

Burgess Business Park planning appeal reference number APP/A5840/W/19/3225548

How to make a comment on the appeal

- Any further comments must be sent in by 21 May 2019. This is a strictly enforced deadline.
- Anyone can put in comments. These can be further comments if you already responded to the planning application. Or the first time a comment is made.
- If you wish to comment on the appeal you can use the Planning Inspectorate's online Appeals Casework Portal - see <https://acp.planninginspectorate.gov.uk/> - or you can send your comments in writing to:
The Planning Inspectorate
3 J Temple Quay House
2 The Square Temple Quay
Bristol BS1 6PN
- When you send us your representations you should include:
 - ☐ your name and address;
 - ☐ the Planning Inspectorate appeal reference number (this will start APP/...); APP/A5840/W/19/3225548
 - ☐ the address of the appeal site; BURGESS BUSINESS PARK, PARKHOUSE STREET, LONDON, SE5 7TJand say either:
 - ☐ 'I am against the appeal proposals' and explain whether it is for the same reasons as given by the LPA or, if not, explain your own reasons; or
 - ☐ 'I support the appeal proposals' and explain why.
- The comments to the appeal can cover any issues, either the councils points for refusal or other points. The reasons for refusal given by the council: density, quality and design, amenity space, loss of employment floorspace contrary to policies.
- All the comments to the council on the planning application get sent to the Inspector.
- The appeal is going to an Inquiry, likely to be held in August. There is also specific guidance on the form of the submissions. Guidance:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/514292/taking-part_planning-inquiry_April_2016.pdf

The guidance says:

Local people are encouraged to take part in the inquiry process. Local knowledge and opinion can often be a valuable addition to the evidence given by the appellant and the LPA.

Additional comments to the Burgess Business Park Planning Appeal May 2019

The Burgess Business Park boundary with Burgess Park is alongside the newly completed Burgess Park west scheme and the newly enhanced nature area. Nature conservation is a material consideration within the planning system, this is not considered adequately in the environmental assessment.

Park ecology and wildlife and Site of Importance to Nature (SINC)

Burgess Park is a Site of Importance to Nature (SINC) recognised by the council as a site of borough importance (Grade 2) in the 2010 Core Strategy SINC background paper¹. Since that report was completed there have been significant efforts to enhance the quality of the site.

The Burgess Park Habitat Survey report (London Wildlife Trust 2013) looked at the New Church nature site which is immediately beside the Parkhouse Street site. The survey assessment was "Current Wildlife Value: Moderate to High". This area was identified as the area with the highest value in the park. Since the report there has been a focus on increasing wildlife value as part of the overall park management.

The Southwark Council surveys of Sites of Importance for Nature Conservation (The Ecology Consultancy 2014) identifies the site as native broadleaved woodland and scrub (NB in ecological terms "scrub" refers to a specific habit type). The Burgess Park masterplan (LDA 2015) identifies the site as "scrub/woodland".

The Burgess Park West council funded revitalisation project commenced 2016 and completed 2019 to further enhance the wildlife value of this area of Burgess Park. Information about the new work to the nature area was discussed by FOBP with Peachtree and their design team at consultation events.

The Natural England state in their consultation response " It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development. "

Southwark's current core plan commits to protect and improve Metropolitan Open Land. The policy includes "Requiring new development to avoid harming protected and priority plants and animals and help improve and create habitat". It also states "New development needs to make a positive contribution to Southwark's green space network."

This development will harm the wild life site by reducing sunlight and does not make a positive contribution to the Burgess Park SINC.

The new draft London Plan states " Development proposals that are adjacent to or near SINC or green corridors should consider the potential impact of indirect effects to the site, such as noise, shading or lighting. There may also be opportunities for new development to contribute to enhancing the nature conservation value of an adjacent SINC or green corridor by, for example, sympathetic landscaping that provides complementary habitat. The London Environment Strategy includes guidance on identifying SINC as well as habitat creation targets and a comprehensive list of priority species and habitats that require particular consideration when planning decisions are made."

The Plan also states that where there are negative effects then the site management should be further enhanced to mitigate this.

Setback from the park boundary should be increased.

¹ <https://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/evidence-base/environment-and-sustainability>

Sunlight and shadow - The impact of shadowing on Burgess Park from this development falls onto the New Church nature area. This will be negative for the environment and have a negative impact on the park and park users.

In addition there will be a further negative impact from further development planned along Parkhouse Street. Collectively the shadows cast by the tall buildings will impact across a larger area and the impact of the shadow movement will be maintained across the nature area. This area of the park will be in shade in the morning.

The Building Research Establishment 'Site Layout Planning for Sunlight and Daylight' guide is not designed to be used with Sites of Importance for Nature Conservation (SINC).

Our own research indicates that for the six 'winter' months from the autumn equinox to the spring equinox – 21st September to 21st March -**the shadow from a 10 storey building (30 metres tall) is never less than 37 metres, at any time of the day.** This has been modelled with photographs taken on a monthly basis from the Galleria Court, Trafalgar Avenue which is a similar north/south alignment.

Burgess Park visual impact and overlooking

The 14 storey tower and the existing building on Parkhouse Street to be retained both have significant size and bulk which will overlook the park and the Grade II St Georges Church. The environmental assessment has not given sufficient consideration to the impact on the park and the amenity of green space.

Whilst Burgess Park is not a conservation area there are a cluster of historic buildings which together provide the unique character of the park which has been developed to replace the many Georgian and Victorian dwellings and industrial spaces. It is right that the warehouse should be retained and in particular retain the walled boundary of the park (also preserving the quality of the nature area.).

The views agreed with Southwark Council do not include the views directly across from Albany Road/Burgess Park west.

The additional height to the warehouse design adds significant bulk to the original industrial building. The height should be reduced and the design improved, at the moment it looks like a box sticking out the top of the warehouse.

The existing treeline should be retained and it is not acceptable for any trees to be removed in order to facilitate the building.

Friends of Burgess Park October 2018 Response to revised Burgess Business Park application 17/AP/4797 (This will be sent to the Planning Inspector.)

Friends of Burgess Park continue to object against the revised planning proposal due to the height of buildings, mass and bulk of buildings and dominance over the Burgess Park and want improved environmental mitigations.

Environmental impact – green park views

The Burgess Business Park is building to the edge of their development with public realm and green space internal to the development. **The onus will fall onto Southwark Council to ensure that the appropriate tree screening remains in place to protect the view of St George's church across the park and other park views as well.** The mature trees within the curtilage of St George's church as well as street trees, together with the Burgess Park trees and habitats together provide a significant green

corridor for wildlife. It is the combined value of the wildlife habitat offer which makes that area of such environmental and ecological value. The park and the surrounding mature trees are a key added value factor to any developments in this area around Parkhouse Street. The developer must therefore take into consideration what is required to support and retain that value when considering the set-back distance from the park.

Environmental impact – set back from park boundary

The cumulative impact of developments along the Parkhouse Street section of Burgess Park must be viewed in the round. The set-back distance from the park has to be sufficient to prevent any damage to park trees². Up to 50% of tree roots are in the top meter of ground and the tree damage can take several years to appear³.

The retention of the original warehouse is extremely positive as it will not require new foundations. It also recognises the local industrial heritage and retains a building which will add interest to the overall scheme and local area.

Any new boundary wall and foundations etc will need to take account of trees and their roots along the park boundary. The new development along the park boundary (Block A) will need careful design and installation to mitigate impact on park trees.

Adequate set back distances, treatment of the surface, regrading of soil and land levels must adequately take into consideration the trees size, maturity, contribution to park wildlife and value on the park side of the boundary.

Environmental impact - Overshadowing

The new building will increase building shadow onto the park as well as the additional height on the warehouse with the new extra floors. The cumulative impact of all the proposed building along Parkhouse Street sites must consider the broader impact onto park wildlife. The orientation of building, height, bulk and mass and set back will have a cumulative impact.

Overshadowing is now going to be increased over the original submission particularly in the spring and winter months. The original submission was already going to have a negative impact on the park environment particularly on the newly revived nature area in Burgess Park West. This area is specifically aimed at bringing more people into this part of the park.

In the planning documents, Chapter 10 Daylight, Sunlight and Overshadowing it states that the Transient shadow cast across outdoor amenity areas (residential gardens and Burgess Park) will be "negative", "direct", "permanent", "irreversible" and "long term".

FOBP disagree with the statement "The small ancillary area of Burgess Park is located to the north west of the Proposed Development site, and the results of the transient overshadowing assessment show that there will be a very low magnitude of impact upon this area. Therefore, the effect on this amenity area is negligible and not significant in terms of overshadowing".

² Guidance on tree roots spread vary from x1.5 to x2 the height of the tree. Typical park trees like elm, sycamore and ash range in height from 25 to 35 meters. The roots will extend into the development site. The main damage is root damage and compaction.

³ https://www.dnr.state.mn.us/treecare/maintenance/construction_damage.html
<https://www.bartlett.com/resources/Preventing-and-Mitigating-Construction-Damage-to-Trees.pdf>

There are a number of schemes being planned in the same area (Wells Way/Parkhouse Street) which will have a cumulative effect⁴. If these developments are allowed to match each other in excessive height the effect will indeed be cumulatively negative on the park⁵.

The planning document also states that "of the areas assessed for overshadowing, as noted above, in the existing conditions, none currently meet the BRE Guidelines target criteria in terms of sun hours on the ground. This is because at least 50% of their areas do not receive at least 2 hours of direct sunlight on March 21." If this applies to Burgess Park then according to the supplied drawings this is incorrect since it clearly shows three hours of direct sunlight on that date.

As well as overshadowing Burgess Park the ES summary also points out in 1.181 "The EIA process has demonstrated that, once the Proposed Development is fully complete and occupied, [there will be] likely significant adverse effects ... to daylight and sunlight ... to existing neighbouring residential properties." The report also suggests that these properties have been enjoying more sunlight than they should expect in an urban setting. **Burgess Park is a natural environment and so requires access to sunlight.**

Design impact

The dominance of the main building and its impact on Burgess Park and prominence on the skyline against St George's church is still too high (at 12 storeys) to be in keeping with the park and the surrounding buildings. The proposed reduction in height from 14 to 12 storeys has been achieved by bulking up some of the other buildings on the site and increasing the height. The profile new building images in the planning application (amended Design and Access No. 1 and No. 2) illustrates the views across the park and show that a second building is now visible across the trees. As this will be one of many developments along the Parkhouse Street edge of the park **the height, mass and bulk of buildings is a significant design consideration because it will have a cumulative impact on park user.**

Adverse Townscape and Heritage Effects

In 1.51 The prevailing character of the surrounding areas which is residential in every direction is not correctly designated since the homes on Parkhouse Street and Southampton Way are not mentioned (ENVIRONMENTAL STATEMENT NON-TECHNICAL SUMMARY, AUGUST 2018)

Section 1.4.6 refers to the rich industrial history of the site influencing the elevation treatment to create the appearance of a cluster of contemporary warehouse blocks, reminiscent of the design of historic warehouses and factory buildings. However, the Victorian factories and warehouses on the site which are not being preserved are not the height of the new development which will therefore not reflect the local area.

Although the 1.155 item states that there will be an insignificant adverse impact to the Grade II Listed former Church of St George from Burgess Park. In fact, along with the cumulative effect of the other developments there will be a major effect from Burgess Park and from St George's Way as the height and massing will overwhelm the views.

The developers state in 1.157 that "these views have shaped the form of the Proposed Development. Steps have been taken to mitigate the harm identified, including a reduction in scale and mass.

⁴ See Cumulative Effects in ENVIRONMENTAL STATEMENT NON-TECHNICAL SUMMARY, AUGUST 2018 (ES)) on Burgess Park and an example is shown speculatively in the shadow drawings (Ref. 49920/IM/SJP)

⁵ Drawing 49920_PO_01 (in ES, Volume 3 Appendix Daylight, Sunlight and Overshadowing, Annex 3) shows neighbouring amenity areas that have been assessed for Permanent Overshadowing (PO) on 21 March in both the existing and proposed scenarios.

Detailed design and articulation of the upper storeys reduces the visual impact further." **There is simply nothing in the design which suggests that the visual impact has been reduced, it looks worse.**

Although the plan lowers the height of the development on the outer edges, on Wells Way it will be 4-6 storeys (Blocks L and M) with 2-3 storeys opposite on Wells Way including a listed building.

The TFL report noted a number of detrimental design features. Trees are going to be lost from the site. On Wells Way there is a bin store and private residence doors next to the bus stop. The paving for external and internal routes will be different so the development will not appear integrated into the local area. The openings for vehicles are too prominent which does not give the impression of pedestrian priority. The internal roads may give access to vehicles looking for a short cut. Pavements around the site need to provide adequate space for increased footfall.

Housing quality and standards

The increase in family size homes is welcome as children will benefit from the proximity to the park. Unfortunately, the design of the buildings appears to include many single aspect flats. The New London Plan Policy D4 Housing quality and standards section [3.4.5](#) states that "Single aspect dwellings are more difficult to ventilate naturally and are more likely to overheat, and should normally be avoided whereas 3.4.4 Dual aspect dwellings with opening windows on at least two sides have many inherent benefits including better daylight, a greater chance of direct sunlight for longer periods, natural cross-ventilation, a greater capacity to address overheating, mitigating pollution, a choice of views, access to a quiet side of the building, greater flexibility in the use of rooms, and more potential for future adaptability by altering the use of rooms."

Overheating problems: These factors include building orientations, glazing ratios, window operability and other shading features. Therefore, the conclusions in the previous report (Revision P04) listed below are valid for the latest drawing set issued on 27th July 2018." To overcome overheating, the residential windows will need special solar control glass, 20% openable living room and bedroom windows, mechanical ventilation when windows are closed and all windows to have internal blinds to protect from solar gain between 9am and 4pm. This largely applies to the non-residential areas as well.