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Our ref: PDU/1295a JPC10
Your ref: 07/03897/OUT
Date: 30 October 2008

Dear Mr Evans ,

**Town & Country Planning Act 1990 (as amended); Greater London Authority Act 1999; Town & Country Planning (Mayor of London) Order 2000
Crystal Palace Park, DC/07/03897/OUT**

I refer to your letter of 15 February 2008, consulting the Mayor of London on the above planning application. On 30 October 2008 the Mayor considered a report on this proposal, reference PDU/1295a/01. A copy of the report is attached, in full.

Having considered the report, the Mayor has concluded that the proposals set out in the hybrid application will result in a transformation of the Park and would be a significant benefit to south London. The majority of the built development is appropriate in MOL and has been sympathetically designed to minimise visual impact, any adverse visual impact is outweighed by the overall benefits of the proposal. The inappropriate residential development is justified by the unique and exceptional characteristics of this park which have led to the urgent need for the improvements (which themselves have widespread public support). The works to and around the listed National Sports Centre will have an overall positive benefit, as a result of the removal of extraneous buildings and structure which detract from the listed building and act as a severe barrier to permeability through the park and of the conversion of the building to a workable long term use.

There are a number of matters, in particular relating to transport and accessibility, that will need to be addressed in the section 106 agreement, as set out in the report.

The Mayor is particularly concerned to ensure that if permission is granted that there is a sufficiently robust section 106 agreement that ensures that the residential development delivers the most appropriate and maximum amount of works to the Park.

The application represents EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Mayor has taken the environmental information made available to date into consideration in formulating his comments.

If Bromley Council decides in due course that it is minded to approve the application, it should allow the Mayor fourteen days to decide whether or not to direct the Council to refuse planning permission (under article 4(1)(b)(i) of the Town & Country Planning (Mayor of London) Order 2000). You should therefore send me a copy of any officer's report on this case to your planning committee (or its equivalent), together with a statement of the permission your authority proposes to grant and of any conditions the authority proposes to impose, and a copy of any representations made in respect of the application (article 4(1)(a) of the Order).

Yours sincerely,



Giles Dolphin

Head of Planning Decisions

cc James Cleverly, London Assembly Constituency Member
Nicky Gavron, Chair of London Assembly Planning & Housing Committee
John Pierce and Ian McNally, GOL
Colin Lovell, TfL
Dean Williams & Helen Wood, LDA
Hugh Bullock, Gerald Eve, 7 Vere Street, London, W1G 0JB

30 October 2008

Crystal Palace Park, Bromley

in the London Borough of Bromley

planning application no. DC/07/03897/OUT

Strategic planning application stage 1 referral (old powers)

Town & Country Planning Act 1990 (as amended); Greater London Authority Act 1999; Town & Country Planning (Mayor of London) Order 2000

The proposal

Comprehensive phased scheme for landscaping and improvement of park comprising demolition of and alterations to existing buildings and structures including removal of existing hard surfaces; changes of use including part of the caravan site to public open space and museum to park rangers base; erection of new buildings and structures for various uses including museum, park maintenance facilities, community facilities, information kiosk, greenhouses, retail kiosks, cafes, toilets classroom, children's nursery, treetop walk, student accommodation, up to 180 residential units, new regional sports centre; alterations to ground levels with new pedestrian paths, vehicular access roads, car parking highway works, water features.

The applicant

The applicant is the **London Development Agency**, and the master planners are **Latz and partners**.

Strategic issues

The principle of the restoration of this run-down park is supported by strategic planning policy. The introduction of various park-related buildings is appropriate development in Metropolitan Open Land and the development of a regional sports centre is appropriate within the Major Developed Site boundary. The inappropriate residential development with zero affordable housing on Metropolitan Open Land is acceptable given the unique circumstances and the substantial benefits to the park. The loss of the caravan club does not conflict with London Plan policies for tourism and in any case is outweighed by the creation of new publicly accessible open space and the need for the enabling residential development. The retention and re-use of the listed sports centre is welcomed.

Recommendation

That Bromley Council be advised that the application is acceptable in principle subject to satisfactory resolution of the matters set out in the report

Context

1 On 20 February 2008 Bromley Council consulted the Mayor of London on a proposal to develop the above site for the above uses. Under the provisions of the Town & Country Planning

(Mayor of London) Order 2000 the Mayor has the same opportunity as other statutory consultees to comment on the proposal. This report sets out information for the Mayor's use in deciding what comments to make.

2 The application is referable under Categories 1A 1(b), 1B 1(c), 3D 1, 3E 1 (b) and 3F 1 of the Schedule of the Order 2000: "*Development which comprises or includes the provision of flats or houses and the development occupies more than 10 hectares, development outside Central London and with a total floorspace of more than 15,000 square metres, development on Metropolitan Open Land which would involve the construction of a building with a floorspace of more than 1,000 square metres or a material change in the use of such a building, development which does not accord with one or more provisions of the development plan in force in the area in which the application site is situated and comprises or includes the provision of more than 150 houses or flats or houses and flats, development for a use, other than residential use, which includes the provision of more than 200 car parking spaces in connection with that use.*"

3 If Bromley Council subsequently decides that it is minded to grant planning permission, it must first allow the Mayor an opportunity to decide whether to direct the Council to refuse permission.

4 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 has been taken into account in the consideration of this case.

5 The Mayor's comments on this case will be made available on the GLA website www.london.gov.uk.

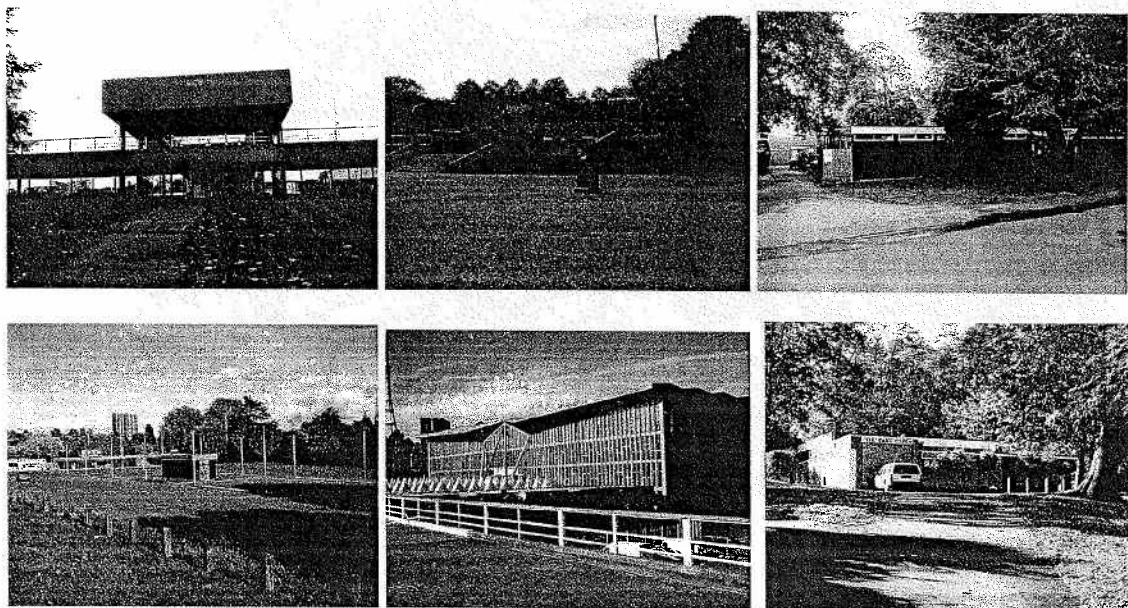
Site description

6 Crystal Palace Park is located in the borough of Bromley immediately to the north-east of Upper Norwood town centre. The park is bounded by Crystal Palace Parade to the west, Crystal Palace Park Road to the north, Thicket Road to the east and Anerley Hill/Crystal Palace to Sydenham railway line to the south. The majority of the park fronts directly onto these roads/railway line, although along parts of Crystal Palace Park Road and Thicket Road there are residential properties in between. The Park is on the north-west tip of the borough boundary. The boroughs of Croydon, Lambeth, Southwark and Lewisham all adjoin the Park boundary.

7 Crystal Palace Park Road (A234), Crystal Palace Parade (A212) and College Road (A2199), which joins Crystal Palace Parade are all part of the Strategic Road Network. The nearest Transport for London Road Network is the A205, located approximately 2km away from the site. Crystal Palace national rail station is located adjacent to the southern boundary of the site, whilst Penge West national rail station is located just beyond the eastern boundary. Both stations offer regular services to Central and South-East London. Crystal Palace bus terminus is also located adjacent to the western boundary of the site and is served by ten different bus services. A further seven bus services run close to the north, east and south of the park respectively along Westwood Hill / Crystal Palace Park Road and Anerley Hill. Given the proximity of the rail and bus station, it is considered that the development site is well located at the south-western boundary and as such, records a public transport accessibility level (PTAL) of 6, out of a range of 1 to 6 where 6 is considered as excellent. Due to the size of the park, this PTAL however decreases gradually to 1 in certain areas of the park and particularly towards the north-eastern boundary. This level should however be improved with the extension of the East London Line to Crystal Palace Station, for which Phase 1 should be completed by 2010 to Dalston Junction and by 2011 to Highbury and Islington.

8 The Park was originally laid out between 1852 and 1855 to accommodate the relocated and enlarged 'Crystal Palace' – the building designed and built by Joseph Paxton for the Great Exhibition in Hyde Park. Paxton imposed a strong symmetrical design for the park, orientating it around a Central Walk (Paxton Axis) with a maze, rosary gardens, English landscape garden, Italianate garden cascades, fountains and basins on either side. The Crystal Palace itself was located on the western side of the park, fronting Crystal Palace Parade, on what is now known as the 'top site'. The Park and Palace were used for a huge range of activities including shows, exhibitions, concerts and mass meetings of numerous organisations, there was a charge for entry, which varied depending on the event. It was also home to the FA cup final between 1895 and 1914. The Park is regarded as the world's first theme park for mass entertainment. The company running the Palace and the Park was declared bankrupt in 1911 and in 1913 it was bought for the nation. It was run by the London County Council and its successor the Greater London Council. The London County Council commissioned a masterplan for the Park in 1954 which involved the construction of a national exhibition centres and national sports centre. The latter was completed in 1964. The remainder of the masterplan was never implemented. Between 1937 and 1972 the Park accommodated a motor racing circuit. On abolition of the Greater London Council in 1986 it was transferred to Bromley Council.

9 The Park is 80 hectares and now comprises open parkland (grassland and trees) with pathways, access roads and car parks, cricket pitch, fishing lake, maze, along with buildings and structures related to park maintenance and sport and recreation that are mostly located in the centre of the Park. The main built elements include the National Sports Centre (which includes a 50m swimming pool and other indoor sports facilities), the athletics stadium, Lodge Tower (which provides accommodation for athletes), seven houses, the Italian Terraces, the Paxton Axis, BBC television transmitter mast, a caravan site, tidal lakes in the north and south-east, a concert stage, the Crystal Palace Park museum the base of the Brunel water tower, the subway to the former Crystal Palace 'high level' Station, dinosaur statues and geological features, the former City Farm and covered reservoir.



Photographs of existing park © report author

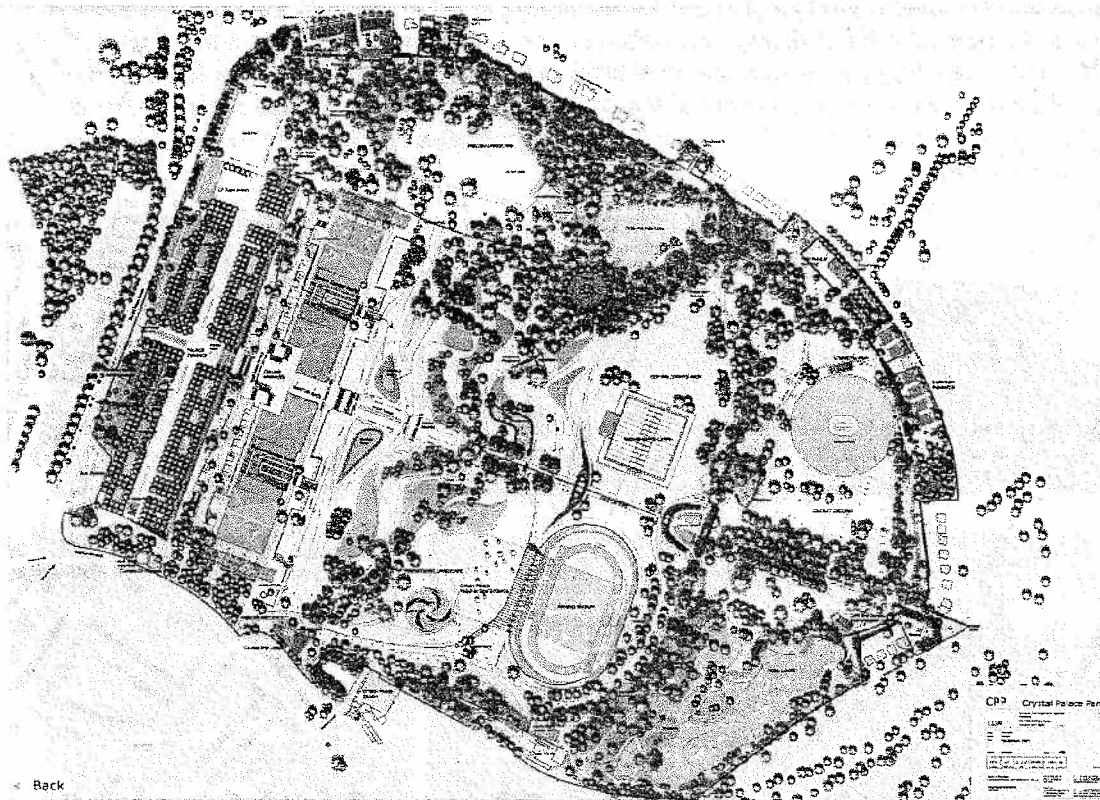
10 The Park is a valued open space, highly regarded by locals and visitors from across London and beyond, attracting around 1.68 million visitors a year. However, many areas of the Park are in a neglected state and generally the character, quality and range of facilities have degenerated.

There is a lack of physical and visual permeability into the Park from surrounding areas and the various structures around the NSC form a major barrier to movement through the Park.

11 The application site encompasses the whole of the Park. The vast majority of the application is Metropolitan Open Land and the area of the National Sports Centre is designated as a Major Developed Site. The Park is included on English Heritage's Register of Park and Gardens (Grade II*). The majority of the site is a Conservation Area. Parts of the site are Sites of Importance for Nature Conservation and an Area of Archaeological Significance. Two strategic walks (the Capital Ring and the Green Chain) also run through the site. There are a number of listed buildings and structures within the site: National Sports Centre (II*), Paxton Subway (II), Italian Terraces (II), bust of Paxton (II), dinosaur statues (I) and gate piers to Paxton's house (II). There are also a number of locally listed buildings and structures: the base of Brunel's water tower, Lodge Tower and seven houses and the athletics stadium.

Details of the proposal

12 The application is hybrid comprising an outline application for the whole park with all matters apart from access reserved for determination at a later date, and a full application for the National Sport Centre and the area immediately surrounding it. A listed building consent application for works to the National Sports Centre and conservation area consent for the demolition of various buildings within the Crystal Palace Park Conservation Area have also been submitted.



Illustrative Masterplan from Design and Access Statement © Latz + Partner

13 In summary, the application includes the removal of a number of buildings and features, re-modelling of ground levels and landscaping, construction of new visitor attractions, educational and community facilities and park related buildings, improvements to existing entrances and

circulation within the Park and improved sports facilities. 383 permanent car parking spaces would be provided in various locations, with provision for overflow spaces during events, 190 cycle parking spaces would also be provided. A new vehicular access would be created from Crystal Palace Park Road to the residential development at Rockhills. A number of trees would be felled, including some mature trees. The application also includes two sites for residential development. The Masterplan application divides the Park into eight distinctive zones, the detailed proposals for each are set out below:

- **Zone A: Anerley Hill edge** – Removal of walls and gates at the Norwood triangle entrance; construction of the south greenhouse (up to 2,322 sq.m. up to 23m high) for sub-tropical plants on the listed Italian terrace; construction of a new college and lodge building (up to 4,140sq.m, up to 21m high) for education and overnight accommodation for athletes and students close to Crystal Palace Station; renovation of the Museum building for use by park rangers; retention of Brunel’s Water Tower base; safeguarding of a possible Croydon Tramlink extension, improved connections to the Italian Terraces; and re-opening of the direct exit from Crystal Palace Station.
- **Zone B: The Palace Terrace** – (top site) tree planting marking the outline of the Crystal Palace, a construction of a new museum building (up to 3,500 sq.m. up to 25m high) with a viewing platform linked to the restored listed Paxton Subway; relocation of the Paxton Bust; construction of not more than two kiosks – Class A1/A3 (up to 84sq.m. and up to 3.5m high); a park history themed playground and water features including a new Paxton Fountain; palace fountain and an eco-palace pond; and alterations to the existing bus station to provide an improved public transport interchange
- **Zone C: The Italian Terraces** – repair and restoration of the listed terraces; creation of two sunken gardens; and the provision of new stairs and ramps to improve accessibility. The northern sunken garden would include a fountain and water stair.
- **Zone D: Transitional landscape** – re-modelling of ground levels to create undulating landscape; demolition of the locally listed Lodge Tower and houses; removal of existing car park; creation of themed play areas on base of Lodge Tower and Paxton Suite; re-creation of a Rosary (rose garden); construction of a central pavilion (up to 53 sq.m. and up to 5.5m high) to house essential visitor amenities (such as first aid equipment); and construction of new water features including water tables, terrace storage pond, water rill and water channel. The underground part of the new Regional Sports Centre (see below) would extend into this zone.
- **Zone E: Central Area** – internal and external alterations to the listed National Sports Centre to form a ‘low key use’ (meaning that the building would have minimal servicing and the space could be used for dry sports, such as 5-side football and hockey, in an unheated open air environment); removal of walkways, structures and buildings surrounding the National Sports Centre; re-instatement of the Paxton axis; creation of a new entrance on the south side of the Sports Centre at ground floor level; retention of the athletics track; demolition of the spectator stands (including the locally listed Jubilee Stand); creation of a grassed amphitheatre; construction of a new Regional Sports Centre (up to 27,500sq.m. up to 23m high) with a 50m swimming pool and other sports facilities; creation of a sports themed play area; creation of new 250 space car park; creation of the central pond; and continuation of the water rill and water channel.
- **Zone F: The Tidal Lakes** – retention of the listed dinosaurs and geological illustrations; minor landscaping improvements including changes to lake edge; removal of fences and other barriers; retention of City Farm; demolition of Penge cafe and construction of a new

cafe and dinosaur interpretation centre (up to 830 sq.m. and up to 18m high); creation of a dinosaur themed playground; and retention of 33 space car park.

- **Zone G: The Cricket Ground** – renovation of the cricket pitch and construction of a new cricket pavilion (up to 262 sq.m. up to 9m high); construction of six residential blocks (up to 6,480 sq.m. and up to 14m high - four storeys) on Crystal Palace Road (the sites of these blocks are not designated as Metropolitan Open Land); construction of a park management building (up to 526 sq.m. and up to 6.5m high); and creation of a 55 space car park.
- **Zone H: The English Landscape** – construction of north greenhouse (footprint up to 2,322 sq.m. and up to 23m high.); retention and improvement of the maze, intermediate lake and concert bowl; erection of a fully accessible treetop walkway, allowing people to walk at the level of the trees, between the north greenhouse and Sydenham gate; removal of the caravan park and creation of 4.7 hectares of new parkland; construction of two residential blocks (up to 15,486 sq.m. and up to 18m high - five storeys) close to Rockhills Gate; construction of building for use as a cafe and community uses (up to 770 sq.m. up to 9m high – two storeys); retention of the remains of Brunel's north water tower and aquarium; creation of a 45 space car park; creation of a woodland themed playground and a play area linked to the proposed nursery (which could have public access when the nursery is closed); and creation of a mist garden and spring (which would mark the beginning of a park-wide water trail).

14 The total footprint of existing buildings within the site is 22,882 sq.m. The application involves the demolition of buildings with a footprint of 12,308 sq.m. and the proposed new buildings will have a total footprint of 28,073 sq.m. resulting in a net increase in footprint of 15,693 sq.m.



Illustrative Masterplan from Design and Access Statement © Latz + Partner

15 In addition to the features described above, the masterplan includes proposals to improve the gateways to the park; improve the existing routes through the park to create a clear hierarchy that is easily navigable; install new lighting, which will reinforce the hierarchy of routes; replace existing and install new park furniture; and carry out landscaping improvements.

16 The environmental statement states that the proposals have been split into three levels of work. Level one works are basic restorative works which represent the minimum improvement necessary restore the Park to a basic standard expected for a local park, for example removal of unnecessary hardstanding. Level two works would bring the park up to a regional standard and level three works would deliver a national/international standard. This would include the majority of the built structures, such as the greenhouses, cricket pavilion and museum. From a practical perspective the works are not necessarily sequential or consequential in their implementation. However, in reality because the level two and three works would require significant private investment, the level one works would have to be in place to attract this investment.

17 The development proposals are set out in parameter plans and described in the Design and Access Statement. The upper and lower limits for the height, width and length of each proposed building are stated on the parameter plans, to enable the environmental impact to be assessed, the floorspaces and heights quoted above are the maximum amounts set out in the environmental statement.

Case history

18 Two applications within the Park have been referred to the Mayor. An application for a temporary inflatable indoor sports facility for use by Crystal Palace Football Club youth academy was referred in 2005. The former Mayor accepted the principle of this development and was content for Bromley Council to determine it (ref PDU/1244/01 and 02). An application for alterations to the BBC transmitter mast was submitted in June 2008. The Head of Planning Decisions wrote to the Council stating the application did not raise issues of compliance with the London Plan and that Bromley Council need not refer it back (ref PDU/2204JPC01).

19 There have also been a number of significant applications submitted before the creation of the GLA in 2000. In 1987 outline planning permission was granted for a hotel/leisure complex/conference centre or other recreational building on the 'top site'. Over the next ten years a variety of different hotel and leisure schemes were granted planning permission culminating in 1998 with permission being granted for a 53,000 sq.m. leisure box including a multiplex cinema. None of these schemes were implemented and all have now expired. A challenge in the European Court against failure to carry out an environment impact assessment was successful in 2006 after a long series of legal challenges to proposals to develop the top site.

20 Two outline applications for a multi purpose football stadium were refused in 1992.

Strategic planning issues and relevant policies and guidance

21 The relevant issues and corresponding policies are as follows:

- Open space and Metropolitan Open Land *London Plan; PPG2*
- Historic Environment *London Plan; PPG15*
- Urban design *London Plan; PPS1*
- Biodiversity *London Plan; the Mayor's Biodiversity Strategy; Improving Londoner's Access to Nature: Implementation Report; PPS9*
- Waste *London Plan; the Municipal Waste Management Strategy; PPS10*
- Tourism/leisure *London Plan; Good Practice Guide on Planning for Tourism (DCLG)*
- Education *London Plan*

- Housing *London Plan; PPS3; Housing SPG; Providing for Children and Young People's Play and Informal Recreation SPG;*
- Affordable housing *London Plan; PPS3; Housing SPG*
- Climate change *London Plan; PPS, PPS Planning and Climate Change Supplement to PPS1; PPS3; PPG13; PPS22; the Mayor's Energy Strategy; Sustainable Design and Construction SPG*
- Access *London Plan; PPS1; Accessible London: achieving an inclusive environment SPG; Wheelchair Accessible Housing BPG; Planning and Access for Disabled People: a good practice guide (ODPM)*
- Equal opportunities *London Plan; Planning for Equality and Diversity in Meeting the spatial needs of London's diverse communities SPG; Diversity and Equality in Planning: A good practice guide (ODPM)*
- Transport *London Plan; the Mayor's Transport Strategy; PPG13; Land for Transport Functions SPG*
- Parking *London Plan; the Mayor's Transport Strategy; PPG13*

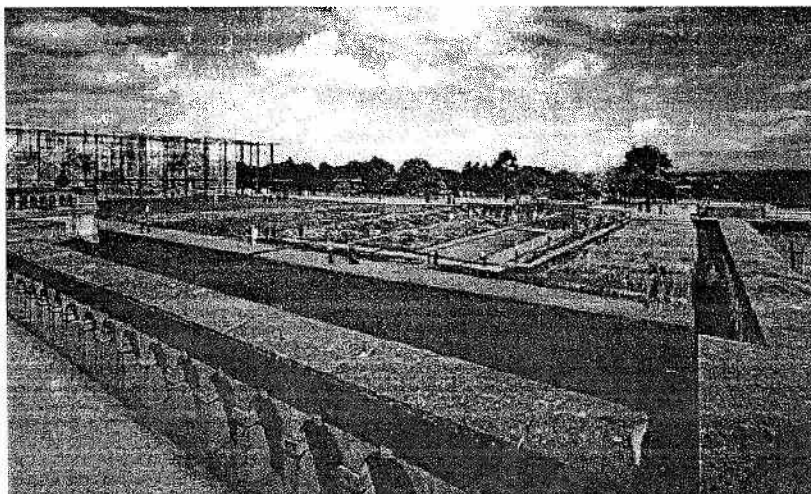
22 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the 2006 Bromley Unitary Development Plan and the London Plan (Consolidated with Alterations since 2004).

23 The Crystal Palace Conservation Area Supplementary Planning Guidance is a material consideration.

Open space

24 Policy 3D.8 of the London Plan states that the Mayor will work with strategic partners to protect, promote and improve access to London's network of open spaces; to realise the current and potential value of open space to communities; and to protect the many benefits of open space, including those associated with health, sport and recreation, children's play, regeneration, the economy, culture biodiversity and the environment.

25 The park is one of south London's largest and has a unique range of features and attractions. While some, such as the Grade I listed dinosaurs, have benefited from recent improvements, other areas of the Park are neglected. Overall, the Park suffers from a lack of investment and appropriate management and does not make best use of its assets.



Proposed sunken garden and northern greenhouse from Design and Access Statement © Latz + Partner

26 The stated aim of the masterplan is to create a 21st century park that reflects Paxton's original ideas while responding to today's concerns and opportunities. The master plan's vision is for a Park that is innovative, inspirational, trend-setting, recreational, fun and educational for all and an exemplar of a modern sustainable park. This vision underpins five core principles for a revived metropolitan park and heritage asset, a sports and event park, a sustainable park, an accessible and integrated park and an education park.

27 The masterplan is comprehensive and ambitious. It successfully knits together a package of proposals that reinforce the different characteristics of the Park but with a series of overarching concepts to ensure that there is a coherent structure to the whole Park that meets the five principles and would deliver the stated vision. The end product would be a significantly improved park that will be of significant benefit to the residents of the five boroughs that the Park serves. The proposal will therefore contribute to the objectives of policy 3D.8.

Metropolitan Open Land

28 The majority of the application site is designated as Metropolitan Open Land. An area encompassing the National Sports Centre, athletics track and stands, residential tower and houses is designated as a Major Developed Site within MOL.

29 Chapter 3 of the London Plan is concerned with, amongst other things, open space. Policy 3D.8 (Realising the value of open space) states that *"The Mayor will work with strategic partners to protect, promote and improve access to London's network of open spaces, to realise the current and potential value of open space to communities."* In addition, London Plan policy 3D.10 (Metropolitan Open Land) also requires that *"The Mayor will and boroughs should maintain the protection of Metropolitan Open Land from inappropriate development"*.

30 The reference to "inappropriate development" flows directly from Planning Policy Guidance Note 2: Green Belts which sets out the Government's policy towards Green Belts but which equally applies to the protection of Metropolitan Open Land. London Plan policy 3D.10 states that there is a presumption against inappropriate development of MOL and that it is afforded the same level of protection as the Green Belt.

31 PPG2 goes on to consider the construction of new buildings on Green Belt or MOL to be inappropriate, except in very special circumstances for the following purposes:

- Agriculture and forestry.
- Essential facilities for outdoor sport and recreation; for cemeteries; and for other uses of land that preserve the openness of Green Belt and MOL.
- Limited extension, alteration or replacement of existing dwellings.
- Limited in-filling or redevelopment of major existing developed sites identified in the adopted development plan.

32 PPG2 states that inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. The very special circumstances needed in order to justify the inappropriate development will not exist unless the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to Green Belt when considering any planning application or appeal concerning such development. A key consideration is the level of impact to the openness of the Green Belt. These considerations apply equally to MOL.

33 The greenhouses, kiosks, museum, Rockhills community facilities, park rangers' building (part), cricket pavilion, cafe and dinosaur interpretation centre, central pavilion, regional sports centre and Rockhills housing are all within MOL. However, some can be considered as essential facilities and therefore appropriate within MOL; some are inappropriate; and some fall within the major developed site and therefore different considerations apply.

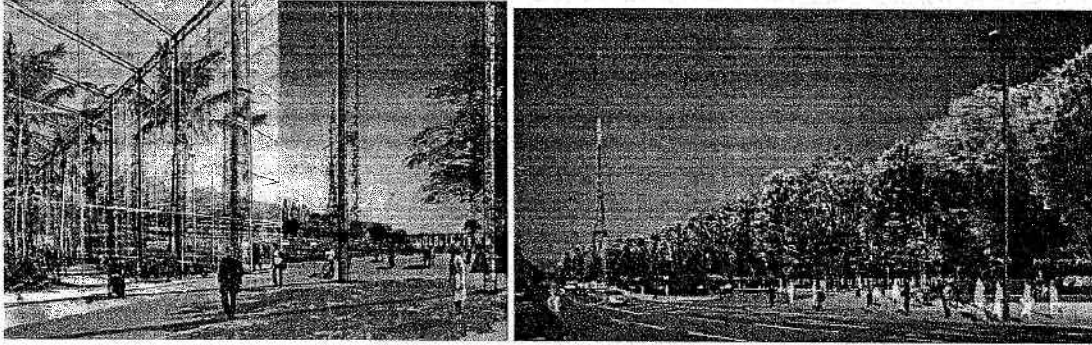
34 **Appropriate uses** – Paragraph 3.5 of PPG2 states that essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. PPG2 identifies that possible examples of such facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport, or small stables for outdoor sport and outdoor recreation. It is important to note that the assessment of what is considered essential should relate to the particular piece of land in question, both in terms of its size and use. Thus what is essential for a small park or small sports club is different to what is essential for a very large, multifunctional open space. In the case of Crystal Palace the assessment of what is essential should relate to the size and use of the park, taking into account its historical use and development.

35 The cricket pavilion, central pavilion, park rangers' buildings, kiosks, and cafe are all essential facilities for a large multi functional park and of a scale and use that one would reasonably expect to find in a park of this size. They are therefore clearly appropriate uses in MOL. The dinosaur interpretation centre and museum clearly relate to the historical features within the park and therefore can be considered essential for *this* park, as they clearly contribute to the overall experience of the open space and are directly related to it. They are of an acceptable scale to be considered appropriate. The two greenhouses echo the former Crystal Palace by framing the Italian terraces in the manner of the original Palace wings and relate to the history of the Palace and Park when formal gardens and horticulture featured heavily. Such botanical gardens are also features of other large parks, for example in Birmingham, Sheffield, Edinburgh and Kew. As with the museum and interpretation centre, the glasshouses are appropriate for *this* park given its size and history and given the aspiration to regenerate the park and turn it into a major destination.

36 All of these buildings fall within the area of the outline application. However, the parameter plans identify broad locations and maximum footprints and heights. The Design and Access statement includes a pattern book and design guidelines that satisfactorily demonstrate that the buildings can be designed to have a minimal impact on the openness of the MOL.

37 The museum building includes a viewing platform of up to 23m, which by virtue of its height will inevitably have some impact on the openness of the MOL when viewed from Crystal Palace Parade. The platform has been deliberately designed to provide extensive views over the park and south London and resonates both with historical activities in the park, when hot air balloons were used to give visitors a birds eye view and the use of the water tower as a viewpoint. Given the benefits of the museum/viewing tower the limited harm to openness is acceptable.

38 The glasshouses will also have a maximum height of 23m and will be visible from within the Park. The southern greenhouse will also be visible from Anerley Hill. The height is designed to provide the right headroom for the cultivation of the proposed trees and the buildings have been designed to appear as light and as transparent as possible. Again, the glasshouses resonate with historical structures and uses of the park and are of a scale and indicative design that one could reasonably expect in a park of this scale. They will also help frame the Italian terraces and introduce new 'grand' features that echo those of the past.



Proposed greenhouse (above) and view of museum from Crystal Palace Parade (above right) from Design and Access Statement © Latz + Partner

39 **Major developed site** – the area around the National Sports Centre is designated as a major developed site. Therefore the criteria set out in annex C of PPG2 will apply, in addition to policy G3 of the UDP. Any redevelopment should improve the openness of the park; have no greater impact on the purpose of including the site in MOL; not exceed the height of the existing sports centre or stadium or exceed the total footprint of development; enhance visual amenities of the park landscape; contribute to the achievement of the objectives for the regeneration of the park including integration with the park land surrounding; and be restricted to indoor or outdoor sporting uses only.

40 The planning statement states that the total footprint of the retained national sports centre and the proposed regional sports centre will be less than the current built footprint of buildings within the Major Developed Site (as a result of the demolition of various buildings). This will ensure the criteria set out in PPG2 will be met. However, Bromley should ensure that there is no increase in total footprint by way of condition (this would require a record to be made of the buildings to be demolished as outlined in paragraph C9 of PPG2). The proposals to remove peripheral buildings, walkways, structures and fences will significantly improve the openness of the park, enhance the visual amenity of the park landscape and provide a much better integration of the listed sports centre into the park. The removal of the walkways, stairs and fences and restoration will significantly improve permeability and accessibility through the park. The intention to construct the 2-storey regional sports centre beneath a green roof and cut into the sloping ground will significantly reduce its visual impact as well as provide more accessible park (on the green roof).

41 The proposals within the major developed site will significantly enhance the park and comply with the criteria set out in PPG2 and the Bromley UDP and are therefore appropriate development in MOL.

42 **Inappropriate uses** – the residential use at Rockhills is clearly inappropriate and therefore the applicant has provided very special circumstances that justify the proposal. These can be summarised as:

- Financial contribution from housing to facilitate the essential regeneration works
- Removal of the Caravan Club and return of 4.7 hectares of land to publicly accessible open space
- Provision of a new entrance to the park in this location.

- Provision of natural surveillance to enhance safety, define perimeters and access points and create a sense of place.

43 There is no question that the park is in a poor state of repair and represents a considerable non-statutory expense for Bromley Council, which took over the park when the GLC was abolished in 1986. It has a number of unique features, such as the listed Italian Terraces, which are in a very poor state of repair (much of this area is fenced off for health and safety reasons); the 'top site', much of which is fenced off and has become inaccessible due to the growth of scrub and self seeded trees and was also used for the disposal of bomb damage, but has remnants of the former Palace; and the listed sports centre which, with its associated structures, represents a significant barrier within the Park and significantly effects permeability.

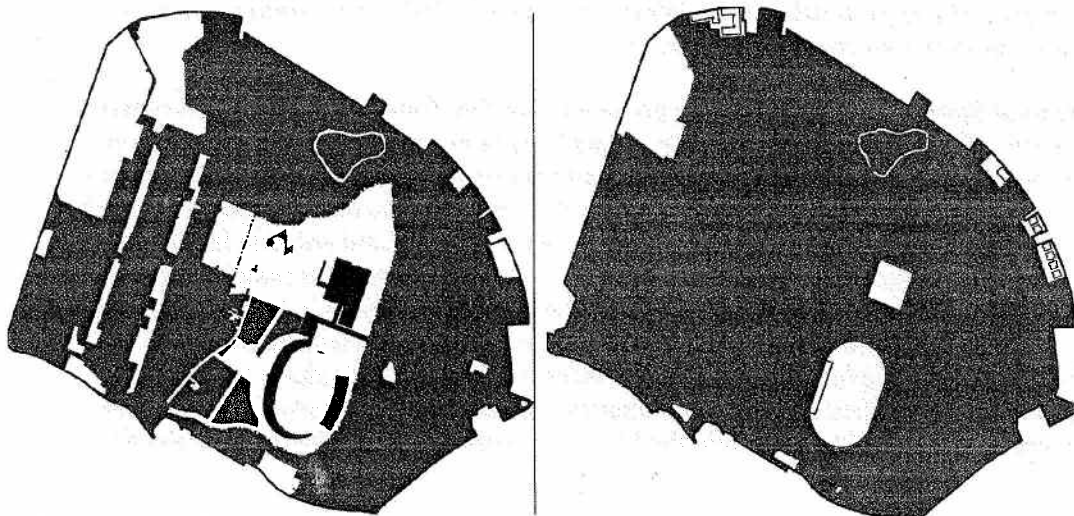
44 Having said that, a lack of public investment into parks and open spaces and the need to raise finance from the sale of a small part of an open space could not in itself be accepted as a very special circumstance. The lack of investment is a common feature for many local authorities particularly given the impacts of compulsory competitive tendering and the fact that the maintenance of open spaces is a not a statutory duty for local authorities. Therefore, if that was accepted as a very special circumstance in this case, it could set a precedent elsewhere in London.

45 However, there is a unique combination of factors in this case to suggest that very special circumstances do exist. Firstly, the Park is not a traditional urban Victorian park (such as Victoria Park or Battersea Park, which are both of a similar size and were both previously run by the GLC). It was a private park to which an entrance fee was charged with a huge indoor attraction and an eclectic range of attractions. It is commonly accepted as being the World's first amusement park. The historical legacy of this remains – in the form of the listed Terraces, the top site, the dinosaurs etc. These legacy features represent a significant cost, which are exceptional and not common to any other park in London. Secondly, the presence of the listed National Sports Centre and the athletics track and spectator stands significantly detract from the quality of the park – they represent a severe physical barrier in the middle of the park and give rise to further exceptional costs to remedy the problems they cause. Of course they are valued features in their own right, but nevertheless do not fit well with the rest of the Park. The fact that they were part of a much larger proposal for an exhibition centre that was never completed is also relevant. The partial implementation of a much bigger plan has resulted in truncated features such as the elevated walkways. Dealing with these problems is an exceptional cost that is unique to the history of this park.

46 Other factors that have some relevance are the historical precedent established by Paxton, of selling off parts of the edge of the park for residential development to fund ongoing maintenance and the fact that many other parks and open spaces of this size or character in London have alternative sources of funding – e.g. through the Royal Parks Agency, Corporation of London and precept on Council tax, although this is not the case for all parks of this size.

47 The programme of works set out in the application will vastly improve the quality of the park. The removal of substantial areas of hardstanding and other structures and the removal of the Caravan Club will significantly increase the amount of 'green' publicly accessible parkland. The improvements to each of the entrances and the general improvements to the routes through the park will enhance its accessibility making it more attractive and more useable by more people. The introduction of a whole range of new features such as the dinosaur interpretation centre, new museum, greenhouses, sunken gardens, water features, themed playgrounds, tree-top walk and rosary will also significantly increase the attractiveness of the park to a larger number of people – it is estimated that visitor numbers will increase from 1.8 million to 2.8 million.

48 The LDA has carried out a considerable amount of general and targeted consultation over a four-year period on both the planning framework and the masterplan. As a result of the consultation response the residential elements has been reduced and while there is not universal public support for the development at Rockhills there is a broad consensus that provided the income from the sale of the residential land is used to deliver the proposed improvements it is a price worth paying.



Existing parkland available for public use, 58.6ha (above left) compared to proposed parkland available for public use, 73.2 ha (above right)

49 In conclusion it is a unique combination of the above factors, together with the very detailed programme of works that have been identified, which will vastly improve the quality of the park, the return of 14 hectares of land that is currently inaccessible to public open space and the removal of substantial areas of hardstanding and car parking and return to 'green' open space that indicate that there are very special circumstances that justify inappropriate development in this instance.

50 The applicant has stated that the new entrance and the provision of natural surveillance would also constitute very special circumstances. However, while the entrance will be significantly improved and made more attractive, there is currently an entrance and the benefits from a larger and improved entrance are not sufficient to be accepted as very special circumstances. Similarly, the provision of natural surveillance from the new residential development could not be accepted as very special circumstances, since this is not an essential feature that a park of this nature would be expected to have.

51 The applicant has stated that the cafe and community building is an appropriate use of MOL. It is accepted that the cafe is appropriate, as this is the kind of facility that can be regarded as essential for a park of this size. However, the community facilities are less clear-cut, as it is not clear exactly what the community use will be. The Planning Statement states that it will provide a facility for local residents and those using the park, although the Design and Access statement suggests that there will be a children's nursery as well. Arguably the nursery is not an essential facility for the park, although the one-o'clock clubs in this park and elsewhere indicate that such facilities have become a common feature. Similarly the community facility is not essential, although it can be argued that the Crystal Palace was host to a whole range of community activities and as such a community building in this park could be acceptable. Given the relatively small scale of the cafe/community building (up to 670 sq.m.), the fact that the cafe is appropriate

and the community facility/nursery has some historical association with the park, the building is appropriate. However, Bromley Council may wish to specify a maximum floorspace that can be allocated to the nursery use.

Historic environment

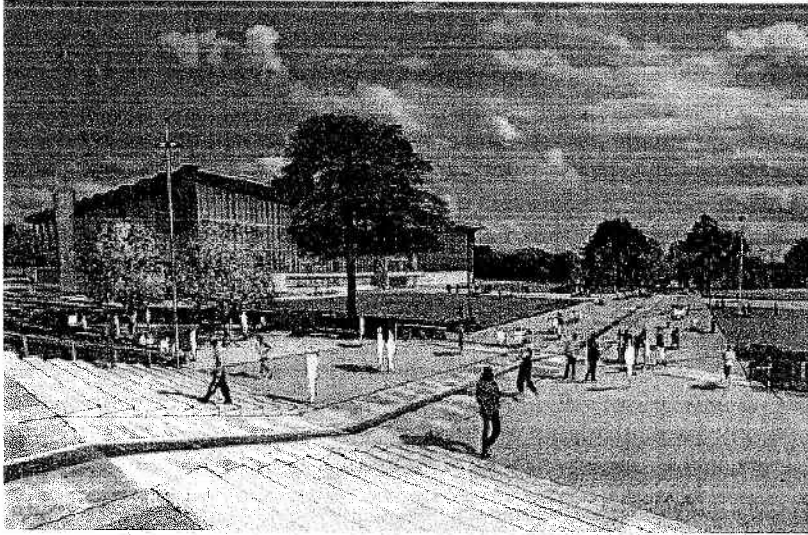
52 In addition to containing a number of individual heritage assets, the Park itself is a heritage asset of substantial value as recognised by its Grade II* listing status. There are a number of listed and locally listed structures and buildings in addition much of the application site lies within a conservation area. The listed building most affected by the proposals is the national sports centre; there is also some impact on the listed subway.

53 **National Sports Centre:** during the preparation of the Planning Framework consideration was given to demolition of the National Sports Centre, due to extensive costs to repair and restore the building and the practical difficulties in finding an alternative use. The Centre experiences a number of fundamental design problems, which have resulted in the building no longer being able to provide a facilities suitable for community and elite users. The dry and wet side facilities are split broadly east/west along the spine of the building. However, there is no complete separation, which means that noise spreads from one use to another and the variations in temperature and humidity cannot be controlled. In addition, the glazed facade causes an uncomfortable environment. The swimming facilities do not meet recognised sporting standards and these deficiencies cannot be rectified without major alteration or extensions. The plant and machinery are nearing the end of their design life and the LDA is currently investing heavily in repairs and upgrades.

54 However, following extensive discussions with Bromley Council, English Heritage and the Twentieth Century Society, it was decided to retain the building and convert it to a 'low-key use'. The applicant has carried out a comprehensive historic buildings assessment, which provides detail on how the conversion preserves the special historic and architectural interest of the building whilst removing the features that do not possess merit for alteration or renewal. This provides a full analysis of the building and setting and sets out in detail the structures to be demolished and the works to be carried out.

55 The proposals submitted as part of this listed building consent application will positively benefit the setting of the listed building as well as the registered park and conservation area. The removal of infill structures erected in the 1970s will enable a much more appropriate setting to be established for the listed building. The demolition of the raised pedestrian entranceway, or podium, will also improve the setting of the listed building and will enable the re-establishment of Joseph Paxton's axial access through the park. Its removal is positive; it has always dominated the park, inhibited views and inhibited pedestrian permeability. It is also clear that the listing of the building excluded this element. The proposals to bring the landscape right up to the building will also provide positive benefit by integrating the building much more successfully with the historic park, and softening the harsh environment currently around the building.

56 Some of the proposals will impact upon the special interest of the listed building. In particular, the 'rafting' over of the swimming pools in the eastern section of the building is irreversible and will affect future understanding of the original uses of the building and its importance in social terms. This negative effect, however, does not fundamentally undermine the special interest of the building, which will retain the concrete spine and its principal interlinking spaces. The original plan form, though altered in character through the removal of the swimming pools, will substantially remain.



Restored Paxton Axis and listed National Sports Centre from Design and Access Statement © Latz + Partner

57 **Listed subway** – the outline application proposes the restoration of the listed subway and change of use to museum/cafe/interpretation centre. However, detailed proposals have not been submitted, nor has an application for listed building consent. The principle of the proposed works is acceptable. However, the detailed proposals will need to demonstrate that national and regional policy can be satisfied.

58 **Locally listed buildings** – the ranger's lodge, residential buildings, lodge tower and Jubilee Stand are proposed for demolition. Primarily it is for Bromley Council to assess the acceptability of this demolition against local policy. However, the removal of all of these buildings is crucial to the implementation of the masterplan and the significant benefits to the park of the masterplan outweigh any harm caused by the loss of these buildings.

59 **Demolition of buildings in the conservation area** – PPG15 establishes a presumption against the demolition of buildings that make a positive contribution to the character or appearance of a conservation area. The application provides a detailed justification for all of the buildings (including the local listed buildings referred to above) in the conservation area. All of the buildings not locally listed are described in the environmental statement as having a neutral or negative contribution to the conservation area. This assessment is accepted and therefore there is no harm in their removal – rather, they allow for the significant improvements to the park to be made, which will have a positive contribution to the conservation area and contribute to the objectives of the conservation area as set out in the conservation area SPG.

Urban design

60 Good design is central to all objectives of the London Plan and is specifically promoted by the policies contained in Chapter 4B which address both general design principles and specific design issues. London Plan Policy 4B.1 sets out a series of overarching design principles for development in London. Other design policies in this chapter and elsewhere in the London Plan include specific design requirements relating to maximising the potential of sites, the quality of new housing provision, tall and large-scale buildings, built heritage and views.

61 For the outline application the design and access statement describes the design rationale for each building and sets out design guidelines and a pattern book to inform the development of detailed proposals. In addition the environmental statement establishes parameters for the

location, footprint and height of each of the buildings, in order for their environmental impact to be assessed.

62 The majority of the works to the park relate to improving permeability by the introduction of a clear hierarchy of routes which are clearly way-marked in a coherent manner; enhancing the gateways to the park to help re-connect the park to the surrounding residential areas; enhancing the biodiversity and providing new landscaping features; introducing a number of themed play areas; introducing various linked water features; improving safety and security through a variety of measures, including the provision of a co-ordinated lighting scheme; and introduction of co-ordinated park furniture. The built elements are one element of a clear, coherent approach. They are intended to be contemporary, innovative and distinctive, but sensitive to their historic setting, and demonstrate exemplary standards of sustainability and environmental design. While each building has been considered in terms of its specific context, there is an intention for all of the buildings to be recognised as a coherent group within the park.

63 The overall design approach successfully responds to the surrounding context, protecting and valuing heritage assets (such as retaining and integrating the Crystal Colonnade into the college building). It proposes a palette of materials that respond positively to the setting of the buildings within the park.

64 The provision of detailed elements, such as green walls, green roofs, and trellises, climbing plants and habitats for animals and birds, as indicated in the design and access statement, will need to be delivered at the detailed design stage. However, it may be necessary to secure provision of these elements by condition or section 106 agreement.

65 The indicative design and massing of the residential elements has been developed following historical, heritage, visual and contextual analysis. In general this is well resolved and represents an appropriate response. Bromley Council will need to be satisfied that the local impact on adjoining properties is acceptable.

66 The full application for the improvements to and around the listed building set out in detail the proposed works. These involve internal alterations to the National Sports Centre and removal of various buildings and structures in its vicinity. However, it does not involve the development of new buildings. The heritage impact of the proposals has been discussed above and there are no further design implications.

Biodiversity

67 The proposed development partly impacts on a Site of Borough Importance for Nature Conservation – Crystal Palace Park, as identified through the adopted procedures for London.

68 A detailed desk study and ecological surveys were undertaken as part of an ecological impact assessment, submitted in support of the proposals. The scope of these was informed by a consultation exercise with relevant wildlife conservation organizations. Targeted surveys have been undertaken for bats, birds, reptiles and invertebrates.

69 Some areas of habitat would be lost as a result of construction activities and landscaping. This includes the felling of some trees and woodland and the demolition of buildings. However, one of the fundamental aspects of the proposals is to enhance the long-term ecological value of Crystal Palace Park. Briefly, projects to achieve this include wetland water quality improvements; habitat creation involving new wetland, woodland and grassland; a net gain in vegetated surfaces; and a more effective future management regime to benefit the park's ecology.

70 The mitigation measures as proposed in the Environmental Statement meet the requirements of London Plan policy 3D.14 and therefore the proposals are acceptable in biodiversity terms. However Bromley Council will need to use appropriate conditions or section 106 agreement to ensure that the mitigation measures are secured.

71 A tree survey to the required British Standard has been carried out. This identifies all the trees within the Park and records several characteristics including species, size, condition and quality. Trees are allocated a retention category according to their quality, amenity and life expectancy. Of the 1,968 trees surveyed in the Park only 43 (2.2%) are likely to pre-date the creation of the Park and only a further 33 (1.7%) are likely to date from when Paxton laid out the Park. While a number of trees will need to be removed, the majority of these are in such a poor condition that they should be removed for sound arboriculture reasons. Many of these are Horse Chestnuts that suffer from Bleeding Canker. There are some better quality trees that need to be removed in order to implement that masterplan and the reasons for these are accepted. On completion there would be a net increase of 1,100 trees.

Waste

72 On the whole, the proposals for waste management set out in the proposed waste strategy are consistent with strategic planning policies. The following elements are fundamental to the success of the strategy and therefore it is important that implementation of the strategy is secured by condition or 106 agreement:

- The use of a site waste management plan, which includes measures to ensure that waste is managed in a sustainable manner during construction and demolition.
- The use of regular audits to manage the amount of waste generated and identify re-use and recycling targets.
- Target to achieve 100% reuse of demolition and excavation materials on site subject to the material arisings being suitable for re-use
- Exploring opportunities to re-use demolition, excavation and construction waste on other construction sites if it cannot be used on the existing site.
- On-site storage of materials prior to re-use to avoid the need for off-site removal.
- Landfill disposal as close as possible to the site, to minimise the impact of transportation in line with the 'proximity principle'.
- Ensuring at least 10% of the total value of specified materials are derived from recycled and reused products and materials, with a commitment to specify a higher percentage where possible during detailed design phases.
- Provision of recycling bins in all buildings to facilitate the recycling of paper, cardboard, glass, cans and other recyclables.
- Provision of litter bins within the park to allow the collection of recyclable material as far as possible.

73 It should be noted that with regard to recycling of household waste policy 4A.21 of the London Plan requires the provision of facilities to exceed recycling or composting levels in municipal waste of 35% by 2020 and 45% by 2015. The applicant should also be cognisant of the Mayor's aspiration for higher targets for recycling and composting of 50% by 2010 and 60% by 2015 so this should be taken into consideration when allocating storage for recyclables. Given this is a mixed-use development the applicant should aim to achieve a recycling or composting levels in commercial and industrial waste of 70% by 2020.

74 The waste arisings and storage requirement section (Paragraphs 19.107 – 19.120 of the waste section of the environmental statement) of the strategy focuses primarily on providing

storage for dry recyclables. The applicant should, however, ensure that sufficient storage and reprocessing capacity for commercial and industrial waste recycling as well as food/green waste is also incorporated into the masterplan for the development. Where possible the applicant should investigate the possibility of providing an on-site in-vessel composting or anaerobic digestion facility for reprocessing food waste on site.

75 Paragraph 19.102 of the waste section of the environmental statement states "Hazardous material (anticipated to be some Made Ground and contaminated natural soils) would be treated or disposed of in accordance with the Landfill Regulations 2002 and Hazardous Waste (England and Wales) Regulations 2005 at authorised waste treatment and disposal sites".

76 There is, however, no mention of temporary storage, treatment and remediation of contaminated soil and demolition waste will be dealt with on-site during development. Bromley Council should use a condition or section 106 agreement to address this issue.

Leisure and tourism

77 The restoration of the park and the introduction of various new visitor attractions, such as the museum, dinosaur interpretation centre, tree top walk and greenhouses will significantly enhance the attractiveness of the park as a visitor and tourist destination, thus contributing to the objectives of policy 3D.7 of the London Plan, which is to increase the quality, variety and distribution of visitor facilities.

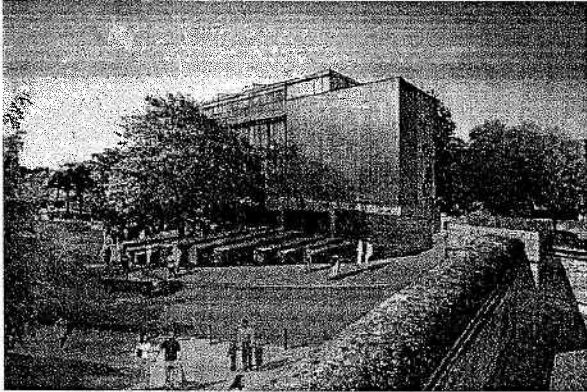
78 The development of a new regional sports centre will maintain the presence of wet and dry leisure facilities within the park, thus ensuring that access to these facilities to the local catchment area is retained and thus complying with the objectives of policy 3D.6 of the London Plan. Since the site is allocated for leisure use in the UDP there is no requirement to carry out a sequential test analysis.

79 Policy 3D.7 'visitor accommodation and facilities', states that borough councils should support the provision of a wide range of tourist accommodations such as camping and caravan sites. However, it does not indicate that the loss of such facilities should be resisted. Nevertheless, the removal of the caravan club would represent a loss of tourist accommodation, which is of a specialist nature that would potentially be hard to relocate. However, the removal of the caravan club provides an opportunity to return 4.7 hectares of land to publicly accessible park, enabling the enhancement of the Rockhills entrance, thus improving the accessibility of the park to residents in its vicinity and facilitates the residential development, which in turn is necessary to deliver the substantial park improvements. In conclusion, the limited harm to strategic policy caused by the loss of the caravan club is outweighed by the benefits brought about by the application.

Education and temporary accommodation

80 The application proposes a new college and lodge building on a site adjacent to Crystal Palace Station. The college element would replace the existing horticultural college that is currently located within the Jubilee stand (which would be demolished). The college is run by Capel Manor, which runs full-time, part-time and short courses (day and evening) in a range of subjects including horticulture and landscaping, animal care and countryside management that lead to nationally recognised qualifications, enabling students to progress to employment or higher education. Capel Manor also proposes to re-open the urban farm within the Park. Capel Manor is based on six sites in London including Regent's Park and Gunnersbury Park. The college has a direct relationship with the park in terms of the farm and courses provided. There is also a historical connection in that the Park was a base for a number of education establishments.

81 The overnight accommodation would replace the loss of the accommodation for sports students that currently exists within the residential lodge, which is to be demolished. It therefore has a direct relationship with the park in terms of providing temporary accommodation for athletes using the National Sports Centre. It is proposed that this would continue, but that students at the college would also be able to use the accommodation on a short-term basis.



Proposed college and accommodation building from Design and Access Statement © Latz + Partner

82 The uses are therefore acceptable; will benefit from the highly accessible location (to be further improved by the East London Line extension); and are supported by London Plan policies 3A.25 and 3D.6.

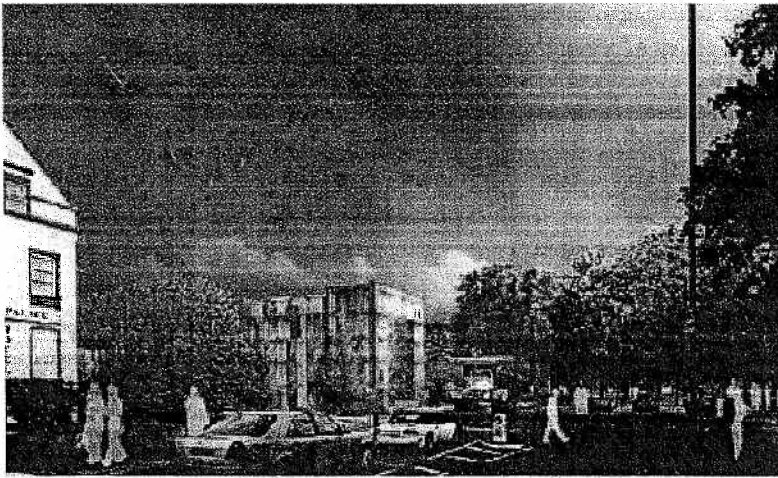
83 The building has a maximum floorspace of 4,140 sq.m. and a maximum height of 21m. The environmental statement acknowledges that it would be visible from Anerley Hill and from some points within the park and that the residual impact of this would be adverse. However, there are buildings already within these views and this, coupled with the landscaping of the area around the college and lodge, should reduce any impact.

84 The proposed design of the building has undergone changes following pre-application discussions, for example the existing brick wall, which is thought to have formed part of the original colonnade from the station, is to be retained and integrated into the proposed building. The massing of the building has also been reduced by setting back the upper levels. The indicative design envisages the use of timber and glass to minimise impact but also reflect the historical development in the Park. The building would help reinforce the entrance to the Park at this location, providing an active focal point. On balance any adverse visual impact is outweighed by the benefits of the building itself and the overall benefits that the application brings to the Park.

Housing

85 London Plan Policy 3A.10 requires borough councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes. In doing so, each council should have regard to its own overall target for the amount of affordable housing provision. Policy 3A.9 states that such targets should be based on an assessment of regional and local housing need and a realistic assessment of supply, and should take account of the London Plan strategic target that 35% of housing should be social and 15% intermediate provision, and of the promotion of mixed and balanced communities. In addition, Policy 3A.10 encourages councils to have regard to the need to encourage rather than restrain residential development, and to the individual circumstances of the site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements.

86 Policy 3A.10 is supported by paragraph 3.52, which urges borough councils to take account of economic viability when estimating the appropriate amount of affordable provision. The 'Three Dragons' development control toolkit is recommended for this purpose. The results of a toolkit appraisal might need to be independently verified



Proposed housing at Rockhills from Design and Access Statement © Latz + Partner

87 Where borough councils have not yet set overall targets as required by Policy 3A.9, they should have regard to the overall London Plan targets. It may be appropriate to consider emerging policies, but the weight that can be attached to these will depend on the extent to which they have been consulted on or tested by public examination. The Council's UDP seeks 35% with a 70:30 tenure split.

88 In this instance no affordable housing is proposed. This is because all of the profit arising out of the residential development is used to fund park improvements. Indeed, if the park improvements were not being proposed there would be no residential development. The housing that is proposed represents the absolute minimum that is necessary to fund the level one works. If there was a requirement to provide some affordable housing, there would have to be additional private housing to generate value, this would clearly result in a greater impact on MOL. Therefore under these circumstances a zero provision of affordable housing is acceptable. Bromley Council should ensure that a sufficiently robust Section 106 is put in place to ensure that the residential development is used to deliver the level one works.

89 The application confirms that the residential development will provide 10% wheelchair housing and will be 100% lifetime homes compliant, in line with the requirements of the London Plan. Bromley Council should secure this by way of condition or Section 106 agreement.

90 The applicant has stated that the proposed residential mix is predominantly 1 and 2 bed, with only 3% of units being 3-bedroom. The Housing SPG identifies a London-wide housing mix requirement for market units of 25% 1-bed and 75% 2/3 bed. However, it goes on to state that needs will vary locally and borough councils should make their own assessments. The 2003 Housing Needs survey for Bromley concludes that there are shortages of 1 and 4 bedroom units in the private sector. To some extent this proposal meets that need, although the exact split between 1 and 2 bedroom units has not been identified at this stage. The applicant's desire is to provide a housing mix that maximises income for works to the Park. However, it is important that a balance is struck between this and ensuring that the residential developments provide sustainable living environments that meet the needs of local residents. Having regard to its local needs the Council should consider specifying a housing mix in the Section 106 agreement.

Children's play space

91 Policy 3D .13 of the London Plan sets out that *"the Mayor will and the boroughs should ensure developments that include housing make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs."* Because the application is in outline and the final unit size mix has not been determined it has not been possible to predict the number of children within the development (using the methodology within the Mayor's supplementary planning guidance 'Providing for Children and Young People's Play and Informal Recreation'. However, if all the units were 1 and 2 bed as proposed, then there would be approximately twenty children of which twelve would be aged five or under. The guidance sets a benchmark of 10 sq.m. of useable child play space to be provided per child, with under-5 child play space provided on-site. As such the development should make provision for 200 sq.m. of play space.

92 This development involves significant enhancements to the adjacent Park, including the provision of a number of new themed play areas as well as a range of facilities for older children. Although some of these would be some distance away from the residential developments, there are playgrounds proposed close to the Rockhills development, where the bulk of the housing is proposed, which are as near as on-site play spaces proposed in larger residential developments. Therefore there should be no additional requirement for children's play space. However, Bromley Council should ensure (via a condition or section 106 agreement) that the play space associated with the proposed nursery is made available to the public, when the nursery is closed, as indicated in the Environmental Statement.

Climate change mitigation and adaptation

93 The London Plan climate change policies as set out in chapter 4A collectively require developments to make the fullest contribution to the mitigation of and adaptation to climate change and to minimise carbon dioxide emissions (Policy 4A.1).

Climate change mitigation

94 London Plan policies 4A.4-11 focus on mitigation of climate change and require a reduction in a development's carbon dioxide emissions through the use of passive design, energy efficiency and renewable energy measures. The London Plan requires developments to make the fullest contribution to tackling climate change by minimising carbon dioxide emissions, adopting sustainable design and construction measures and prioritising decentralised energy, including renewables.

95 The applicant has applied the London Plan energy policy and commits to an overall carbon dioxide reduction of at least 40% beyond minimum building regulations requirements.

96 It will reduce carbon dioxide emissions by 15% through energy demand reduction measures, followed by a further 10-12% using combined heat and power (CHP) or combined cooling heat and power (CCHP). It will reduce emissions by a further 20% through on-site renewable energy technologies.

97 The nature of the proposal means that the main energy users are located in three clusters, with additional buildings within the park. Each of these three clusters will have its own heat network linked to an energy centre with power and heat supplied by CHP as set out in the table below.

Cluster	CHP size	% CO2 reduction for cluster	% reduction for scheme
Regional and National Sports Centres	210 kW electrical	11.4%	7.2%
Rockhills residential	70 kWe	19.9%	2.3%
Sydenham residential	33 kWe	17.3%	0.8%

98 The CHP systems have been sized to meet the domestic hot water load in for the sports centres and to exceed it for the residential.

99 The provision of absorption chillers to turn waste heat from the CHP to cooling has been considered and is feasible. The potential carbon dioxide savings are marginal and sensitive to several factors. The applicant does not appear to commit to their provision at this stage.

100 Biomass boilers are proposed for the above clusters to provide additional space heating, and are also proposed for the museum. Solar water heating panels are proposed for the Lodge and Penge Gate cafe to meet approximately half of the hot water loads in each case.

101 The approach to provide three heat networks each served by an energy centre with CHP is acceptable in this instance given the circumstances of the site, i.e. the significant distances between the three clusters and the different phases of these elements.

102 There is limited information on the feasibility of renewable energy technologies and although the target has been met, there are a number of factors that may influence its suitability at the detailed stage. The sizing of the biomass boilers will be dependent on the integration with CHP. In line with policy 4A.6, CHP should be sized to minimise carbon dioxide emissions and in the event that the biomass system cannot achieve a 20% reduction upon detailed sizing of the system, the size of the CHP should not be compromised. At the time of implementation there may be scope for the larger CHP to be powered by renewable fuel or fuel cell technology.

103 The strategy should be revised to provide flexibility to deal with this potential by committing to review CHP technologies at the detailed stage, including renewable CHP and fuel cell technology and in committing to the 20% testing the feasibility of photovoltaics and ground source heat pumps for other uses, such as the cafe or lodge as there is a space heating/cooling demand.

104 As the scheme is at the outline stage, the Council should secure the strategy and its delivery through appropriate section 106 clauses.

105 The outline scheme is consistent with London Plan policies on energy and the Council should ensure that strategy is reflected in the s106 heads of terms. There should be a requirement for reserved matters applications to demonstrate consistency with the site-wide strategy. The reduction in carbon dioxide emissions from energy efficiency and renewable energy, the provision of the heat networks and the inclusion of the proposed technologies should be secured as a minimum. As part of any clause on the provision of CHP and CCHP, there should be a requirement to size the system to minimise carbon dioxide emissions and for the feasibility of renewable fuel CHP and fuel cell technology to be considered.

Climate change adaptation

106 London Plan policy 4A.9 outlines five principles for ensuring effective adaptation to climate change in new developments. Further guidance is given in the Mayor's Supplementary Planning

Guidance 'Sustainable Design and Construction,' which sets out the Mayor's essential and preferred standards for sustainable design and construction.

107 The outline application proposes a sustainable drainage system, which in part will double up to provide enhanced water features. The applicant has committed to achieving Code for Sustainable Homes level 4*, which sets a water consumption limit of 105 litres/person/day and has also committed to 100% water metering and installation of rainwater harvesting. These features combine will ensure that the proposal contributes to climate change adaptation and should be secured by the Council.

108 The planting of 1100 additional trees will not only have significant visual benefits but will also help mitigate against the urban heat island effect and therefore will positively assist in climate change adaptation.

Accessibility

109 Policy 4B.5 of the London Plan expects all future development to meet the highest standard of accessibility and inclusion. This, together with the London Plan's supplementary planning guidance 'Accessible London: achieving an inclusive environment', underpins the principles of inclusive design and the aim to achieve an accessible and inclusive environment consistently across London. Policy 3A.5 of the London Plan requires all new housing to be built to 'Lifetime Homes' standards and 10% of all new housing to be designed to be wheelchair accessible to meet the full range of housing needs.

110 The application recognises the importance of integrating inclusive access for disabled people at the masterplan stage and aims to achieve an exemplar of a modern sustainable park for all. The fact that one of the main principles outlined in the Framework is the need for the park to be an accessible and integrated park and the importance of meeting inclusive design principles is also welcomed.

111 As a park historically associated with innovation and displays of design excellence this is an opportunity to show-case how to integrate inclusive design into the regeneration of a park whose nature and topography pose significant challenges in terms of inclusive access particularly for disabled and older people given the significant level change along the central axis of the park. The approach to resolve these issues includes a tree top walk that begins and ends with level access and uses the natural topography to provide an aerial perspective of the park for everyone including wheelchair users, children and people of short stature without the need to use lifts or other potentially unreliable mechanical means wide promenades that provide safe and accessible routes including level access across the main axis are proposed. It is also proposed to open up the park edges to enable more permeability and the improved access at the entrance gates. The detailed design of the proposed sunken gardens in the Italian Terraces and their associated ramps and steps needs careful detailed assessment to ensure that the needs of disabled people are resolved effectively.

112 The masterplan has incorporated issues affecting access for disabled and older people effectively. This approach now needs to be secured by condition and Section 106 Agreement to ensure that inclusive design principles continue to be followed throughout the detailed design process. However, no survey appears to have been undertaken to highlight the specific barriers to accessing the park by disabled and older people, for example the provision of blue badge parking bays; the location, design and availability of accessible public toilets; the level changes across the main pedestrian paths and the availability of step free routes with reasonably gentle gradients; the signs, interpretation and wayfinding provision for people with impaired sight; the quality and accessibility of the paving surfaces etc. A survey of the existing barriers will help assess whether

the proposals will be effective in removing barriers to access and creating an inclusive park. This should be undertaken as soon as possible and the results fed into the masterplan programme, with continuing engagement from those local users and disabled and older people with a knowledge of access barriers in a park environment.

113 As well as being an opportunity to showcase the development of a fully accessible public realm, this is also an opportunity to showcase fully accessible new housing developments that not only meet Lifetime Homes standards but are also designed to be capable of being easily adapted to meet the needs of occupiers who use a wheelchair. The commitment to meet these standards accords with the London Plan policy; however, given the size and nature of the proposed new homes, an assessment of whether more than 10% of the new homes can be designed to be easily adaptable for wheelchair users meet should be considered. Detailed layouts of the flats and houses should be submitted for approval to demonstrate that these accessible housing standards have been met.

114 Any proposals to improve the accessibility of the existing or any proposed new sports facilities should learn from the debates at the Olympic Delivery Authority Built Environment Access Panel. The current existing arrangements at Crystal Palace Sports Centre of trying to create an accessible building in a difficult environment makes meeting best practice a challenge, but the designers should use Sport England's revised design guidance on access for disabled people as a minimum standard and should build on the best practice that the Olympic Park venues are aiming for.

115 The provision of cafes and community facilities is welcomed as these enable many older and disabled people to make use of the park's other opportunities and facilities.

116 The masterplan proposals were presented to the London Access Forum by the LDA in July 2008 and the Forum made the following comments:

- A Parkmobility scheme should be provided.
- The opportunity should be taken to provide ramped access into the swimming pool.
- Accessible fishing stands should be provided.
- Children's play areas should be fully accessible and incorporate accessible / inclusive play equipment.
- All toilets in the park should be fully wheelchair accessible and should include a 'Changing Places' facility which includes a ceiling track hoist, a changing bed and a spacious peninsula layout.
- Separate accessible baby change facilities should be provided.
- Accessible seating areas and resting points should be provided throughout the park.
- Any ramps provided as an alternative to flights of steps should have gradients no steeper than 1 in 20. Ideally there should be some routes through the park that are no steeper than 1 in 60.

117 The approach to integrating the access needs of disabled and older people into this project needs further development and a strategy for achieving an inclusive project needs to be established and a mechanism set up to achieve this. The appointment of an access consultant to develop a strategy and to work closely with the designers from the outset is recommended.

118 If planning permission is granted the Section 106 Agreement should incorporate the following requirements with regard to achieving an inclusive project:

- An Access Strategy should be developed for Crystal Palace Park and submitted to Bromley Council for approval, which sets out the vision and establishes appropriate mechanisms and inclusive access design standards for ensuring inclusive design is integrated into the regeneration of the park and which designers abide by.
- An access statement should be submitted for each of the reserved matters applications for approval which is based on and reflects the vision and mechanisms set out in the approved Access Strategy.
- An independent Crystal Palace Park Consultative Access Forum should be set up for the applicant to consult with and take advice from. Other strategic access forums could be used as a role model, e.g. ODA BEAP, SCCAG, Brent Access Forum. Clear terms of reference for the group should be established at the outset and set out in the S106 Agreement, including details of the size and membership of the group; payment of members (expenses and time as appropriate); timing, protocols and locations of meetings etc. Members should consist of people with expertise in inclusive access and personal experience of disability issues drawn from the local and regional community including existing users of the park and its sporting and other facilities. The function of the group should be to:
 - Help develop the access strategy – the group should be consulted and their comments incorporated into the strategy prior to its submission for approval to the LPA.
 - Comment on the proposed inclusive access standards that will guide the detailed design prior to their submission for approval to the LPA.
 - Help ensure that designers, project managers and others involved in the project to regenerate the park have a thorough understanding of and a commitment to inclusive design principles and how to achieve the highest standards of accessibility, and to disability equality and working with disabled people throughout the design process.
 - Work with the designers at each stage of the detailed design process, prior to the submission of any reserved matters applications.
 - Submit independent comments to the LPA on the access statement and detailed design of each appropriate reserved matters application.
 - Comment on any lighting, park furniture, safety and security and other relevant strategies.
- Undertake an access audit of the park in conjunction with the consultative access forum and identify and agree recommendations for improvement. Use the results of the audit to inform the development of the access strategy and the detailed design.
- Undertake an assessment of accessible public and private transport provision including blue badge parking and pedestrian routes from surrounding streets into the park and use the results to inform the detailed design.
- The transport event management strategy, travel plans and parking management plans should make specific reference to how the needs of older and disabled people are addressed and integrated into the proposals (including the initial provision of blue badge parking bays, their enforcement, and monitoring future supply and demand).
- Undertake a feasibility study into the development of a Park Mobility Scheme as well as the proposed light passenger vehicle route for electric buses and make provision for their future funding.

- Prepare and submit for approval to the LPA an accessible wayfinding, information and interpretation strategy for visitors to the park and users of the sporting and other facilities.

Transport for London

119 Extensive discussions have been taking place with TfL since 2005 in relation to the masterplan for the park, and the subsequent planning application. Whilst those were therefore the object of numerous detailed TfL comments on the proposals and supporting information, outstanding concerns were raised in relation to car parking, trip generation, highway assessment and modelling, construction impacts and servicing, as well as public transport impact and pedestrian / cycle linkages. Additional information has recently been submitted by the applicant since to address those and a summary of TfL's current position is therefore provided as follows.

120 Whilst TfL welcomes the overall reduction in car parking spaces by comparison with the existing provision, justification should still be provided by the applicant to clarify the rationale for the 383 proposed spaces, including how it relates to the estimated vehicle generations, to the results of the parking accumulation study and to the effect of parking overstay by visitors.

121 While it is accepted that the introduction of a potential controlled parking zone (CPZ) for the area, as initially requested by TfL to protect the local surrounding roads from over spills, presents some implementation issues. TfL however requested confirmation from the applicant that a condition and / or s106 contribution would be secured towards monitoring the traffic conditions on the local roads, particularly at the Rockhills junction, following completion of the development; fund any localised loading and/or waiting restrictions, and; modification to traffic signals, if shown necessary to reduce over spills in consultation with TfL, so that the development is compliant with London Plan policy 3C.17 (Tackling congestion and reducing traffic) and 3C.23 (Parking Strategy).

122 As previously requested, the proposed decrease in car parking level at Rockhills, the Car Park Management Plan including the strategy for on-site and subsequently off-site parking arrangements, as well as the Coach Parking Plan and the Event Management Strategy are all supported. Although it is accepted that size and events at the Park are currently unknown, TfL however requested confirmation that all of the above would be secured through condition and approved in consultation with both TfL and Bromley Council. This has now been agreed by the applicant.

123 Additional information has been recently received by the applicant to address TfL's initial concerns raised in relation to trip generation, including site selection, linkages between sites and modal split; assignment; highway assessment and modelling validation. Whilst this is currently under TfL's consideration and will therefore be the subject of a separate response in due course, TfL would however remind the applicant and their representatives that, should the application be granted planning permission, this does not discharge the requirements under the Traffic Management Act 2004. As such, formal notifications and approval will be needed for both the temporary works and permanent scheme.

124 The provision of a construction management plan to be developed in agreement with TfL and Bromley Council is supported and should be secured through condition. The development of a waste collection strategy is also encouraged as details evolve. Additionally, the provision of a Delivery Servicing Plan (DSP), as referred to in TfL's London Freight Plan and in line with London Plan policy 3C.25 (Freight Strategy), was requested by TfL. This plan should be secured through condition or planning obligation and: i) seek to rationalise the number of delivery and servicing trips including waste, particularly during peak traffic periods, with the aim of reducing the impact

of residual freight activity; ii) ensure there is provision of adequate off-street loading facilities and iii) ensure that the delivery space and time is actively controlled through a site booking plan. This has now been agreed by the applicant.

125 TfL accepted that the development proposals would be accommodated on the existing public transport capacity network. Given that the development will generate additional bus trips, TfL however requested improvements to be provided towards public transport accessibility in line with policy 3C.9 (Increasing quality and integration of public transport) of the London Plan. TfL has subsequently considered the conditions of the 21 bus stops located within the vicinity of the site and has identified 11 of them as being non-compliant with TfL's current requirements. As such, TfL requested that a total contribution of £44,000 be required to fund these necessary improvements, which has now been agreed 'in principle' by the applicant and should be secured through s106 and / or condition. Furthermore, the applicant is reminded that any bus stops relocation required as part of the proposals will need to be approved by TfL London Buses.

126 Extensive discussions have taken place over the last few months with TfL in relation to the Croydon Tramlink extension and the bus station capacity. TfL is now satisfied that the proposed land take, the safeguarding, as well as the potential interactions concerns, previously raised in relation to the eventual tram extension, have now been all addressed. Subject to the announcement of a preferred tram alignment and subsequent progression into detailed design stage, TfL will however be happy to work very closely with the LDA and other stakeholders regarding any issues around incorporating a tram alignment into the Park and the revised bus station.

127 The pedestrian environment review system (PERS) audit assessment presented as part of the TA is welcomed and general improvements proposed as part of the masterplan towards pedestrian facilities and linkages are considered acceptable. As previously stated, TfL supports Option 2 ('Improvements to pedestrian crossing facilities without detriment to the operation and capacity of the junction) for the Crystal Palace Parade / Anerley Hill junction and would request to be kept up to date in the investigation of alternative designs for the two mini roundabouts of Fountain Drive and Sydenham Hill. Although the new Green Path Link is also supported, TfL would also request the applicant to investigate the scope for improving pedestrian permeability as part of the detailed design stage at the crossing facilities, particularly across Crystal Palace Park Road and Westwood Hill. Furthermore, although the proposed signalised pelican crossing to the west of Rockhills junction is supported in line with London Plan policy 3C.21 (Improving conditions for walking), TfL would encourage opting for a straight across, rather than staggered crossing, in line with TfL Streetscape guidance. Linkages to the London Cycle Network and cycle parking provision suggested on site are also considered acceptable, in line with TfL's guidance and London Plan policy 3C.22 (Improving conditions for cycling).

128 The Travel Plan provided for the site is welcomed, in line with policy 3C.2 of the London Plan (Matching development to transport capacity). It should also be secured through conditions / s106 agreement and includes targets and monitoring measures for all modes, particularly for pedestrian and cycles.

Deliverability

129 There are a number of documents that either form part of the application or that have been made available by the applicant to inform the application that refer to the delivery of the masterplan, including the planning statement, outline business case, master cost plan and sustainability statement.

130 It is important that there is as much clarity as possible about what is to be delivered, when and how. As it stands there is some confusion.

131 The total cost of the proposed works is £67.5m, although this excludes the cost of works to the national sports centre, new regional sports centre, new museum and Capel Manor student accommodation. The Planning Statement identifies that the proposed works have been divided into three levels. Level one works are the basic restorative works, considered to be the minimum necessary to bring the Park up to a local park standard and have been estimated to cost £41.8m. The works include the sunken gardens, some of the playgrounds, some of the water features, landscape works and restoration of the terraces. Level two works are those considered necessary to bring the Park up to a regional park standard and have been estimated to cost £17.3m and include the green-houses, cricket pavilion, museum (although this is excluded from the total costs), further playgrounds and water features, rosary and works to the concert bowl and maze. The level three works would bring the park to a national/international standard and have been estimated to cost £8.9m and include the tree-top walk, mist garden and Paxton spring.

132 The two residential elements are estimated to generate £12.8m, which if fully match funded would be sufficient to deliver more than half of the level one works.

133 There are potential sources of additional funding, including lottery funds and commercial and private sponsorship. However, there is still a strong likelihood of a funding gap for each level.

134 The Planning Statement emphasises that the entire level one, two and three works are not necessarily sequential or consecutive in their implementation – i.e. it is not physically necessary to complete all of level one works to then carry out level two works. However, the Statement concludes that the level one works will need to be completed in order to attract the likely commercial interest necessary to deliver levels two and three.

135 The Planning Statement also states that the income from the residential development will be essential to deliver level one works and states that the applicant would agree to committing all of the income from the residential developments to the level one works through a section 106 agreement.

136 The sustainability statement describes nine phases of work, which if carried out consecutively would take 18.5 years. It does state that these phases are very indicative, but phase four (which would be in year six if the phases are consecutive) includes the Rockhills and Sydenham residential development and the south greenhouse and refers to the 2019 break clause in the caravan club lease as being the trigger point of the residential development. Phase three includes the museum.

137 This appears to conflict with the planning statement, which suggests that the residential development would be part of phase one since the money from these is necessary to pay for the level one works. Furthermore it is unclear how the south greenhouse in phase four and the museum in phase three be built before/at the same time as the residential, as the planning statement implies, the residential is necessary to deliver the level one works which in turn is necessary to attract the investment for the level two and three works including the greenhouses/museum.

138 It is appreciated that given the uncertainty of funding sources and their potential timings it would be unreasonable and unnecessary to tie the applicant down to a specific phasing of works – for example it may be that Heritage Lottery Fund money is the first external source of funding secured, which would have to be spent on the restoration of the terraces and thus delivered before other elements of level one. It will also be necessary to ensure that the residential income secures

the maximum amount of match funding from other sources (where match funding is sought), which again may dictate some works are done in advance of others. On the other hand there needs to be some level of certainty about what the residential income will deliver and when, in order to justify the development on MOL.

139 The GLA is keen to discuss this further with the LDA and Bromley Council in order to ensure that the right balance is struck between setting out what is delivered when and allowing flexibility to respond to funding opportunities. The apparent confusion between the planning statement and the sustainability statement should also be clarified.

Local planning authority's position

140 Bromley Council is due to consider the application at a specially convened planning meeting on 7 December.

Legal considerations

141 Under the arrangements set out in article 3 of the Town and Country Planning (Mayor of London) Order 2000 the Mayor has an opportunity to make representations to Bromley Council at this stage. If the Council subsequently resolves to grant planning permission, it must allow the Mayor an opportunity to decide whether to direct it to refuse planning permission. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's comments unless specifically stated.

Financial considerations

142 There are no financial considerations at this stage.

Conclusion

143 The proposals set out in the hybrid application will result in a transformation of the Park and would be a significant benefit to south London. The majority of the built development is appropriate in MOL and has been sympathetically designed to minimise visual impact, any adverse visual impact is outweighed by the overall benefits of the proposal. The inappropriate residential development is justified by the unique and exceptional characteristics of this park which have led to the urgent need for the improvements (which themselves have widespread public support). The works to and around the listed National Sports Centre will have an overall positive benefit, as a result of the removal of extraneous buildings and structure which detract from the listed building and act as a severe barrier to permeability through the park and of the conversion of the building to a workable long term use.

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