

Rebuttal to Tom Holbrook's Proof of Evidence (undated)

**Alpha House, Regis Road, Kentish Town
LONDON, NW5 3EW**

**Local Authority Ref:
2023/0093/P**

**The Planning Inspectorate Ref:
APP/X5210/W/24/3337347**

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by

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David Scanlon's Commentary on Tom Holbrook's Proof of Evidence

1. This rebuttal proof has been prepared to respond to matters raised in the evidence of Mr Holbrook. I have sought to respond to issues where I consider the Inspector would be assisted by a specific written response. The fact that I have not responded to every point raised by Mr Holbrook should not be taken as an indication that I agree with those points. In this rebuttal note I use Mr Holbrook's paragraph numbering and prefix it with 'TH' (e.g. **TH 3.1**)
2. **TH 4.6 – 4.8** refers to a 2020 GLA funded **Industrial Intensification Delivery Strategy** and **4.8 Footnote 3** refer to a study prepared by 5th Studio's Regis Road Study (RRS) - dated 2021. Neither I nor any of the Appellant team were aware of the 5th Studio Study until it was adduced as part of Mr Holbrook's evidence. Nor had we ever seen or been provided with the Industrial Intensification Delivery Strategy in spite of numerous requests from the Appellant team.
3. The 5th Studio Study takes its lead from the Kentish Town Planning Framework 2020. I explain in my proof and Design Statement of Case how the appeal scheme and indicative masterplans could deliver the aspirations of the KTPF.
4. **TH 4.12, 6.3 and 6.6** and the cross-referenced **Appendix 3** discuss using a 3D approach to spatial masterplanning. The rationale for a 3D approach is said to be that a 2D approach to masterplanning may struggle to achieve intensification. Appendix 3 refers to the GLA's **Industrial Intensification & Co-location Study Design and Delivery Testing** in support of this 3D approach. It should be noted however that this study does not preclude the traditional (2D) approach, particularly where such an approach delivers the intended intensification.
5. The three indicative masterplans within my Proof of Evidence all achieve industrial intensification on the appeal site, which comprises a small portion of the of Growth Area (GA) leaving the remainder of the GA available for residential and/or industrial development. Given that the indicative masterplans reveal that industrial intensification can be achieved over the GA, it is difficult to see what further benefit Mr Holbrook contemplates from a 3D approach.

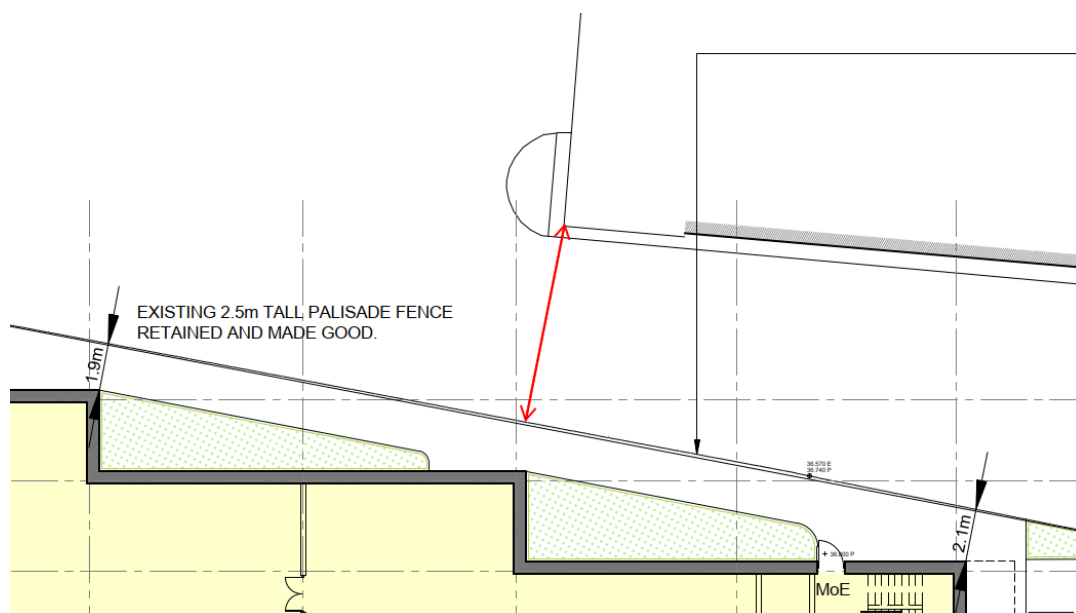
6. **TH 4.8 – 4.12** discuss the 5th Studio study's findings that a plot-by-plot approach to the redevelopment of the GA cannot deliver the KTPF's aspirations. On that basis, Strategy 1 of the Study is rejected. Although heavily redacted, it is evident from the document that a number of options for accommodating UPS were considered. Our understanding is that UPS are reluctant to engage with the redevelopment as they are concerned that their operational needs cannot be met.
7. From recent discussions with UPS, it is clear they do not believe that any of the options presented in the Study are workable for 3 main reasons:
 1. They have no confidence in business continuity.
 2. They do not want a multi-deck logistics solution. They prefer a ground floor operation only.
 3. They have concerns about a mixed-use scheme which includes residential because their operation is busy 24 hours a day and they do not want a situation where they are continually dealing with angry residents.
8. Removing UPS land from the masterplan area renders Strategy 4 of the 5th Studio Study redundant. That leaves Strategy 2 (3 parcels) and part of Strategy 3 (2 parcels) as potential options but only if LBC can persuade UPS to release part of their site to facilitate the provision of a new access road on land owned by UPS to the south of their building.
9. In both Strategy 2 and Strategy 3, the 5th Studio Study envisages a car compound on the Appeal site. It is apparent from the plans of those Strategies that the boundaries of the Appeal Site remain unaltered such that the Appeal Scheme would not prejudice the wider redevelopment of the GA. All it means is that the car compound would need to be located elsewhere in the masterplan.
10. **TH 5.3 – 5.5, 7.2 and 7.9** discuss the potential creation of a new road, on land owned by UPS, to the south of the UPS building. Mr Holbrook suggests that this would be the optimal arrangement so as to separate industrial traffic from Regis Road. He claims that the northern (rear) elevation of the Appeal building would “**physically prevent**” the introduction of the road. This is not true.
11. Firstly, I have seen no indication that UPS would be willing to convey part of its current access and operational yard to the Council to create a public highway.

12. Secondly, even if UPS was, for some reason, willing to convey this land to the Council, the Appeal building would not prevent the creation of such a road. Below is a photo of the land in which Mr Holbrook envisages this new access road.



Photo of proposed southern route.

13. Should UPS be willing to give up this land it is certainly wide enough to accommodate a new service road. However, there is a pinch point at the south west rear of the UPS buildings where the dimension between the building corner and Appel Site's fence is 8.2m. (See red dim line below).



14. Ideally an estate road would be 7.3m with a 2m footpath on at least one side (9.3m total required). To accommodate this, the rear security fence in the Appeal scheme could be removed so as to leave the building itself becoming as security line – (this has been done on previous BY projects). Adding the 1.9m maintenance strip to the 8.2m gap provides a total working width of 10.1m. Within that space one could provide a 2m footpath, a full width 7.3m carriageway and maintain 800mm clearance between the northern kerb line and the UPS building corner.
15. All of this could have been agreed pre application if only LBC had engaged with us at the pre-app stage; shared the 5th Studio Study or conveyed to the Appellant its intention to create an access road to the south of the UPS building. Unfortunately, the Council did none of these things and the first time the Appellant was aware of this apparent intention was through the service of Mr Holbrook's proof of evidence. If the Inspector is minded to accommodate this option, notwithstanding the uncertainty as to its deliverability over UPS land, the Appellant would be willing to enter into a S106 obligation to ensure this is possible at some point in the future.
16. **Footnote 6** suggests that I acknowledge in paragraph 7.62 of my Design Statement (CD7.2) that heavy goods vehicles should be removed from the southern length of RR. This is an incorrect assertion; I do not suggest this anywhere in my Design Statement.
17. At **TH 5.6** Mr Holbrook criticises the Appeal design because he suggests that instead of improving Regis Road it perpetuates the 'estate road' character. He asserts this yet the suggested use for the Appeal site in the 5th Studio report (Strategies 2 & 3) is a Car Compound at street level (refer diagram page 46 and 54). On page 89, the 5th Studio Study suggests it should be multi storey industrial over a recycling centre at ground floor facing Regis Road. The inspector will no doubt make a judgement as to which use is more likely to perpetuate an 'estate road' character.

Masterplan

18. At **TH 6.4**, Mr Holbrook only provides comment on Indicative Masterplan 2 submitted with my Design Statement (which excludes UPS land) rather than Option 1 which covered the whole GA, and which was explained in greater detail in the Design Statement. I assume this is because LBC accept that UPS land will not be available.

19. It is also curious that Mr Holbrook makes no reference at all to the Yoo Capital masterplan, which is the latest piece of work, building on all the previous public consultations, studies and analysis. Given that this piece of work appears to supersede the 5th Studio Study, I would have expected comparisons to that 2023/24 piece of work, particularly as it is in the public domain, rather than to a 2021 report that has never previously been published.
20. In its presentation to us, Yoo Capital expressed the preference for the main east-west route to follow the current alignment of Regis Road, which is what I have shown in my illustrative masterplans.
21. **TH 6.10** criticises the indicative masterplan because Regis Road would remain “...defined by industrial servicing”. The Indicative Masterplans retain Regis Road as the primary east west route because it is the only available solution - without UPS land there is no alternative. This is also the chosen alignment for the east west route in Yoo Capital masterplans, as presented to us at a meeting in April 2024.
22. **TH 6.9** suggests the ‘public park’ in my Illustrative Masterplans is surrounded by roads and fronted by the recycling centre. This is a misrepresentation. The development is primarily car free and so the ‘roads’ would be shared surface with pedestrian priority. The retained recycling centre is set behind a community/healthcare use building with a raised roof garden for public use. This is all shown on the plans and described in my Design Statement. Perhaps Mr Holbrook misread the drawings.
23. **TH 6.12** suggests LBC intend to make Holmes Road a ‘healthy school street’ preventing west bound traffic. Extracts from LBC’s website showing the extent of the Holmes Road healthy schools street, and an explanation of the scheme is appended to this rebuttal. This restriction would apply during school pick up and drop off times. The proposed new Holmes Road access is intended to serve only the few residents who have blue badge parking and would be exempt from the restriction – see list of exemptions in the appendix. The 5th Studio strategies also show vehicular use of Holmes Road, with a one-way system with vehicles entering via Spring Place and exiting onto Holmes Road. If preferred there would be nothing to prevent a similar traffic management approach being taken in the indicative masterplans.

24. **TH 6.13 – 6.17** discuss the quality of the indicative housing layout in the Illustrative Masterplans. As explained in the Design Statement and my Proof of Evidence, the Illustrative Masterplans were produced to show how a masterplan may be developed on the site, given the aspirations of the KTPF and with particular regard to the physical constraints. They were produced in the absence of any masterplans produced by or on behalf of the LBC in the seven years since Regis Road was designated as a Growth Area. They sought to determine whether or not the Appeal scheme would likely prejudice that masterplan. They are not intended to be detailed residential layouts – that is clearly beyond the scope of the exercise. It is not for the Appellant to carry out detailed studies, at its own cost, of detailed redevelopment options of land over which it has no interest.

Reason for Refusal 2

25. I disagree with Mr Holbrook's assertion at **TH 7.2 – 7.3 and 7.15** that the Appeal proposals would not positively change the environment. Mr Holbrook appears to be very fond of the existing building and to my mind overstates its benefits.

26. The policy aspiration is for the intensification of industrial use in the GA. The Appeal Scheme achieves this by delivering a scheme of greater height and massing. If intensification is to be achieved, the design approach must be different from the existing. As described in my Design Statement (para. 5.13 – 5.23) the materials in the elevation draw upon the immediate and wider Kentish Town area and are composed so as to order the elevation with the purpose of breaking down its scale.

27. In response to **TH 7.2**, the operational network substation has been excluded from the building primarily for technical reasons however its exclusion provides the benefit of reducing the length of the Appeal building's elevation by circa. 7.5m – due to the set back. Neither the building or the substation form an edge to the public realm as they are set behind a 5m deep landscaped strip, this is what forms the edge. Consequently, the 'fragmented edge' argument is misplaced.

28. In response to **TH 7.3**, the windows in the existing building cannot be described as 'large' although I agree that they could provide some activation – subject to the use. They currently provide daylight to the warehouse floor. They may well be 'blanked off' at low level for security and/or privacy reasons

by a future occupier, if the building were to be retained, thus losing an activity along the frontage.

29. By contrast, the appeal scheme proposes full height windows at 3 upper levels (first to third) which will be occupied. The usual preference for ground floor activated windows is lessened in this instance by the deep landscape buffer and is more than compensated by the extensive provision at upper levels.
30. In response to **TH 7.4 – 7.6**, the Appeal building is a storage building and the majority of building users will arrive by car with some arriving by other means, perhaps a cargo bike. Access to individuals' storage rooms is via the loading bay which necessarily faces the yard area. So, in that sense the building's form does follow its function – the correct approach in my view.
31. Mr Holbrook argues that the office entrance door, expressed as a single leaf in a 50m elevation, would be unwelcoming. The office use is secondary to the main storage use, therefore its entrance is kept purposefully modest, so as to avoid any duality or confusion for building users. I also believe it is appropriate to describe a glazed door with glazed side light as unwelcoming.
32. The flexi office offering within the building is targeted at, and very popular with, Start-ups and SMEs. To minimise costs to occupiers there is no receptionist or other central secretarial function. Therefore, there is no need for a large reception as it would be wasted space. Flexi offices have been incorporated into a number of previous BY schemes and the majority have this same entrance arrangement.
33. In response to **TH 7.7**, the proposals rightly prioritise visitors arriving into the car park for the reasons explained. Traffic usage is low and is primarily cars and vans. HGV use is light compared to other B8 uses and so is not dominated by commercial vehicles.
34. Contrary to the allegation at **TH 7.11 – 7.12**, the relationship between internal arrangements and external envelope is not incoherent. I would direct Mr Holbrook to 5.18 – 5.21 of my Design Statement which fully explains the rationale. It does not constrain development of adjacent plots as suggested in his proof. There is no reason why a neighbouring building could be built close to, or directly on the adjacent boundary.

35. With respect to **TH 7.11 – 7.12**, I have designed and helped to deliver circa. 80 self-storage buildings over the last 25 years, all of which have some element of mezzanine floor indicated in the planning application. Every one, without exception, has had the mezzanine floors installed. It is simply not credible to suggest that BY would build a large building to leave half of it empty.

End

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Healthy School Streets

Many schools suffer from busy nearby streets which causes problems with:

- parking
- traffic and congestion
- road safety
- air quality

The Healthy School Streets programme aims to address these problems by restricting traffic at school drop-off and pick-up times. Some vehicles may be exempt.

You can find out more about the benefits in our [animated video about Healthy School Streets](#).

How it works

We assess streets outside schools that we can reasonably restrict to motor vehicles without moving too much traffic elsewhere.

If a Healthy School Street is introduced, streets will be restricted to vehicles for a limited time on school days. The schemes are enforced with signs and either bollards or cameras with license plate recognition.

As well as introducing restrictions, we can work with schools to help reduce the number of pupils being driven to school by:

- providing pedestrian and cycle training
- encouraging walking and cycling
- helping schools to achieve an accreditation on [STARS - the Transport for London initiative for school travel planning](#).
- supporting parents to try out cycling with a [free loan bike or cargo bike trial](#)

Exemptions

You can apply for an exemption to a Healthy School Street for any of the following:

- vehicles registered to properties and businesses in the restricted area
- any vehicle being used for ambulance, fire brigade or policing purposes
- refuse collection vehicles
- Statutory door-to-door services, such as Plus Bus and Dial A Ride
- Blue Badge holders that require access to an address within the restricted area
- vehicles belonging to parents or carers of disabled pupils unable to walk, cycle, or scoot to school
- other exemptions agreed on a case-by-case basis, such as older or disabled residents who are reliant on door-to-door transport

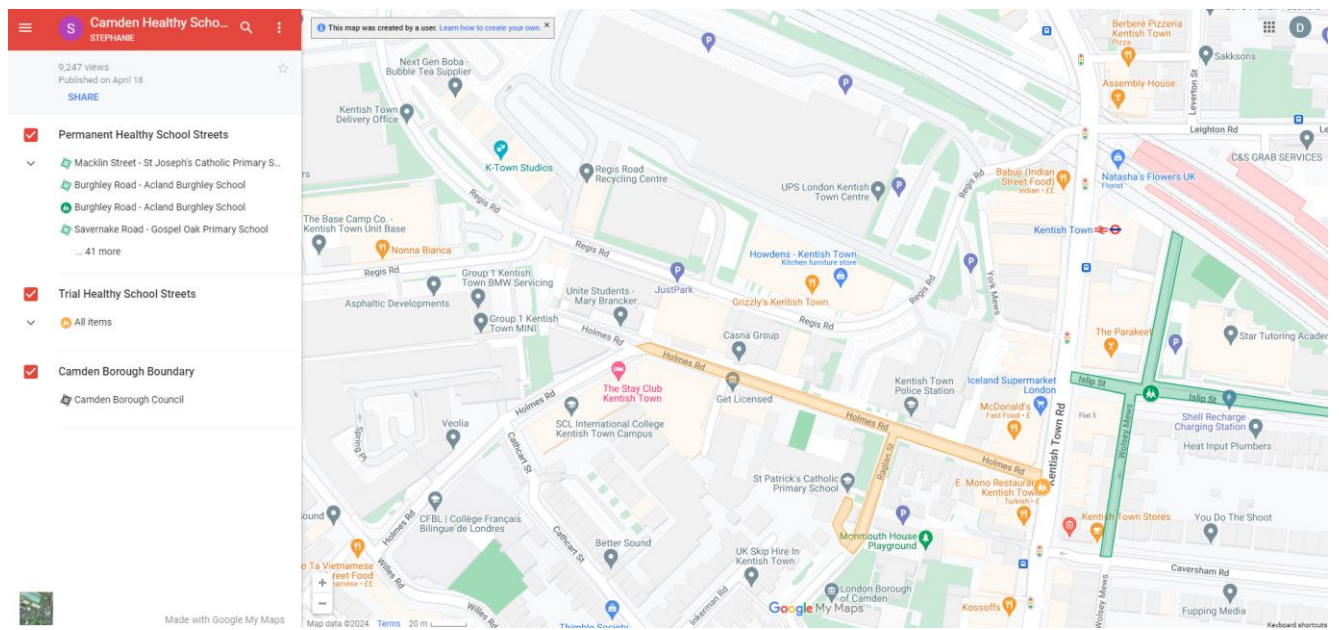
Refuse vehicles, emergency services, statutory door-to-door services and home to school transport for children and young people with special educational needs or disabilities (SEND) do not need to apply for exemption.

[Apply for a Healthy School Streets exemption](#)

If you think you may be exempt for another reason, please contact us by emailing healthy.school.streets@camden.gov.uk or leaving a message on [020 7974 8796](tel:02079748796) to discuss your requirements.

Related pages

- [Making travel safer in Camden](#)
- [Apply for a Healthy School Streets exemption](#)



Extract showing the extent of Holmes Road healthy school street