application for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise.

5.3 Paragraph 40 of PPG1 states that those deciding such applications or appeals should always take into account whether proposed development would cause demonstrable harm to interests of acknowledged importance"

PPG6 - Town Centres and Retail Development (1996)

5.4 PPG6 sets out the Government's objectives for town centres, retail and leisure developments, it suggests that the key features in planning for town centres will be the 'plan-led' approach' and the 'sequential approach' to selecting sites for development for retail, leisure and other key town centre activities. It aims to sustain and enhance the vitality and viability of town centres; and focus development in locations where the proximity of businesses facilitates competition and maximises the opportunity to use means of transport other than the car. Paragraph 1.3 states:

"Town and district centres should be the preferred locations for developments that attract many trips, and local planning authorities should adopt planning policies to:

- locate major generators of travel in existing centres, where access by a choice of means of transport, not only by car, is easy and convenient....."

5.5 PPG6 confirms that the vitality and viability of city centres depends on retaining and developing a wide range of attractions and amenities. In particular, paragraph 2.12 states that different but complementary uses during the day and in the evening can serve to reinforce each other, making city centres more attractive to local residents, shoppers and visitors. Furthermore, paragraph 2.19 states that Local Planning Authorities should, in consultation with leisure and entertainment operators, develop clear strategies and policies for uses that support the evening economy of the city centre.

PPG13 - Transport (March 2001)

5.6 PPG 13 places specific emphasis on reducing the need to travel, especially by car; and by facilitating multi-purpose trips. In conjunction with the promotion of more sustainable patterns of development, the guidance focuses on the need to reduce car-parking provision in new development in order to encourage the use of more

1100

sustainable forms of transport. Paragraph 49 of the PPG suggests that the availability car parking has a major influence on the means of transport people choose for their journeys. Further, Paragraph 26 states:

"Development comprising jobs, shopping, leisure and services should not be designed and located on the assumption that the car will represent the only realistic means of access for the vast majority of people"

- 5.7 Paragraph 35 and 36 of PPG13 relate to retail and leisure development, which reaffirms advice contained in PPG6, that town centres should be the preferred locations for new retail and leisure developments namely; at the regional and strategic level, local authorities should establish a hierarchy of town centres, taking account of accessibility by public transport, to identify preferred locations for major retail and leisure investment.'

PPG21: Tourism (November 1992)

- 5.8 In terms of the general location of banqueting facilities PPG21 (Annex A Hotels) Paragraph 4 confirms that:

"conference and banqueting facilities are generally more appropriate in areas allocated in plans for commercial or leisure purposes."

PPG 24: Planning and Noise (September 1994)

- 5.9 Paragraph 2 of PPG24 confirms that the impact of noise can be a 'material consideration' in the determination of planning applications; and that local planning authorities should consider whether it is practicable to control or reduce noise levels, or to mitigate the impact of noise, through the use of conditions or planning obligations.

(b) **Regional Guidance**

Regional Planning Guidance Note 3 (May 1996)

- 5.10 RPG 3 actively seeks to promote the identification of 'mixed-use' development opportunities in the central area – especially those that permit the efficient use of public transport infrastructure. Paragraph 2.28 suggests that UDP's should encourage a broad base of mixed land uses and employment opportunities, including residential, retail, arts, culture and entertainment uses. It states that the aim should be to:

"Maintain and improve the attractive and unique character of central London, without restricting development that contributes to London's world city role"

- 5.11 Paragraph 1.29 of the Guidance acknowledges that the arts, cultural and entertainment sectors are vital assets to tourism, as well as being important economic sectors in their own right. It states that these sectors are major contributors to the quality of life of both residents and visitors and as a whole employ some 200 000 people.

- 5.12 Table 2.1 of RPG 3 identifies activities that are considered to be appropriate within central London, which include:

Arts, culture and entertainment, including museums, art galleries, libraries, theatres, concert halls, and cinemas of regional, national and international importance; and

(101)

- Tourism facilities including hotels and conference centres;*
- Other uses providing essential support services and facilities for people living, working and visiting central London.*

Draft London Plan (June 2002)

- 5.13 The Draft London Plan provides the economic, social and environmental framework for the urban renaissance of London. The Report of the EIP Panel was issued on 22 July 2003 and it is anticipated that the Plan will be formally adopted in late January/early February 2004.
- 5.14 The Plan designates the Borough of Kensington and Chelsea as falling within the 'Central London Sub-Region'. It acknowledges that the capital's vibrant night time economy is a major contribution to London's world city status and there is an increasing demand for services, to be provided later in the evening. It suggests, in paragraph 3D.27 that longer opening hours can contribute to the vibrancy and vitality of areas and that development at the South Bank and within larger town centres and some commercial areas should be further developed as complementary late-night entertainment locations.

(c) **Local Policy**

- 5.15 The relevant statutory development plan is the Royal Borough of Kensington and Chelsea Unitary Development Plan (UDP), which was adopted on 25 May 2002.

UDP Allocations

- 5.16 On the Proposals Map, of the adopted UDP, Harrods is shown as lying within a Principal Shopping Centre and within the Hans Town Conservation Area. The Store's frontages onto Brompton Road; Hans Road; Basil Street and the west side of Hans Crescent are defined as Core Frontages. The Store is also designated as a Major Development Site, for which the Plan states, is for "internal purposes" only – designed to increase retail floorspace. This designation not only recognises the importance of Harrods in retail terms, but also by implication accepts a degree of increase intensity of use, adding to levels of traffic and parking demand in the immediate vicinity.
- 5.17 Harrods falls within an area of 'High Accessibility' to public transport, as defined in in Map 9 of the UDP.

Relevant UDP Policies

I consider that the relevant UDP policies in respect of this appeal are as follows:

- STRAT 1 – Residential Character;
- STRAT5 – Visitor Related Development;
- STRAT6 – Central London Activities;
- STRAT42 – Principal Shopping Centres;

1102

- STRAT46 - Entertainment Facilities;
- CD40 - Noise;
- TR1 - Location of High Trip generating Development;
- TR36 - Impact of Development;
- S19 - Non Shop Uses in principal Shopping Centres;
- LR32 - New Entertainment Uses;
- LR33 - Sequential Approach.

5.18 Each of these are highlighted in the context of the section below; and assessed in more detail in Section 6 of my Proof.

Principal Shopping Areas

5.19 As stated above the 'Proposals Map' shows that all of Harrods shopping frontages to Brompton Road, Hans Road, Basil Street and Hans Crescent are classified as forming part of the 'Principal Shopping Areas' (Defined in Appendix 2 - Map 23 of the UDP - Knightsbridge Principal Shopping Centre No. 5.

5.20 In this context, Chapter 8: Shopping - Principal Shopping Areas (Paragraph 8.4 11) and Policy S19 are relevant. Specifically Policy S19 of the adopted plan provides a number of criteria where non-shop uses above ground level, in a Principal Shopping centre will be permitted, which I deal with in Paragraph 6.4 of my Proof.

5.21 STRAT 42 of the UDP seeks to ensure the continued enhancement of the international, national and regional retail role of the Principal Shopping Centres. In this regard, Paragraph 8.4.19 of the UDP reaffirms that the Principal Shopping Centres are able to accommodate a limited number of non-shop uses above or below ground floor level. In relation to non-shop uses, including A3 uses, specific reference is made to 'destination venues' (Para 8.4.18); where it is excepted that custom is drawn from a wide area, or that they trade primarily in the evenings; which can cause 'unwelcome consequences' for residents through increased traffic and parking pressure and associated noise and nuisance smells.

5.22 In this context, the Glossary of the UDP refers to 'Destination A3 Outlets' as displaying the following characteristics:

- (i) *they tend to be up market operations which have a wider than local catchment area attracting people from outside the area;*
- (ii) *a higher than average proportion of customers will travel to the premises by car;*
- (iii) *they act as an attraction in their own right and customers will go there specifically.'*

5.23 Para 8.4.22 continues that:

'...Surveys of various A3 uses give information about seating capacity, occupancy levels and mode of travel of customers. Using this data, the Council is able to estimate the likely parking impact of any proposed A3 use. Account

1103

is taken of existing restaurants, bars and other A3 uses in the locality, and also of any outstanding planning applications and permissions. Where the application does not indicate the proposed user, then a 'worst case scenario' will be considered, i.e. the most detrimental impact on on-street parking. The assumption being that premises could be occupied by any one of a number of A3 users which will vary considerably in their impact on street parking. The impact of servicing vehicles is also taken into account.'

5.24 Research carried out by Harrods' traffic consultants has shown that due to the nature of and the closing times of the events proposed, the majority of guests would travel by public transport. In this respect it may not be appropriate to make comparisons between the likely mode of transport for customers of A3 restaurants and bars, as these operate very differently to the proposed events at Harrods. Further evidence in support of this is presented in the accompanying Transport Assessment.

5.25 The Council's UDP deals specifically with 'The Evening Economy' (Paras 8.4.28 - 8.4.30). In particular, Para 8.4.28 acknowledges that the Borough has a well developed evening economy, which extends the life of the Principal Shopping Centres into the evening. The Plan states that this can cause negative impacts on residential amenity due to unrestricted parking in the evenings and activity associated with people entering and leaving the premises late at night. The UDP identifies areas in the Borough that are considered to be hotspots for crime as a by-product of late night entertainment, including Earls Court, parts of Fulham Road, Portobello Road, Notting Hill Gate and the Goldborne Ward - not Knightsbridge.

5.26 Policy STRAT 6 seeks to encourage central London activities in the part of the Borough identified as the Central Area on the UDP Proposals Map, provided local capacities are not exceeded and are subject to relevant local policies in the Plan. The Proposals Map shows that a large part of Knightsbridge Principal Shopping Area, incorporating Harrods is in the Central Area. Indeed, Paragraph 8.iii of the UDP states:

'Parts of the Knightsbridge Principal Shopping Centre are of international importance and have been included in the defined Central London Area.'

5.27 The UDP acknowledges while the Royal Borough is predominantly residential in character, there are also important non-residential uses within its boundaries; and concentrations of commercial and institutional uses are particularly prominent in the Knightsbridge Principle Shopping Centre. The UDP states:

The guiding principle in formulating a suitable policy for the Kensington and Chelsea portion of central London has been 'consolidation' which is concerned to ensure that development is in line with the capacity of an area to accommodate it in a sustainable way.....in terms of environment, transport and land availability.

Entertainment Uses

5.28 Policies STRAT46 and LR32 seek to encourage new arts, cultural and entertainment uses, subject to other policies within the plan. Policy LR33 suggests that a sequential approach will be adopted, when considering the location of high trip generating developments such as those highlighted in Policy LR32.

1104

5.29 Policy STRAT 5 of the UDP relates to 'Visitor Related Development'; it states that the Council will:

'Ensure that further visitor related development locates in places that are well served by public transport and does not harm the residential character or amenity of the Borough.'

5.30 Policy LR34 deals with proposals for night-clubs, discos, casinos and gaming rooms, where the Council will resist such proposals if there would be - a significant reduction in the area's character or amenity; or a significant increase in traffic and parking problems. However, it is important to note that banqueting uses or function suites do not fall under Policy LR34 therefore, implying that they do not fall within the same category of night-time activities.

Residential Amenity

5.31 Policy STRAT1 states that the Council will:

"Give priority to the protection and enhancement of the residential character and amenity of the Royal Borough"

Traffic

5.32 Policy TR1 of the UDP seeks to ensure that high trip-generating development is located in areas well served by public transport. In addition, Policy TR36 of the UDP states that the Council will:

'Resist development which would result in:

- (a) Any material increase in traffic or parking, or in congestion on public transport, or;***
- (b) Any decrease in road safety, or;***
- (c) Unacceptable environmental consequences.'***

5.33 Further consideration to these matters is provided in the Transport Assessment.

Noise

5.34 Policy CD40 of the UDP states that the Council will resist proposals where the noise generated would cause material disturbance to surrounding properties. The Plan advocates that most people accept that a certain degree of noise disturbance from A3 uses is inevitable. However, this is to be mitigated wherever possible.

Hans Town Conservation Area Proposals Statement (CAPS) January 2000

5.35 The Hans Town CAPS charts the historical evolution of Harrods, dating back to C.1853, including the erection of the Store as it stands today in 1894 to the architectural designs of C.W Stephens.

1105

5.36 The CAPS designates the Conservation Area into 3 areas of "significantly different and distinctive character" See plan at **appendix 9**. Brompton Road, including Harrods' frontage, Hans Road, Basil Street and north end of Sloane Street are all designated as being within the Knightsbridge area; in relation to which the CAPS states:

"This area includes the nationally important commercial and retail centre focusing on the Brompton Road thoroughfare and connecting streets such as Hans Road, basil Street and the upper part of Sloane Street. The townscape's character here is generally one of substantial retail premises and residential mansion blocks developed mainly between the 1890's to around 1910".

Summary

- i) The policy framework encourages uses such as evening events function suites to locate in town centre, mixed use locations, well served by public transport;
- ii) There is no land use objection to the proposed events suite;
- iii) While the policies seek to encourage the expansion of the evening economy, regard must be given to protecting residential amenity and preventing the requirement for material increases in traffic congestion and or parking.

1106

6.0 PLANNING CONSIDERATIONS

6.1 Based on the Council's Committee Report and Decision Notice, issued after the submission of this appeal; the Council's and Mr Rogers' Pre Inquiry Statements; and research carried out for this Inquiry, I consider the key issues are:

1. The impact of associated on-street parking;
2. The impact of increased activity and disturbance on residential amenity.

6.2 In the context of my planning evidence, I shall consider the following:

- i) The merits of the proposals;
- ii) The likely means of travel to and from the evening events;
- iii) The impact of noise and disturbance on residential amenity;
- iv) Operational issues and other considerations;
- v) Comparable appeal decisions;
- vi) Appropriate planning conditions to control the proposed use;
- vii) Other matters raised by residents.

6.3 Technical evidence on traffic, parking and noise is provided by other experts. I shall draw on their findings as well as my own observations and experience of other late night entertainment uses.

(i) Merits of the Proposals

a) Principle of Proposed Use

6.4 The Planning Officer's Report to Committee (Paragraph 4.11) confirms that the proposed use of the Georgian Restaurant and Food Halls for evening functions would not conflict with Policy S1 of the UDP which seeks to retain retail floorspace where their loss would reduce the choice of local convenience shops. The venues will retain their current use during the day with events taking place at least ½ hour after normal store closing. In this respect, the proposals will also comply with Policy STRAT 42, which seeks to ensure the continued enhancement of the international, national and regional retail role of the Principle Shopping Centres; and Policy S19, which advises that the Council will:

"Permit the location in principal shopping centres of non-shop uses above or below ground level where the use would not:

- (a) Adversely affect the essential shopping character and function of the centre; or*
- (b) Unacceptably reduce the effective shop frontage and window display area by way of access to the non-shop use;*
- (c) Materially reduce residential character and amenity including by smells or late night noise; or*
- (d) Materially increase traffic or parking"*

1107

6.5 The proposals will not adversely affect the shopping character of the area, nor will they reduce the effective shop frontage and window display area. As stated above, the Georgian Restaurant and Food Halls will retain their current use during the day and will transform to a venue for evening events. The shopping frontage and window display areas will not be altered. In this respect, there will be no impact on the special architectural character or historic interest of the listed building or the surrounding conservation area. Additionally, the proposals will not 'materially' reduce the residential character and amenity of the area by smells and late night noise, nor will they materially increase traffic and parking around the store to unacceptable levels. These latter points are substantiated fully in the supporting Transportation Assessment and the Noise Proof. Notwithstanding this, while the Council has not specifically cited Policy S19 in their reasons for refusal, it is understood that they consider that the proposals are not generally in accordance with the issues relating to criteria c and d; namely that the proposals would reduce the residential character and amenity of the surrounding streets and raise the possibility of late night noise and lead to a significant increase in on-street parking. [These are matters which I consider under later headings]

6.6 I consider that the Georgian Restaurant and the Food Halls would make an excellent evening venue in central London and would form an acceptable land use in principle for the following reasons:

b) Past Use

6.7 The Georgian Restaurant and the Food Halls have been operating as a 'catering establishment' within Harrods for nearly 100 years, with a capacity to accommodate up to 2000 guests. Furthermore, as the list at Appendix 7 of Mr Assanand's Evidence demonstrates, over the past decade, the use of the store for both evening events incidental to the store and for private functions, outside shopping hours has steadily increased, without to my knowledge attracting any complaints from surrounding residential occupiers; these events have been accessed through Door 10 (see appendix 2), which is much closer to residential uses than the doors now proposed.

c) Maximum Capacity

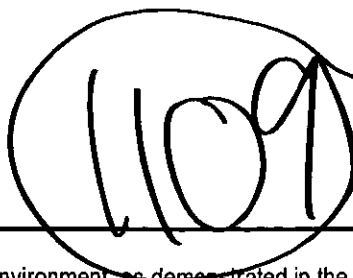
6.8 Harrods are prepared to limit the number of guests attending any one function to 500. For the first time, this would also include events ancillary to the use of the store, such as fashion shows, staff events and promotions, which do not require planning permission. The proposals could, therefore, reduce the potential number of people using the Georgian Restaurant and the Foodhalls outside the store's opening hours by a substantial margin. Overall out of 189 events held in the Store since 1990, 136 have been ancillary. In 2003 alone, there were approximately 19 ancillary events held within the Store, the majority of which finished at around 9.30-10.00pm with one event accommodating over 1000 guests; 3 events finished at 11.00 am onwards am.

d) Commercial Location

6.9 The Draft London Plan advocates that the capital's vibrant night time economy plays a major role in developing London's world city status. The Plan acknowledges that there is an increasing demand for services to be provided later in the evening; and that longer opening hours in larger town centres and some commercial areas can

1108

- contribute to their vibrancy and vitality. Harrods reputation is world renowned, as is Knightsbridge Principal Shopping Area, which is within the boundary to the defined Central London Area. Harrods shopping frontages/main entrances (inc. doors 5, 7, 8 and 10) to Brompton Road, Hans Road, Basil Street and Hans Crescent are defined as 'Core Shopping Frontages'. The east side of Hans Crescent, opposite Door 5 is also defined as 'Non Core Shopping Frontage'. Harrods is also one of London's leading tourist attractions, and widely recognised (including in the RBKC Visitor Management Strategy, February 1996) as the main attraction of tourists to Knightsbridge.
- 6.10 In this context, there is a clear benefit in locating an evening entertainment use within this location. Indeed, Policy STRAT 6 of the Council's UDP seeks to encourage central London activities (including arts, culture, entertainment and tourism facilities – as identified in Table 2.1 of RPG 3) in the part of the Borough identified as the Central Area on the UDP Proposals Map – which includes Harrods.
- 6.11 From a planning perspective, the level of impact from the proposals must be judged against the type of area in which Harrods is located. In particular the store is not within an exclusively residential area but forms part of a mixed use city centre environment. This is confirmed in the Hans Town CAPS, which designates Harrods and the area surrounding it (including Hans Road and Basil Street) as falling with the 'Knightsbridge' sub area, which includes 'a nationally important and commercial retail centre'. Indeed, the plan reproduced at **appendix 5** shows that there are a number of other licensed A3 and entertainment uses in the surrounding area. The appropriateness of the location for late night uses which operate within the mixed area can in part be seen by the fact that a number of the A3 uses have been granted 1.00am to 3.00am licences. In particular, 164-165 Sloane Street is able to open until 2.00 am on Monday and Tuesday and 3.00 am on Wednesday to Saturday; and Serceys at 30 Pavillion Road (in the immediate vicinity of Harrods and much closer to residential properties) has a licence to open until 1.00 am on Thursdays to Saturdays. In granting such licences, the nature of the area and impact on residential properties can be taken into account.
- 6.12 Without prejudice to the above, it is evident that Class A3 uses within commercial areas can have some effect on residential uses. STRAT 1 of the UDP gives priority to the protection of the residential character and amenity of the Borough. However, while a significant increase in noise and disturbance levels would clearly be unacceptable, both PPG 24 and Paragraph 4.3.37 of the adopted UDP acknowledge that most residents are prepared to tolerate a degree of night time noise and disturbance associated with living in a City Centre location. Indeed, there are a variety of reasons residents choose to live in central London, in locations adjacent to large commercial uses, such as Harrods.
- 6.13 Further to the above, it is important to note that premises which house A3 uses normally have a direct relationship with the street where it is possible for noise to escape through the frontage or through doors opening; or through people queuing in the street to gain access. However, none of these external factors will occur as a result of Harrods proposals. The only external effect will be from guests arriving and departing, which will not, in my view,



result in a significant change to the existing environment, as demonstrated in the noise evidence, so as to cause a detrimental effect on residential amenity.

- 6.14 It is very much part of Government and RBKC Policy to promote 'mixed-use' residential and commercial development within shopping areas. Whilst this is a key objective as a means of increasing housing stock and increasing vitality and viability of shopping areas, it is important that it does not serve to undermine the role and function of the commercial area, particularly in terms of the 'evening economy' and the provision of restaurant, pub and entertainment uses. Otherwise, many valuable business opportunities are likely to be missed, which in turn could serve to have a detrimental impact shopping centre's commercial function.

e) Sustainable Development Considerations

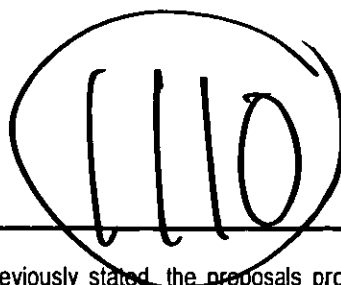
- 6.15 PPG 13 aims to reduce the reliance on the car and promote more sustainable forms of transport. It confirms that town centre locations with high accessibility to public transport modes should be the preferred location for new leisure developments. Policy STRAT 5 of the UDP, which relates to visitor related development; and Policy TR1 relating to high trip generating uses also seek to ensure that new development of this nature is located in places that are well served by public transport. Harrods falls within a highly sustainable location (as identified in Map 9 of the UDP), in terms of the surrounding local transport network; it is situated next to a London Underground Station and it is served by many public bus services during the day and night time. Brompton Road, is also *'the busiest road in the borough with the exception of Westway'* according to Paragraph 2.1.17 of the UDP; it is a strategic, arterial, 'Red Route' providing a fast, direct link between central and west London; and the M4 Motorway. In this respect, and as demonstrated in the Transport Assessment, it is also a very popular route for taxis (black cabs) running in both a westerly and easterly direction. Therefore, guests leaving Harrods late at night would be able to catch a taxi outside door 7 or hail a taxi travelling along Brompton Road; Harrods' arrangement with Computer Cabs - the mainframe taxi company would also ensure that local taxis were on standby in the area helping to disperse guests away from Harrods quickly.

f) Car Parking

- 6.16 For those travelling to a Harrods evening events by private car, there are a number of options for late night parking in the area, including metered parking bays and large NCP car parks. In particular, the car park in Pavilion Road, (open 24 hours a day), has the potential to accommodate over 300 cars during the evening, within a short walk of Harrods. Clearly, this option must carefully balanced against the objectives of PPG13, which aims to deter people from using private cars, as the availability and control of car parking is seen as a key determinant in making sustainable transport measures work.

g) Sequential Test

- 6.17 In proposing a leisure or entertainment use the events facilities accord with Government policy in the form of PPG6 and PPG13, which explicitly requires these sort of uses to be located within town/city centres; advice



reiterated in Policy LR33 of the UDP. As previously stated, the proposals provide an important opportunity of creating a new, exciting venue within central London, in a Principal Shopping Centre.

h) Evening / night time economy

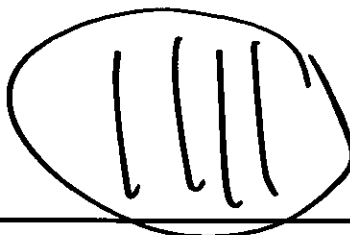
6.18 The proposed use is in accordance with Government and Local policy framework, supporting the night time economy. In particular STRAT 46 and LR32 seek to encourage new arts, culture and entertainment uses. The key planning advantages for the proposals exist on many levels; namely:

- Increased 'diversity': The decline of traditional shopping patterns has meant that for many town centres to remain economically robust, it has been necessary to encourage new uses, such as leisure and entertainment uses. In the same way, it is necessary for a large department store, with a considerable amount of retail floor space and high business rates, to find new ways of maximising the use of its floor space, including in-house catering uses, to remain commercially viable.
- Vitality and viability: The existence of pubs, restaurants and other entertainment uses within town centres is obviously a key way of keeping town and city centres lively and exciting places at night time. The range of facilities will serve to increase the attractiveness of a place and act as a magnet for new investment, businesses and homeowners.
- Economic considerations: It is widely acknowledged that the evening economy makes a significant contribution to the local economy and, for this reason, considerable weight must be given to new uses which contribute to a town centres viability.
- Mixed use development: Retail and restaurant uses are very much seen to be complementary uses within the commercial area, enabling it to remain economically active for a much longer period of time. Clearly, shopping centres need to continually adapt in order to survive.

6.19 In accordance with these considerations, a number of other London venues and attractions now have banqueting and evening function facilities on offer, **appendix 10** provides further details of these.

(ii) **The Likely Means of Travel to and from Events**

6.20 Policy TR36 of the adopted UDP seeks to resist development which results in a material increase in traffic, parking or congestion; any decrease in road safety; or other unacceptable environmental consequences. The Transport evidence prepared in support of this appeal, concludes that, even in the worst case scenario (i.e. 500 guests in attendance; 20% of whom will drive; with an average vehicle occupancy of 2.0 guests for arrivals and 2.35 guests for departures; and events finishing at 1.30 am, from Monday to Friday; figures that have been agreed as the worst possible impact, as part of the Statement of Common Ground) the proposals do not pose any threat to the



surrounding traffic flows, and/or parking availability. Furthermore, events have operated on a much more intensive scale in recent years, none of which have given rise to traffic problems or complaints from residents.

6.21 In reaching their original decision, it is apparent that the Council had assumed that a very high level of guests attending functions will arrive/depart by private car for all events. While the extreme worst case has been agreed by the appellant and the Council, statistically the chances of all the 'worst case' events occurring together in very unlikely. Indeed, this is borne out in part by past demand for events. In any event, it is also unlikely such a high percentage of guests will travel to all evening events at Harrods by private car. I suggest that a greater percentage will arrive and depart by public transport for the following reasons:

- Human Psychology:** People are well aware in advance that driving to a venue in central London would probably be long and arduous, with traffic congestion on route and the probability of limited parking at the destination. In the same way many people do not generally choose to drive to work, they would not choose on purpose to drive to a central London function.
- Origin of Guests:** A large number of events would be attended by guests working in London or staying in a hotel over night. Guests working in London are most likely to come straight from work, having changed at the office, rather than going home first, and as a consequence of this are less likely to have access to a car.
- Drink Driving Restrictions:** People are deterred from driving to functions, as it limits the amount they can drink during the course of the evening. With the threat of strict prosecution procedures and general education into the consequences of drinking and driving, the number of people who wish to drink and drive has seriously declined over the last 10 years.
- Taxi Availability:** Harrods is within a location where guests will be aware of the ease with which a taxi can be obtained. Nonetheless, Harrods' established arrangement with 'Computer Cabs', whom are informed of event closing times and estimated taxis needed will also help to ensure there are sufficient vehicles in the area to pick up guests.

(iii) **The Impact of Noise and Disturbance on Residential Amenity**

6.22 There are a number of sources of noise that can affect residential amenity in association with late night entertainment uses. These can be categorised as follows:

- Noise escape from inside premises (e.g. music);
- Noise from plant (e.g. air conditioning equipment);
- Pedestrian activity outside the premises (e.g. rowdy behaviour; queuing to gain access; large concentrations of people); and

1112

- Traffic noise (e.g. car doors slamming, engines starting or revving, refuse and service vehicles).

6.23 The impact of these noise sources depends on background noise levels - the full technical issues concerning noise are dealt with by Mr Morgan in separate evidence. The following is also of note in relation to each of the identified noise sources above:

Noise Escape

6.24 The Council has accepted that there would be no problems from noise escape related to activities from within the store. They suggest that they may wish to prevent the use of the external terrace of the Georgian Restaurant but this can be adequately dealt with by an appropriate condition.

Plant Noise

6.25 The Planning Officer's Report to Committee, dated 12 August 2003, also accepts that there would be no impact from plant noise.

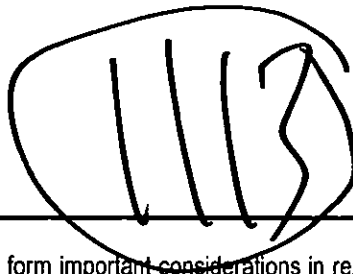
Pedestrian Activity

6.26 It is evident that some proposals for Class A3 uses within commercial areas can sometimes have an effect on residential amenity. Whilst a significant increase in noise disturbance levels would clearly be unacceptable, most residents are prepared to tolerate a degree of night time noise and disturbance associated with living in a City Centre location. However, in stating this there is a clear distinction between proposals for a function suite and those for a nightclub or disco, which often have a direct relationship with the street; a greater tendency for large numbers of 'younger' guests entering and leaving the premises on a frequent basis; and high levels of waiting and loitering outside the door. Guests to functions at Harrods would be by invitation only; are unlikely to arrive at a function late at night; and would probably be of an older generation, accompanied by partners and business colleagues. The chances of these guests being 'rowdy' upon leaving the premises is therefore greatly reduced.

6.27 Guests leaving events by taxi would be directed to door 7, which is very close to the taxi rank on Brompton Road. The noise environment in Brompton Road and the distance from residential property means that there would be no material impact on residents. Additionally, guests departing from door 5 would either be picked up by cars near door 5 or walk to where their car is parked and therefore, disperse relatively quickly from the immediate area. All staff leaving events would leave at regular intervals via the dedicated entrance on Basil Street; staff waiting to be picked up would wait inside the entrance, not on the street.

Traffic

6.28 Mr Morgan has concluded that there would be no unacceptable impact from cars or taxis on residential amenity in respect of departures from both guests and staff. The proposals therefore, accord with Policy CD40 of the UDP.



6.29 There are a number of other factors that form important considerations in relation to the impact the proposals will have on noise and disturbance, namely:

- *Harrods management measures:* as outlined in paragraphs 4.11-4.18 the controlled management of the events would help to ensure that there is no unacceptable increase in noise.
- *Location:* While there are many other licensed premises in the area, the extent of late night entertainment uses is not such that it forms a 'hot spot' where the proposals subject to this appeal would lead to a cumulative impact.
- *Harrods Supper Hours Certificate:* which allows the Georgian Restaurant to host events until midnight (as attached at **appendix 3**). In granting such a license the justices are entitled to consider such matters as environmental and noise impact. To date, Harrods have not received any complaints from residents or others, nor have there been any objections made to the Justices in respect of the operation of events under the supper hours license;
- *Choice of Exits:* Door 7 on the heavily commercialised Brompton Road and Door 5, also opposite commercial development have been specifically chosen to ensure that there is no harm caused to residential amenity. Notwithstanding the fact that past events, many on a scale much greater than those proposed have operated mainly through Door 10, which is much more residential in character, without any complaints from local residents. Door 5 has also been used on a regular basis – without, to Harrods knowledge, any complaints.

6.30 Finally, in respect of a survey carried out at Harrods on 29 November 2001, I observed at first hand the tight security measures put in place. A security guard was constantly in attendance at the entrance. I also witnessed that a security guard, with a high visibility jacket walked around the perimeter of Harrods every 15-30 minutes .

6.31 I noticed that guests left in an orderly manner – this is in contrast to surveys I have conducted of nightclubs or large bars where frequently a number of guests can create problems. I did not witness any shouting or noise disturbance. The vast majority of guests walked up to Brompton Road to get a taxi home. Very few walked down Hans Place (from Door 10) – results of my survey of the modes of travel departing guests used is attached at **appendix 11**. I also observed the pattern of departures from an event on 9 April 2002, a cocktail event for 300 guests that finished at 1.00 am at which a similar pattern occurred to the previous survey.

(iv) Operational Issues & Other Considerations

6.32 The following considerations will also have a significant impact on reducing the impact on residential amenity:

- The events facilities would only be open Monday to Saturday with no bookings on bank holidays or Sundays.

1114

- Refuse collection and deliveries to the store will employ the same arrangements for the department store and restaurant as those currently used; via a specially constructed underground service track, leading off Hans Road.
- All catering supplies and kitchen equipment for the events facilities would enter the store via the Store's central main service lifts, as existing.
- The current systems that are in place for minimising the effects of smells emanating from the building, which already satisfy existing regulations, are adequate enough for the purpose of this proposal. The use of existing heavy-duty extractor fans and vents on the roof of Harrods means that no cooking smells would be detectable from outside of the store.
- Staff entering and leaving events leave via a separate entrance on Basil Street, at regular intervals throughout the course of events, as demonstrated in Mr Assanand's Proof.

iv) **Comparable Appeal Decisions**

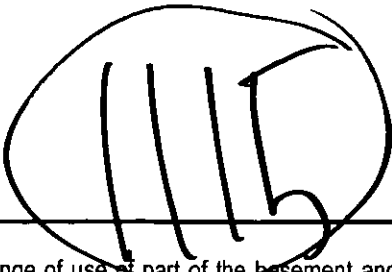
6.33 I refer in this section to a number of appeal decisions. The first, which relates to Bailey's Hotel, also in RBKC, has a number of specific similarities to the appeal proposal (full details of which are reproduced in **appendix 12**). The second set of decisions are more concerned with issues of principle rather than detailed similarities in particular they substantiate the proposition that the character of the area in which the entertainment use is proposed, is a relevant consideration to judging the degree of impact on residential amenity.

Bailey's Hotel, Gloucester Road, London

6.34 In 1995, I was instructed by CDL Hotels to advise on a proposed conferencing and banqueting suite at Baileys Hotel, Gloucester Road. While every case must be judged on its merit, I consider that there are similarities between the proposals subject to this appeal, particularly with regard to modal split and traffic flows.

6.35 To put the matter in context I reproduce at **appendix 12**, the following documents in connection with the Baileys Hotel banqueting proposal:

- (i) Traffic Report by RBKC
- (ii) Letter, dated 29 September 1995 from GVA Grimley to RBKC;
- (i) Planning Officer's Report to Committee;
- (ii) Planning consent dated 5 January 1996 and Section 106 Agreement.



6.36 In summary, the proposals involved change of use of part of the basement and ground floor of the premises in Grenville Mews (an annex to Baileys Hotel) from restaurant and discotheque to conference and banqueting use. Importantly, the Council in considering this case did not start from the position that the restaurant/disco were unacceptable uses in their own right.

6.37 The banqueting and conferencing facilities were proposed on two floors each with a capacity of 550m². The capacity of the banqueting suite was assessed to be 500 people - identical to that proposed at Harrods.

6.38 On the basis of a 480 person banquet the assumed pattern of arrival/departure by taxi and car was as follows:

Time	Arrival	Departure
1800-1900	71	
1900-2000	18	
2300-2400		13
2400-0100		76

6.39 In Grimley's letter of 29 September 1995, it was indicated that, having spoken to the owners of the hotel who already ran banquets within the Cotswold Suite, that their experience was that very few (5-10%) came to the event by car.

6.40 In the Council's traffic report it was found in respect of modal split that:

"Vehicles would be mostly taxis with some private car traffic..... "The factors influencing modal split (are) the proximity to the tube station and bus routes, the relative difficulty in parking and other factors".

6.41 The factors referred to in the quote above apply equally to the appeal premises, with the exception that there is no NCP car park within Harrods, as there is at the Hotel. Nonetheless, there is an NCP car park in Pavilion Road within convenient walking distance of the store. The other material difference is that the banqueting facility formed part of the hotel, but from my understanding of the traffic assessments it was not assumed that any significant number of guests would be residing in the hotel.

6.42 In the Officer's report on the planning application it is recorded in paragraph 4.15 that:

"It is estimated the facility could accommodate up to 500 guests, the majority of whom would arrive at the premises by taxi or public transport...as with the proposed conference facility, it is considered that the number of guests who would arrive at a banquet by private car is very low and that any parking could easily be accommodated within the existing basement car park".

6.43 In respect of the impact on residential amenity, the Officer's report stated that:

1116

"In assessing the proposal in terms of its likely affect on amenities of occupiers of surrounding properties by reason of possible noise and disturbance, it is necessary to identify the character of the streets in the vicinity of the hotel. The pedestrian entrance to the facilities will be from Grenville Mews which is sited 30 metres from the junction of the heavily trafficked Gloucester Road. The properties directly opposite this entrance are in residential use, [my emphasis] remainder of the terrace (nos 5-25 Harrington Gardens) are used as a hotel. The majority of residential properties within the vicinity of Baileys/Gloucester Hotel are on Harrington Gardens east of its junction with Ashburn Place which is situated some 60 metres from the proposed pedestrian and vehicular entrances to the site".

- 6.44 I consider that, this case adds particular weight to the view that few people will travel by car to such events and that the level of activity associated with the banqueting operation, in the Baileys case opposite residential property, can be satisfactorily accommodated in such mixed use locations.

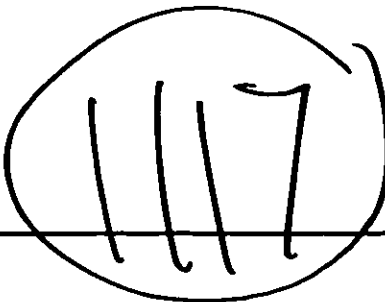
Bluebird Restaurant, 350 Kings Road

- 6.45 An appeal was lodged against RBKC in 1990 for a mixed use proposal, including a restaurant with 70 covers. One of the key issues was the effect of the proposals on parking and traffic in the area.

- 6.46 Like Knightsbridge, Kings Road is a vibrant area and is designated as a Principal Shopping Area with "an ever changing and fashionable retail character". However, the Inspector noted the "extensive residential areas" in close proximity. He also acknowledged that there was "a serious parking shortage". The Council argued that the proposals would be likely to generate 64 car trips a day and that the 20 basement car parking spaces were inadequate to cope with demand. However, the Inspector considered that the Council had failed to take account of turnover; and car occupancy was doubtful. At the Inquiry it was considered that the Council's estimate of 64 car trips a day was more likely to be 21 and this could be adequately accommodated in the basement car park. The Inspector concluded that the impact of traffic and parking arising from the restaurant was not "so great to should jeopardise the whole scheme".

The Roof Gardens, 99 Kensington High Street

- 6.47 Planning Permission was granted by RBKC on 25 June 2001 for the erection of a roof level extension to provide a restaurant able to accommodate 150 customers up until 11.15 on Monday to Saturday. Kensington High Street is also a Principal Shopping Area with commercial and residential properties in close proximity of each other. As well as the roof level restaurant, the Roof Gardens also comprises a club, which was granted a renewed public entertainment licence in 6 June 2001 (with the support of RBKC's Environmental Services Department) prior to the issuing of consent for the roof level restaurant. Despite fierce residential opposition, the renewed licence allowed the premises to open until 3.00 am on Monday to Saturday, accommodating 600 patrons, all of whom gained access to the premises in close proximity to residential properties. I have been informed by the Licensing Department that they have resolved to renew the licence and a new one will be issued shortly, which suggests the Justices' must have found that guests leaving late night entertainment uses are able to do so without disruption to residential amenity – even up to times as late as 3.00 am with over 600 guests.



2-4 Catherine Street and 23 Tavistock Street, London WC2 (APP/X5990/A/1011013)

- 6.48 An appeal was lodged against the City of Westminster for the refusal of consent for the change of use of the ground and basement floors to Class A3 use and the 1st - 5th floors to 10 self contained flats. The main issue was the proposals effect on the amenity of neighbouring residential uses from the restaurant use, particularly in relation to noise and disturbance. The appeal was allowed.
- 6.49 The appeal site was in the Central Activities Zone, with a range of mixed uses such as restaurants, theatres, shops, offices and dwellings in close proximity; not dissimilar to the environment surrounding Harrods. The Inspector was supportive of the A3 element of the appeal proposal and recognised the advantages of encouraging tourism, culture and the arts in central London locations, which he considers "*contribute significantly to the life and attractiveness of London*". However, [he] was still mindful of the implications such uses could have on residential amenity.
- 6.50 In assessing the impact, the Inspector acknowledged "*as far as possibilities for external nuisances are concerned, these would to some extent be governed by the particular nature of the A3 use which might be involved.....bars and hot food takeaways would be likely to be the greatest source of external nuisance particularly as a result of noise or disturbance from customers at unsociable hours*". The Inspector, however, was satisfied that the impact could be curtailed by imposing conditions on the operational characteristics, including limiting access to and from the premises via the route most commercial in nature; a precaution exercised by Harrods in using Doors 5 and 7 for guests departures.
- 6.51 In addressing the residents' concerns regarding a 'cumulative worsening' of the noise climate on living conditions, he Inspector stated "*I accept that residents living in city centres must anticipate higher noise levels than those living elsewhere. I also accept that the encouragement of mixed uses in government guidance must imply acceptance of a noise climate for residential occupiers which may not be ideal*".

43-51 Great Tichfield Street, London, W1 (APP/X5990/A/98/296965)

- 6.52 This appeal related to a change of use from offices to licensed premises with food facilities, also in the City of Westminster. The main issue was the impact of the increased activity on residential amenity.
- 6.53 The appeal was allowed. The Inspector noted that the appeal site was "*a highly urbanised area where residential and commercial uses are in close juxtaposition*". In relation to this mix, he stated "*it seems to me that the area enjoys a slightly bohemian ambience and that's its residents value its village atmosphere*". The Inspector also advised that in his opinion "*people who choose to live within a city centre environment cannot reasonably expect to enjoy the degree of tranquillity that may be afforded to a suburban location, for example. To my mind, a balance has to be struck between providing an acceptable living environment and allowing commercial activity and vibrancy to flourish, particularly during the evening*".

(118)

6.54 In relation to disturbance resulting from the manoeuvring of vehicles, slamming car doors and revving of engines, the Inspector stated "I observed that the area is well served by public transport and it is not unreasonable to anticipate that many people would arrive and depart by bus, tube or on foot. There are a number of different routes to and from the premises and customers would hence, in my opinion, tend to disperse in a variety of directions. This would mean that additional activity would be unlikely to be concentrated to one route". Harrods is also well served by public transport and through controlling the doors in which people depart, they will be able to direct guests to either the highly commercial Brompton Road (forming the greatest majority), if they are relying on public transport, or for those collecting their car, through Door 5 - the closest exit to the NCP at Pavilion Road in which 50% of guests travelling by car are expected to park. By limiting their options it will lower the propensity of guests, not familiar with the area, wandering around the surrounding streets and potentially causing disturbance.

40-44 Great Windmill Street (APP/X5990/A/00/1035299)

6.55 The appellant proposed to vary the conditions attached to a planning permission to allow the use of the ground floor and basement restaurant/bar to open until 3.00am on Tuesdays to Sunday mornings; thereby seeking an extension from closing at midnight on Monday to Saturday. The resultant impact on the amenity of nearby occupiers was cited as the main reasons for refusal. However, the appeal was allowed.

6.56 The Inspector suggested that he was not convinced that that an increase in background noise of 3dBA and 'other forms of disturbance' resulting from the closing of the premises (at 3.00am with up to 1000 capacity) would materially worsen the living conditions of nearby occupiers. He acknowledged that the premises is already operating as a large A3 use and that conditions detailing the operational characteristics can be imposed to control the effects of the use on residential amenity. I acknowledge that Windmill Street is heavily commercialised and not necessarily a directly comparable environment to that surrounding Harrods. However, the principle is relevant - Harrods also already hosts evening events that are ancillary to the use of the Store (and have done for many years without attracting a single complaint), indeed, these form the majority of events held and often have the largest number of guests and the latest closing times. The unrestricted basis in which ancillary events are able to operate will however, be brought under control as a result of the proposals.

St James Street, London W6 (App/X5990/A98/299177)

6.57 'Appeal A' relates to proposals for two A3 premises, to include a restaurant and a wine bar (with an overall capacity of 450 & closing time of 1.00am) within a mixed-use development in the City of Westminster. The Inspector considered the main issues to be the effect of the proposals on the living conditions of the adjacent occupiers by reason of late night noise and disturbance and car parking problems.

6.58 The Inspector acknowledged that the proposals would be likely to lead to an increase in the number of car and taxi movements to and from the site and each movement would generate noise. He also noted the Council's suggestion that the proposals would represent an increase of about 60% to existing traffic and pedestrian activity generated by similar existing permitted land uses in immediate locality. However, given the existing ambient background noise levels from pedestrian and vehicular activity in the area up to 1.00am (minimum background

1119

noise on any day was 45dB L₉₀) he did not consider that the A3 use would have a significant effect on living conditions of adjacent occupiers by way of noise or disturbance.

6.59 The Inspector also did not envisage that the proposals would created any parking problems. She stated "A significant number of taxis are always circulating around the one-way traffic system via St James Street [designated as a secondary road]. Additionally Green Park tube station is only a short walk from the appeal site. Given the limitations on drink driving, in my judgement, the majority of patrons of the proposed restaurant and wine bar would arrive by public transport". Nonetheless, the Inspector noted that 25% of patrons would be likely to arrive by car (approx 112 car journeys if operating at the maximum capacity of 450 patrons). She also acknowledged that there was a public car park in close proximity; easily able to accommodate these vehicles.

vi) Planning Conditions

6.60 I set out below a list of suggested planning conditions to control the nature of the use.

1. The Georgian Restaurant and Food Halls shall be used only as a function suite and for no other purpose within Class A3, outside the normal operational hours of the store.
2. During the course of events, the premises shall not accommodate more than 500 guests at any one time.
3. No more than 75 events shall be held during each calendar year. 65 events shall finish no later than 12.30 am and 10 events no later than 1.30 am. No guest shall be on the premises beyond these times.
4. No music shall be audible outside the premises. The doors to the terrace bar in the Georgian Restaurant shall be locked and prevented from use, during all events.
5. CCTV camera surveillance around the store shall be maintained during all times when an event is being held and for half an hour after the last guest has left.
6. A scheme shall be submitted for the Council's approval prior to implementing this consent in respect of:
 - (a) Measures for contacting local taxi services
 - (b) A management system for use of the doors
9. Door 5 will be used as the only means of access for guests arriving after the store is closed; doors 5 and 7 only shall be used for guests departing.

1120

vii) **Other Matters Raised by Residents**

6.61 In addition to the Council's reasons for refusal issued after the submission of this appeal, I acknowledged that concerns have been expressed by a number of residents. In particular, a critique of GVA Grimley's Statement submitted as part of the planning application was produced on behalf of Mr N Rogers of 1 Walton Place by Alsop Verrill, which has now been granted Rule 6 status. In addition, it is understood that Mr Rogers has also instructed Buchanan Consulting Engineers and the Equus Partnership (which are considered further in Mr Savells and Mr Morgan's evidence). Without too much repetition of evidence already presented, the following comments made in relation to the planning case by Alsop Verrill, should be noted:

- The closing times specified as part of the proposals signify the times when all guests will have left the premises and doors close. In any event, in Harrods' and all of my experience of other evening functions in central London, many guests do not wait until the very last possible moment to leave an event, they filter out sporadically, often in small groups, often leaving in accordance with access to public transport (for reasons already highlighted within the context of my evidence). Furthermore, particularly with regard to most reception type events where most demand has been for closing times of 9.30-10.30 pm, it is envisaged that guests will have left well in advance of 12.30 am.
- While the proposals are not 'dependent' on public transport, it is a widely recognised principle that the proximity and ease of access to it heavily influences peoples travel choices, particularly in central London.
- Harrods are currently able to hold events in the Store that are related to its A1 use. These are not restricted by number of guests, time of closing or means of access. However, the fact that these are to be brought into control for the first time, as part of the proposals is the 'important consideration' from which potential guests and events held in the store will be reduced by a 'substantial margin'.
- The proposals subject to this application, if granted consent, will be bound by conditions that will control their operational characteristics and upon which, action will be able to be taken by the Council if any breach occurs. However, Harrods Events Management and staff fully accepts that they must comply with the terms and conditions of any consent. Detailed records of all events held in the store, in terms of numbers of guests admitted (recorded by a 'clicker') and closing times, will be kept and these will be able to be inspected at any time, upon the request of the Council. Harrods are acutely aware of its responsibilities and will conduct the management of events in accordance with its reputation for quality and excellence upon which its success has been built. The continued commitment to this in every aspect of their business is of great importance to them.

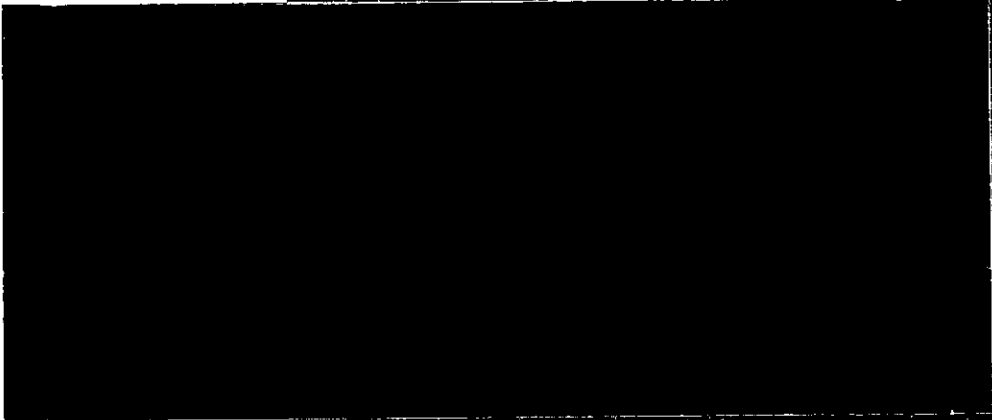
1121

7.0 CONCLUSIONS

- 7.1 Harrods' proposal for evening events in the Georgian Restaurant and the Food Halls will serve to restore back to full and effective use a dining establishment that has played host to prestigious events for nearly 100 years. The proposals present an opportunity to provide a first class facility in central London and in so doing improve London's attraction as a world class cultural and entertainment centre.
- 7.2 The scheme accords with the policies and locational criteria for such uses as set out in the UDP, which encourages uses such as evening event venues to locate in town centre mixed areas, well served by public transport.
- 7.3 The Georgian Restaurant and the Food Halls have been used for banqueting type events and receptions with the benefit of a supper hours certificate for several years without apparent objection from residents or the Council.
- 7.4 Guests wishing to catch a taxi or other forms of public transport upon departure, will be able to do so on Brompton Road, after exiting from door 7 – well away from residential property; the use of door 5 for guests departing by car will ensure that any noise associated with car door slamming or starting up engines will be of sufficient distance from residential premises not to result in an unacceptable noise impact.
- 7.5 Those living in City Centre environments cannot expect the same degree of noise environment as a suburban or exclusively residential area.
- 7.6 The proposed formal evening events, unlike other forms of late night uses such as night clubs or bars, will attract a clientele who are unlikely to cause any noise disturbance in the streets surrounding the premises by reason of unruly behaviour.
- 7.7 For all the above reasons, I find that no demonstrable harm would be caused by the appeal scheme and that the proposal accord with both national and local policies, and accordingly that planning permission should be granted.

GVA Grimley

International Property Advisers





1122

SUMMARY OF PLANNING EVIDENCE

**APPEAL BY HARRODS LTD
PROPOSED EVENING EVENTS FACILITIES
APP/K5600/A/03/1118221**

87-135 BROMPTON ROAD, LONDON, SW1X 7XL

**SUMMARY OF PROOF OF EVIDENCE PREPARED BY
NICHOLAS DE LOTBINIERE BSC MPHIL MRICS MRTPI**

Date: January 2004

Our reference: NDL/KJR/029963205

**GVA Grimley
10 Stratton Street
London
W1J 8JR**

Tel: 0870 900 8990

1123

CONTENTS

	PAGE
1.0 INTRODUCTION	1
2.0 SITE AND SURROUNDING AREA	1
3.0 THE PROPOSAL	2
4.0 PLANNING POLICY CONTEXT	2
5.0 PLANNING CONSIDERATIONS	4
6.0 CONCLUSIONS	6

1124

1.0 INTRODUCTION

- 1.1 The appeal seeks permission for the use of Harrods' Georgian Restaurant and Food Halls for 75 evening events per annum. 65 events will have a closing time no later than 12.30 am and the remaining 10 will close no later than 1.30 am.
- 1.2 This appeal is submitted on the grounds of non-determination. Following the submission of the appeal the Council issued a retrospective decision notice on 13 August 2003. The specific points on which the application would have been refused relate to the impact of associated on-street parking and the impact of increased activity and disturbance on residential amenity.
- 1.3 In my evidence I shall deal with the Planning issues resulting from the scheme.

2.0 SITE & SURROUNDING AREA

- 2.1 Harrods is located within the heart of Knightsbridge Principal Shopping Area, within the boundary of the defined Central London Area. It is one of the premier department stores in the world, it makes a significant contribution to the local economy as well as acting as a tourist destination in its own right.
- 2.2 Harrods has a net retail area of 74,000m² within over 330 departments selling a diverse range of goods. The Store also contains many ancillary non-retail uses and over 25 restaurants. The Food Halls on the Ground Floor are approximately 2965m² and incorporate 5 main areas, which sell an extensive range of specialist food products. The Georgian Restaurant on the 4th Floor has the capacity to seat 500 and hold a Supper Hours Licence until midnight. The Restaurant has an overall area of 1546m² and comprises a main restaurant area, an ice cream parlour and a kitchen; there is also a terrace bar (*but this is excluded from the proposals*).
- 2.3 The store is located on the southern side of Brompton Road, extending the full distance between its junctions with Hans Crescent to the east and Hans Road to the west. Basil Street flanks the rear of the store and continues past the junction of Hans Crescent in a north easterly direction. The main retail frontage is on Brompton Road, which is a designated Red Route. The total site area is approximately 111,500 m².
- 2.4 The surrounding area is characterised by diverse mix of uses, including commercial, retail, restaurant, residential and office uses.
- 2.5 Harrods is located in an area of high accessibility, as identified in RBKC's adopted UDP. It is adjacent to the Knightsbridge London Underground Station and is served by numerous bus services, including night buses running down Brompton Road. Brompton Road is also a popular route for taxis.

1125

3.0 PLANNING HISTORY

3.1 The following planning history is relevant to the Store:

- The Construction of glazed conservatory (Terrace Bar) within the Georgian Restaurant (Ref:TP/81/0756 & TP/81/0757), granted consent in October 1981;
- The formation of a terrace bar on the 4th floor, along the Hans Road elevation (Ref:TP/88/1653 & TP/88/1654), granted consent in November 1988;
- Internal Alterations to the Food Halls (Ref:TP/679/249) granted in August 1971;
- Internal Alterations to the Food Halls (Ref:TP/83/0787) granted in August 1983;
- Redevelopment of Knightsbridge Crown Court (Ref:TP/96/1584 & PP/99/01887), granted in August 2000 and June 2001;
- Multi-function suite on 6th floor of Harrods (Ref:TP/98/1210), granted in September 2000.

3.2 The above planning history demonstrates the following:

- i) The Council have been prepared to allow an extension to the Georgian Restaurant;
- ii) The consent for the Crown Court scheme has provided a new underground off- street service facility and separate staff entrance;
- iii) The provisions of 56 off-street parking spaces in the Crown Court for sale to local residents will help to reduce pressure for on-street parking;
- iv) The Council have accepted the principle of the expansion of non-retail uses via the granting of permission for a multi-functional suite; albeit it at restricted hours from 10.00am-7.00pm on Monday to Saturday.

4.0 THE PROPOSALS

4.1 The proposals relate to the Georgian Restaurant on the 4th Floor and Foodhalls on the Ground Floor of Harrods; which will respectively retain their existing ancillary retail and primary functions during shopping hours. Events will be restricted to 75 a year, of which 65 will finish (last guest to have departed) up to 12.30am and the remaining 10 up to 1.30am; these figures will incorporate ancillary events, which are not currently restricted by scale, type or time of closing. Events will be available for private hire on Monday to Saturday, with no events on Sundays or Bank Holidays. The number of guests attending events will limited to a maximum of 500 at any one time. Access to events will be restricted to Door 5. For departures, guests will be directed towards Door 7 on Brompton Road, for those wishing to catch a taxi or use other forms of public transportation; and Door 5 on Hans Crescent if departing by private car.

1126

- 4.2 The greatest demand for events at Harrods has been for cocktail reception type events. These events generally start from 7.00 pm but guests arrivals tend to be staggered and often coincide with when they have been able to leave their place of work; departures are often determined by other commitments an/or access to public transport. In Harrods' experience, partially due to guests reluctance to stand for long periods of time, these events tend to finish at around 9.30-10.30pm, well in advance of 12.30 am.
- 4.3 Harrods also wishes to host a number of dinner dance or banquet events, which commence around 7.30-7.45pm. The rival and departure periods are easier to predict as they tend to be a more steady and are normally determined by the times meals are served and or speeches are made.
- 4.4 Harrods has put in place a series of management measures to ensure that there is no effect on residential amenity, as a result of the proposals, including:
- Contact with local taxi networks to pre-warn of events;
 - Strong security presence in the store, at entrances and patrolling the perimeter;
 - Invitation checks, and entrance 'clickers' to control numbers;
 - Separate staff entrance;
 - Group taxis hired for staff after 12.30 am;
 - Well insulated premise to ensure no noise escape;
 - Promotional literature/information on invitations advising on close proximity to public transport and doors to be used to access/exit the store.

5.0 PLANNING POLICY

- 5.1 The appeal is considered against the following planning policy documents:

a) National Policy

PPG 1: General Policy and Principles (February 1997);
PPG 6: Town Centres and Retail Environments (June 1996);
PPG 13: Transport (March 2001);
PPG21: Tourism (November 1992);
PPG24: Planning and Noise (September 1994).

b) Regional Guidance

RPG 3 (May 1996);
Draft London Plan (June 2002).

c) Local Policy

Royal Borough of Kensington and Chelsea Unitary Development Plan (May 2002); specifically polices:

1127

- STRAT 1 – Residential Character;
- STRAT5 – Visitor Related Development;
- STRAT6 – Central London Activities;
- STRAT42 – Principal Shopping Centres;
- STRAT46 - Entertainment Facilities;
- CD40 – Noise;
- TR1 – Location of High Trip generating Development;
- TR36 – Impact of Development;
- S19 – Non Shop Uses in principal Shopping Centres;
- LR32 – New Entertainment Uses;
- LR33 – Sequential Approach.

The Hans Town Conservation Area Proposals Statement, January 2000.

6.0 PLANNING CONSIDERATIONS

6.1 The key issues are:

- The effect of the proposals on on-street parking;
- The effect of increased activity and disturbance on residential amenity.

6.2 In the context of these issues, the following considerations form the basis of the planning case:

6.3 The proposals are an acceptable land use within the context of a vibrant mixed use area, in the Principal Shopping Centre and the defined Central London Area. The level of impact from the proposals must be judged against the type of area in which the Store is located. Furthermore, most residents are prepared to tolerate a degree of night time noise and disturbance associated with living in a city centre location.

6.4 The Store is situated in a highly accessible town centre location in close proximity to public transport, which national and local policy guidance confirms is the preferred location for new leisure development. It is considered that the greater percentage of guests will arrive and depart by public transport for the following reasons:

- i) Traffic congestion in central London;
- ii) Origin of guests – most likely to come straight from work or are staying in London overnight and would be less likely to have access to a car;
- iii) Increased awareness of the dangers of drink driving;
- iv) Proximity of public transport and availability of taxis on Brompton Road.

1128

-
- 6.5 Notwithstanding the above, even when applying the extreme worst case scenario, there is ample capacity for those travelling by car to park either on the street or within the NCP at Pavilion Road.
- 6.6 There are a number of premises within the surrounding area which have been granted 1.00 am to 3.00 am licences. In granting such licences, the nature of the area and impact on residential properties can be taken into account. Indeed, the Georgian Restaurant already has a supper hours certificate which allows events to be held until midnight.
- 6.7 The Store has been used for nearly 100 years for evening events, outside shopping hours and this has intensified within the last decade, without any complaints from surrounding residential occupiers.
- 6.8 The proposals would serve to control the use of all ancillary events held in the store, which can take place without planning permission on a much more intense scale than what would be allowed should the appeal be granted. Indeed, out of 189 events held in the store since 1990, 136 have been ancillary, some with up to 2000 guests and some with closing times of 2.00 am.
- 6.9 Unlike the majority of premises that house A3 uses, no noise will be able to escape through the street frontage or through doors opening, or as a result of people queuing in the street. The only external effect will be from guests arriving and departing, which will not result in a significant change to the existing environment. The doors being used to depart events are not immediately opposite residential uses and are the most commercial in nature. Door 7 leads onto Brompton Road, which remains busy and noisy after midnight primarily due to traffic; and door 5, is the closest to the NCP multi storey at Pavilion Road.
- 6.10 The proposed use would encourage increased diversity and vitality and viability, which will serve to add to the attractiveness of the area at night time and help to keep the city centre a lively and exciting place at night time; acting as magnet for new investment, business and homeowners. Notwithstanding this, there is a clear distinction between the appeal proposals and those for a night club or disco, which often have a greater number of 'younger' guests entering and leaving the premises on a frequent basis and high levels of loitering outside the premises. Guests at Harrods functions would be admitted by invitation only; are unlikely to arrive late at night and would probably be of an older generation, accompanied by their partners or business colleagues.
- 6.11 An increasing number of London visitor attractions and other department stores are known to facilities capable of being used for evening entertainment - including Harvey Nichols, Liberty and Selfridges.
- 6.12 There are also a number of appeal decisions which establish the principle for events proposals in mixed use environments where residential uses are in close proximity, and the effect of increased activity and disturbance were key considerations. In particular I make reference to proposals for a banqueting facility at Bailey's Hotel in South Kensington, which was granted planning permission by RBKC in 1996.

1129

- 6.13 The capacity of the banqueting hall was restricted to 500 guests (the same number as Harrods proposals). In the Planning Officers Report to Committee, the issue of modal split was considered and it was found that "the number of guests who had arrived by car is very low".
- 6.14 The closest residential property was directly opposite the entrance to the banqueting suite, however, the proposals were considered to have an acceptable impact on residential amenity.
- 6.15 In my main Proof of Evidence I set out a number of planning conditions, which are proposed to control the nature of the proposed use. In summary these will:
- Restrict the evening use of the Georgian Restaurant and the Food Halls for banqueting and cocktail reception type events;
 - Confine the number of events to 75 per annum – 65 to have a closing time no later than 12.30 am and 10 no later than 1.30am;
 - Control all access and departures to doors 5 and 7.
- 6.16 Harrods Management and staff fully accept that they must comply with the terms and conditions of any consent and are acutely aware of their responsibilities to surrounding residential occupiers. They will conduct the management of events in accordance with its reputation for quality and excellence upon which the Stores success has been built and of which is of great importance to them.
- 7.0 **CONCLUSIONS**
- 7.1 For reasons highlighted above, I consider that the scheme would not cause demonstrable harm in terms of parking, or noise and disturbance. The appeal scheme accords with national and local policies and accordingly planning permission should be granted.

