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"PLANNING APPLICATION: 20/AP/0858

The redevelopment of the site to provide a mixed-use development comprising buildings up to 11 storeys in height and accommodating new homes (Use Class C3) and commercial floorspace (Use Class B1c), car parking, cycle parking and associated landscaping. | **25-33 Parkhouse Street London Southwark SE5 7TQ**"

LINK: [20/AP/0858 | The redevelopment of the site to provide a mixed-use development comprising buildings up to 11 storeys in height and accommodating new homes \(Use Class C3\) and commercial floorspace \(Use Class B1c\), car parking, cycle parking and associated landscaping. | 25-33 Parkhouse Street London Southwark SE5 7TQ](#)

Document name for download: **"2 September 2021; Objection Comment; London Wildlife Trust"**

The application has been approved by Southwark Council but is subject conditions being satisfied – including that it confirms with various policies of the new London Plan - and a decision notice has not yet been published on the application

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25-33 PARKHOUSE STREET, SOUTHWARK SE5 7TQ

PLANNING APPLICATION REF: 20/AP/0858

The redevelopment of the site to provide a mixed-use development comprising buildings up to 11 storeys in height and accommodating new homes (Use Class C3) and commercial floorspace (Use Class B1c), car parking, cycle parking and associated landscaping.

London Wildlife Trust ('the Trust') has been made aware of this application. The Trust has a keen interest in development proposals that impact - directly or indirectly - upon the biodiversity present within a site and developments that also impact Sites of Importance for Nature Conservation (SINCs), as highlighted by our report *Spaces Wild*.¹

¹ <http://www.wildlondon.org.uk/news/2015/10/20/spaces-wild-critical-importance-protecting-london%E2%80%99s-wild-spaces>
² CIEEM (2018): *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine.* Chartered Institute of Ecology and Environmental Management, Winchester.

The current ecological evidence for this application on the site is largely sufficient to determine the possible impacts but is in our opinion not considering fully the ecological considerations and impacts upon Burgess Park. We provide some comments below on more specific points on potential negative long-term habitat and species impacts and overall ecological viability of a neighbouring important ecological area within the Burgess Park SINC which may also have adverse impacts on its protected and/or priority species. Relevant national, London-wide and borough policies are referenced in Appendix 1

Ecology survey and report

The '*Ecology Survey and Report by Waterman Group*' is predominantly a sound and comprehensive report regarding the ecology of the proposed development and the immediate neighbouring land within Burgess Park adjacent to the proposed development site to the north. However, the report fails to identify a geographical level of Important Ecological Features (IEF) less than County in table 1 although current industry guidelines² identifies both local authority-wide areas and more local levels that should be considered. Given that Burgess Park is a Site of Borough Importance for Nature Conservation in Southwark, it is of authority-wide value. Indeed, it is by far the largest site of its value in the north-west quarter of the borough, and ecological improvements to it over the past 10 years are committed to enhancing its biodiversity value further. The area of the Park close to the application – once known as the New Church Road Nature Area - was the first part of the Park selected for its management for biodiversity, and its presence is partly down to successive measures to protect it from several attempts to develop it from the mid-1990s. Its absorption into the Park, following the refurbishment programme 2010-13, is a testimony to the recognition of its ecological value and the desire to extend its character into the broader parkland. Page 2 of 7

This reflects the recognition of Burgess Park's potential biodiversity value for local people, by Southwark Council and many of the Park's users and stakeholders.

This detail and context are not captured in the report. As a consequence, the omission of accounting for this level of value it could be argued that the report's overall assessment is not considering the potential impacts upon the habitats, features, and species at a borough and neighbourhood scale. As such it dismisses Burgess Park's importance for nature by judging it on a London-wide scale only. However, we do recognise and welcome that the authors have identified the potential impacts on Burgess Park at a local category of importance in table 7 and considered local value with regards to scoping out ecological features in the assessment as identified in table 8. However, this does not seem to have been applied effectively to bats or birds.

Bats

The *Ecology Survey and Report* details the findings of a preliminary roost assessment and evening emergence survey undertaken within the proposed development site (finding some pipistrelle movements) and also lists the number (62 records of seven species) and proximity of species sightings (ranging from 710 to 9 metres) of bat records obtained through a data search. It should be noted that 5 of these species were identified within 300 metres of the proposed development site and that only 9 species of bat are recorded regularly in London and of these the serotine and Leisler's bats (both recorded within 500 metres of the proposed site) are uncommon, possibly even rare.

It seems surprising then that bats (commuting and foraging) as an ecological feature was scoped out of the assessment based on that no foraging or commuting features were present on site (not actually true from the authors' own findings) and that the indirect impacts were considered unlikely to be significant to the local bat population despite there being no justification of why this was considered unlikely to have any impact other than that the proposed site was identified to have been floodlit during the surveys.

We argue that consideration a building's height impacts on bat foraging and also lighting impacts from higher altitudes (from within residential properties) are critically important in this context. However, they have not been considered and therefore in our opinion the impacts on bat commuting and foraging populations should not have been adequately scoped out or assessed (see appendices London Plan (2021) bold note relating to section 3.9.10).

Birds

Similarly, birds have been scoped out of the assessment based on bird assemblages likely to be limited to common species only and of insufficient size and diversity to be of ecological value. However, the data search identified several species of regional or local value including house sparrow, starling, and song thrush (London priority species that have all suffered significant declines across the region). We argue that the value of these species locally has not been considered effectively and that the impacts of lighting (see below) on these species has not been properly addressed either.

Lighting impacts

The *Lighting Assessment* report produced by MLM consulting engineers adequately accounts for lighting impacts from lighting within the development upon the public realm of the development. However, it critically does not address the potential impacts of lighting on biodiversity from that within the residential units and that specifically which would overlook the trees of the Burgess Park ecological area and thus potentially impact on bat foraging around the tree canopy and the potential usage of these trees as breeding opportunities for birds of which lighting in known to impact, as well as other nocturnal species (e.g., moth pollinators). Page 3 of 7

Overshadowing

The *Daylight & Sunlight (Impacts on Neighbouring Properties)* report from GIA Chartered surveyors clearly identifies that the considerations for concluding that the overshadowing effects on Burgess Park are of considered acceptable are based on the impacts upon the whole park as they fit within current BRE guidelines³. The *Ecology Survey and Report* accepts these findings with minimal scrutiny, and we argue that the impacts of shading upon the ecological area immediately to the north of the proposed development site are not insignificant and may have considerable long-term effects. This is especially true when considering cumulative effects from other proposed development along Parkhouse Street.

³ *Site Layout Planning for Daylight and Sunlight — A Guide to Good Practice* (2011) Building Research Establishment
⁴ https://www.sciencedirect.com/science/article/abs/pii/S0304380020302490?dgcid=rss_sd_all

However, there is growing concern that the current guidelines may not be sufficient to cover areas of biodiversity value and may only be sufficient for amenity usage i.e., lawns and other ornamental garden features. Research on the impacts of tall buildings on biodiversity assets are limited although there is some evidence that the ecological functionality and the ecological services it provides are reduced considerably with increasing building height.⁴ The results from the GIA report show that on March 21st the BRE Test identifies 92% of the ecological area in question to receive greater than 2 hours sunlight. However, it can be argued that plant growth and seed germination of many plants starts much earlier than 21st March and sunlight and thus warmth reaching the ground over the months of January and February starts these processes. This is particularly relevant to woodland species which require more sunlight during the early months before canopy cover starts to occur and typically are in flower and at near full growth in early April. Given this information and looking at the January 21st and February 21st cumulative scenarios, considerably more area of the ecological area within Burgess Park have less than 2 hours of sun exposure with an estimated less than 50% of the area receiving less than 3 hours of sunlight exposure during these two critical months.

The impacts of this can be surmised as reducing plant growth and germination of these species until later in the season when they are likely to receive less light due to natural tree canopy cover and thus having a probable negative long-term impact on their ecological survival under these conditions, reducing overall biodiversity value of the area in question and functionality of the area's woodland ecology.

Conclusion

In our opinion this application and especially when combined with cumulative impacts from neighbouring developments as currently proposed will result in long-term net biodiversity loss within the Burgess Park Site of Importance for Nature Conservation (particularly on an area of key importance ecologically within that SINC) and potentially adversely impact upon several protected and priority species. In addition, the development application does not:

- provide evidence that significant harm has been avoided (for example, seeking alternative sites, reducing size, distance from park boundary etc);
- set out any mitigation and/or compensation measures to address these long-term biodiversity impacts.

The Trust does not believe the applicant has provided sufficient information for the Council to determine the application and ensure that the site's biodiversity – as well as the potential cumulative impacts on neighbouring sites – is protected and/or sufficiently mitigated or compensated for. Consequently, we cannot envisage how such a development of this nature could be undertaken in, without causing a level of irrecoverable loss to the neighbouring habitat and the species it supports. Page 4 of 7

As a result, we strongly **object** to the application and urge the Council to uphold local and regional policies to ensure that the nature conservation interests of Burgess Park are protected. The Council should **refuse** planning permission.

If Southwark Council were minded to grant this permission without careful consideration on ongoing potential cumulative impacts there is a risk of a breach of the Wildlife & Countryside Act 1981 (as amended) and Natural Environment & Rural Communities (NERC) Act 2006 (as amended). Additional work on accurately quantifying the developments impacts upon the current biodiversity interest are required so to inform the measures required to ensure that on-site and off-site mitigation and/or compensation delivers no net-loss for biodiversity. If you wish for clarification on any of the above points, please do not hesitate to contact me.

Yours sincerely,
Senior Ecologist

Appendix 1: Relevant policy context

The application is pertinent to a number of policies (our emphasis is added).

National Planning Policy Framework (2019)

Paragraph 175 (selected bullet):

'When determining planning applications, local planning authorities should apply the following principles:

- *a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'*

Paragraph 180 (selected bullet)

'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'*

The London Plan (2021)

Policy D8 Public Realm (selected bullets):

'Development Plans and development proposals should:

B ensure the public realm is well-designed, safe, accessible, inclusive, attractive, well-connected, related to the local and historic context, and easy to understand, service and maintain. Landscape treatment, planting, street furniture and surface materials should be of good quality, fit-for-purpose, durable and sustainable. Lighting, including for advertisements, should be carefully considered and well-designed in order to minimise intrusive lighting infrastructure and reduce light pollution.

Policy D9 Tall buildings (selected bullets)

'Development proposals should address the following impacts:

1) visual impacts

- *a) the views of buildings from different distances:*

iii immediate views from the surrounding streets – attention should be paid to the base of the building. It should have a direct relationship with the street, maintaining the pedestrian scale, character and vitality of the street. Where the edges of the site are adjacent to buildings of significantly lower height or parks and other open spaces there should be an appropriate transition in scale between the tall building and its surrounding context to protect amenity or privacy.

d) proposals should take account of, and avoid harm to, the significance of London's heritage assets and their settings. Proposals resulting in harm will require clear and convincing justification, demonstrating that alternatives have been explored and that there are clear public benefits that outweigh that harm. The buildings should positively contribute to the character of the area.

h) buildings should be designed to minimise light pollution from internal and external lighting

3) environmental impact

a) wind, daylight, sunlight penetration and temperature conditions around the building(s) and neighbourhood must be carefully considered and not compromise comfort and the enjoyment of open spaces, including water spaces, around the building

4) cumulative impacts

a) the cumulative visual, functional and environmental impacts of proposed, consented and planned tall buildings in an area must be considered when assessing tall building proposals and when developing plans for an area. Mitigation measures should be identified and designed into the building as integral features from the outset to avoid retro-fitting.'

In addition, under paragraph 3.9.10 it states that:

'The list of impacts of tall buildings in Policy D9 Tall buildings is not exhaustive and other impacts may need to be taken into consideration. For example, the impact of new tall buildings in proximity to waterbodies supporting notable bird species upon the birds' flight lines may need to be considered.'

[this example point is in our opinion relevant on site to foraging bats]

Policy G6 Biodiversity and access to nature (selected bullets)

'Sites of Importance for Nature Conservation (SINCs) should be protected.

C Where harm to a SINC is unavoidable, and where the benefits of the development proposal clearly outweigh the impacts on biodiversity, the following mitigation hierarchy should be applied to minimise development impacts:

1) avoid damaging the significant ecological features of the site

2) minimise the overall spatial impact and mitigate it by improving the quality or management of the rest of the site

3) deliver off-site compensation of better biodiversity value.

D Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.'

And states in section 8.6.2 that: Page 7 of 7

'The level of protection afforded to SINCS should be commensurate with their status and the contribution they make to wider ecological networks.'

And in section 8.6.5 that:

'Development proposals that are adjacent to or near SINCs or green corridors should consider the potential impact of indirect effects to the site, such as noise, shading or lighting.'

Southwark Plan (2007) relevant saved documents

Policy 3.28 – Biodiversity

'Developments will not be permitted which would damage the nature conservation value of Sites of Importance for Nature Conservation (SINCs) and Local Nature Reserves (LNRs) and/or damage habitats, populations of protected species or priority habitats/species identified in the United Kingdom, London or the Southwark Biodiversity Action Plan. Where, exceptionally, such developments are permitted, the Council will seek mitigation and/or compensation for the damage to biodiversity.'

Southwark Core Strategy (2011)

Strategic Policy 11 – Open spaces and wildlife (selected bullets)

Southwark council's approach is to:

'protect and improve habitats for a variety of wildlife.'

And they will do this by:

'1. Continuing to protect important open spaces from inappropriate development. These will include parks, allotments, sports grounds, green chains, sites of importance for nature conservation (SINCs) and cemeteries. Large spaces of importance to all of London will be protected (Metropolitan Open Land) as well as smaller spaces of more borough-wide and local importance (Borough Open Land and Other Open Spaces).

6. Requiring new development to avoid harming

