

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 12/00339/FULL1

**Ward:
Crystal Palace**

**Address : Land North East Of Jubilee Stand
Crystal Palace Park Thicket Road Penge
London**

OS Grid Ref: E: 534518 N: 170744

Applicant : Capel Manor College

Objections : YES

Description of Development:

Use of land for demonstration garden

Key designations:

Conservation Area: Crystal Palace Park
Areas of Archeological Significance
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
Metropolitan Open Land
Sites of Interest for Nat. Conservation

Joint report with application refs. 12/00318 and 12/00340

Proposal

Consideration of these applications was deferred by the Sub-Committee on 12th April for the applicant to provide a plan showing the locations of the 3 proposals and of the existing areas of land at the Park which the College uses. Members also asked that the report be amplified to include assessment of the impact on the residential amenities of adjoining properties, and make more detailed reference to the Masterplan and the existing uses of land at the proposed locations. The report has been amended accordingly, to include a summary of the objections received after the previous report was drafted.

These 3 applications have been submitted by Capel Manor College and are for small sites within the Park that are on or adjoining the land leased to the London Development Agency/Greater London Authority, and the proposals are as follows-

- 12/00318 – use of a vacant single storey building, storage container and adjacent hardstanding (previously used for motorcycle training) for

arboricultural and horticultural short courses, Monday-Friday 9am-5.30pm. The hardstanding was previously used for starting up motorcycles, it will be used for practising starting and testing chainsaws, generally after servicing/maintenance of them. It should be noted that some practice with chainsaws does take place in the woodland (where Application C is proposed) (Application A).

- 12/00339 – use of an unused grass area (which is fenced and not open to public access) for horticultural cultivation to enable students to undertake a range of horticultural practices and establish a range of plants to support their learning. Most of the site will be laid out as a series of beds, divided by formal grass paths. Seasonal herbaceous and perennial plants, and also vegetables will be grown, so that students can undertake division, plant identification propagation. The College have confirmed that the submitted layout is illustrative (Application B).
- 12/00340 – a polytunnel (polythene with metal frame) approx 8m x 5.5m (max height 2.6m) to be used for horticultural training. The submitted plans show a planted embankment/bund (max height 1m) alongside 2 elevations, but the College have deleted this (Application C).

The College have a presence in the park as follows-

- classrooms in the Jubilee Stand of the stadium
- the farm (buildings and yard)
- an allotment to the west of the hostel/tower Paxton Suite building.

Applications B and C are accompanied by Ecological Surveys and Conservation Statements, the conclusions are as follows-

- Ecological Surveys – regarding Application B, it is recommended that as the north-west part of the site is more herb-rich it should be retained as wildflower meadow if possible, some anthills should be retained to provide different microhabitants and food for birds etc, and a hedgerow of mixed native species should be planted around the site perimeter to replace the existing self-sown tree seedlings – these are horse chestnut, sycamore and grey poplar that are not particularly important for biodiversity. Regarding Application C, the site of the polytunnel has compost and other debris from previous tree felling on it, the nearby oaks, ash and ivy are important habitat particularly for bats, also the grassland supports larvae/insects that provide food for bats. The compost etc will need to be removed carefully in case there are slow worms, grass snakes or lizards; path(s) to the polytunnel should be sited away from tree roots; there should be no lighting to avoid disturbance to bats; relocation of the compost heap should avoid adverse effect on grassland.
- Conservation Statements – these examine the ‘significance’ of the Park itself and the listed structures and other heritage assets in it, and the effect of the 2 proposals. The 2 sites are considered to be of little significance in the context of the Park as a whole. There are no historic features on either of the sites, and the 2 proposals will have no impact on any views of historic

significance, it is considered that Application B will enhance the setting of the National Sports Centre. As the demonstration garden includes no structures it is not of a permanent nature, and the polytunnel is a lightweight structure that can be easily removed – therefore neither application will conflict with the Masterplan.

In relation to one of the recommendations above (regarding a hedge around Application B), the college do not intend to plant a hedge around all boundaries, as it wishes the demonstration garden to have a degree of visibility – details of proposed planting/nature conservation enhancement can be required by a condition.

Location

Application A concerns the north-east corner of the car and coach park that is to the east of the listed Terraces and access road from Anerley Hill. The site is about 20m south of the Paxton bust statue, which is on the central east-west axis pedestrian route in the Park.

Application B is also adjacent to and south of the central axis. As stated above it is an unused grass area, being fenced and not open to public access. It is at the east end of the raised concrete walkway, and about 70m south-east of the main National Sports Centre (NSC) building, and about 40m to the north-east of the Jubilee Stand. It adjoins the former racetrack, which is now the road connecting the east side of the NSC and stadium to the Anerley Hill entrance.

Application C – the site is an open woodland area to the north-west of the farm and adjoins Crystal Palace Station. This land is used by the College, it is fenced and not open to the public. The polytunnel will be about 14m from the farm yard.

Comments from Local Residents

Notification letters have been sent to Nos 1–7 (consecutive) Crystal Palace National Sports Centre which are 7 houses 25-70m distant from Application A. Any comments received will be reported verbally at the meeting.

A long objection letter has been received from the Crystal Palace Community Association, which draws attention to the planning designations of the Park, criticises the applications' supporting documents, and states that educational use of the Park is considered inappropriate in MOL terms (including use of the farm for educational purposes). General comments about the proposals are – no “very special circumstances” are put forward to justify impact on MOL, added encroachment by College onto Park, intensification of educational use, conflict with public use of the Park for enjoyment, recreation and relaxation for the public, also proposals are piecemeal and will conflict with the Masterplan and its objectives of making the Park more accessible to the public, “greening up the core” and removing clutter of existing structures.

The CPCA's letter makes specific comments about the 3 applications as follows –

- Application A – this building is to be demolished under the Masterplan and a new use would be contrary to its aims, concern that trees in the Park (protected by the Conservation Area designation) will be subject to pressure to prune, noise impact of chainsaw use.
- Application B – the land would not be accessible to the public in terms of the Masterplan's intentions, if the area is relandscaped in the future to (partly) implement the Masterplan a case could be made to relocate the demonstration garden which would be difficult to resist, its purpose is for tuition not public benefit, there are likely to be proposals for structures and signage / advertisements on the site, the site's grassland appearance relates sympathetically to the concrete walkway and hard surfaces nearby.
- Application C – harm to the natural character of the Park, effect on tree roots, would not preserve or enhance the Conservation Area, incremental pressure on this woodland (adding to previous/existing effects of compost heap, dumping of paving etc, compaction of tree roots).

The CPCA comments that Applications A and B will conflict with Policy G3 regarding the National Sports Centre Major Developed Site (MDS), but these sites are adjacent to the MDS not within it.

Comments from Consultees

English Heritage (EH) has been consulted at the Park is a Grade II* park on its Register of Parks and Gardens of Special Historic Interest, and do not wish to make any comments – it stresses that it is not expressing any views on the merits of the proposals, which should be determined in accordance with national and local policy guidance, and on the basis of the Council's own specialist conservation advice. EH states that the developments are unlikely to affect any potential archaeological resource, hence no evaluation or assessment of the site is required.

The Advisory Panel for Conservation Areas has no objections to Applications A and B, and suggests a temporary permission be granted for Application C in view of the type of structure proposed and the need to remove it if unused.

The Metropolitan Police's Crime Prevention Design Advisor has no comments to offer on the applications.

Network Rail was consulted on Application C and states that it has no comments on it.

Any comments received from the Garden History Society will be reported verbally at the meeting.

Planning Considerations

Relevant planning policies include the following Unitary Development Plan policies-

- BE1 Design of new development
- BE8 Statutory Listed Buildings
- BE10 Locally Listed Buildings

BE11 Conservation Areas
BE14 Trees in Conservation Areas
BE15 Historic Parks and Gardens
BE16 Ancient Monuments and Archaeology
C1 Community Facilities
G2 Metropolitan Open Land (MOL)
G3 National Sports Centre Major Developed Site
NE2 Development and Nature Conservation Sites
NE7 Development and Trees
Objective 4 of Chapter 9 “Recreation, Leisure and Tourism”

See also the Crystal Palace Park Conservation Area Supplementary Planning Guidance and relevant London Plan policies.

The whole of the Park is Metropolitan Open Land and an Area of Archaeological Significance, and most of it is designated as a Conservation Area – these designations apply to the 3 application sites. All 3 adjoin the Major Developed Site, 2 are within the Site of Importance for Nature Conservation (not Application A). The proposals are variously close to the listed Terraces, Paxton bust, NSC and station, and the locally listed Jubilee Stand.

The proposals are to provide additional facilities for the applicant for training and education of its students, within the existing building (Application A) and the proposed poly tunnel (Application C, will provide cover in inclement weather) and on the additional land available (Applications A and B), together with providing opportunities for involvement of schools and the wider community. Hence Policy C1 is relevant.

No nature conservation objections are seen to the proposals providing the recommendations of the Ecological Surveys are adhered to.

Regarding possible noise impact of Application A, there is reasonable separation from the nearby residential properties (for which Conservation Area Consent to demolish has been granted in the Masterplan), and the conditions will control the use of chainsaws on the site very strictly. The previous use involved motor cycles using the adjacent car park, which was a noisy activity (see below), so on planning merits the use would have similar (or lesser impacts) than that permitted use.

Planning History

In relation to Application A, permission was granted in September 1988 for use of hardstanding and car park for motor cycle training, single storey motorcycle storage building and use of existing building for office and lecture room (ref. 88/2996).

The farm buildings adjacent to Application C were permitted under ref. 98/03352 granted in May 1999 for a masterplan scheme for the improvement of the Park drawn up by landscape architect Kathryn Gustafson, which was partly implemented i.e. replacement parking and maintenance building adjacent to Crystal Palace Park Road, together with relandscaping/new surfacing to paths in parts of the Park.

In April 2007 permission was granted for a greenhouse, elevational alterations and boundary enclosures to enable the opening of the children's farm (ref. 07/00665).

In July 2007 the Plans Sub-Committee decided to take no action regarding a complaint about-

- teaching accommodation in 4 rooms on the first floor of the Jubilee Stand
- allotment-style agricultural plot used by students (land adjacent to the hostel tower/Paxton Suite building) as it was considered that they did not constitute material changes of use.

In July 2010 permission was granted for change of use of part of the first floor of the Jubilee Stand from gymnasium (Class D2) to education and training facilities (Class D1), and 3 condenser units on the roof (ref. 10/01403).

In December 2010, the Secretary of State granted part outline planning permission, Conservation Area Consent and Listed Building Consent for the London Development Agency's Masterplan for improvement of the Park (refs. 07/03897, 07/03906 and 07/03907).

Conclusions

The main issues regarding these applications are the impact on the openness of the MOL, the setting of heritage assets including the character and appearance of the Conservation Area, impact on nature conservation interests, conflict (if any) with the Masterplan for the park, and enhancement of the park's cultural, recreational and sporting assets.

In the Masterplan the Park Application A falls within Zone D "Transitional Landscape" and Application B falls within Zone E "Central Sports Area". The area around the NSC is to be radically altered to "green up" the central part of the Park and remove the visual clutter of the buildings and walkway attached to the NSC, change levels, provide water features and a new east-west central axis at the new ground levels. Both Applications A and B will be affected by extensive changes to ground levels and new landscaping - these Applications will not prejudice these proposals of the Masterplan if they are to be implemented, as neither involves permanent built development. The Masterplan proposes no changes to the area of Application C.

In terms of MOL policy, the only proposal for a new building is for the polytunnel (Application C). Strictly speaking, this would be "inappropriate" as the development is not related to agriculture, forestry, outdoor recreation or outdoor sport. It may be considered that the educational and training benefits of the structure, together with compliance with Policy C1 (the proposal meeting an identified educational need), do constitute "very special circumstances" to justify inappropriate development. The impact of the polytunnel on the "openness" of the park will be limited, and as the other proposals do not include any new buildings they are acceptable in terms of MOL policy and will have limited visual impact. It was considered that the proposed landscaped bund intended to screen the polytunnel would draw attention to it rather than necessarily reducing its visual

impact, and the College have agreed to delete it. Likewise it is considered that the proposals will have neutral effect on the character and appearance of the Conservation Area, and no adverse effect on the Registered Park or any of the structures that are heritage assets in the Park.

Providing the Ecology Surveys' recommendations are followed, the proposals will be acceptable in nature conservation terms.

Objective 4 of Chapter 9 "Recreation, Leisure and Tourism" of the UDP is "to maintain and enhance the role of Crystal Palace Park as a principal strategic park for south-east London and to recognise its value as open parkland and as an important cultural, recreational and sporting asset". These modest proposals to further invest in the contribution that the College makes to the park will be very much in the spirit of this UDP objective.

as amended by documents received on 29.03.2012

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
ACA01R A01 Reason 3 years
- 2 No buildings should be erected on the application site without the prior approval in writing of the Local Planning Authority. Details of any structures, including trellises and pergolas, shall be submitted to and approved in writing by the Authority before they are erected.

Reason: In the interest of the openness of Metropolitan Open Land and the character and appearance of the Conservation Area, to comply with Policies BE11 and G2 of the Unitary Development Plan.

- 3 Details of the layout of the demonstration garden shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced, and shall include areas for a wildflower meadow and for planting of hedgerows of native species.

Reason: To accord with the recommendations of the Ecological Survey submitted with the application, and to comply with Policies BE11, G2 and NE3 of the Unitary Development Plan.

- 4 A nature conservation management plan, including details of hedgerow and wildflower meadow planting, habitat enhancement, long term design objectives, management responsibilities and maintenance schedules shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the development hereby permitted. The plan shall include arrangements and timetable for its implementation and shall be carried out in accordance with the approved details.

Reason: To accord with the recommendations of the Ecological Survey submitted with the application, and to comply with Policies BE11, G2 and NE3 of the Unitary Development Plan.

Reasons for permission:

In granting permission the Local Planning Authority had regard to the following policies:

Policies (UDP)

BE1 Design of new development
BE8 Statutory Listed Buildings
BE10 Locally Listed Buildings
BE11 Conservation Areas
BE14 Trees in Conservation Areas
BE15 Historic Parks and Gardens
BE16 Ancient Monuments and Archaeology
C1 Community Facilities
G2 Metropolitan Open Land (MOL)
G3 National Sports Centre Major Developed Site
NE2 Development and Nature Conservation Sites
NE7 Development and Trees
Objective 4 of Chapter 9 "Recreation, Leisure and Tourism"
(BE1 – Objective 4)

Policies (London Plan)

4.6 Support for and enhancement of arts, culture, sport and entertainment provision
7.8 Heritage Assets and Archaeology
7.9 Heritage – Regeneration
7.17 Metropolitan Open Land

The development is considered satisfactory in relation to the following:

- (a) the impact on the openness and visual amenity of MOL
- (b) the impact on the Conservation Area and other heritage assets
- (c) the impact on nature conservation interests
- (d) the impact on trees on the site
- (e) the policies regarding community facilities in the development plan
- (f) issues raised by those who have commented on the application

and having regard to all other matters raised.

Application:12/00339/FULL1

Address: Land North East Of Jubilee Stand Crystal Palace Park Thicket Road Penge London

Proposal: Use of land for demonstration garden

