

Committee Date	6 th January 2022	
Address	Pedestrian Subway Under Crystal Palace Parade Crystal Palace Parade Anerley London	
Application number	21/02656/FULL1	Officer: Claire Brew
Ward	Crystal Palace	
Proposal (Summary)	Repairs to and restoration of Crystal Palace subway including partial deconstruction and rebuilding of existing retaining walls and construction of new parapet walls and roof structure	
Applicant	Agent	
Mollie Lyon London Borough of Bromley	Clive England Thomas Ford and Partners	
Reason for referral to committee	LB Bromley is the applicant	Councillor call in No

RECOMMENDATION	PERMISSION

Summary

KEY DESIGNATIONS

Grade II* Listed Building
 Grade II* Registered Historic Park and Garden
 Metropolitan Open Land (MOL)
 Strategic Outer London Development Centre (SOLDC) in the London Plan
 Renewal Area
 Air Quality Management Area
 Archaeological Priority Area
 Green Chain

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	F2(b) Halls or meeting places for the principal use of the local community	587
Proposed	F2(b) Halls or meeting places for the principal use of the local community	587

Representation summary	A site notice was displayed from 30.06.21 for 21 days. Neighbour letters were sent on 23.06.2021 A press ad was displayed News Shopper on the 7.7.21 Consultation is for a minimum of 21 days
Total number of responses	44
Number in support	41
Number of objections	1

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposals would sustain and enhance the significance of the grade II* listed subway and enable viable uses consistent with its conservation
- The proposed development would have a limited impact on the openness and visual amenities of the MOL and there are very special circumstances which clearly outweigh the harm caused to the MOL by reason of inappropriateness, and any other harm
- The proposed development would be of an appropriate mass, scale, form and design that would be in keeping with its context, thus preserving the appearance of the site and surrounding area
- The proposed development would not cause unacceptable harm to the amenities of neighbouring residential occupiers
- No unacceptable Highways impacts would arise

1. LOCATION



Fig 1: Site Location Plan

- 1.1 The London Plan identifies Crystal Palace as a potential Strategic Outer London Development Centre (SOLDC) with specialist economic functions of more than sub-regional importance related to leisure, tourism, arts, culture and sports.
- 1.2 The SOLDC's key strengths are underpinned by the presence of the National Sports Centre within the park and the historic and cultural significance of the park itself which draws visitors from London and beyond. The Park contains a range of sporting, recreational, educational facilities and tourist attractions. It includes a number of Statutory Listed historic buildings and features.
- 1.3 The subway site is located partially beneath and to the east of Crystal Palace Parade. The east courtyard of the Subway is set within the historic Crystal Palace Park which is a Grade II* listed Registered Park and Garden. Designated as MOL, Green Chain, Conservation Area and an Archaeological Priority Area, Crystal Palace Park, as a whole, is on Historic England's Heritage at Risk Register.
- 1.4 To the west the site is bounded by Crystal Palace Parade. To the west of the Subway, below Crystal Palace parade, is a small open terrace which is within the London Borough of Southwark and the surrounding context is made up primarily of residential dwellings. There is no access to site from the Crystal Palace Parade side.



Fig 2: Relationship of the site, to the left, to the Crystal Palace Parade (looking south) (Design & Access statement)



Fig 3: View of the site, from Crystal Palace Parade, looking north east (Design & Access statement)

- 1.5 The previous use of the site was a pedestrian Subway link from Crystal palace High Level Station until 1954. The site has been unused since that time except periodically for Open House weekend and occasional tours run by the Friends of Crystal Palace Subway.
- 1.6 The Subway is said to have been built by Italian cathedral bricklayers and to the designs of Charles Barry Junior. It is constructed in a striking Byzantine style, with dramatic fan vaults in red and cream brickwork with a paved floor in two types of stone. The remaining external staircases and courtyard parapet walls are constructed out of similar bricks with a patterned stone paving floor. Much of this external structure is in a poor state of repair and collapsing. Two sets of stairs are entirely derelict and all of the parapet walls are missing.
- 1.7 The Subway, Vestibule, Terrace and Stairs to the former Crystal Palace are all grade II* listed and are included on Historic England's Heritage at Risk Register.



Fig 4: View of the west elevation of the east courtyard (Design & Access statement)

2. PROPOSAL



Fig 5: 3D render showing a top view of the proposed new roof, with corten to the gable end, glazing to the upper part of the roof and stainless steel standing seam to the lower part (Design & Access statement)



Fig 6: 3D render looking south east from within the Subway (Design & Access statement)

2.1 The overall objectives of the project are:

- To fully repair the Grade II* listed structure.
- To provide the Subway with a sustainable long-term future through its use as a community and cultural venue
- To remove the Subway from the 'At Risk' Register

2.2 The proposals include:

- Construction of a new roof over the east courtyard
- New parapet walls around the east courtyard and stairs
- Dismantling of east courtyard wall and re-constructing using reclaimed material
- Local repairs to damaged parts of the subway and stairs
- Dismantling of north wall of upper stairs and reconstruction with a new retaining wall behind
- Reconstruction of south stairs together with its flanking walls, the supporting arch to the upper landing, and the landings themselves to match brick and stone on the north side
- Dismantling of west wall, reconstruction and refacing of damaged bricks
- Installation of metal handrails and lighting to staircase
- Installation of lights to new roof structure
- Installation of lights in the original positions in the vaulted ceiling
- Removal of concrete from courtyard floor and missing areas of paving reinstated
- Reinstatement of sliding doors from the courtyard to the four east staircases
- Reinstatement of parapet walls around courtyard and stairs
- New 1.55m high 'mild steel' gates at the top of the stairs to secure the development

2.3 A separate Listed Building Consent application has been submitted and is under consideration for the works proposed to the listed building (including the internal works) under application ref.21/02649/LBC

3. RELEVANT PLANNING HISTORY

28.04.1997: Listed building consent granted for Structural Investigation (ref.96/02245/LBCALT)

20.10.2016: No objection raised to Resurfacing of the subway (ADJOINING AUTHORITY CONSULTATION BY LONDON BOROUGH OF SOUTHWARK) (ref.16/04025/ADJ)

27.02.17: No objection raised to Details of the replacement stone flags as required by condition 2 of planning permission dated 17/11/16 (16/AP/2620 resurfacing of

the subway) ADJOINING AUTHORITY CONSULTATION LONDON NOROUGH OF SOUTHWARK (ref.17/00044/ADJ)

09.10.2017: Listed building consent granted for Installation of new retaining walls behind the existing north and south retaining walls of the East Courtyard of Crystal Palace Subway. Removal of the trees behind the north retaining wall of the East Courtyard (ref.17/03321/LBC)

13th December 2010: Part full/part outline permission granted for comprehensive phased scheme for landscaping and improvement of the Park comprising the demolition of and alterations to existing buildings and structures including the removal of existing hard surfaces; changes of use including part of the caravan site to public open space and the museum to a park rangers base; the erection of new buildings and structures for various uses including museum, park maintenance facilities, community facility, information kiosk, greenhouses, retail kiosks, cafes, toilets, classroom, children's nursery, treetop walk, college and up to 180 residential dwellings; erection of a new regional sports centre including indoor swimming pool; alterations to ground levels with new pedestrian paths, vehicular access roads, car park, highway works, water features, together with associated and ancillary works, plant and equipment (ref. DC/07/03897/OUT)

13th December 2010: Conservation Area consent granted for demolition of walls, fences, gates and various buildings including park maintenance and office buildings, 3 public conveniences, café, St John's Ambulance premises and One O'Clock Club (Nos 23 and 27 Crystal Palace Park Road), the Paxton Suite and the hostel at The Lodge, the Jubilee Stand and Stadium Stand, buildings at the Caravan Club site, and dwellings at Nos 1-7 (con) National Sports Centre (Ref.07/03906/CAC)

13th December 2010: Listed Building Consent granted for internal and external alterations including flooring over the swimming pools, provision of toilets and showers within the existing squash courts, removal of the Crystal Suite mezzanine structure at Level 6, refurbishment of the façade including replacement glazing, replacement roofing systems including the copper roof and central roof lights; demolition of high level walkways and ramps, covered football pitch and restaurant, training pool building, concrete ventilation duct structures; associated/ancillary works including plant and equipment (ref.07/03907/LBC)

AWAITING DECISION - Outline application with all matters reserved except highways access for comprehensive phased regeneration of Crystal Palace Park. This will include: conservation and repair of heritage assets; removal of existing hard surfaces; alterations to ground levels and tree removal; landscaping including planting of new trees; demolition of existing buildings and structures; creation of new pedestrian paths/vehicular access roads / car, coach and cycle parking; changes of use including part of the caravan site to part public open space and part residential; erection of new buildings and structures comprising: up to 2300sqm for a cultural venue (Use Class D2), up to 530sqm of park maintenance facilities (Sui Generis) including the dismantling and reconstruction of existing maintenance depot; up to 150sqm information centre (Use Class D1); up to 670sqm for a community centre (Use Class D1); up to 3779sqm of

educational institution at the Capel Manor College Farm Site (Use Class D1) of which 3399sqm comprises educational buildings and 380sqm comprises ancillary shelters/ outbuildings; and up to 16,352 sqm of residential (Use Class C3) accommodation to provide up to 210 residential dwellings, together with associated and ancillary works including utilities and surface water drainage, plant and equipment. Full planning permission is sought for alteration to highways access at Anerley Hill Gate entrance, Penge Gate car park, Old Cople Lane (Rockhills Gate), Sydenham Gate car park and the creation of three additional accesses for the residential development at Rockhills and Sydenham Villas (Ref. 20/00325/OUT)

AWAITING DECISION - Repairs to and restoration of Crystal Palace Subway; partial deconstruction and rebuilding of existing retaining walls; construction of new parapet walls and roof structure (Listed Building Consent) (ref.21/02649/LBC).

4. CONSULTATION SUMMARY

a) Statutory

4.1 Historic England – No Objection

- Strongly support these proposals which seek to address the conservation needs of the Subway and provide it with public access and sustainable uses.
- We hope that this will enable the removal of the building from our Heritage at Risk Register.

4.2 Historic England (GLAAS) – No objection

- Written Scheme of Investigation condition recommended
- Building recording recommended

4.3 TfL – No objection

- Construction management and delivery and servicing management conditions are recommended which should, inter alia, enable the implementation of the restoration scheme and the subway's successful reuse whilst also not impacting upon the safety and efficiency of the adjacent bus operations and passengers.
- Depending upon the ultimate numbers of people visiting the attraction and timings it may also be necessary to secure an events management plan which should then coordinate with one for the park itself.
- It is noted that no vehicle parking or service bays are proposed. Those involved in the implementation of the scheme, its operation as an attraction and visitors should not park or drop off/pick up so as to block operation bus lane or operational use of the bus stops and stands.
- Travel by public transport or walking and cycling is therefore strongly supported.

4.4 Natural England – No comment / refer to standing advice

- The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006.
- The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

4.5 Drainage (lead local flood authority) – No objection

- Compliance with submitted drainage plan condition recommended

b) Local groups & Adjoining Boroughs

4.6 LB Croydon – No objection/No comment

- It is considered that as the proposals are of a sufficiently minor nature and an adequate distance away from the Borough boundary, the Council would not wish to comment on the proposals.
- The proposals should be considered in the context of your local planning policies and any representations received from nearby occupiers, including those from the Borough of Croydon, should be fully taken into account.

4.7 LB Lambeth – No objection/No comment

4.8 LB Lewisham – No objection

4.9 LB Southwark – No objection/No comment

4.10 Friends of Crystal Palace Subway

- Fully support proposals

4.11 Crystal Palace Foundation

- The proposed roof is a compromise in terms of the fact that it is not a ridge and furrow design – one of the renowned hallmarks of Sir Joseph Paxton's Crystal Palace (addressed in paragraph 6.31)
- If the proposed roof's gable end were to be enclosed with Corten steel, would this result in rust staining the Crystal Palace Parade wall, internally and/or externally – and would it sit sympathetically with that wall (addressed in paragraphs 6.33 and 6.74)
- Can more be said about the proposed soakaways, which would receive rainwater and detritus from the proposed roof, and their effectiveness in coping with a deluge? (addressed in paragraphs 6.72 and 6.73)
- Will grilles be fitted to stop leaves, twigs and other detritus from falling into the gutters? (addressed in paragraph 6.28)
- The courtyard space below, which would be covered with a form of glazed roof, whatever the final solution, would not be the best acoustic by a long way for, say, any type of music/performance in the Subway (addressed in paragraphs 6.48-6.50)

- we should all now be working towards, i.e., a world-class museum – not merely a ‘cultural venue’ as proposed (addressed throughout report)
- We understand that the flagstones on the Southwark side of the Subway were put in place by LB Southwark in 2018. Are there any plans to offer protection to these and the historic structure by placing a roof over this portion of the Subway? (addressed in paragraph 6.34)
- A china gully in the northern alcove (on the Southwark side) has, in large part, been removed. Can arrangements be made with Southwark for this important historic element to be replaced with a custom-made replica, to the original design and materials? (addressed in paragraph 6.34)

4.12 **Bromley Friends of the Earth**

- Fully support proposals

c) Adjoining Occupiers

4.13 *Support*

- Fabulous / wonderful scheme
- a lovely approach to maintaining a local heritage site
- Boost to the local economy of Crystal Palace and bring jobs to the area
- Will provide additional space for local events and businesses to make use of
- Will bring much needed interest
- Not only a part of a beautiful and historically important building but a symbol of a local community
- A worthy restoration / preservation project showcasing important local historical architecture which has sadly fallen into disrepair
- Will respect the history and unique heritage of the park
- Big fan of the regenerative nature of the projects that are happening around the area and this is one of them
- Thos. Ford & Partners were awarded the work as they have carried out some marvellous restorations in the past

4.14 *Design (addressed in paragraphs 6.25 – 6.37)*

- Love the idea of the roof being a contemporary reimagining of the original Victorian roof
- Roof will help protect the area from vandalism
- New gates do not match current style of gate on the west side of the Parade
- Not clear if the masonry matches the west parapet wall

4.15 *Noise (addressed in paragraphs 6.48 – 6.50)*

- The study, measurements and predictions present targets for noise levels summarised in Table 9- 21, but only refer to 'Building Services Plant' without suggesting that future uses of the subway, e.g. as a music venue, will also need to be considered

- There are many other standards which may need to be invoked in this context to provide an idea of what future intrusive sound generation might be like

4.16 Other

- Not sure if there is much function left for the structure, unless a right of way can be created through the development on the west side (addressed in paragraph 6.34)

5. POLICIES AND GUIDANCE

National Policy Framework (NPPF) 2021

5.1 Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For **decision-taking** this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In accordance with Paragraph 47 of the Framework, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Other relevant paragraphs are referred to in the main assessment.

National Planning Practice Guidance (NPPG)

5.2 Relevant paragraphs are referred to in the main assessment.

The London Plan (March 2021)

5.3 Relevant policies:

Chapter 2 Spatial Development Patterns	
Policy SD1	Opportunity Areas

<i>Policy SD2</i>	<i>Collaboration in the Wider South East</i>
Policy SD10	Strategic and local regeneration
Chapter 3 Design	
Policy D1	London's form character and capacity for growth
Policy D4	Delivering good design
Policy D5	Inclusive design
Policy D8	Public realm
Policy D11	Safety, security and resilience to emergency
Policy D12	Fire safety
Policy D13	Agent of Change
Policy D14	Noise
Chapter 6 Economy	
Policy E10	Visitor infrastructure
Policy E11	Skills and opportunities for all
Chapter 7 Heritage and Culture	
Policy HC1	Heritage conservation and growth
Policy HC3	Strategic and Local Views
Policy HC4	London View Management Framework
Policy HC5	Supporting London's culture and creative industries
Chapter 8 Green Infrastructure and Natural Environment	
Policy G1	Green infrastructure
Policy G3	Metropolitan Open Land
Policy G4	Open space
Policy G5	Urban greening
Policy G6	Biodiversity and access to nature
Policy G7	Trees and woodlands
Policy G9	Geodiversity
Chapter 9 Sustainable Infrastructure	
Policy SI1	Improving air quality
Policy SI4	Managing heat risk
Policy SI5	Water infrastructure
Policy SI12	Flood risk management
Policy SI13	Sustainable drainage
Chapter 10 Transport	
Policy T1	Strategic approach to transport
Policy T2	Healthy Streets
Policy T3	Transport capacity, connectivity and safeguarding
Policy T4	Assessing and mitigating transport impacts
Policy T5	Cycling
Policy T6	Car parking
Policy T7	Deliveries, servicing and construction

Chapter 12 Monitoring	
Policy M1	Monitoring

Mayor Supplementary Guidance

5.4 Relevant SPGs:

- Social Infrastructure (2015)
- Accessible London: Achieving an Inclusive Environment (2014)
- The control of dust and emissions during construction and demolition (2014)
- Character and Context (2014)
- Preparing Borough Tree and Woodland Strategies (2013)
- All London Green Grid (2012)
- London View Management Framework (2012)
- London's Foundations (2012)

Bromley Local Plan (2019)

5.5 Relevant policies:

- 13 Renewal Areas
- 14 Development Affecting Renewal Areas
- 15 Crystal Palace Penge & Anerley Renewal Areas
- 20 Community Facilities
- 21 Opportunities for Community Facilities
- 24 Allotments and Leisure Gardens
- 26 Health and Wellbeing
- 30 Parking
- 32 Road Safety
- 33 Access for all
- 37 General Design of Development
- 38 Statutory Listed Buildings
- 40 Other Non-Designated Heritage Assets
- 42 Development Adjacent to a Conservation Area
- 45 Historic Parks and Gardens
- 46 Ancient Monuments and Archaeology
- 48 Skyline
- 50 Metropolitan Open Land
- 54 South East London Green Chain
- 69 Development and Nature Conservation Sites
- 70 Wildlife Features
- 72 Protected Species
- 73 Development and Trees
- 74 Conservation and Management of Trees and Woodlands
- 77 Landscape Quality and Character
- 78 Green Corridors
- 79 Biodiversity and Access to Nature

- 111 Crystal Palace SOLDC
- 115 Reducing Flood Risk
- 116 Sustainable Urban Drainage Systems
- 118 Contaminated Land
- 119 Noise Pollution
- 120 Air Quality
- 122 Light Pollution
- 123 Sustainable Design and Construction

Bromley Supplementary Guidance

5.6 Relevant SPGs:

- SPG 1 General Design Principles

6. ASSESSMENT

Principle of development – Acceptable

Metropolitan Open Land (MOL)

- 6.1 The site, and the wider context of Crystal Palace Park is designated at Metropolitan Open Land, offering it protection from development, unless under special circumstances.
- 6.2 London Plan Policy G3 affords Metropolitan Open Land (MOL) the strongest possible protection and says it should be protected from inappropriate development. Proposals that harm MOL should be refused. National Green Belt policies, set out within the NPPF, apply to MOL and therefore MOL is offered the same protection as Green Belt. Bromley Local Plan (BLP) policy 50 is consistent with the London Plan.
- 6.3 As set out in paragraph 149 of the NPPF, the construction of new buildings should be regarded as inappropriate development in the Green Belt (and henceforth the MOL). Exceptions to this of relevance to the application proposals are:
- (a) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- 6.4 Paragraph 150 states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. At criteria (d) it states that the re-use of buildings provided that the buildings are of permanent and substantial construction is not inappropriate.
- 6.5 Inappropriate development is, by definition, harmful to the Green Belt (and henceforth MOL) and should not be approved except in very special circumstances.

- 6.6 The proposal includes the construction of a new roof structure to cover the existing Crystal Palace Subway courtyard. This replaces the original roof that fell into disrepair and was eventually removed in the 1960's. While the proposed new roof could meet criteria (a) in the NPPF in that it replaces an original roof, the proposed roof does not exactly follow the original Victorian design of the roof but acts as a contemporary re-imagining of it.
- 6.7 The original Victorian roof was of a metal and glass construction and of double pitched design with a central valley gutter, whereas the proposed roof will be a single pitch design, larger than the original roof, projecting above the parapet wall on Crystal Palace Parade. As such it is considered inappropriate development in the MOL.
- 6.8 Accordingly, the applicant has put forward what they consider to be 'very special circumstances' which can be broadly summarised as follows:
- Heritage benefits
 - Community benefits
 - Limited impact on openness

Heritage benefits

- 6.9 At the National level, the NPPF requires Local Plans to set out a positive strategy for the conservation and enjoyment of the historic environment, taking into account:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - The desirability of new development making a positive contribution to local character and distinctiveness; and
 - Opportunities to draw on the contribution made by the historic environment to the character of a place.
- 6.10 The Crystal Palace Subway is recognised by Historic England as a rare and important listed building within the borough. It is however, in poor condition as recognised in its Heritage at Risk status. These proposals seek to address the conservation needs of the Subway and unlock the potential for a variety of future uses by creating a covered area within the courtyard and providing improved access.
- 6.11 Heritage-led regeneration is supported, in principle, at the strategic level by the London Plan and at the local level the Council will work with the Mayor, the community and other stakeholders to ensure that development proposals and other initiatives within the SOLDC contribute to the long - term planning and regeneration strategies for the park and

support where appropriate the wider Crystal Palace, Penge and Anerley Renewal Area objectives (policy 111, BP).

Community Benefits

- 6.12 The proposal seeks to bring back the derelict structure of the Subway into use to allow cultural, educational and recreational events to be held for the local community.
- 6.13 Following a period of disuse after the closure and demolition of the High Level Station, the Subway has been used as a community venue, and for no other purpose, since 1979. The present project addresses the deterioration of the structure and will make it safe for this use continue.
- 6.14 Historic England are of the view that the proposed roof to the courtyard is necessary in order to secure a beneficial reuse of the subway. The proposals will enable London's residents and visitors to better appreciate and understand the historic significance of this listed building, providing significant cultural and social benefits in line with the strategic aims of the London Plan.
- 6.15 Crystal Palace park is served by a number of bus routes and there are 2 railway stations within walking distance. The enhancement of cultural and community facilities in this location is therefore acceptable in terms of London Plan and Local Plan policies requiring provision of such development on sites where there is good existing or planned access by public transport.
- 6.16 While it is regrettable that step-free access to the subway is not possible as part of these restoration works the constraints of the listed structure are recognised in this instance. It is noted that step-free access via a new cultural venue is being proposed as part of application ref.20/00325/OUT, however this application is still awaiting a formal determination.

Impact on openness

- 6.17 Openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume.
- 6.18 The proposed development sits within the footprint of the existing courtyard structure and there is no additional floorspace. New parapet walls around the East Courtyard and stairs reinstate similar walls that formed part of the original construction. Ground levels have changed since the Subway was first constructed. There will be limited changes to the site topography in order to regulate ground levels locally adjacent to the new parapet walls. As such there would be very little impact on the openness of the MOL, spatially speaking.

- 6.19 The impact on the MOL is largely limited to the visual impact of the new roof structure and parapet walls. The proposed roof is a pitched, gable ended, design with glazing and a height of approximately 3m to its ridge.
- 6.20 The roof itself would be largely screened from surrounding views by the surviving 2m high parapet wall on Crystal Palace Parade and the new / restored 2.15m high parapet walls. Only a small section of the brick-built gable ends would be visible above the parapet wall on Crystal Palace parade and the new parapet wall facing the park and the majority of the roof structure visible above the parapet walls would be glazed.
- 6.21 Overall it is considered that the proposals have been sensitively designed and would have only a modest visual impact on the MOL.



Fig 7: 3D render looking into the site from the Crystal Palace Parade, showing the glazed roof, the corten gable, the proposed new parapet walls and the existing parapet wall to Crystal Palace Parade (Design & Access Statement)



Fig 8: 3D render looking from the Crystal Palace Park, showing the new cream parapet walls and piers, and the new roof beyond (Design & Access Statement)

Land Use

- 6.22 The proposed use of the site will remain the same as F2(b) - Halls or meeting places for the principal use of the local community. It is envisaged that the new roof will allow the Subway site to be used for community gatherings, performances, craft/food markets and private events.

- 6.23 No parking is proposed as part of the application and the site benefits from a high PTAL of 5-6a and is in close proximity to stations and bus stops. As such the development is unlikely to be a significant generator of traffic.

Conclusion on principle of development

- 6.24 The proposals involve the restoration of an important Grade II* historic structure with the aim of removing it from the 'At Risk' register and returning it to a 'community asset' to be enjoyed by London's visitors and residents. In this instance it is considered that there are adequate very special circumstances to outweigh the limited harm which would be caused to the MOL.

Design (Layout, Access, Scale and Massing) – Acceptable

- 6.25 The proposed site layout remains unchanged as the new roof is to be within the footprint of the existing structure. Proposed access doors to the four entrances to the east courtyard will allow passage between the park and the Subway. The boundary treatment to Crystal Palace Parade will remain the same. The application also includes a proposal for installation of gates to close off access from the park. It is highly unlikely that were ever gates in these positions however this is to prevent the stairs from being accessed out of hours and used for antisocial activities.
- 6.26 The new parapet walls around the East Courtyard and steps will be constructed and detailed based on the available historical evidence. Although colours are not known from photographs, it is assumed that they matched the surviving wall to Crystal Palace Parade. Samples of matching bricks will be sourced for approval in due course. The exact specification is requested to be a Reserved Matter.
- 6.27 The proposed roof will have the same pitch as the original but, rather than having two ridges and a central valley, the outer slopes will be continued upwards to form a higher central ridge. The overall intention is to acknowledge the original form and materials of the roof whilst also addressing the new use and practical concerns about maintenance and safety.
- 6.28 The lower halves of the slopes will have a standing seam stainless steel covering externally and a timber boarded finish internally (which will be fire protected). The upper halves of the slopes will be glazed. The upper parts of the gables will rise above the original wall lines at the east and west end and the triangular apertures at the head of each gable will be covered by open grilles which will provide natural ventilation to the interior to combat any solar gain in the summer.
- 6.29 The north retaining wall to the east courtyard has become structurally unstable since its construction and bows significantly along its length.

This wall will be carefully dismantled and rebuilt to the same design and using the same bricks wherever possible. The side walls to parts of the access stairs, also retaining walls, are also unsound and will be similarly dismantled and rebuilt.

6.30 The following materials are proposed:

- External walls: Brickwork and stone to match existing
- Roof covering: Stainless steel and glazing
- External doors: Solid timber doors to original design
- Floors: Stone paving slabs to match existing in Portland Whitbed and Corsehill Sandstone
- Lighting: To staircases: LED built into handrails To vaults: LED fittings in location of original gas fittings To new roof: LED fittings attached to structure

6.31 Concerns have been raised by Crystal Palace Foundation that the proposed roof would not match the original design. Many of the comments made seem to centre around the suggestion that the original form of the roof was consciously intended to match the well-known 'ridge and furrow' design of Paxton's Crystal Palace. The applicant is of the view that resemblance was entirely accidental, and that the roof was simply a straightforward design with two parallel pitched roofs sharing a common valley gutter - a very common feature of many buildings of the period and often found in industrial and semi-industrial applications such as railway stations.

6.32 While the roof would not be a like for like replacement of the original, this is due to the perceived issues with maintenance and vandalism that a central valley could create, and officers consider that there is clear justification for this approach. Historic England share this view.

6.33 The proposal to re-instate the original parapet walls to their original scale and materials is welcomed. Historic England's comment that the visualisations suggest a somewhat unresolved visual relationship between the parapet wall and roof pitch, as well as the roof interfaces with the courtyard internal walls are noted; however it is not considered by Historic England (or officers) that the visual impacts of the proposed roof along Crystal Palace Parade would be harmful due to the very localised subterranean setting of the Subway. Historic England have subsequently confirmed that the additional drawings submitted on 03.08.21 provide much more detail on the interfaces/junctions between the proposed roof and historic fabric and they are satisfied that this issue has been resolved, but materials etc should still be subject to condition.

6.34 Regarding the question of a roof over the western terrace, a replacement china gulley and the potential for a right of way through the development on the west side, these parts of the subway all lie outside of LB Bromley, within LB Southwark, and are outside the scope of this application.

- 6.35 Policy 122 of the Local Plan requires lighting in new development, to be at an appropriate level so as to minimise impact on amenity whilst ensuring safe and secure places. A lighting condition is recommended which will require further details of all the proposed lighting to be submitted to the LPA for approval. This will help to ensure that there will be no adverse effects on residential amenity, through glare or hours of operation, no harm to the significance of designated heritage assets and no adverse impact on road safety, landscape or nature conservation.
- 6.36 The overall strategy, in terms of landscaping, is to remove all the poor quality scrub and replace it with ‘a more species rich grassland mixture’ as recommended in the above report. At the head of each of the four staircases to the eastern courtyard, a small area of paving is proposed to remove dirt and mud from visitors shoes before they descend into the subway. Two trees have been identified for removal to facilitate these works and repairs of the subway, along with overgrown bramble and buddleia. However, opportunities and space are available within the site for new tree/hedge planting and a landscaping condition is recommended.
- 6.37 Overall, it is considered that the proposed roof design would be imaginative and attractive to look at, of a good architectural quality and would complement the scale, proportion, form, layout and materials of adjacent buildings and areas. These proposals would positively contribute to the existing street scene (by clearly demarcating the position of the historical subway) and the landscape (through landscaping enhancements) and would have minimal impact on the adjacent townscape in the London Borough of Southwark. Furthermore, the proposal would not adversely impact on any important views or landmarks, including that of the Crystal Palace BBC TV mast.

Heritage – Acceptable

Built Heritage

- 6.38 In determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness (Para 197, NPPF).
- 6.39 In accordance with paragraph 199 of the NPPF, when considering the impact of a proposed development on the significance of a designated

heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 6.40 The most significant intervention would be the reinstatement of a roof to the courtyard. Due to the subterranean nature of the subway the parapet wall is the only listed element of street scale value. The majority of the works affecting the listed building are internal requiring listed building consent and are the subject of a separate LBC application.
- 6.41 The proposed community uses should provide much anticipated public access to the Subway, ensuring that it has a sustainable future, which should enable its removal from the Heritage at Risk Register. The proposals are therefore strongly supported by Historic England.
- 6.42 Having regard to the provisions of the NPPF these proposals would lead to less than substantial harm to the significance of a designated heritage asset, significance of the grade II* listed subway. The proposals would sustain and enhance the significance of this important designated heritage asset and enable viable uses consistent with its conservation.
- 6.43 The application site lies outside of the Crystal Palace Park conservation area, approximately 86m to its west. As such there would be no significant harm to its setting and the proposals would not detract from views into or out of the area.

Archaeology

- 6.44 The conservation of archaeological interest is a material consideration in the planning process. The significance of the site, the exhibition building and its' Bromley park landscaped grounds, is important to record and interpret. This significance is reinforced by the fact that the archive that included detail of the construction of the Crystal Palace was destroyed in either of two fires that were to occur at the site.
- 6.45 The applicant has not submitted a desk-based assessment with this application. They state that:

The only excavation that forms part of the proposal will occur incidentally as part of the rebuilding of the retaining walls and it is expected that this ground has already have been disturbed as part of the original construction of the walls or during the recent construction of new retaining structures in 2017. The most significant area of rebuilding is the north wall of the courtyard, which is just in front of the new ground retaining structure, which will have disturbed the ground in this area. No Archaeological Statement was submitted as part of application 17/03321/LBC for the new retaining structures, although these arguably had a greater ground impact than the Subway repair proposals. For

these reasons, we have not submitted an Archaeology Assessment as part of this application.

- 6.46 If planning consent is granted the applicant is required to record and advance understanding of the significance of any heritage assets to be harmed and make this evidence publicly available. It is considered that a measure of building recording would be appropriate and pre-commencement conditions are recommended accordingly.

Neighbourhood Amenity – Acceptable

Visual impact

- 6.47 The nearest residential properties to the site are on Burntwood View and Bowley Close. They are located to the west of the site within LB Southwark and are located at a lower level, on the opposite side of Crystal Palace Parade. The proposals would therefore have minimal visual impact when perceived from these nearby properties.

Noise

- 6.48 No works are proposed to the western terrace which lies within LB Southwark close to the nearest residential sites. The construction of the roof would allow the site to be used as a meeting and performance space for the local community, and potentially for private events and food/crafts markets.
- 6.49 There is potential for some increased noise and disturbance at the nearest residential sites resulting from the re-use of the building. However, no change of use or significant noise-generating activities are proposed. While there are various exemptions for regulated entertainment under the 2003 Licensing Act, events that are put on by commercial operators (concerts, etc.) should be subject to a separate licensing regime which can incorporate entertainment noise limits.
- 6.50 Regarding the suggestion of a sound dampening canopy, the applicant conforms that acoustic treatment of this nature has not been considered as part of these proposals.

Construction Impacts

- 6.51 In relation to construction noise, the applicant states that in the 20/00325/OUT Noise and Vibration Impact Assessment submission, '*a receptor was placed along the Crystal Palace Parade in close proximity to the subway site, and was not deemed likely to be affected by the proposed works (which include the construction of the cultural venue) to any degree that mitigation steps would need to be taken.*'
- 6.52 It is unclear from the submission what impacts construction noise would have on the nearest residential properties in Burntwood View and

Bowley Close or what shielding affect there will be. The Council's Environmental Health Officer has therefore recommended the imposition of Construction and Environmental Management Plan (CEMP) and Non-road Mobile Machinery (NRMM) conditions.

- 6.53 Subject to the appropriate planning conditions, the proposal is unlikely to result in a significant loss of amenity to local residents.

Transport - Acceptable

- 6.54 No parking is proposed as part of the application, however, the site benefits from a high PTAL of 5-6a and is in close proximity to stations and bus stops. As such the development is unlikely to significantly increase the number of vehicular movements in the local area.
- 6.55 As discussed, no change of use is proposed which would materially alter the characteristics or nature of journeys being made to the site, as such the applicant has not provided a Transport Assessment.
- 6.56 TfL have noted that, depending upon the ultimate numbers of people visiting the attraction and timings, it may be necessary to secure an events management plan which should then coordinate with one for the park itself. The regeneration proposals for the wider park do not currently benefit from planning consent and permission granted for the subway should therefore work as a stand-alone planning consent. However, in this instance, as no change of use is proposed, it is not considered that a framework events management plan would be a reasonable condition and would fail to meet the tests in the NPPG.
- 6.57 Construction management and delivery and servicing management conditions are however recommended which should, inter alia, enable the implementation of the restoration scheme and the subway's successful reuse whilst also not impacting upon the safety and efficiency of the adjacent bus operations and passengers.
- 6.58 Subject to these conditions the proposals would accord with policy 31d of the BLP which states that any new development likely to be a significant generator of travel will need to incorporate or contribute to improvements to the highway network, including traffic management measures; and policy 33 which requires a consideration of the potential impact on public transport services and their users and seeks the provision on and contributions to suitable infrastructure improvements on a case by case basis.

Environmental Health: Land Contamination & Air quality - Acceptable

Land Contamination

- 6.59 In relation to contaminated land the Design and Access statement has stated that the only excavation that forms part of the proposal will occur

incidentally as part of the rebuilding of the retaining walls and it is expected that this ground has already have been disturbed as part of the original construction of the walls. The most significant area of rebuilding is the north wall of the courtyard, which is just in front of the new ground retaining structure, which will have disturbed the ground in this area. There are no impacts from the perspective of health and therefore no requirement from Pollution Control for further details.

Air Quality

- 6.60 Air quality impacts are to be managed within the construction phase as part of the CEMP submission and the NRMM condition.
- 6.61 Subject to the appropriate planning conditions, the proposal is unlikely to have significant air quality impacts.

Trees - Acceptable

- 6.62 The application is accompanied by supporting arboricultural information which recommends the removal of a Silver Birch (T2) as it is growing out of one of the dilapidated retaining walls for the subway stairs and roots are likely to be within the buildings; and the removal of a Norway Maple (T3) due to future structural stability issues and practical on site working. There are no objections to the removal of T2 and T3 subject to suitable replacement planting. A soft landscaping condition is recommended accordingly.
- 6.63 The retention of a good quality London Plan (T1) directly to the north of the retaining wall for the subway stairs is welcomed and works can be carried out to the wall with minimal tree impacts.

Ecology - Acceptable

- 6.64 The application is accompanied by a 'Ecology, Habitat and Bat Hibernation Survey Report' which focusses on the impact of the restoration of the subway specifically on bats. The previous surveys have been supplemented with summer and winter survey work to establish hibernation, breeding and summer roosting activity, all of which are considered to be low although some evidence was found of hibernating bats at the site. The report concludes a minor negative impact on bats and suggests mitigation measures including replacement of vegetation lost with vegetation of a better biodiversity value and a sensitive lighting scheme.
- 6.65 The report recommends a detailed mitigation strategy to be prepared based on the precise details of the restoration methods, given that it is uncertain whether bats are infrequently using the subway for hibernation. This in turn will inform the ecological licences required and the extent of mitigation/enhancement needed.

- 6.66 A Contractor has not yet been appointed for the works. Once they have however, a detailed programme and method statement for the restoration works will be completed and supplied to the ecologist to allow them to prepare a more detailed mitigation strategy.
- 6.67 Accordingly, a mitigation strategy should be supplied before works commence on site as a condition of any permission granted.
- 6.68 A lighting condition is also recommended.

Sustainability - Acceptable

- 6.69 The proposal has been designed to deliver a scheme that would be energy efficient and promote resource conservation. The roof will be designed to include sustainable features from the following list to reduce energy demands and improve overall energy efficiency:
- Installation of energy efficient LED light fittings
 - Natural and passive ventilation
 - Natural and passive daylighting
 - Provision of Operational and Maintenance manuals to inform the Council and users of the energy saving design features installed within the proposed building
- 6.70 The roof structure will not be fully enclosed. Additional ventilation is gained through the perforated Corten panels at the Gables and the ventilated ridge which will allow natural ventilation throughout the year and negates the need for mechanical ventilation.
- 6.71 The proposal is not for Major development, as such there is therefore no requirement for it to be 'net zero-carbon'. However, the Subway will remain unheated, which further contributes to lowering the carbon footprint of the structure whilst in use.

Drainage and flooding - Acceptable

- 6.72 The proposed drainage for the new roof will discharge into soakaways located to the north and south of the site as indicated on the accompanying drawing.
- 6.73 The proposed "Drainage Layout General Arrangement" Plan DRW No. A6829-1500 Rev P3 dated 06/07/2021 is acceptable. A condition is recommended to ensure that the development is implemented in full accordance with the approved details.
- 6.74 Regarding the comments from Crystal Palace Foundation regarding rainwater and the use of the Corten steel, the applicant contends that all of these have been carefully considered as part of the detailed design.

Other Issues

Fire Safety and Security

- 6.75 London Plan D12 requires that, in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety. Part A of the policy sets out the relevant considerations which proposals should have regard to including identifying suitably unobstructed outside space for fire appliances, appropriate evacuation assembly point(s), appropriate fire alarm systems and means of escape and suitable access and equipment for fire-fighting.
- 6.76 London fire Brigade were consulted on the application. They have confirmed that an undertaking should be given that, access for fire appliances as required by Part B5 of the current Building Regulations Approved Document B and adequate water supplies for fire fighting purposes, will be provided.
- 6.77 More detailed fire safety matters will be picked up under the Building Control Regulations at the relevant point in the development.
- 6.78 The Designing out Crime Officer is supportive of the proposed gate to close off access from the park. They have advised that due to the bespoke nature of the proposals, the development is unlikely to be able to achieve Secured by Design accreditation however it would still benefit from following the aims and principles of Secured by Design and crime prevention through environmental design principles, as applied to other historic or listed structures. Accordingly, a condition is recommended that the applicant engages with the SE Designing out Crime Office in order to develop a strategy of relevant crime prevention measures, following the aims and principles of Secured by Design, to be submitted to and approved by the Local Planning Authority.

Community Engagement

- 6.79 Due to the on-going Covid-19 pandemic, the proposed public consultations have not been able to proceed as planned. To compensate for this, the Council (the applicant) has sent out letters to local residents and established a dedicated page on their website to provide background information and updates on the project. The applicant states they are also planning a range of public engagement events in the pre-construction phase of the project, once restrictions permit them to proceed.
- 6.80 According to the applicant, the project team has been working in close partnership with the Friends of Crystal Palace Subway community group and the LB Southwark Regeneration team throughout the project. Community representatives have been present at multiple meetings and have been an integral part of the design process to date.

7. CONCLUSION

- 7.1 The proposals to restore the grade II* historic subway with the aim of removing it from the 'Heritage At Risk' register and returning it to a 'community asset' in a manner appropriate to its significance is supported and would accord with the overarching principle of 'sustainable development' running through the NPPF.
- 7.2 Whilst the application site is within MOL where inappropriate development should be refused unless there exist 'very special circumstances' which clearly outweigh any harm resulting from the proposal by reason of inappropriateness (and any other harm), in this instance it is considered that there are compelling reasons to permit this application which would outweigh the limited harm caused to the MOL.

RECOMMENDATION PERMISSION

SUMMARY OF CONDITIONS AND INFORMATIVES

Standard condition

- **Time limit of 3 years**
- **Compliance with approved drawings**

Pre- commencement

- **Construction and Environmental management plan**
- **External and internal finishes**
- **Written scheme of Investigation**
- **Tree Protection Plan and Arboricultural Method Statement**
- **Ecological Mitigation**
- **Lighting Scheme**

Prior to above ground works

- **Landscaping**
- **Designing out crime**

Prior to occupation

- **Service and Delivery Plan**

Compliance conditions

- **Non-Road Mobile Machinery (NRMM)**
- **Drainage**

Any other planning condition(s) considered necessary by the Assistant Director of Planning

Informatics

- Access to fire appliances in accordance with Part B5 of the Building Regs
- Archaeological Written Scheme of Investigation

Any other informative(s) considered necessary by the Assistant Director of Planning