

SECTION '1' – Applications submitted by the London Borough of Bromley

Application No : 15/03106/FULL1

Ward:
Crystal Palace

Address : Crystal Palace Park Cafe Crystal Palace
Park Thicket Road Penge London

OS Grid Ref: E: 534725 N: 170652

Applicant : Ms Lydia Coelho

Objections : YES

Description of Development:

Demolition of existing single storey cafe and terrace and erection of two storey building comprising cafe on ground floor and cafe/ event space on first floor; external ground and first floor terraces and construction of connecting bridge from first floor terrace to lakeside path

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
Smoke Control SCA 6

Proposal

Planning permission is sought for the demolition of the existing park café building and the erection of a replacement café building which would be two storeys in height.

The proposed building would provide café facilities on the ground floor and a mixed café/event space on the first floor. The café does not include an interpretation centre, although the submitted design and access statement contends that "the internal fabric of the building will be used to communicate a dinosaur narrative, which focusses on associated historical people."

Toilet facilities are shown to be provided on the ground floor, with kitchen and servery areas and 66 seats arranged around 6 refectory style tables.

The proposed building would have a ridge height of 12.3m (8.4m in relation to the higher ground adjacent to the lake) and an eaves height of 6.2m. The building would be largely clad in cedar shingles, with large glazed areas to the ground floor facing the terrace and the first floor gable. The east elevation would incorporate a

feature area of aluminium glazing. The north elevation incorporates a projecting glazed bay window

The existing external terrace area would be resurfaced and would provide a further 50 seats and customer bike racks and pram storage area.

New stairs would provide access from the ground floor terrace to the lakeside path. A new access bridge would link the first floor to the lakeside path.

A prunus tree by the lakeside path is proposed to be removed, and the proposal incorporates the planting of 2 additional trees.

The bridge link to the lakeside path and the internal lift would provide Disability Discrimination Act compliant level access between the central axis and the lakeside path, with the route separate from the main café and event spaces.

One additional lighting column is proposed to be placed on the path connecting the central axis and the café building to provide a continually lit route from the car park to the café.

Consultations

A large number of representations were received in response to the Council's notifications, which included site notices at each entrance gate and a press advertisement in addition to a large postal notification.

The representations which were received may be summarised as follows:

Objections

- The design would be jarring and would not harmonise with the surrounding park
- The design would not be in character with the heritage of the park and would be visually jarring
- The existing café is satisfactory although toilet facilities would be desirable
- What events would be accommodated within the upper floor?
- A bat survey should be undertaken
- Impact on birds
- The café would need to incorporate a dinosaur information centre in order to be consistent with the Masterplan
- The proposal does not appear to include solar thermal panels or a green roof
- General queries regarding the maintenance of windows/fireplaces/shingles
- Will on-site archaeological monitoring take place and has disabled access been addressed?
- Refreshments facilities would be better sited at the top end of the park
- Impact on existing café operators
- A more upmarket café may lead to existing users being priced out

- There do not appear to be conditions which would restrict the operator extending the hours of opening.
- Music or discos on the outside terrace would be heard over a large area
- Security issues - lack of shutters to the windows
- noise from the adjacent car park during evening hours
- the cost of rebuilding the café compared with the cost of restoration
- lack of community consultation
- questioning fire safety of proposed building and fire escape measures
- loss of seating
- inadequate circulation space
- poor kitchen area amenities
- the application should be referred to the Secretary of State as a matter of natural justice
- the masterplan was intended to be implemented in full and the current proposal does not accord with the Masterplan
- queries relating to the funding mechanism and the ring-fencing of additional income
- the café should be restored rather than rebuilt

In support

- the café would be a huge improvement on the existing
- would contribute to the regeneration of the Penge entrance to the Park and conforms in spirit with the 2007 MasterPlan.
- The links with the lake and views towards the dinosaurs would improve visitor experience
- The current café compares poorly in appearance and offering to other major parks
- The design and materials are of high quality and appropriate to the park
- the bulk and massing of the proposed building is in accordance with the consented Masterplan
- the replacement of the café is overdue, in particular the provision of safe and usable toilets, although dinosaur interpretation should form part of the café
- would positively enhance the park setting and would contribute financially to the maintenance and success of the park
- the building has views on all sides unlike the current building
- the improved access is appreciated

Environmental Health

No objections in principle, subject to conditions relating to pollution/site contamination conditions.

The Advisory Panel for Conservation Areas

No objection. The proposal would enhance the surrounding area and the Panel strongly supports it.

Historic England

No objections are raised to the proposals, and it is considered that the new café includes the masterplan consented elements of an external lakeside deck and an education suite which will support interpretation of the Grade I listed models of prehistoric monsters. This will be further reinforced through expansive viewing across the lake offered from the first floor.

With regard to the setting in the Grade II* park the new building will improve the connection between the lake and the central axis. It will improve park wide legibility. The deployment of revenue from the café on the maintenance of the park is welcomed and details of the mechanism for ring-fencing the expected additional income should be submitted to Historic England if permission is granted.

Thames Water

No objections in respect of sewerage and water infrastructure capacities.

Sport England

No comments.

Environment Agency

The proposal would have a low environmental risk and therefore there are no comments.

TFL

Satisfied that the proposals would not result in an unacceptable impact on the Transport for London Road Network.

Transport and Highways

The site is located within a moderate PTAL rate of 4.

The parking survey carried out on Saturday 26th September 2015 at the Penge Gate car park is the nearest permanent car park to the café site, reveals that during 16:00 and 16:10, 0% and 3% parking capacity were available; however the result of the mid-week car parking surveys shows that, frequently, over 50% of car parking spaces in the Penge Gate Car Park are unused. On these days the average number of free car park spaces is similar between AM and PM times. Moreover If this car park has reached capacity, car users are expected to use other parking locations in the park.

No objections are raised to the proposal on the basis that the development would not have a significant impact on the park's transport capacity, taking into account that the proposal is for a replacement building rather than an additional building.

Adjoining London Boroughs

The London Boroughs of Southwark, Lambeth declined to comment

Community Consultation

The applicant has submitted a statement regarding the community consultation process undergone prior to the submission of the application. The statement in full is in the planning file, but is summarised:

The Crystal Palace Campaign undertook a park user survey in 2002, the results of which were utilised to inform the Heritage Lottery Fund grant and the development of a Masterplan for the park.

The Masterplan was commissioned by the London Development Agency and was developed through extensive community consultation, with specific surveys in 2006 and 2007. The Crystal Palace Park Working Group was set up through the Masterplan community consultation. The group was active until summer 2015.

Outline planning permission was granted for the Masterplan which included the development of a two storey café in the same location as the existing café and that proposed in this current planning application.

In 2013 the Council worked with the Community Stakeholder Group (CSG) which had been set up to represent the park community by Community Links on behalf of the Council with the aim of identifying the key park improvement projects from the Masterplan. Through dialogue with the CSG a total of 17 potential improvement projects were identified. The restoration and the rebuilding of the café, with the potential of integrating visitor services, was included in these improvements.

In 2013/14 £2.4m was made available in principle subject to committee improvement by the GLA and the Council to take the identified improvements through to delivery. In June 2014 the Council worked with the CSG to identify the most popular improvement projects.

The consultation consisted of drop-in sessions in the park, and an online questionnaire which asked people to rank their spending preferences. 590 park users responded to the questionnaire. Restoring the existing café ranked as the fifth improvement priority and rebuilding the visitor centre (including café) as the tenth most popular project.

In January 2014 further community group and stakeholder consultation was undertaken. This consultation shared the findings of the feasibility works with the public. The feasibility work found that the concert platform renovation (ranked third) was not a viable project and the impact of removing car parking and returning hard landscaping to parkland (ranked fourth) was not fully known. Community feedback at the consultation sessions indicated that the restoration of the Paxton Basin was not considered a worthwhile project; a view shared by English Heritage/Historic England.

The feasibility study had shown that a restoration of the existing café would not be good value for money as the building is coming to the end of its life and the existing café would not allow a change of café offer. The January consultation with the public had shown that the public wanted the café provision to include events space, toilets and some form of visitor information facility. Additionally, the potential for a new improved café to provide an increased revenue stream for the park had been recognised, in view of the supporting the ongoing cost of conserving the dinosaurs.

On this basis the decision was taken to increase the budget for the café project and develop a new building design using the principles of the Masterplan café. However, the Masterplan café building was estimated to cost £1.8m in 2007 and it was recognised that the café design developed now would be modest in comparison to enable the other viable improvement projects to proceed to delivery.

The Community Stakeholder Group and Heritage and Environment Group have monitored the development of the café building design and representatives of both these groups sit on the project team with Council Officers, a GLA representative and the consultants.

Planning Considerations

The most relevant London Plan policies are as follows:

- Policy 5.1 Climate change mitigation
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.7 Renewable energy
- Policy 5.9 Overheating and cooling
- Policy 5.10 Urban greening
- Policy 5.12 Flood risk management
- Policy 5.13 Sustainable drainage
- Policy 5.14 Water quality and wastewater Infrastructure
- Policy 5.15 Water use and supplies
- Policy 5.16 Waste self-sufficiency
- Policy 5.17 Waste capacity
- Policy 5.18 Construction, excavation and demolition waste
- Policy 5.21 Contaminated land
- Policy 6.9 Cycling
- Policy 6.13 Parking
- Policy 7.2 An inclusive environment
- Policy 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.6 Architecture
- Policy 7.8 Heritage assets and archaeology
- Policy 7.14 Improving Air Quality
- Policy 7.17 Metropolitan Open Land
- Policy 7.19 Biodiversity and access to nature conservation

The application falls to be determined in accordance with the following policies of the Unitary Development Plan

BE1 Design of New Development
BE11 Conservation Areas
BE14 Trees in Conservation Areas
BE15 Historic Parks and Gardens
BE16 Ancient Monuments and Archaeology
NE7 Development and Trees
G2 Metropolitan Open Land
T2 Assessment of Transport Effects
T3 Parking
T7 Cyclists
T18 Road Safety

The Council's adopted Supplementary Planning Guidance - General Design Principles is also a consideration in the determination of this planning application.

The Conservation Area SPG is also of relevance.

Planning History

The planning history of the park as a whole is long and complex, reflecting the size of the park and its historical significance relating to the Palace site and the listed dinosaur structures.

Of particular relevance to the determination of this application is the planning history relating to the tidal lakes zone of the park. Under reference 07/03897 outline planning permission was granted (subject to the prior completion of a Section 106 agreement and subject to numerous planning conditions) for the Masterplan which proposed a comprehensive phased scheme for landscaping and improvement to the Park in its entirety, which included, inter alia, new residential development and a Regional Sports Centre.

Part of the outline application proposed the demolition of the existing café building and the erection of a "café and dinosaur interpretation centre" (up to 585 sq. m).

Conclusions

Crystal Palace Park is subject to a wide range of planning designations, including the following, which are particularly relevant to the determination of this application:

- The entire Park is Grade II* registered
- The Park lies within the Crystal Palace Conservation Area
- A large majority of the Park is designated as Metropolitan Open Land (MOL)

The main issues in the determination of this application are:

- The impact of the proposal on the character and appearance of the Conservation Area, the demolition of the existing café building and the

extent to which the replacement café building would meet the need to preserve or enhance the character and appearance of the Conservation Area

- The impact of the proposal on the visual amenities and open character of the Metropolitan Open Land
- The impact of the proposal on traffic and parking in the area.

Additionally, concerns raised regarding the intensity of the use of the proposed café building compared with the existing café should be considered.

In determining the application, the previous outline permission for the replacement of the existing café is a material planning consideration. The scheme proposed a two storey building including a café and external deck, a shop, an education suite and public toilets. The space was designed for potential hire for weddings, events and meetings. At a lower level the ground floor was proposed to have a green roof and at the upper level the building comprised a rectilinear pavilion overlooking the lakes. The indicative design included timber clad towers. The maximum height of the timber towers was shown to be 18m, with the main two storey bulk shown on indicative drawings to be 10m high. The building was partly set into the slope which rises from the main axis to lake level, as is the case with the existing café and the proposed building.

It is noted that the previously permitted scheme formed part of a raft of development proposals relating to the park, in a comprehensive Masterplan. That this was the case does not intrinsically preclude any of the component parts being granted planning permission individually if they are considered to be acceptable in principle in their own right, taking into account all material planning considerations that are pertinent to the individual proposal. This application is not the submission of approval of reserved matters under application ref. 07/03897 and is a stand-alone application which should be considered on its own merits, although the Inspector's conclusion that the bulk of the previous outline proposal would not have a detrimental impact on the character and appearance of the Conservation Area and the openness of the MOL is helpful in considering the current self-contained proposal, which is unrelated to the more comprehensive development proposals of the Masterplan (which included housing and a Regional Sports Centre).

The design of the café is materially different in terms of the external finishes of the structure, but the siting of the building is broadly as previously permitted in outline. In terms of the bulk of the structure, the proposed building incorporates significant pitched roof whereas the indicative drawings submitted with the previous application show a flat roofed multi-level building incorporating substantial timber clad towers. On balance, it is considered that while the design of the respective proposals are radically different, each would have a similarly limited impact on the open character of the area of Metropolitan Open Land and the character and appearance of the Crystal Palace Park Conservation Area.

No objections have been raised to the proposal by the Advisory Panel for Conservation Areas or Historic England. It is considered that the proposed building would be of an appropriate scale for the proposed use and would link visually with the historic lake feature which is considered integral to the character of the park.

The materials would be appropriate for the setting, with the cedar shingles softening the appearance of the building and complementing the park landscaped setting of the proposed building.

The proposed café would be higher than the existing café building. The existing building is not considered to be of particular architectural merit which would warrant its retention. However, the existing building has a reasonably low profile, is flat roofed and as such has a limited impact on the open character of the MOL. The proposed structure would be taller than the existing structure, but it is considered that the design detailing and materials proposed to be used for the external surfaces of the building, including cedar shingle cladding, would soften its appearance and the siting of the building in relation to the topography of the park would limit the visual impact of the proposed café on openness. The linking of the café to the lake by way of the walkway would improve the relationship between the café and the historical feature of the Park. On balance, it is considered that the proposed building would have no greater impact on the MOL than the previously permitted scheme and would be of an appropriate scale, use and siting within the area of Metropolitan Open Land.

The principle of a café structure within the park and on the application site has been long-established and is considered to support and complement the outside leisure and recreational use of the park, which is an appropriate use within MOL.

Concerns relating to an increased intensity of café use are noted. No technical Highways objections are raised to the proposals, subject to planning conditions. In respect of the impact of the proposals on residential amenity, it is noted that the proposed café lies approx. 55m from the residential buildings fronting Thicket Road, which is an increased separation in comparison with the existing café. The reasonably dense landscaped boundary would soften the impact of the proposal on the residential amenities of neighbouring properties, and it is necessary to consider the extent to which the existing use of the Park and the café could have on the amenities of the neighbouring properties in their current operation.

The previous outline planning permission was subject to conditions relating to the educational and café proposals, which required the submission of an Events Management Plan to be prepared in accordance with the applicant's Environmental Statement. This condition recognised that it would be appropriate to safeguard the responsible management of events within the Park to ensure that they would not have an adverse impact on amenity. Information submitted with the current application shows core café opening hours of 8am to 4pm on weekdays, 10 - 4pm on Sundays and 9am to 5pm on Saturdays, although these opening hours may be extended to reflect seasonality or in line with the business plan of the operator. It should be noted that the existing café has unrestricted opening hours in that no planning condition was imposed to restrict the opening hours of the café when it was originally constructed. The applicant has referred to the use of the proposed building for evening events, limited to no more than 70 events per annum, with the latest event end time of 11pm.

Members may consider that the increased intensity of use of the café resulting from the desire to provide a more comprehensive and ambitious facility would

warrant the use of suitably worded planning conditions relating to noise, disturbance and hours of operation in order to protect the residential amenities of the occupiers of properties adjoining the park.

On balance, it is considered that the existing café building does not make a positive contribution to the character and appearance of the Crystal Palace Park Conservation Area. The demolition of the existing café building is therefore considered appropriate in principle.

While the low profile and orientation of the existing cafe limits its impact on the visual amenities and openness of the Metropolitan Open Land, it is of unsympathetic design and appearance and makes a reasonably poor contribution to the character of the park and the use of the space by members of the public as a consequence of its orientation and the limitations of the layout of the site, disconnected from the lake and surrounding features.

It is considered that the proposed replacement building would improve the connection of the café to the historic tidal lake and the listed dinosaur models. The building is of a high standard of design and the proposed materials are considered to be appropriate for the setting of the building.

With regards to the operation of the café, it is considered that the use of planning conditions relating to noise and events management would satisfactorily safeguard the amenities of neighbouring residential properties in addition to the day-to-day public use of the café facilities.

as amended by documents received on 20.08.2015

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: Section 91, Town and Country Planning Act 1990.

- 2 Before the development hereby permitted is commenced, details of the specification and position of fencing (and any other measures to be taken) for the protection of any retained tree shall be submitted to and approved in writing by the Local Planning Authority. The areas enclosed by fencing shall not be used for any purpose and no structures, machinery, equipment, materials or spoil shall be stored or positioned within these areas. Such fencing shall be retained during the course of building work**

Reason: In order to comply with Policies NE7 and NE8 of the Unitary Development Plan to ensure works are carried out according to

good arboricultural practice and in the interest of the health and visual amenity value of trees to be retained.

- 3 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 4 Details of a surface water drainage system (including storage facilities where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved system shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

REASON: To ensure satisfactory means of surface water drainage and to accord with Policy ER13 of the Unitary Development Plan.

- 5 Details of a foul water drainage system shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved system shall be completed before any part of the development hereby permitted is first occupied, and permanently maintained thereafter.

REASON: To ensure satisfactory means of foul water drainage and to accord with Policy ER13 of the Unitary Development Plan.

- 6 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 7 Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby permitted shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation by an archaeological organisation approved in writing by the Local Planning Authority. Access shall be permitted to the site at all reasonable times for the carrying out of the investigations, including making necessary records of items of interest and finds.

Reason:The site is of archaeological interest and detailed investigations should be undertaken to enable consideration to be given to preservation in situ and/or recording of items of interest in compliance with Policy BE16 of the Unitary Development Plan.

- 8** Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

Reason:In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 9** Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.

Reason:In order to comply with Policy T7 of the Unitary Development Plan and Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

- 10** Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

Reason: In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 11** The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until

details of such measures, according to the principles and physical security requirements of Secured by Design, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason:In the interest of security and crime prevention and to accord with Policies H7 and BE1 of the Unitary Development Plan.

- 12 Detailed plans of the appearance of and the equipment comprising a ventilation system which shall include measures to alleviate fumes and odours (and incorporating activated carbon filters where necessary) shall be submitted to the Local Planning Authority for approval; after the system has been approved in writing by the Authority, it shall be implemented in accordance with the approved details before the use hereby permitted first commences and shall thereafter be permanently retained in an efficient working manner.

Reason:In order to comply with Policies S9 and ER9 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 13 Details of the timing of any works to the roof and upper floors shall be submitted to and approved in writing by the Local Planning Authority and timbers shall only be treated with chemicals which have been agreed in writing by the Local Planning Authority before the works and treatment are carried out. The timing of the works and of any timber treatment shall be in accordance with the approved details.

Reason: In order to comply with Policy NE3 of the Unitary Development Plan and in order to safeguard the interests and well-being of bats on the site which are specifically protected by the Wildlife and Countryside Act 1981 (as amended).

- 14 Prior to the first use of the development hereby permitted an Events Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Events Management Plan shall include measures for annual monitoring and updating of the measures contained in it, and after the Local Planning Authority has approved the Events Management Plan, it shall be implemented thereafter.

Reason: In the interest of the amenities of the occupants of neighbouring residential properties and to accord with Policy BE1 of the Unitary Development Plan.

- 15 Any music or amplified sound (including television, films or amplified human speech) played on the premises shall be played through a Formula Sound AVC-2D noise limiter (or suitable

alternative by written agreement of the Local Planning Authority) and the limiter shall be set and sealed to the satisfaction of the Local Planning Authority and permanently maintained as such thereafter.

Reason: In the interest of the residential amenities of the area and to accord with Policy BE1 of the Unitary Development Plan.

16 The use of the cafe hereby permitted shall not operate before 08.00 nor after 23.00 on any day.

Reason: In the interest of the residential amenities of the area and to accord with Policy BE1 of the Unitary Development Plan.

INFORMATIVES

You are further informed that :

- 1 Before the development commences, the Applicant is advised to contact the Pollution Team of Environmental Health and Trading Standards regarding compliance with the Control of Pollution Act 1990. The applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley website. If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for approval in writing.**