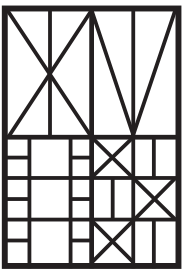


## **New City Court 2018 Scheme**



Rebuttal Proof of Evidence  
of Russell Vaughan

July 2022



December 2018 Planning Application (*Appeal Reference: APP/A5840/W/22/3290473*)

December 2018 Listed Building Consent (*Appeal Reference: APP/A5840/Y/22/3290477*)

April 2021 Planning Application (*Appeal Reference: APP/A5840/W/22/3290483*)

April 2021 Listed Building Consent (*Appeal Reference: APP/A5840/Y/22/3290490*)



1. This rebuttal responds to a number of comments made by Michael Glasgow in his Planning Proof of Evidence.
2. I consider that Mr Glasgow raises little which is new (not already forming part of TfL's representations, which I have already responded to in my main proof of evidence). Nevertheless, in order to assist I respond to certain points raised in Mr Glasgow's proof below.
3. I reference the relevant paragraphs in italics and then provide my response in bold.

Paragraph 6.58

4. *With St Thomas Street and Borough High Street being part of the TLRN and White Hart Yard and Kings Head Yard being the responsibility of Southwark Council, both highways authorities have assessed the potential impacts of this solution and the associated physical interventions to the network. Both highways authorities have raised significant concerns with the servicing strategy since the pre-application stage and at the time of writing this proof the principal issues raised remain unresolved.*
5. **Whilst concerns were initially raised by TfL in relation to the servicing strategy it should be noted that, as set out in paragraph 2.4.1 of my Proof of Evidence, the GLA agreed that on balance an entirely on-site servicing strategy was not appropriate for the 2018 Scheme**
6. **The conclusion of the GLA stage 1 report confirms "the servicing strategy is acceptable in principle", subject to the detailed design and the agreed restrictions on servicing arrangements being secured by planning condition and / or obligation (p.21, GLA Stage 1 Report, CDG.02).**
7. **It has always been understood that this was primarily an issue for agreement between TfL and the Appellant, which is reflected in the approach taken in the Council's Statement of Case (CDI.03).**

Paragraph 6.62

8. *In response to concerns raised by TfL and the Council transport planning and highways teams, an amended delivery and servicing plan was submitted that was predicated on the use of a consolidation centre outside London to reduce the number and frequency of vehicles accessing the site. A further commitment suggested by the Appellant would be made for deliveries to be undertaken outside of peak pedestrian times (7am –10am and 4pm –7pm)*
9. **It should be noted that as part of the consolidation arrangement there will be no deliveries in the peak pedestrian periods (07.00 -10.00, 12.00 -14.00 and 16.00 -19.00). This includes the lunchtime peak period. This is reflected within the Section 106 Agreement that is currently being agreed between the parties.**

Paragraph 6.64

10. *The reduction in servicing trips is significant and goes some way to addressing the concerns raised by Transport for London and the Council. However, at this stage, the Appellant has simply identified that consolidation centres are available that may enable this reduction in servicing trips. The extent to which such a reduction in servicing trips would be possible would be contingent on the eventual tenant mix, lease and other commercial agreement(s) being secured for the lifetime of the*

*development and a robust enforcement regime. This would require a series of prescriptive obligations in a s106 Agreement, but as set out below, a number of concerns remain with servicing via St Thomas Street and White Hart Yard even with the reduced vehicular movements that a robust consolidation strategy might facilitate.*

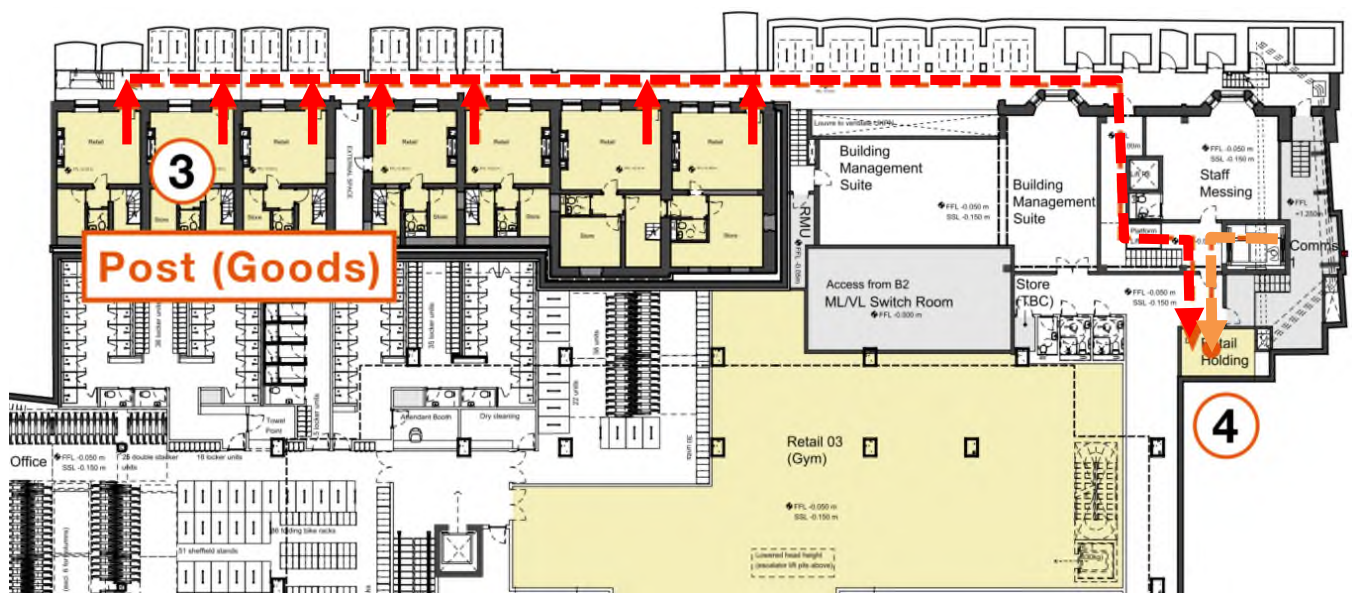
11. **As set out in paragraph 2.4.1 of my proof the strategy has been developed based on a quantitative approach in consultation with highly experienced logistics experts providing a high level of confidence in the proposed consolidation opportunities and represents a tangible and deliverable strategy for this proposed development at New City Court. This was presented to both TfL and LBS on 26th July 2019, who accepted the findings and rationale of the consolidation report (CDA.49).**
12. **The Section 106 Agreement that is currently being agreed includes the type of prescriptive obligations referred to by Mr Glasgow. The agreement includes fixed caps on vehicle movements as well as time restrictions to avoid peak hours. By way of ongoing compliance with an agreed Delivery and Service Management Plan, the Section 106 Agreement would secure the operation of the consolidated servicing for the lifetime of the development.**

Paragraph 6.69

13. *TfL have clearly and consistently expressed a view that the introduction of an on-street loading bay on St Thomas Street is not compatible with the existing and increased pedestrian use that would be expected, the detailed criteria set out in policy T2 and their wider ambitions for Healthy Streets inspired interventions on St Thomas Street. The height and width restrictions on White Hart Yard and Kings Head Yard mean that all HGVs delivering to the site would need to use the loading bay on St Thomas Street –this includes daily refuse collection. In addition, this loading bay would be used by all servicing and deliveries to the offices within Keats House and the Georgian terrace. It is suggested by the Appellant that the retail tenants within the terrace would make use of the basement servicing yard, though the plans do not show a direct route from the basement to these units and it appears that any transfer of goods from the basement holding areas would require a convoluted journey via other tenanted space or via the new public realm. In practice, the relative convenience of direct access from the St Thomas Street frontage could lead to delivery vehicles making use of this space. Any vehicles making use of this bay would need to trolley materials across the footway –and potentially a cycle lane –introducing new, regular conflict with users of the street.*
14. **As stated within paragraph 2.4.7 of my proof of evidence, the proposed number of delivery vehicles on St Thomas Street would be less than the current number of deliveries which serve the existing New City Court development. Therefore, there would be a reduction in trolleying of goods across the footway and interaction with pedestrians. Of particular note is the reduction in vehicles during the hours of 10am to 4pm from six to two vehicles due to the consolidation proposals and the associated retiming of deliveries.**
15. **All deliveries to the office and main retail area will only be accepted via the basement service area unless they are an abnormal delivery (for example requiring a larger vehicle).**

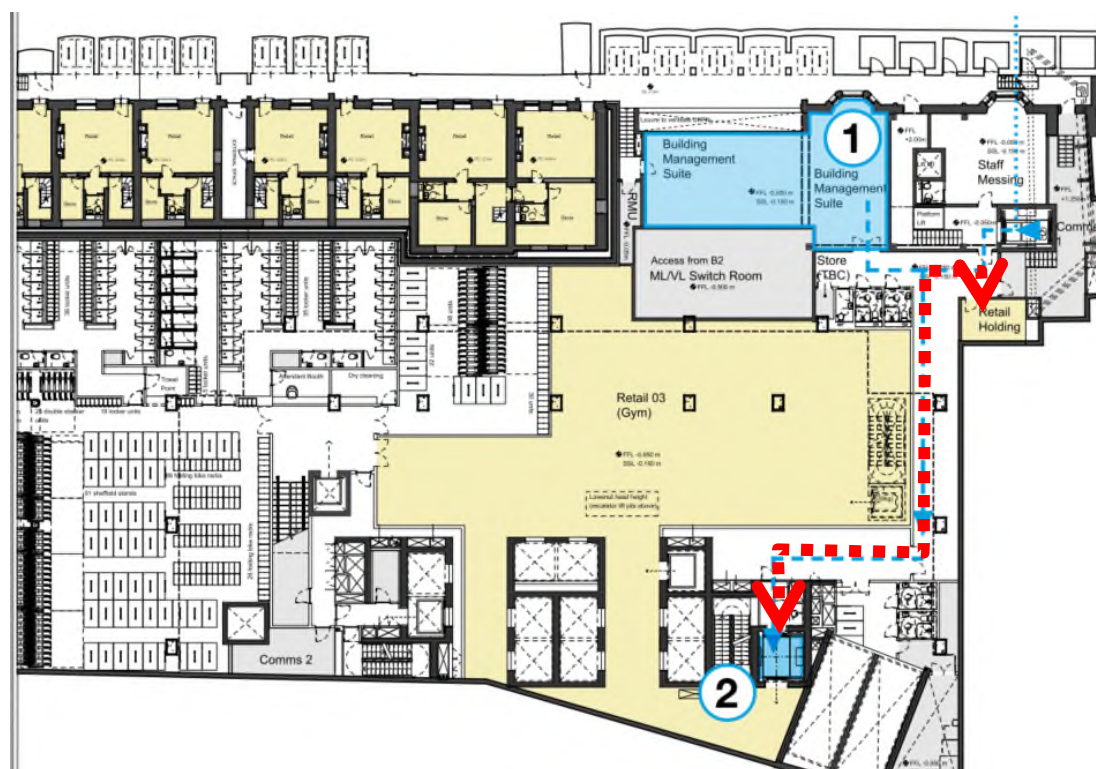
16. With regard to the retail units within the terraces and Keats House, they can be served via St Thomas Street or the main service yard. The deliveries will report to building managers office in Keats House where a lift is provided to basement level 1. Tenants will then collect goods via a secure route from the holding area. The route between the retail units and the dedicated goods holding area is wholly at basement level and therefore does not impact on the public realm. The route is straightforward (as shown in red) and is between 65m to 25m long from the furthest and nearest retail unit respectively; such distances are not excessive. It is noted that it is common for retail tenants to successfully operate with much longer routes than proposed e.g. in shopping centre situations.

**Figure 1.1 – Internal Service Route – Georgian Terraces retail units**



17. There is also an internal route at basement level from the site's main service yard into the retail holding area which allows for retail deliveries to arrive via the main service area away from St Thomas Street. The route from the main service yard to the retail holding area is shown in red in Figure 1.2.

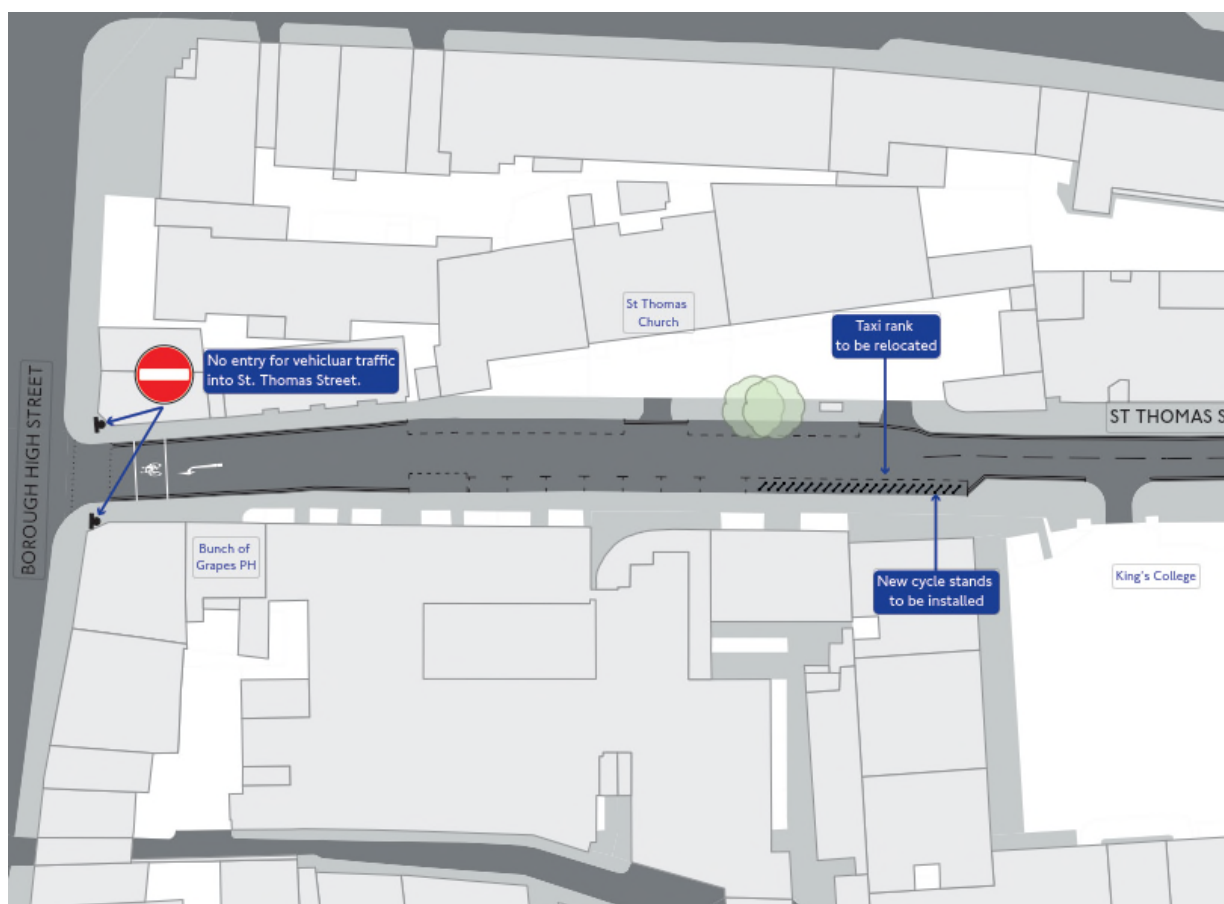
**Figure 1.2 – Internal Service Route – main service yard to Georgian Terraces retail units**



Paragraph 6.70

18. *TfL consulted on plans for Healthy Streets interventions along St Thomas Street in 2018. A series of options were developed comprising an expanded footway, a narrowing of the carriageway to accommodate one-way vehicular traffic and the introduction of a contraflow cycling lane. Temporary measures have been introduced during Covid-19 pandemic (including suspension of the loading bay) and TfL anticipate that work on the more permanent solution is likely to resume. TfL may be in a position to provide an update on these proposals during the Inquiry and the extent to which the proposed servicing on St Thomas St may undermine or be prejudicial to their aspirations on St Thomas Street.*
19. **I believe that the initial suggested TfL interventions along St Thomas Street in 2018 did not comprise an extended footway, a narrowing of the carriageway, or the introduction of a contraflow cycle lane. They involved making the western end of St Thomas Street one way westbound and the relocation of the taxi rank to the other side of the Shard to accommodate the one way system. The existing loading bay and car parking were retained as indicated in Figure 1.3 below.**

**Figure 1.3 – 2018 TfL scheme proposal**



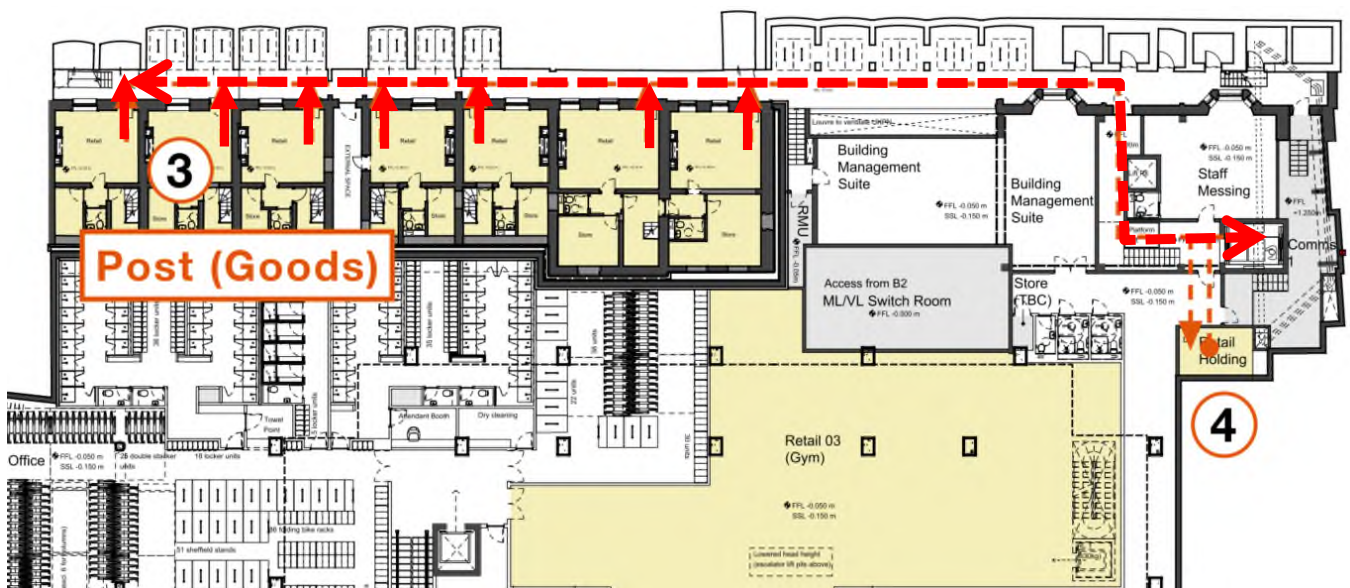
20. **It was later schemes, discussed in relation to the 2021 Scheme where St Thomas Street changed direction, the footway was widened, and the contraflow cycle lane was proposed.**
21. **Notwithstanding this the scheme could operate successfully without the one way operation if TfL decide not to progress with this idea as further explained in paragraphs 3.1.24 – 3.1.27 of my proof of evidence. The scheme is therefore not dependent upon or precludes whichever scheme TfL choose to proceed with.**

Paragraph 6.71

22. *Refuse collection would require a convoluted, management intensive process whereby Eurobins are transferred from the basement to a holding area in Keats House before being trolleyed across St Thomas Street. It is assumed that retail and office tenants in the Georgian terrace would need to transfer their waste to the basement storage area via the proposed public realm. This would occur on a daily basis for general and recycling waste. The estimated daily waste arisings mean that this would require multiple trips between the basement and the street. It would be necessary for the waste collection regime to be undertaken outside of the morning and evening peaks and this would need to be reflected in the s106 Agreement.*

23. It is a common practice for a managed waste storage strategy to be adopted for large commercial schemes where a main refuse store is at a different level to a presentation point. This avoids having a large inactive area of frontage being taken up by a bin store. The waste generation calculations show that the required storage is for 6 Eurobins for the recyclable waste and 6 Eurobins for the general waste, based on daily collections. The daily collections minimise the number of bins that would need to be moved across the footway keeping the dwell time of a refuse vehicle to a minimum. On street waste collection by a private contractor is as per the existing situation.
24. There is a direct and convenient route from the Georgian Terraces to the goods lift located in Keats House which can be used by tenants to easily transport their waste. This would be expected to take place at the end of each day outside of the busiest periods. The route is at basement level 1 and is shown in red in Figure 1.4 below.
25. The timing of the refuse collection is already scheduled outside of the peak periods.

**Figure 1.4 Internal Route from Georgian Terraces retail units to goods lift in Keats House**



Paragraph 6.72

26. *The efficient operation of the servicing regime is predicated on the use of a booking system, however, there is a practical impediment in that an on-street loading bay would be for general use rather than dedicated to this development and so cannot be the subject of a booking system. At 14m, the bay is only sized to accommodate a single HGV and so legitimate use of the bay by other businesses or unauthorised use by other vehicles could undermine the servicing strategy for the site, potentially leading to further unauthorised parking at kerbside or queues in the highway. It is noted that the applicant has studied the use of the existing loading bay and identified spare capacity – and the reduction in servicing trips due to consolidation would reduce this risk.*
27. **An activity survey has been undertaken of the on-street loading bay which showed that it was operating with a high level of spare capacity. Additionally, the capacity of the loading bay is being increased through the proposed extension of the facility. It is also important to note that the proposed delivery vehicles on St Thomas Street would be less than currently experienced by the New City Court development.**

Paragraph 6.74

28. *Borough High Street is very busy with pedestrians and cyclists and servicing vehicles accessing the basement would need to cross the footway to enter into the yards. The nature of the access is such that visibility is particularly poor for any servicing vehicles exiting the yards; TfL in their formal consultation response described this condition as "totally unsatisfactory". The concern is that the increased use of White Hart Yard – even with consolidation in place – increases the risk of collision between vehicles, pedestrians and cyclists within the yards themselves, but particularly on the access/exit point with Borough High Street, and the potential for wider highways impacts as a result of queuing vehicles.*
29. **It should be noted that consultation response mentioned above relates to the pre-consolidation proposals and therefore a significantly higher amount of vehicles. Since then, the proposals have been amended to include vehicle consolidation which reduces the number of vehicles and minimises pedestrian interactions.**
30. **As set out in paragraph 2.4.5 of my proof, whilst there is an increase in servicing vehicles using White Hart Yard, these are reduced to 23 vehicles over a 24 hour period. Due to the proposed servicing regime, none of these deliveries will take place during the peak pedestrian periods, so the increased conflict with pedestrians is low, with a maximum of four vehicles an hour, all occurring outside of the peak pedestrian periods.**
31. **Additionally, as I explain in paragraph 3.1.4 of my proof, the narrow access and reduced visibility at White Hard Yard encourages drivers to slowly and carefully pull out across the footway, resulting in no recorded accidents involving pedestrians and vehicles at this junction.**
32. **With regard to wider highways impacts, these are avoided through the very low additional traffic generation. For instance, Borough High Street carries over 1,000 vehicles an hour and over 13,000 vehicles a day. It can be seen**

**that an extra 4 vehicles an hour and 23 extra vehicles over the course of the day would be an insignificant addition on the wider highway network.**

Paragraph 6.75

33. *In their consultation responses, Better Bankside and Team London Bridge (the two respective Business Improvement Districts) highlight their work with the Council to improve the quality of White Hart Yard as a pedestrian space and pleasant low-emission route linking Borough High Street, through the Guys Campus to London Bridge Station. Without careful management, the increased use of the yard for servicing activity would be at odds with this ambition.*
34. **The additional number of vehicles on White Hart Yard is sufficiently low so as not to preclude the above aspirations whilst Kings Head Yard would not experience any additional vehicles and will be improved as part of the proposals which is in line with the ambition set out above.**

Paragraph 6.76

35. *The reductions in vehicular numbers via consolidation and the use of a booking system would mitigate these adverse impacts within the Yards and this improvement is acknowledged, but the physical constraints of the White Hart Yard access and the poor visibility cannot be mitigated. Fundamentally, the increase in the number of vehicular crossings across the footway on Borough High Street increases the risk of conflict between pedestrians, cyclists and vehicular traffic.*
36. **Whilst the physical constraints and reduced visibility themselves cannot be mitigated, following consolidation the impacts are reduced to 23 service vehicles a day. As set out in paragraph 4.2.3 and 4.2.4 of my proof, Paragraph 111 of the NPPF relates to considering development proposals and states:**
- “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”**
37. **It is agreed by all parties that the cumulative impacts are not severe, and, for the reasons given in sections 2 and 3 of my proof, I do not believe that there is an unacceptable impact on highway safety, a point that TfL must also accept given they confirmed in the GLA Strategic planning application Stage 1 referral (26th November 2019) (CDG.02) that “The servicing strategy is acceptable in principle”. On this basis it is clear that the development should not be refused on highways grounds.**
38. **Paragraph 112(c & d) of the NPPF state that applications for development should:**
- “c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;**
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles;”**

**The NPPF accepts that there will still be some level of conflict between pedestrians, cyclists and vehicles, but that these should be minimised. It does not suggest that they can be removed completely. I consider that the proposed consolidation and servicing regime does minimise this conflict, whilst also allowing for the efficient delivery of goods thereby according with this policy.**