

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

Application No : 16/02679/FULL1

Ward:
Crystal Palace

Address : Crystal Palace Park, Thicket Road,
Penge, London SE20 8DT

OS Grid Ref: E: 534475 N: 170872

Applicant : Ms Lydia Lee

Objections : YES

Description of Development:

Proposed formation of skatepark (outdoor wheeled sports area) with associated landscaping/ excavation/ regrading works on land adjacent to sports pitches.

Key designations:

Conservation Area: Crystal Palace Park
Areas of Archaeological Significance
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Major Development Sites
Metropolitan Open Land
Proposal Sites
Sites of Interest for Nat. Conservation
Smoke Control SCA 25
Smoke Control SCA 6

Proposal

It is proposed to construct a wheeled sports facility/skate park within an existing landscape bowl, including landscaping and re-grading to provide deeper skate bowls into the existing sloping site. The skating area would be constructed of concrete and would be curved to follow the curvature of the adjacent slope which leads down from treed area within the park. The grassy area between the formed skating bowls and runs would be retained with some localised re-grading including the formation of grass mounds.

The skating bowls/pools would be set into the bank which runs along the western boundary of the site, being set approx. 1m higher than the adjacent ground level at the southern extremity of the bowls. The coping surrounding the general skating area would be set a maximum of 0.5m above the existing ground level.

It is anticipated that the area would be designed to facilitate a range of wheeled sports users, not limited to skate boarding, but also providing space for BMX and push scooter riders.

Information supplied by the applicant states that the space used to be used for field events such as javelin and shot put but has been unused for some time. The land

is currently part of the National Sports Centre but the transfer of the land is currently being progressed back to ownership by the London Borough of Bromley.

The application has been submitted with a Design and Access Statement and covering information. The facility would be unfenced and the hours of use would therefore follow those of the wider park i.e. opening at 7.30am Monday to Friday and 9am at the weekend and closing at 4.30pm in the winter and 9.30pm in the summer.

The facility would be owned, managed and maintained by the London Borough of Bromley. If permission is granted the applicant will prepare a wheeled sports facility management plan, drainage plan and a construction methodology plan, although it is stated in the application submission that the construction access to the site would be provided via the Anerley Hill vehicle entrance and that a contractor compound would be set out within the construction area.

Existing fencing surrounding the site would be removed with the exception of the fence separating the site from the adjacent sports centre. Steps would lead from the existing higher level path.

Water draining from the facility would be collected in skate-able gullies and piped to the existing system. Surface water would be collected and distributed into the existing private drainage system.

It is not proposed to floodlight the site; lighting would be provided in buried ducting and chambers although this would be subject to a later application if planning permission is granted for the wheeled sports facility.

The Design and Access statement refers to the Masterplan for the park which was commissioned by the London Development Agency. The Masterplan included the provision of a Wheeled Sports Facility with a view to widening access to informal sporting opportunities within the park and providing a community resource to encourage more users to visit.

Location

The application site lies within Crystal Palace Park which is a Grade II* Listed park designated as Metropolitan Open Land and the Crystal Palace Park Conservation Area.

The specific application site is broadly triangular in shape and is sited to the north of the National Sports Centre building, adjacent to a retained playing field which incorporates a temporary pitch cover. The site is set into the landscape, and forms part of an original fountain basin. At its nearest point it is sited approx. 100m from the rear gardens of dwellings fronting Crystal Palace Park Road. An existing hard surfaced roadway, currently gated and fenced, runs adjacent to the eastern boundary of the site at a lower level to the higher woodland path set at the top of the bank.

Consultations

Nearby owners/occupiers were notified of the application, the application was advertised by way of 3 site notices affixed within the park and a press advertisement.

A very large number of representations were received in support of the application, with comments summarised as follows:

- Would be a good addition to the park
- The park is known for its skateboarding heritage
- Would make a positive contribution to the park architecture
- Would provide facilities for an age group lacking in sport/recreation facilities
- Skateboarding is set to be an Olympic sport and the proposal would help nurture future athletes
- The skate park would need minimal upkeep
- It would keep skateboarders away from pedestrians
- Could provide a hub for other activities i.e. a youth club
- Skate parks in other areas have proved a success

The Crystal Palace Park Community Stakeholder Group has expressed support, stating that the design is high quality, would sit in land not currently accessible to park users and would blend with the contours of the site. It would provide a facility for an age group at present poorly catered for within the park and in view of the consultation with local children would demonstrate that the views of all stakeholders are taken into account in the capital park improvements.

The Chairman of the Heritage and Environment Stakeholder Group which was set up to advise on the park's historical and natural environment commented that the bespoke design responds to the footprint of one of the two great fountain basins that were a key feature of Sir Joseph Paxton's fountains and other water works. The impact upon important views within the park would be minimal. The proposal builds upon the park's strong historical associations with a diverse range of sporting facilities and will add a much needed facility to those on offer within the sports centre and the park as whole.

In addition to the large number of supportive comments, local objections received raise the following concerns:

- Very concerned about the noise levels in the park - specifically loud music as well as the noise of skateboards clattering on concrete.
- The park should be a place of peace and quiet and local residents already have to suffer the noise of motorcycles doing stunts on the service road
- There would be no way of closing the facility which would bring considerable noise and associated anti-social behaviour including graffiti and drug use. The proposal should be sited by the existing playground, closer to the public toilets and first aid in the information centre and easier to police by Ward Security

The Greater London Authority has concluded that the proposal does not raise any strategic planning issues, although it is requested that a copy of any decision notice/section 106 agreement shall be provided to the GLA following the determination of the application.

The London Borough of Croydon raises no objections to the proposal and the adjoining authority of London Borough of Southwark has not commented.

The application site has been identified by Sport England as forming part of or constituting a sports field, as a consequence of which Sport England are identified as a statutory consultee. Para. 74 of the NPPF is of relevance as is Sport England's policy on planning applications affecting playing fields 'A Sporting Future for the Playing Fields of England.' The comments received in response to the consultation are repeated below:

"Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all or any part of a playing field, unless on or more of the five exceptions stated in its policy apply.

The proposed development involves the formation of a skate park.

The skate park would appear to be sited on an existing playing field. As the development is for the provision of an outdoor sports facility and the provision would be of sufficient benefit to the development of sport, the proposal is considered to meet exception E5 of the above policy.

This being the case, Sport England does not wish to raise an objection to this application."

Historic England have been consulted regarding the proposals in view of the sites location within a Grade II* listed park. Comments received are repeated below:

"Historic England welcomed the opportunity to be consulted on the site selection and design of the proposed skate park and does not wish to raise any objections to the proposals."

Transport for London has no objection to the proposal.

The Advisory Panel for Conservation Areas raises no objections to the proposal, stating that the application is welcomed.

Technical comments

Highways

A transport assessment has been submitted which assesses the Park's transport capacity as being sufficient to accommodate an increase in visitor numbers.

The detailed assessment of the TA is available on file. It concludes that the proposed development is not likely to have a significant impact on the Park's

transport capacity and that the impacts to the existing transport network are minimal given the overall size of the development.

Environmental Health

The applicant has submitted a full acoustic assessment prepared by Anderson Acoustics which concludes that the average noise level from the skate park would be below the existing ambient background level at the nearest houses and states that there will be no adverse effect from the development. The Environmental Health Officer has considered the information submitted and comments are summarised:

- Generally the skate park should operate at reasonable noise levels although based on the submitted data it is not agreed that there would be no adverse effect at all.
- Owing to the character of the noise it may still at times be audible to local residents, with most common noise associated with 'board slaps'. It is accepted that whilst such events are +9dB above the background they are still below the level of other/existing typical short noise events at the location.
- If permission is granted it would therefore be necessary to accept this audibility and some potential irritation to nearest residents depending on their sensitivity. The submitted data suggests that this impact will not be significant as defined in the NPPF/NPPG.
- The report does not consider behavioural noise so there is some potential for impact from shouting/music etc. although with competent control this would be managed. As the site is Council-owned presumably it would be within the control of the Authority in the event of problems arising.

On balance no objections are granted to planning permission being granted on the basis of the information submitted, on the basis that there is no proposal for floodlighting or extended hours of use. If permission is granted it is recommended that a condition be applied to the effect that the skate park shall not be used outside the general opening hours of the park to prevent use at more sensitive times.

Metropolitan Police

Secured by Design does not have a set measure or principles which specifically relate to a build of this type. However, planning advice if offered:

Where possible the skate park should be equipped with sufficient lighting so that users can safely navigate the area until 1730hrs throughout the year (unless this conflicts with park opening times, but thought must be given to the potential for injury in hours of darkness). Lighting should be to BS5489:2013 standards.

The skate park should have an emergency telephone call point within its boundaries. Children will use this area and adult supervision cannot be guaranteed.

Any perimeter fencing should be at least 3m in height and constructed in such a way that it cannot be climbed.

Attached to the comments is a document prepared by Thames Valley Policy 'Youth Shelters and Sports Systems - A good practice guide.'

Drainage

The arrangement for the disposal of surface water run-off is acceptable in principle. The site is located in an area in which the Environment Agency Thames Region requires restrictions on the rate of discharge of surface water from new developments into the River Ravensbourne or its tributaries.

Planning Considerations

The National Planning Policy Framework.

In addition, 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.

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).

Under reference 15/03106 planning permission was granted for the demolition of the existing café building and the erection of a replacement café.

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 Park Conservation Area
- A large majority of the Park is designated as Metropolitan Open Land (MOL)
- The specific site has been identified as a former playing field as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

The main issues in the determination of this application are:

- The impact of the proposal on the character and appearance of the Conservation Area and the Grade II* listed park
- 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
- The impact of the proposal on the playing field/sports use of the site
- The impact of the proposal on residential amenity.

The application site was visited by the case officer and the aims and objectives of the above policies, national and regional planning guidance, all other material planning considerations including any objections, other representations and relevant planning history on the site were taken into account in the assessment of the proposal.

The impact of the proposal on the Conservation Area and statutorily listed park

No objections have been raised by the Advisory Panel for Conservation Areas regarding the proposals, and it is considered that the extensive pre-application consultations regarding the proposal with Historic England's Landscape team has resulted in the identification of a location within the park that would minimise the impact on the heritage asset.

The chosen location is secluded and the facility would be set within a sunken bowl limiting the obtrusiveness of the scheme on the landscape character of the park.

It is considered that in the context of the site's function in providing outdoor recreation and the discreet siting of the facility, the proposal would not have a detrimental impact on the character and appearance of the conservation area and would not undermine the character, appearance and function of the listed park site.

If members are minded to grant planning permission it may be considered appropriate to apply a planning condition relating to the detailed specification/appearance/materials used within the facility and to ensure that associated development that may be required (i.e. lighting) would be subject to prior approval by the Local Planning Authority.

The impact of the proposal on the visual amenities and open character of the MOL

The proposed skate park would be sited on the nominal boundary between the park and the National Sports Centre. The facility would be set into the landscape. While the proposal would introduce areas of hardsurfacing and an appreciable installation within an existing open and undeveloped area of the site, the visual impact of the development would be limited as a result of the partial screening by a wooded area and by the relationship with the adjacent landscape banking which sits at a higher level to the site.

The proposal would provide a planned outdoor recreation/sports facility which would contribute to the wider outdoor sports and recreation use of the area of Metropolitan Open Land.

Traffic/highways impacts

The application has been supported by a transport impact statement which has been scrutinised by the Highways Engineer. It is not considered that the proposal

would have a significant impact on the Park's transport capacity and impacts to the existing transport network are considered to be minimal in view of the overall size of the development.

Sport England/loss of playing field

As a statutory consultee, Sport England have commented that while the proposal would appear to be sited on an existing playing field, as the development is for the provision of an outdoor sport facility which would be of sufficient benefit to the development of sport, the proposal is considered to meet exception 5 of the document 'A sporting future for the playing fields of England.' No objections are raised to the proposal although it is recommended that the detailed design of the sports facility should accord with relevant design guidance to ensure that the facility is fit for purpose and of an appropriate quality. If Members are minded to grant planning permission it would be appropriate to refer to this recommendation by way of an informative to direct the applicants to the relevant guidance produced by Sport England.

Residential amenity

The principal impact of the proposal on residential amenity would relate to the noise associated with the use of the site.

While a large number of representations supporting the application have been received, Members will be aware that some letters raising concern regarding the impact of the proposal on residential amenity have been received. The comments of the Environmental Health Officer regarding the potential noise impact of the development are material to the assessment of the proposal. It is acknowledged that the EHO has commented that noise generated by the use may be audible at times to closest residents, while noting that they noise associated with 'board slaps' would be below the level of other existing/typical short noise events at the location and that the impact would not, according to data, fall within the definition of a significant impact as defined in the NPPF/NPPG.

Integral to the assessment of the impact of the proposal on residential amenity is the issue of the future management of the site and the hours of operation, echoed in the EHO comments regarding 'behavioural noise.' It is suggested that with competent control potential behavioural noise would be capable of management, taking into account that as the site is Council-owned a greater control of future use of the facility exists in the event that any problems arise. The management plan, secured by way of condition if members are minded to grant planning permission, would address the concerns raised by residents and referred to by the EHO regarding behavioural noise.

If planning permission is granted it would be appropriate to request that prior to the implementation of the development details of the future management of the site be submitted and approved, to take into account the comments of the Environmental Health Officer and the comments submitted by the Metropolitan Police which refer to the provision of an emergency telephone call point within its boundaries.

Conclusions

It is considered that the proposal would provide an outdoor sports/recreational facility which would serve users not currently catered for within the park.

The design and siting of the proposal would limit the visual impact of the proposal on the landscaped surroundings, and the facility would not have an unacceptable impact on the openness and visual amenity of the Metropolitan Open Land.

The facility has been designed to reflect and retain the contours and sunken appearance of Paxton's basin and it is not considered that the proposal would have a detrimental impact on the character and appearance of the Conservation Area and the historical significance and visual amenity of the statutorily listed park's landscape setting and assets.

It is acknowledged that the proposed WSF would be sited upon a former playing field and that Sport England recommends that development resulting in the loss of playing fields be resisted with certain exceptions. As the proposal would provide an outside sports and recreation facility it is considered that the proposal would not result in the unacceptable loss of an outdoor sports asset.

With regards to the impact of the proposal on the residential amenities of the area, it is noted that the use of the site may be audible from the nearest residential dwellings. However, in view of the fact that the noise generated from the proper use of the site would not be significant and taking into account the intention to operate the facility in line with the opening hours of the park it is not considered that the proposal would be seriously detrimental to the amenities of neighbouring residents. The impact of the proposal on neighbouring residential amenity would not outweigh the benefits associated with the proposal in terms of the provision of a wider range of outdoor sports and recreation facilities within the park. The concerns raised regarding anti-social behaviour are noted, and it would be appropriate if permission is granted to require the submission and approval of an acceptable site management plan to provide detailed information regarding the operation of the facility and the precautions in place to address potential misuse of the site as well as providing additional information regarding site safety.

as amended by documents received on 15.08.2016

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** Details of the surface finish/colour of the skating area, bowls and copings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The works shall be carried out in accordance with the approved details.

REASON: In the interest of the finished appearance of the development and the visual amenities, character and appearance of the Conservation Area and Listed park setting.

- 3** 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 the interest of the visual and residential amenities of the area and to accord with Policy BE1 of the Unitary Development Plan.

- 4** Prior to the commencement of the use of the wheeled sports facility a detailed facilities management plan shall be submitted and approved in writing by the Local Planning Authority. The management plan shall include but not be limited to information regarding the opening hours of the facility, planned supervision, rules for users, maintenance and risk assessments taking into account the guidance in the "Youth Shelters and Sports Systems - A Good Practice Guide" published by Thames Valley Police. The details and procedures provided within the management plan shall be implemented in accordance with the approved details.

REASON: In the interest of the safety of site users and the residential amenities of the occupiers of neighbouring properties.

- 5** 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 secure a satisfactory means of surface water drainage.

- 6** 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.

- 7 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.

- 8 The wheeled sports facility hereby granted planning permission shall not be used outside of the general park opening hours.

REASON: In the interest of the residential amenities of neighbouring residents and to accord with Policy BE1 of the Unitary Development Plan.

You are further informed that:

- 1 Please be advised of the recommendation by Sport England that the detailed design of the proposed sports facility should accord with Sport England's Design Guidance which is available to view on Sport England's website at <http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance>
- 2 This planning permission does not provide a determination on the suitability and adequacy of proposed low level lighting, the details of which have not been submitted. Planning permission may be required for such lighting.