

KNIGHTSBRIDGE NEIGHBOURHOOD FORUM

Councillor Gerard Hargreaves
Lead Member for Planning and Transport
Royal Borough of Kensington and Chelsea
The Town Hall
Hornton Street
London W8 7NX

Your reference: PP/17/07015

By email also to Samuel Lowther at planning@rbkc.gov.uk

21 December 2017

Dear Councillor Hargreaves and Samuel Lowther

Objection to planning application PP/17/07015 for flower stall adjacent to 1-3 Montpelier Street, London

I am writing on behalf of the Knightsbridge Neighbourhood Forum (Forum) to object to the planning application for the placement of a flower kiosk (with awning) on the southern end of the motorcycle bay on the west carriageway adjacent to 1-3 Montpelier Street (the Application). The Forum is aware of the Knightsbridge Association's (KA's) objection and is submitting this complementary objection. The planning application can be seen here:

<http://www.rbkc.gov.uk/PP/17/07015>

The Forum submitted the Knightsbridge Neighbourhood Plan (Plan or KNP) to Westminster City Council (WCC) on 22 November 2017 and WCC launched a Regulation 16 consultation on it on 20 December 2017. The Consultation can be seen here:

<https://www.westminster.gov.uk/NP-knightsbridge>

The Forum shares a boundary with RBKC in several places including Montpelier Street and Cheval Place. In an early consultation on the contents of the Plan, RBKC acknowledged in a letter to the Forum dated 28 September 2016 that:

“Once ‘made’ the KNP will form part of the development plan within the City of Westminster, but not within the Royal Borough. Although the contents of the KNP may be capable of being a material consideration for planning decisions within Kensington and Chelsea, the KNP will not form part of Kensington and Chelsea’s development plan. As such, the vision, values and objectives set out in the KNP cannot hold the same weight for decision making beyond the defined neighbourhood area.”

You will be aware that the Plan carries weight in decision-making as an emerging neighbourhood plan which will form part of the development plan for Knightsbridge, after passing a referendum, alongside the Westminster City Plan (WCP) and RBKC Local Plan.

The Forum notes that RBKC is currently updating its Local Plan 2015 (Local Plan) with an Emerging Local Plan Partial Review (2017) (Emerging Local Plan).

The Forum brings to your attention that 1-3 Montpelier Street is in a highly sensitive location within:

- One of two International Shopping Centres in London (per the London Plan)
- International Centre (RBKC Local Plan)
- National and international destination (RBKC Local Plan)
- Central Activities Zone (per the London Plan and RBKC Local Plan)
- Conservation Area (per RBKC)

Montpelier Street is also within:

- Core CAZ (per the WCP)
- Kensington Squares Character Area (WCP)
- Knightsbridge Conservation Area (WCP)
- View north along Montpelier Street (defined in Policy KBR5 in the Plan)
- Local buildings or structures of merit (defined in KBR6 in the Plan) – 4 Montpelier Street
- Neighbourhood Stress Area (defined in Policy KBR15 in the Plan)
- Local Roads (defined in Policy KBR29 in the Plan)

Please note that each planning policy in the Plan is cross-referenced to relevant policies in the WCP, the London Plan and the National Planning and Policy Framework (NPPF). So the issues needing to be addressed in the Plan would need, in most cases, to be addressed also by other requirements.

The Forum's grounds for objections include:

1. 'Purloining' the public realm and highway issues

Public realm

The Forum is concerned that RBKC has submitted a planning application (to itself) to 'purloin' a prominent and valuable space in the public realm in Knightsbridge seemingly for its own commercial benefit.

Highways issues

The Forum understands that the whole length and width of the carriageway of Montpelier Street, between Cheval Place and Brompton Road, is maintained by WCC for both Councils in accordance with their highways maintenance boundary agreement. It is odd therefore that RBKC includes no comment from WCC with the planning application.

The Design and Access Statement highlights aspects of the scheme:

- *“The location of the kiosk has been discussed with Highways and the Traffic Management Order would provide the basis for the change of use of the motorcycle bay. The de-designation of the current site in Egerton Terrace is proposed as a possible location to provide the re-provision of a bay to be used either for cars or motorcycles. This will be established as Highways furthers its work on the matter.”*
- *“In due course the site on Montpelier Street would be designated as a street trading site under the London Local Authorities Act [1990 et al]. Until then it would be licenced using temporary street trading licences.”*

The Design and Access Statement fails to note the essential blue advisory traffic sign that warns that it is “Unsuitable for heavy vehicles” to enter Montpelier Street. That sign was introduced after many years of problems with coaches and other heavy vehicles getting stuck attempting to turn around corners at the north end of Montpelier Street.

Many issues should concern RBKC, WCC and TfL highways planning managers and the Licensed Taxi Drivers Association. Not least, the existing kiosk design in Egerton Terrace looks tatty, cluttered and precarious and has prominent advertising that would distract drivers who need to be focussing their attention on: other road users including pedestrians crossing Montpelier Street; the blue advisory traffic sign located on the western footway of Montpelier Street ‘Unsuitable for heavy vehicles’; and passengers and taxi drivers boarding or alighting from the licensed taxis parked in the centre of Montpelier Street.

The taxi rank is well used and adds materially to the differences between Egerton Terrace and Montpelier Street. Further, the Forum has recommended that the taxi parking in Montpelier Street is prioritised for the provision of rapid (electric) charging of the new zero emission capable taxis (which may be slightly bigger than the current licensed taxis). It would be concerning if the re-siting of the flower kiosk undermined the electrification project or otherwise lead to a delay in the electrification of London’s licensed taxi fleet.

The Forum would resist strongly the re-siting of part or all of the busy and fully utilised motorcycle bay to any location near residential properties in the Knightsbridge Neighbourhood Area.

These and other highways and public realm matters are important in a location close to the busiest pedestrian junction in the Knightsbridge Neighbourhood Area.

The complexity surrounding the Application illustrates why it is so inappropriate.

2. Adverse impact on viability of local shops

Separate to planning, safety and other issues, the proposal would harm valuable existing local businesses as emphasised by the objection raised by Knights Food Fayre dated 5 December. Just one issue raised is that the flower stall would hide the shopfront of local businesses from pedestrian traffic in Brompton Road. These local shops need our help not new problems created by the Council.

3. Track record and precedent

Track record

The existing kiosk has failed to comply with requirements at the street trading site in Egerton Terrace.

The pictures taken at 830am on 13 June 2017, when the flower kiosk was operating in Egerton Terrace, provided with the documents supporting the application, show encroachment on the highway. Flower baskets, a waste bin and metal support for the awning were placed on the eastern footway of Egerton Terrace outside the limits of the street trading pitch marked on site and baskets were also placed outside the pitch limits on the carriageway. Other pictures taken and included in the supporting documents show metal shelving on the southern end of the folded kiosk outside normal operating hours.

The Forum understands that RBKC councillors have asked officers to assist the flower stall relocating the street trading pitch from Egerton Terrace, where there has been conflict with an adjacent business, to an alternative location where there may be higher footfall such as Montpelier Street. The Forum also understands that officers acknowledge that the flower seller has placed items outside the pitch and now advises that the flower seller complies with requirements. However, officers have not provided any photographic evidence demonstrating that change.

Even the email of support from three local RBKC councillors provides further evidence of direct or indirect problems with this stall in the past:

“The stall has had an unfortunate series of problems at previous sites, through no fault of the owner, and this seems like an ideal spot for it to find a permanent home.”

It seems odd therefore that RBKC is assisting the trader with the relocation to another, possibly more financially lucrative, site given these historic problems and that it would add these and new problems to a ‘high stress’ site in an internationally important location.

Precedent

The Forum understands that RBKC is implacably opposed to a proposal from Harrods to site a permanent flower stall in Hans Crescent inter alia because such a kiosk would set a precedent for all shops to request special treatment in the public realm.

The Forum would support RBKC’s objection to a permanent flower stall in Hans Crescent, including for the above reason, and so is surprised that RBKC is initiating a similar application in such a sensitive area which is also a boundary road managed by WCC.

4. RBKC Local Plan

The Forum brings to your attention that the Application is **contrary** to key RBKC planning policies and **fails to address** requirements raised by them. For example:

RBKC Local Plan 2015

Policy CT1b – *“the Council will require it to be demonstrated that development will not result in any material increase in traffic congestion or on-street parking pressure”*.

- a) This is the busiest pedestrian junction in the Knightsbridge Neighbourhood Area; and
- b) The application would result in the loss of part of the motorcycle parking bay which is constantly full.

Policy CT1h – “the Council will require new development to incorporate measures to improve road safety, and in particular the safety of pedestrians, cyclists and motorcyclists, and resist development that compromises road safety” – same point as 1(a) above.

Policy CR3 – “the Council will require new isolated street trading pitches to contribute to the character and appearance of the street, have no adverse impact on existing shops and residential amenity and to allow for the safe and secure passage of pedestrians;”

This application would: (i) detract from the character and appearance of the street; and (ii) would be detrimental to the safe and secure passage of pedestrians (it will limit visibility and pedestrians will step out from behind it into the oncoming path of cars turning into Montpelier Street from Brompton Road). Note that sight lines are particularly poor when delivery vehicles are using the loading bay on Brompton Road beside Pret a Manager.

Policy CR5 – “The Council will protect, enhance and make the most of existing parks, gardens and open spaces.”

Policy CP14 – “The Council will ensure the continued success of Knightsbridge as the Royal Borough’s international shopping destination, and as an important residential quarter and service centre for residents, by resisting proposals which are aimed at mass tourism and supporting proposals likely to favour independent and high end retail and to maintain the area’s high residential quality of life.”

RBKC Emerging Local Plan Partial Review – Submission Version 2017

CV13 Vision for Knightsbridge in 2028 – “By 2028, Knightsbridge will have maintained its role as one of London’s most exclusive national and international shopping destinations, drawing visitors from across the world. It will also continue its role as an important residential quarter and a service centre for residents in both Kensington and Chelsea and Westminster. These two functions will exist together harmoniously and the public realm will have been improved to reflect both roles.”

5. Knightsbridge Neighbourhood Plan

The Forum acknowledges that its Plan cannot hold the same weight for decision making beyond the defined neighbourhood area within the City of Westminster. However, relevant policies in the Knightsbridge Neighbourhood Plan (the Plan) which we invite RBKC to consider include:

Policy KBR2: Commercial frontages, signage and lighting

The Forum notes that the existing flower kiosk has an exceptionally poor appearance.

It is wholly unsatisfactory in the ‘Design and Access Statement’ to state simply therefore that *“The unit will be cleaned up and brought into its new location”*.

This is a highly sensitive location, as identified above. Therefore, a separate or new application should be required for the commercial frontage that is sympathetic to aims of the Plan including **Policies KBR1 (Character, Design and Materials), KBR2, KBR5 and KBR 6** below.

In any event, the kiosk should be painted plain black, with no advertising, to minimise distraction to road users.

Policy KBR5: View north along Montpelier Street

Proposals are expected to protect the view north along Montpelier Street from intrusive or insensitive development. A separate or new planning application should be required for the commercial frontage that is sympathetic to aims of the Plan including **Policies KBR1, KBR2, KBR5 and KBR6**.

In any event, the kiosk should be painted plain black, with no advertising, to minimise distraction to road users.

Policy KBR6: Local buildings and structure of merit

It is important to ensure that high quality frontage signage and lighting enhances the character of the Knightsbridge Conservation Area, Kensington Squares Character Area and the view north along Montpelier Street. A separate or new planning application should be required that is sympathetic to aims of the Plan including **Policies KBR1, KBR2, KBR5 and KBR6**.

Policy KBR9: Advertising

Display advertising should not be permitted at the proposed location in Montpelier Street. Distraction must be minimised not maximised for road users approaching this location which is also highly sensitive with iconic views that would be significantly adversely affected by the tatty stall proposed. It is not satisfactory for the applicant (RBKC) simply to say:

“The unit will be cleaned up and brought into its new location.”

Policy KBR15: Neighbourhood Stress Area

Additional activity adjacent to 1-3 Montpelier Street would worsen pressures in the Neighbourhood Stress Area (NSA) defined in the Plan.

The application for a flower stall is concurrent with an application for change of use from Class A1 to Class A1/A3 at 2 Montpelier Street (WCC planning application 17/10473/FULL) i.e. immediately opposite 1-3 Montpelier Street. An illustration of the problems is provided in the ‘Planning, Design and Access Statement’ accompanying that neighbouring application in a photograph below its paragraph 6.7 (d).

Policy KBR15 sets out evidence and tests that would help to address the problems in the NSA. Please consider the detailed sections in the policy.

Policy KBR16: Night-time and early morning uses in or adjacent to residential areas

The application should demonstrate that it will not have an adverse impact on residential amenity. If the application is granted, it should have strict conditions that include those listed at the end of this letter.

Policy KBR18: Retail uses in the International Shopping Centre

No evidence is provided that the use would protect or enhance the reputation or standing of the International (Shopping) Centre. On the contrary, the appearance and aspects of use would be detrimental to the area.

Policy KBR35: Healthy air

The current operator uses a noisy generator that has a negative impact on amenity and would add fumes to one of the most polluted parts of London.

The proposal site is highly likely to have exceeded the hourly mean legal limit for nitrogen dioxide (NO₂) in 2016 and perhaps 2017. What studies have RBKC undertaken to assess the health impact of NO₂ and other traffic pollutants on an operator of a stall that it would licence?

If the application is granted, it should have strict conditions that include those listed at the end of this letter.

Character, heritage and International (Shopping) Centre

The Knightsbridge Neighbourhood Plan has been carefully developed over more than two years to establish a framework to protect and enhance the Knightsbridge Neighbourhood Area (Area). The application: threatens the character of the Area and the status of the International (Shopping) Centre; would undermine heritage townscapes; and raises serious highways, safety and amenity issues. Policies in the Plan seek small improvements to address these serious issues and the Forum commends them to you.

Please refuse this application for the reasons given above.

6. Planning conditions

In the event that RBKC approves this application, despite many people objecting, it needs to be subject to strict planning conditions (which would be within the direct or indirect control of the street trader) that include:

- i. The street trading site must only be used for the sale of flowers;
- ii. The Egerton Terrace site must be re-designated for motorcycle use before the flower stall can move from there to Montpelier Street;
- iii. The flower kiosk must be open for trading business between 8am and 7pm every Monday to Saturday inclusive and 9am and 6pm every Sunday (except on Bank Holiday and Public Holidays) i.e. to provide a genuine 'service';
- iv. The flower kiosk must be set up between 7am and 8am Monday to Saturday inclusive and 8am and 9am on Sundays and dismantled between 7pm and 8pm Monday to Saturday inclusive and 6pm and 7pm on Sundays;
- v. All waste remaining on site after trading hours must be removed from the site so that none is left on the highway by the time the flower seller leaves the site each night;
- vi. The street trader must apply to UK Power Networks or an accredited company to provide a safe and metered electricity supply to provide sufficient power to meet the kiosk's needs for lighting and any other requirements with no generator used on site;

- vii. The street trader cannot commence trading without the metered electricity supply being put in place and must pay the electricity supply company directly i.e. not repay RBKC entities;
- viii. The permission should be limited for a temporary period of no more than 12 months, that would be lost if a breach occurs, with strict conditions that those operating the flower kiosk must keep all flowers, baskets and other items within white lines depicting the limits of the street trading pitch between street trading hours of 8am and 7pm Monday to Saturday inclusive and 9am and 6pm on Sundays and any individual items placed temporarily outside the white lines should be there for no longer than 30 minutes during the one hour allowed for setting up the kiosk and the one hour allowed for dismantling the kiosk;
- ix. The kiosk must not have any structure placed on the public footway. In particular, no prop may be used to support an awning;
- x. The blue sign 'Unsuitable for heavy vehicles' must be placed prominently on the south side of the flower kiosk if it is moved from the current posts. This sign is necessary to stop coaches and other heavy vehicles from getting stuck in local residential roads e.g. at the north end of Montpelier Street;
- xi. The kiosk must be painted plain black, without advertising, in a manner that is in keeping with the international status of the location and to minimise distraction caused to drivers at this dangerous junction; and last but not least
- xii. The street trading site may only be designated or used subject to any additional conditions required by WCC as the local authority with responsibility for managing Montpelier Street.

Importantly, drivers turning into (or out of) Montpelier Street from (the eastbound or westbound carriageway of) Brompton Road must not be distracted by a kiosk or activity near that junction which involves: many complex vehicle movements; pedestrian congestion; a busy taxi rank; a motorcycle bay; congested pavements; and a nearby auctioneer. I have seen a young woman's foot trapped beneath a car's front wheel on the west side of the junction of Montpelier Street and Brompton Road less than three metres from the proposed street trading pitch. This section of Brompton Road with traffic entering and leaving Montpelier Street is an accident 'hotspot'.

The application should therefore be subject to a full risk assessment before progressing.

7. Conclusion

Please refuse this application for the reasons given above.

If it is approved, please include strict conditions to address fully all the above issues.

The Forum would be pleased to discuss this application with you.

Yours sincerely

Simon Birkett
Chair

Cc:

Councillor Coleridge, RBKC
Councillor Paget-Brown, RBKC
Councillor Weale, RBKC

Councillor Baroness Couttie, WCC
Councillor Baroness Robathan, WCC
Councillor Tony Devenish, WCC
Melville Haggard, Chairman of the Knightsbridge Association
Richard Massett, Chairman, Licensed Taxi Drivers Association
Steve McNamara, General Secretary, Licensed Taxi Drivers Association
Mahmood Siddiqi, RBKC
Graham Stallwood, RBKC
Nicholas Kasic, RBKC
Rob Edwards, TfL
David McKenna, Senior Portfolio Sponsor (Regional Team – Inner), TfL
Michael Chatten, WCC
Sean Dwyer, WCC