

<b>Committee Date</b>	25th July 2024	
<b>Address</b>	Crystal Palace Park Thicket Road Penge London SE20 8DT	
<b>Application number</b>	<b>24/00936/LBC</b>	<b>Officer: Joanna Wu</b>
<b>Ward</b>	Crystal Palace and Anerley	
<b>Proposal (Summary)</b>	<b>Listed Building Consent for the conservation and repair of heritage assets of Sir Joseph Paxton Bust – Grade II Listed (NHLE number 1389535)</b>	
<b>Applicant</b>	<b>Agent</b>	
London Borough of Bromley	Ms Michaela Oberhuber, HTA	
<b>Reason for referral to committee</b>	Council's Application	<b>Councillor call in</b> No

<b>RECOMMENDATION</b>	<b>Grant Listed Building Consent</b>
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<p><b>KEY DESIGNATIONS</b></p> <ul style="list-style-type: none"> <li>• Air Quality Management Area</li> <li>• Archaeological Priority Area</li> <li>• Crystal Palace Park Conservation Area</li> <li>• Green Chain</li> <li>• Historic Park and Garden (Grade II*)</li> <li>• Metropolitan Open Land (MOL)</li> <li>• PTAL Level 1b-6a</li> <li>• Renewal Areas</li> <li>• Site of Importance for Nature Conservation</li> <li>• Statutory Listed Buildings / Locally Listed Buildings</li> <li>• Strategic Outer London Development Centre</li> <li>• Views of Local Importance</li> </ul>
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<b>Representation summary</b>	Neighbour letters were sent on 5 <sup>th</sup> April 2024. The consultation was for a minimum of 21 days. <ul style="list-style-type: none"> <li>On 15<sup>th</sup> April site notices were posted and on 17<sup>th</sup> April a press advert was published notifying local residents that they could view and comment on the application on the Council's website.</li> </ul>
<b>Total number of responses</b>	<b>0</b>
Number of neutral representations	0
Number in support	0
Number of objections	0

## SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not result in unacceptable harm to, or detract from, the character, appearance and significance of the Grade II\* Historic Park, the Grade II listed Sir Joseph Paxton Bust (NHLE number 1389535) and its setting.
- Historic England and the Council's Conservation Officer, the key statutory consultees, support the restoration works to the Heritage Assets covered by this Listed Building Consent application.
- The principle of the restoration and relocation of Sir Joseph Paxton Bust has already been approved under the outline planning consent and the subsequent reserved matters application for Site B.

### 1. Background

1.1 An outline planning permission (planning ref: 20/00325/OUT) for the Crystal Palace Park Regeneration Plan was granted in March 2023, including the detailed highways access alterations at Anerley Hill Gate entrance, Penge Gate car park, Old Couple Lane (Rockhills Gate), Sydenham Gate car park and the creation of three additional accesses for the residential development at Rockhills and Sydenham Villas.

1.2 A recent reserved matters application for Site A (Tidal Lakes and the Maintenance Building/ Depot) and Site B (Italian Terraces) covering issues such as appearance, landscape, internal access, layout and scale has been approved at the June Development Control Committee. Within this application, the highest priority heritage restoration works include:

#### Site A

- Grade I listed Prehistoric Animal Sculptures and Geological Court (NHLE number 1067798)

#### Site B

- Grade II listed Upper and Lower Italian Terraces (NHLE number 1064352)  
- Restoration and relocation of the Bust of Sir Joseph Paxton (NHLE number 1389535) - Grade II listed.

- 1.3 In order to facilitate these restoration works within this historic park, this Listed Building Consent (LBC) application has been submitted specifically for the proposed restoration works and relocation of the Paxton Bust to its new location within Site B.



Fig 1: Sites A and Site B of the Crystal Palace Park

## 2. LOCATION AND SITE DESCRIPTION

### *Crystal Palace Park*

- 2.1 Crystal Palace Park is listed nationally at Grade II\* (List no: 1000373) on the Register of Historic Parks and Gardens and there are also 11 elements within the Park individually listed on the Listed Buildings register. These include:

- Upper and Lower terrace of the Crystal Palace Gardens (Grade II)
- Prehistoric animal sculptures, geological formations and lead mines on island and land facing the lower lake (Grade I)
- Subway, vestibule, terrace and stairs to the Crystal Palace (Grade II\*)
- Crystal Palace national recreational centre (Grade II\*)
- Bust of St Joseph Paxton (Grade II)
- Gorilla sculpture (Grade II)

- 2.2 The park is also included on the Heritage at Risk Register with five individual elements also listed. They are:

- North and South Railings (Grade II) Priority level C
- Base of Southern Water Tower (Grade II) Priority level C
- Pedestrian Subway (Grade II\*) Priority level F
- Upper and Lower Terraces (Grade II) Priority level C
- Prehistoric Animal sculptures, geological formations and lead mine (Grade I) Priority level A

2.3 The majority of the park is designated as Metropolitan Open Land (MOL) and it lies in the Crystal Palace Park Conservation Area. The park shares its boundary with the London Boroughs of Lambeth, Croydon, Lewisham and Southwark for which it is also of strategic significance.

*Site B (Paxton Bust)*

2.4 Site B covers the north-west of the Park and it features Grade II listed Italian Terraces.

2.5 The Paxton Bust was originally sited on the Terraces but was subsequently moved to the walkway of National Sports Centre in 1966. This Bust is Grade II listed and sits on a modern brick plinth. It is considered to be of heritage significance.



Fig 2: Paxton Bust

### 3. PROPOSAL

3.1 This Listed Building Consent application includes the restoration works of Paxton Bust on a new plinth and its relocation to the Lower Italian Terrace, its original position when it was first installed.







Fig 5: Artistic image from southern amenity lawn

#### **4. RELEVANT PLANNING HISTORY**

- 4.1 In 2011, a Masterplan submitted by the London Development Agency (now the GLA) was granted Outline planning permission, Conservation Area Consent and Listed Building Consent by the Secretary of State. (refs: 07/03897/OUT, 07/03906/CAC and 07/03907/LBC). An Environment Impact Assessment (EIA) was undertaken for this scheme. The Environmental Statement, including a suite of technical reports, was submitted with the planning application. However, the funds to deliver the £67 million scheme were not identified at this point and this prevented this Scheme from being implemented.
- 4.2 The Masterplan (ref: 07/03897/OUT) included a museum, park maintenance facilities, children's nursery, cafes, information and retail kiosks, greenhouses, a treetop walk, a horticultural and animal husbandry training college, removal of the caravan site, as well as the development of 180 homes around the perimeter of the Park as 'enabling development' for the restoration of the Park and structures therein.
- 4.3 In May 2012, planning permission was granted for use of buildings, storage container and adjacent land for horticulture and arboricultural training (ref: 12/00318/FULL2).
- 4.4 In November 2015, listed building consent was granted for conservation works to the dinosaur sculptures, to include cleaning, repair and associated works (ref: 15/02847/LBC).
- 4.5 In November 2015, listed building consent was granted for repairs to the granite steps and sphinxes to include repainting of the statues (ref: 15/04121/LBC)

- 4.6 In November 2015, planning permission was granted for demolition of the existing single storey cafe and terrace and erection of a two storey building comprising cafe on ground floor and cafe/ event space on first floor; external ground and first floor terraces and construction of a connecting bridge from the first floor terrace to the lakeside path (ref: 15/03106/FULL1).
- 4.7 In September 2016, permission was granted for the proposed formation of a skatepark (outdoor wheeled sports area) with associated landscaping/ excavation/ regrading works on land adjacent to sports pitches (ref: 16/02679/FULL1)
- 4.8 In November 2017, the Council issued a Screening Opinion pursuant to Regulation 5 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in respect of an application for the Comprehensive phased scheme for landscaping including planting of new trees and improvements to the Crystal Palace Park comprising the dismantling and refurbishment of, alterations to, and demolition of existing buildings and structures (ref: 17/04985/EIA).
- 4.9 In March 2018, the Council issued a Scoping Opinion confirming which topics should be included in the Environmental Statement to accompany any planning application and which topics could be 'scoped-out' (ref: 18/00352/EIA).
- 4.10 In November 2019, planning permission was granted construction of a footbridge in Crystal Palace Park for access to the Crystal Palace Dinosaurs on Dinosaur Island (ref: 19/03578/FULL1).
- 4.11 In October 2020, a reserved matters application was received for Details of layout pursuant to outline permission DC/07/03897/OUT granted by the Secretary of State on 13th December 2010 for a comprehensive phased scheme for landscaping and improvement of the Park.
- 4.12 In March 2023, outline planning permission with all matters reserved except highways access for comprehensive phased regeneration of Crystal Palace Park was granted. This application included: the 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).

- 4.13 In November 2023, planning permission was granted for changing facilities for users of the park with severe disabilities at land adjacent to the Crystal Palace Park Café (ref: 23/03026/FULL1).
- 4.14 In February 2024, five site-wide pre-reserved matters discharge of condition applications were submitted. The relevant conditions are: Condition 3 - Planting Compensation Strategy (ref: 20/00325/CONDIT); Condition 4 - The Framework Landscaping Plan and Landscape Management Plan (ref: 20/00325/CONDT1); Condition 19 - Pedestrian and Cycle Strategy (ref: 20/00325/CONDT2); Condition 6 - Ecology Surveys (ref: 20/00325/CONDT3) and Condition 5 - Tree Protection Plan, Arboricultural method Statement) for Phase 1A Site A and Site B only (ref: 20/00325/CONDT4). These applications have been approved.
- 4.15 In April 2024, a non-material amendment application (ref: 23/03025/AMD3) was granted for the amendment to the development description of permission ref: 20/00325/OUT to remove the reference to "the dismantling and relocation of the Maintenance Depot" and to the approved maximum size of the Information Centre, i.e. "up to 150sqm" and the replacement of approved plans set out in condition 2.
- 4.16 In March 2024, three Listed Building Consent applications, including this LBC application, were submitted and are pending approval at the time of writing. The other two LBC applications are: Planning ref: 24/00935/LBC for proposed works to the Grade II listed Italian Terraces and Planning ref: 24/00929/LBC for proposed works to the Grade I listed Prehistoric Animal Sculptures and Geological Court.
- 4.17 In June 2024, the reserved matters application (24/00478/DET) for Site A (Tidal Lakes and Maintenance Depot) and Site B (Italian Terraces) was approved at the Development Control Committee.

## **5. CONSULTATION SUMMARY**

### **a) Statutory:**

- 5.1 Historic England - No objection, subject to two pre-commencement conditions requiring details to be submitted to and approved in writing by Historic England.
- 5.2 The Greater London Archaeological Advisory Service (GLAAS) - No objection. The proposal is unlikely to have a significant effect on heritage assets of



archaeological interest. No further archaeological assessment or conditions are necessary.

5.3 Conservation Officer: No objection, subject to comments from Historic England.

**b) Adjoining Occupiers:**

5.4 Nearby owners/occupiers were notified of the application and no representations were received.

**6. POLICIES AND GUIDANCE**

6.1 National Planning Policy Framework (2023)

6.2 National Planning Practice Guidance (NPPG)

- Chartered Institute for Archaeologists' (CIfA) Standards and Guidance for Historic Environment Desk-based Assessments (2020)
- Historic England Good Practice Advice in Planning 1: The Historic Environment in Local Plan (2015a)
- Historic England Good Practice Advice in Planning 2: Managing Significance in Decision – Taking in the Historic Environment (2015b)
- Historic England Good Practice Advice in Planning 3: The Setting of heritage Assets, 2nd ed (2017)
- Historic England Advice Note 12 Statements of Heritage Significant (2019)
- Planning Policy Guidance - Historic Environment, published by the Ministry of Housing, Communities and Local Government (2019b)

6.3 The London Plan (2021)

HC1 Heritage and Conservation and growth  
G3 Metropolitan Open Land

6.4 Bromley Local Plan (2019)

- 37 General Design of Development
- 38 Statutory Listed Buildings
- 39 Locally Listed Buildings
- 40 Other Non-Designated Heritage Assets
- 41 Conservation Areas
- 43 Trees in Conservation Areas
- 45 Historic Parks and Gardens
- 46 Scheduled Monuments and Archaeology
- 50 Metropolitan Open Land

**7 ASSESSMENT**

7.1 The Crystal Palace Park is Grade II\* (List no: 1000373) on the Register of Historic Parks and Gardens. The whole Park lies within the Crystal Palace

Park Conservation Area and is within an area of Archaeological Priority. It is noted that the proposed heritage restoration and Park enhancement works have been approved in the recent reserved matters application for Sites A and B (planning ref: 24/00478/DET). This application has addressed the longstanding Heritage at Risk issues at Crystal Palace Park, including the restoration of many landscape features within the Park and its important built structures, such as the Grade II listed Paxton Bust. This LBC application provides more details on these proposed works.

### Built Heritage Impact

- 7.2 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) set out the obligation on local planning authorities to pay special regard to safeguarding the special interest of listed buildings and their settings, and preserving or enhancing the character or appearance of conservation areas.
- 7.3 Paragraph 205 of the NPPF states that 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).
- 7.4 Policy 45 (Historic Parks and Gardens) of the Bromley Local Plan states that "Applications within or adjoining a Registered Historic Park or Garden will be expected to protect the special features, historic interest and setting of the park or garden. The Council will seek to ensure that the park or garden is appropriately managed or maintained in a manner which reflects its status and designation."
- 7.5 Policy 38 of the Bromley Local Plan states that applications for development involving a listed building or its setting, or for a change of use of a listed building, will be permitted provided that the character, appearance and special interest of the listed building are preserved and there is no harm to its setting.
- 7.6 In the submitted Heritage Statement and Impact Assessment, the proposed restoration and the relocation works for the Paxton Bust are set out. These proposed heritage works have been fully consulted with Historic England throughout the design development stage and no objections have been raised on the scheme. Two pre-commencement conditions will be imposed for this LBC application. It is considered that these works will make a positive contribution to the designated heritage assets within the Park.

### Archaeology

- 7.7 The conservation of archaeological interests is a material consideration in the planning process. Paragraph 200 of the NPPF says that applicants should submit desk-based assessments, and where appropriate undertake field evaluation to describe the significance of heritage assets and how they would be affected by the proposed development. This information should be supplied to inform the planning decision. If planning consent is granted,

paragraph 211 of the NPPF says that applicants should be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence publicly available.

- 7.8 In the original outline consent (planning ref: 20/00325/OUT), a pre-commencement condition (Condition 23) has already been imposed which required the details of a programme of archaeological investigation in accordance with a Written Scheme of Investigation for these sites should be provided prior to any development taking place.
- 7.9 With regards to this LBC application, the Greater London Archaeological Advisory Service has been consulted. It is considered that this LBC application will not require further archaeological consideration and no additional archaeological assessment or conditions are considered necessary.

## **8. Conclusion**

- 8.1 Having regard to the above, it is noted that the principle of the regeneration plan within Site B has already been approved under the outline planning consent and the subsequent reserved matters application. Also, no objections have been received from Historic England and the Council's Conservation Officer. It is considered that the development would not result in unacceptable harm to, or detract from, the character, appearance and significance of the Grade II\* Historic Park, the Grade II listed Sir Jospeh Paxton Bust (NHLE number 1389535) and its setting.
- 8.2 The proposal is in accordance with the NPPF, Policy HC1 of the London Plan and policies 37, 39, 45, 46 and 50 of the Bromley Local Plan and this Listed Building Consent should be granted.

**Recommendation: Grant Listed Building Consent subject to planning conditions.**

## **SUMMARY OF CONDITIONS AND INFORMATIVES**

### **CONDITIONS**

- Time limit of 5 years
- Compliance with approved drawings

### Pre-commencement

- Full method statements for the approved works of dismantling, relocation and repair of the Paxton Bust
- Details of the sample panels and specification of new materials