

Crystal Palace Park

Local Planning Authority: Bromley

Local Planning Authority reference 20/00325/OUT

Strategic planning application stage 2 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Comprehensive phased regeneration of Crystal Palace Park including the restoration of heritage assets, demolition, earthworks, landscaping and access improvements, together with the construction of up to 210 residential homes, a community centre, a cultural venue, park maintenance facilities, an information centre and buildings in educational and ancillary uses.

The applicant

The applicant is **LB Bromley** and the architect is **AECOM**

Key dates

GLA pre-application meeting: 13 December 2017, 11 December 2018 and 16 January 2020

GLA stage 1 report: 2 June 2020

LPA Planning Committee decision: 25 March 2021 and 7 June 2022

Strategic issues summary

Land use principles: Very special circumstances have been demonstrated in line with the NPPF which clearly outweigh the harm caused to the MOL by reason of inappropriateness, harm to openness and other harm caused by the loss of trees, impact on biodiversity and heritage assets. The application therefore complies with London Plan Policy G3.

Housing and affordable housing: The level of affordable housing has been increased from zero percent to 11% by unit (13% by habitable room). This represents the maximum viable level that the scheme can support and has been secured unconditionally. The potential for grant funding has been fully explored.

Other issues relating to **heritage**, **transport**, and **climate change** have also been, on balance, resolved.

The Council's decision

In this instance Bromley Council has resolved to grant permission subject to planning conditions and conclusion of a Section 106 legal agreement.

Recommendation

That Bromley Council be advised that the Mayor is content for the Council to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal, or direct that he is to be the local planning authority.

Context

1. On 28 February 2020 the Mayor of London received documents from Bromley Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under the following categories of the Schedule to the Order 2008:
 - *Category 1A.1: Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.*
 - *Category 3D: Development (a) on land allocated as Green Belt or Metropolitan Open Land in the development plan, in proposals for such a plan, or in proposals for the alteration or replacement of such a plan; and (b) which would involve the construction of a building with a floorspace of more than 1,000 square metres or a material change in the use of such a building.*
 - *Category 3F: Development for a use, other than residential use, which includes the provision of more than 200 car parking spaces in connection with that use.*

2. On 2 June 2020 the Deputy Mayor for Planning, Regeneration and Skills, acting under delegated authority, considered planning report GLA/4436/01 ([link to report here](#)) and subsequently advised Bromley Council that the application does not comply with the London Plan (2016) for the following reasons; however, the possible remedies set out in the report could address these deficiencies:
 - **Land use principles:** The application proposes inappropriate development on Metropolitan Open Land (MOL) which would cause harm to openness. Very special circumstances have not been demonstrated which would clearly outweigh this harm. As such, the application is contrary to the NPPF and London Plan. Harm caused by the loss of the specialist caravan site facility could be outweighed by the range of public benefits proposed, but the applicant should extend the area it has looked at for a new campsite to adjoining boroughs. Further discussion is required in relation to social infrastructure facilities
 - **Housing and affordable housing:** No affordable housing is proposed on public sector land which is subject to a 50% threshold for affordable housing. Affordable housing is required and prior to Stage 2, the applicant must set out all available options to provide affordable housing, including through grant funding, different options in term of tenure mix and by providing affordable housing off-site or via a cash in lieu contribution. Early and late stage viability review mechanisms would be required within any approval. Further discussion is required in relation to play space.
 - **Heritage and urban design:** Improvements to the park in relation to landscape, heritage, access and recreation are strongly supported. The significant heritage related public benefits associated with the restoration and repair of designated heritage assets on the Heritage at Risk Register could outweigh the less than substantial harm caused to the setting of the Grade II*

listed park and Crystal Palace conservation area arising from the proposed development on the edges of the park

- **Climate change:** The energy, drainage and urban greening approaches are acceptable
 - **Transport:** A further significant reduction in the quantum of public parking within the park is required, to reduce car journeys and promote active and sustainable travel. Parking management measures and charges are required and further information is required for temporary event car parking. An Events Management Plan should be secured by condition or S106 agreement. Further discussion is required to demonstrate that final parking levels would not impact bus operations. The potential implications of the application on the potential tram extension to Crystal Palace require further consideration.
3. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report.
 4. On 25 March 2021 Bromley Council decided that it was minded to grant permission for the application subject to planning conditions and conclusion of a Section 106 agreement. Following discussion on the Section 106 agreement with GLA and TfL officers, the Council referred the application to the Mayor on 18 October 2022. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged; direct Bromley Council under Article 6 to refuse the application; or, issue a direction to Bromley Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 31 October 2022 to notify the Council of his decision and to issue any direction.
 5. The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 has been taken into account in the consideration of this case.
 6. The decision on this case, and the reasons, will be made available on the City Hall website: www.london.gov.uk

Application update

7. Since the submission of the outline planning application and ES in January 2020, the Applicant has proposed the following minor amendments to the application, which includes:
 - the removal of the Capel Manor College Anerley Hill Campus development;
 - a reduction in the proposed maximum quantum of residential floorspace (from 18,847 sqm to 15,985 sqm GEA). This change ensures that the proposed floorspace figure is consistent with the maximum floorspace quoted in the Enabling Development Financial Viability Assessment. No changes are proposed to the number of residential units;
 - a reduction in proposed quantum of non-residential car parking (from 136 spaces to 124 spaces);

- Revisions to the 'Cultural Venue to reduce the height of the proposed glass canopy over courtyard of the subway by 1 metre; and
- minor changes to the proposed parameter plans - to slightly reduce the maximum percentage of hard landscape in certain areas of the Park and to clarify that fencing around the Intermediate Lake would be removed.

Response to neighbourhood consultation

8. Bromley Council publicised the application by sending notifications to local addresses and issuing site and press notices. The relevant statutory bodies were also consulted. Copies of all responses to public consultation, and any other representations made on the case, have been made available to the GLA. The application was also referred to the Secretary of State. Following the neighbourhood consultation process Bromley Council received a total of 176 responses (135 in objection, 26 in support and 15 general comments). The reasons for objection and support raised as part of the neighbourhood consultation process are collectively summarised below.

Neighbourhood objections

Land use principles

- **Impact on Metropolitan Open Land (MOL)** - Loss of / building on MOL land is unacceptable. MOL land should not be built upon unless very special circumstances can be demonstrated which they haven't. The Rockhills development will impact upon the openness of the MOL. The existing caravan park is not permanently developed land. Urban sprawl.
- **Impacts on the park** – The development would alter character of park / cause detrimental fragmentation of the park. The proposed housing will decrease the size of the park when it is busy and well-used. The pandemic has shown that we should protect and maintain our green open spaces. Park should remain a public space to serve the local community and should not be sold off and replaced with private housing. Already a densely populated area. Additional litter. The park has become particularly busy and overcrowded during lockdown, how will local services cope with increased visitors?
- **Objection to the Council selling-off of park land for housing** - The park is for the community and should remain public space. The park is neglected so the Council should focus on that not building residential blocks. There are already too many buildings in the park. This area of South East London is already short of green spaces. Improvements to the park should be funded through other means such as heritage lottery grants. Proposal seems to only be concerned with maximising residential homes and therefore profit. Flats should be built on brownfield sites.
- **Viability and deliverability** - Inadequate evidence to support viability of enabling development. Residential development will not provide enough money to fund the redevelopment of the park so will the regeneration really happen? Only half of the regeneration plan cost is from housing. Where is the rest coming from when all the grants discussed are 'anticipated' and speculative? Lack of certainty in housing market after Covid-19 and whether the flats will sell. Not

convinced that income generated from the sales of proposed housing will be used for the benefit of the park and local residents. Concerned that money being reinvested in the park will be too little for the upkeep of the heritage assets. Heritage features will require on-going investment which proposed endowment will not cover. Why is revenue from events not being achieved now?

Park-wide masterplan proposals

- **Masterplan strategy** - Unimaginative, destructive plans which won't 'regenerate' the park. Question the need for a regeneration plan - some areas in need of some light maintenance but otherwise it is a functional, visually pleasing park. The park's current state of deterioration is over-exaggerated. Current issues in the park are the result of neglect from the Council for years. Waste of money. Unnecessary.
- **Playground** - does not need to be moved. English landscape area is inappropriate for re-location of play park – noise and disturbance and impact on wildlife. Removal and relocation of play area is unacceptable as it is a well-used facility.

Loss of the caravan site

- **Loss of caravan park is unjustified** - This is well-used and not being re-provided. This is one of the only camp sites in London. Loss of tourist income locally and economic impacts. Currently an affordable and accessible accommodation option for London visitors, which will be totally lost. Loss of caravan park will change the character of the area as well as the outlook for local residents. Unnecessary to close the caravan park to build residential buildings. Increase in public space it would provide is insignificant compared to size of the park.

Cultural venue

- Question the justification and purpose of cultural venue. Inappropriate development. Additional traffic generation.

Capel Manor College

- **Impact on MOL** - No objection to principle of a college, just its siting on protected MOL land at Anerley Hill. Will financially benefit Capel Manor, a private organisation but would cause disproportionate loss to the park and irreplaceable heritage assets. Concern that the college could increase built development on MOL in the future.
- **Impact on park** - A private college should not be on such a large part of the park. No benefit to local community. Unacceptably intrusive, would make the park a quasi-university.
- **Alternatives** - Viable alternative locations for the college exist elsewhere. Why can't expansion plans be met outside of the park on brownfield land?
- **Community benefits** - Question the community benefit of the Capel Manor College proposal - with mature trees lost and the gating of the proposed garden area. The college contributes very little to the upkeep of the park and the land it leases. Are the college paying a reasonable price for taking over the park? Can some of existing buildings be retained?

- **Impact on potential future tramlink** - The proposed Annerley Hill Campus location would prevent any future tramlink extension.
- **Amenity impact** - Concern regarding potential disturbance from students and vehicles attending college.

Affordable housing

- **Lack of affordable housing provision** - Not enough affordable housing. None of the housing is affordable and won't benefit local people. No need for an additional 200 dwellings.
- **Affordability** - Flats would not be affordable.

Design

- **Density** - Excessive residential density. Over-development of the sites.
- **Rockhills development** - Excessive height and scale. Overbearing impact. Inappropriate density. Impact on open views when approaching Crystal Palace Park. Location of the dwellings at the top of Sydenham Hill could dominate the skyline. Impact on views of Crystal Palace mast. The gaps between the proposed buildings are not adequate to retain views of the landmark tower. Visual impact assessments are inadequate
- **Sydenham Villas** – height, scale and massing is overbearing and out of character for the area and conservation area. Sydenham Villas will overlook park and detract from use of the Cricket field area. Four storeys is too tall. Should be 3 stories maximum. Should be same height as existing buildings. Bulk and mass is out of scale with the Victorian houses in Crystal Palace Park Road. Detrimental impact on views of existing residents. Not enough space between the development and existing houses on Crystal Palace Park Road. Car parking should be to the rear of the buildings.
- **Paxton Axis** - Do not support Masterplan's objective of restoring the Paxton axis. Without the other features it will be a boring, wide path at unnecessary cost.
- **Design quality** - unattractive designs. Out of keeping with surrounding beautiful Victorian buildings. Featureless, characterless buildings with no regard for surroundings and detract from architectural style of the neighbourhood. Surely housing can be more attractively designed.
- **Residential quality** - The flats are too small for living and with no garden space which is essential for well-being.
- **Capel Manor College** - Proposed college building on Annerley Hill would be an eyesore and not in keeping with the surrounding architecture. Will dwarf museum building. Overbearing massing and bulk of proposed buildings. Insufficient detail of design.

Heritage

- **Harm to the conservation area** - Buildings are too large and would harm the historic character of the area. Loss of the areas historical and open character. The extent of the buildings at the perimeter of the park will negatively change the

characteristic of the park. Views into conservation area will be seriously compromised. Residential buildings would detract from the park's environment.

- **Harm to listed buildings** - Harm to Grade II listed 108 Westwood Hill opposite Rockhills.
- **Cultural venue** - Concerns regarding the impact of building close to the Terraces. Disturbance to underground tunnels
- **Capel Manor Farm Site** - The large Capel Manor college building on the farm site will impact and degrade the landscapes and view of the Grade 1 listed dinosaurs. No consideration of the Grade 1 listed dinosaurs or the park as a conservation area.
- **Anerley Hill Campus** - Introduction of large, modern building at Anerley Hill Campus will detract from the character of the Conservation area.

Impact on residential amenity

- **Overlooking and loss of privacy concerns** – impacting residential properties on Westwood Hill and Crystal Palace Park Road.
- **Impact on outlook** - Overbearing impact of residential visual amenity. Housing will ruin current views of the green areas.
- **Noise pollution** from cultural venue and from large scale events in the park affecting the surrounding area. More detail required about licensing of events. Noise pollution from increased traffic and the balconies of residential homes.
- **Construction / demolition noise** - Noise and disruption caused by building more than 200 homes will impact on people's enjoyment of the park for several years. Timeframe for construction/inconvenience for neighbouring occupiers.

Social infrastructure

- **Impact on social infrastructure** - e.g. doctor's surgeries and schools. Housing proposals should be reduced to reduce the impact on local infrastructure.
- **Loss of Diddy Dinos** – Diddy Dinos to be demolished when it provides much needed pre-school facilities and services for local residents. There is a lack of childcare in area. No need for community centre.
- **St John's Ambulance** - Concerns regarding the loss of St John's Ambulance facility.

Transport

- **Car parking** - Inadequate parking being provided. More parking is not needed – most people using the park live within walking distance and park is well-served by public transport. Concerns about relocating car parking away from Sports Centre. Alternative site parking at the perimeter of the park should be considered. Any new development should be car free considering the existing traffic congestion problems and good public transport connections. Reduction in parking is illogical given that there will be more visits to the park. Too many parking spaces are being removed, there are already significant parking difficulties in the area. No parking provided for visitors from the West of the park (i.e. Lambeth, Croydon and Western Bromley).

- **Traffic and highways impact** - Increased traffic/congestion. Impact on traffic flow at round-about on Crystal Palace Parade Volume of new dwellings will have a direct impact on highway safety and traffic generation. Traffic is already bad enough without encouraging more. Lack of swept path. The increase in traffic from the proposed additional dwellings has not been considered. Narrowing of the A212 at the roundabout will create an undesirable canyon effect. The roundabout is already one of the most highly used in London and further housing will mean it cannot cope. No account has been taken of the impact of increased traffic at the roundabouts. Impact on safety of pedestrians and other road-users.
- **Walking and cycling** – There should be more cycle paths across the park to link local cycle networks. Pavements should be made safer if regeneration of the park means more large events are held in the park. Widening the junction will make it more dangerous for pedestrians and cyclists. Should be a good walking and cycling network within the park, which should be flexible in order to adapt to temporary changes in park use, such as large-scale events. Consider more pedestrian only areas to also include cycling. Statement that there is no entrance to the park from Crystal Palace parade is untrue. Should be more step free access along the southern area of the park, in particular between Cintra Gate and Upper Terrace where current access is difficult. Loss of cycling provision. Object to more cycling provision when walkers, runners and families use the park more.
- **Public transport** - Local transports services already overstretched.
- **Construction and deliveries** – Deliveries associated with cultural venue. The construction of such a large development will generate a lot of additional traffic.

Environmental impact

- **Impact on trees** - Loss of mature trees. 174 trees felled. There is no justification for removal of mature trees. There should not be a net decrease in the number. Impact on habitats. Objection to loss of trees as even if they are replaced by new saplings, these will not be looked after and watered – a waste of money. Tree loss will make it hard for LBB to become carbon neutral by 2029 as, although trees will be replaced, young trees do not absorb as much CO₂. Removal of trees will urbanise the area. Removal of trees at Anerley site would impact views into park and increase pollution. Approach to tree removal is too generic and inappropriate in this instance – each one to be removed should have an impact statement done.
- **Biodiversity / habitats / ecological impacts** - Loss of vegetation for wildlife. Loss of scrub which provides habitats. Loss of bats due to loss of their habitats. Net loss of habitats, because some species require a certain quantity of habitat. Some 'untidy' areas of the park should be left alone as they are useful to wildlife. Wildlife will be disturbed greatly during construction and may be lost all together. Object to loss of scrub along the Western edge of the Park, just south of the transmitter. Light spillage impacts on wildlife habitats especially bats. No consideration or plan to mitigate for loss of biodiversity. Wildlife in the park, including protected species, do not seem to have been considered. Concerned that the high proportion of hard to soft landscaping means people will walk/sit on few remaining areas of grass which will get eroded and damaged.

- **Inadequate assessments** - Ecology surveys did not cover the Western ridge due to alleged access constraints but this seems to be a deliberate attempt to downplay this habitat in the assessment and not come up with any proposals to conserve and enhance it. No thorough survey of the grassland. Planning Statement makes no reference to environmental considerations. While bats have been considered in the Environmental Statement, birds have been overlooked.
- **Green Infrastructure** - Rockhills will create an obtrusively high physical barrier splitting the green stretch of Horniman Gardens and Sydenham Hill Ridge Neighbourhood Area from CPP which is currently an area of green space and connecting woodland.

Drainage

- Lack of a drainage and water strategy encompassing the entire park, risking a piecemeal approach. Proposed drainage poorly integrates the existing major water bodies. Reduction in drain-away land. The parks water management costs have been under-represented in the FVA.

Air quality

- Impacts on air quality as a result of increased cars and coaches. Increase in parking spaces leading to increase in air and noise pollution. Opportunities to improve air quality and mitigate climate change have not been considered. Air pollution figures are not accurate.

Other

- Demolition of the existing private home at 33 Crystal Palace Park Road. Residents have not been informed of the proposed demolition.
- Crime and increased footfall.
- Lack of notification about large events in the park.
- Utilities infrastructure on Italian Terraces not necessary and money could be better spent elsewhere
- Concerns regarding consultation process undertaken; impact of Covid 19 lockdowns; complex information and number of documents. The application is deliberately complicated to confuse residents. Level of consultation (particularly on Capel Manor) has been very poor. The public should not be expected to look through over 300 documents.

Neighbourhood support

Principle of the regeneration of the park

- **Recognition of the need for regeneration** - The park needs total regeneration which this provides. This is the perfect opportunity to regenerate the park as it is desperately needed. Regeneration plan is long overdue. The park is suffering from disrepair, unmaintained roads and unused tarmac which could be majorly improved. Currently the upper side of the park is like a wasteland but has the potential to be beautiful. Redevelopment of areas currently inaccessible is great. Redevelopment of the entrances. Some parts of the park do need updating – toilets, disabled access, heritage features.

- **Community benefits** - Local residents deserve to finally have the park regenerated after all these years and all the money spent so far on appeals, inquiries etc. The original masterplan provided good plans and was sadly not implemented. Could be brought up to the same standard as Dulwich park, which has been well designed and maintained.
- **Regeneration, cultural and economic benefits** - Will become a major visitor attraction. Improved cultural facilities could bring more business and income to the local community. Crystal Palace park has huge potential that could bring benefits to the people of South London.
- **Regeneration plan** - Comprehensive, careful and sensible plan. Provides a vision and a financial plan to deliver change to the park which has already been improved recently by the cafe, dinosaur park etc.
- **Sydenham Villas** - No objection to residential buildings at Sydenham Villas which is already residential and outside the boundary of the park.
- **Support the demolition of surplus buildings** - Support the removal of underused buildings such as depot and substations. Most buildings to be demolished are eyesores and negatively impact the park. Demolition of outdated buildings and structures and removal of unnecessary and unsightly fencing and barriers is supported.
- **Support the removal of existing hard surfaces and car parking** - Supportive of removal of large sections of surfaced car park from the central area of the park. Support the removal of concrete around the Paxton bust. Removal of tarmac and roads will manage the traffic into and out of the park and increase the amount of green space. rather than parking which is currently at the centre – parking at the edges of the park will maximise the green space available.

Repair of heritage assets and enabling development

- **Need to conserve and restore heritage assets** - Essential to preserve these elements as they are irreplaceable and make the park unique. Heritage features have been left to depreciate and are not maintained and celebrated currently. Many of the heritage assets are currently 'at risk' so desperately need restoring.
- **Support heritage restoration plans** - Support conservation and repair works to the 'at risk' terraces, dinosaurs, sphinxes, subway and Paxton bust as this will enhance the Park's heritage. Supportive of restoration and protection of the historic subway area. Welcome the restoration of original railings and balustrades.
- **Support enabling residential development** - Housing is being built on edges of the park that are currently underutilised. Supportive of the building and selling of housing in order to raise funds to restore the heritage features, dinosaurs and enhance the green space. The proposed housing is more visually pleasing than existing houses surrounding the park. The land was always designated to be developed as it was previously developed in the past. Fundraising through land sales is the only way these assets can be

saved/restored. Any lottery funding (an alternative to housing as suggested by some) will likely come too late and the heritage assets will be further damaged before then – also will be unlikely to provide the total money required.

Capel Manor College

- **Education / skills benefits** - Support Capel Manor development as a way to help support young people who need training and jobs. They (the College) have shown an ongoing commitment and investment in the Park, especially educational needs of young people so this should be encouraged and developed. Supportive of the College which does well in providing local young people with post-secondary courses and provides opportunities for local families to see farm animals.
- **Support design proposals for College and farm buildings** - Will make the park feel safer with removal of derelict, unused buildings. The lowering of the footprint area to sink the College building into the hillside, and the use of materials sympathetic to the parkland will improve the look of the college area.
- **Caveated support** - Supported as long as designs are of sufficient architectural merit. Welcome the retention and improvement of the College, but it must provide a better visitor attraction for the general public.

Removal of Caravan site

- **Loss is acceptable** - Support the removal of caravan park and its replacement with housing on part of the site where housing did formerly exist. Taking back the land leased to the caravan park back will mean more parkland, public space and trees.

Design

- **Support landscaping proposals** - Supportive of landscaping around the Paxton bust area which is currently a mess. New garden in Upper Terrace will improve the area. More green space will increase biodiversity. Planting of new trees, increased open green space and proposals for new gardens are beneficial.
- **Design** - Quality contemporary architecture will reflect the spirit and heritage of the subway and Palace itself to preserve and enhance the character of the area and ensure its long-term sustainability and viability. The cultural building has an impressive design. The Paxton Axis will dominate, Support new playground.

Transport, walking and cycling

- **Support reduction in car parking** - The park should become as car free as possible so supported. Loss of car parking is acceptable as public transport is very good and 50% of London households don't own cars anyway Increase in cycle parking supported.
- **Support pedestrian, cycle and wayfinding improvements.**

General comments

- **Heritage at risk** – the conservation and repair of heritage assets needs to take priority to ensure funding doesn't run out.
- **Capital land receipts** - Income from housing needs to be ring-fenced and proof that this one-off sale can provide long-term benefits for the park.
- **Regeneration could go even further** - Can the sports centre be redeveloped as well? Should also include concert platform. Even more hard surfaces should be removed. The NSC continues to impact on the park – Could this area not be re-modelled and improved as part of the regeneration? Restoration of Paxton Axis requires a simultaneous application for the NSC land is required. Would like sports centre improved. Concert platform should be restored and used.
- **Toilet facilities** - Hope that new toilets and changing facilities are provided.
- **Cultural venue** - Can the community centre and cultural venue for the subway area not be combined?
- **Social infrastructure** - Hope that St Johns Ambulance is only being demolished as it can be replaced elsewhere.
- **Other comments** - No regeneration of the aquarium ruins next to the Arqiva tower. No plan to restore motor sport heritage. No evidence of consideration of the Paxton Railway Tunnel. Implications of building on site of Paxton's home. Removal of paths used for skateboarding since 1977. No commercial space/shops proposed. No need for a visitor centre. Playground not necessary. No shopping or educational facilities being provided so people will be forced to drive to closest ones.
- **Bus station** - Any extension to the bus station must not encroach any further upon the park, which is MOL and grade II* listed - it must not proceed east towards the Italian Terrace, for doing this would both encroach upon MOL and into the footprint of the Palace, and it must not go any further north, since this would encroach upon MOL.

Responses from statutory bodies and other organisations

Historic England

9. Historic England supports the application on heritage grounds:

- We consider the heritage benefits to be significant and needed to secure the future conservation of the heritage assets.
- Many of the remaining key landscape elements within the park are in a poor and deteriorating condition and this has led to the inclusion of the Registered Park and Garden and a number of listed structures on Historic England's Heritage at Risk Register for London.
- We are pleased to see that the proposals include the restoration and repair of a wide range of heritage assets that are included on our Heritage at Risk Register are proposed to be delivered within the early phases of delivery.

- It is essential that these works are linked to the delivery of the enabling residential development in order to ensure that the heritage benefits of the scheme are achieved.
- The plan also includes a robust management and maintenance strategy for the park, which would be delivered by the Crystal Palace Park Trust, and seeks to ensure that the park operates as a viable asset.

Enabling development

- We note that an 'Enabling Development and Financial Viability Assessment' by Knight Frank has been submitted in support of this planning application, in line with our guidance. This assessment seeks to address the various tests set out within our guidance and the NPPF.
- The proposed residential buildings shown in the current Regeneration Plan reflect those that were previously granted planning permission in the 2007 Masterplan. As such, we do not consider the proposals to raise any new issues in relation to the impact on the significance of the historic environment.

Palace Subway and proposed extension

- The Grade II* listed subway is included on our Heritage at Risk Register and is in a poor and deteriorating condition. We acknowledge the need to provide a beneficial reuse of the subway in order to ensure that it is repaired and maintained into the future. As such, we are of the view that the proposed extension is necessary in order to secure a beneficial reuse, as this will provide ancillary facilities that cannot be provided within the subway structure without causing a high degree of harm to the significance of the structure. We welcome the proposals to reduce the massing of the proposed extension from that which was previously granted planning permission in the 2007 Masterplan and its subsequent reduced impact on the wider landscape and setting of the subway.

Pre-historic dinosaur structures, geological features and tidal lakes

- Despite numerous repair projects having been undertaken to the Grade I listed prehistoric monsters and their surrounding environment over the last 20 years, it would appear that there are underlying issues that continue to affect these very fragile and important structures. We welcome the more comprehensive approach that is outlined in the Regeneration Plan which seeks to diagnose and address the underlying causes of the continued decay of the structures and includes consideration of the hydrology of the lakes, the construction of the islands and the consolidation and recording.

Capel Manor College

- We acknowledge the aspiration to retain the college within the park and the potential benefits to the landscape that may arise with the possibility of partnership working between the Council, the Crystal Palace Park Trust and the college. The new buildings may cause some degree of harm to the significance of the park because they introduce built form into the park and may be visible in views, particularly from the Palace Terrace.

Sport England

10. No objection. Having assessed the application, Sport England is satisfied that the proposed development meets exception 3 of our playing fields policy, in that:
- 'The proposed development affects only land incapable of forming part of a playing pitch and does not:
 - reduce the size of any playing pitch
 - result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
 - reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
 - result in the loss of other sporting provision or ancillary facilities on the site; or
 - prejudice the use of any remaining areas of playing field on the site.

Historic England Archaeology

11. No objection, subject to conditions relating to further archaeological investigation (*which have been included in the decision notice*).

Greater London Archaeological Advisory Service

12. No objection, subject to conditions relating to further archaeological investigation (*which have been included in the decision notice*).

Thames Water

13. No objection, subject to conditions relating to water network infrastructure needs and piling (*which have been included in the decision notice*).

Greater London Archaeological Advisory Service

14. No objection.

Environment Agency

15. No objection. The application has a low environmental risk, therefore have no comments to make.

Forestry Commission

16. No objection. Refer to standard advice.

Natural England

17. No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Standard advice provided.

The Garden Trust

18. Support on the following grounds:
- The regeneration proposals have the future of the park and its heritage assets at its heart. Repair and conservation of heritage assets are listed as high priority and will be undertaken at an early stage of the phased works.

- Landscaping works appear to be sympathetic to the original park layout while addressing the needs of contemporary visitors.
- Residential developments are on the edges of the park and are important for income generation needed to fund essential repairs.
- Will see the delivery of a net increase in publicly accessible green space with the caravan site returned to the park.
- New built facilities aim to bring community, educational and cultural enhancements for park visitors.

Woodland Trust

19. Objection on the following grounds:

- A significant number of trees identified in both the arboricultural surveys and also recorded on the Ancient Tree Inventory are likely to be affected by the proposed development. It is essential that no trees displaying ancient/veteran characteristics are lost as part of the development. Concerns about a root protection areas.
- Object unless all trees demonstrating veteran characteristics are retained and provided with adequate root protection areas.
- There is no wholly exceptional reason for the development in this location and as such this development should be refused on the grounds it does not comply with the NPPF.

Network Rail

20. No objection. Recommend the applicant contacts Network Rail's Asset protection and Optimisation team.

London Fire Brigade

21. No objection. Access for fire appliances and adequate water supplies for fire-fighting purposes should be provided as required by current Building Regulations.

Ancient Monuments Society

22. No objection. Welcome proposal to conserve and enhance Crystal Palace Park, including repairs and improvements to various designated and undesignated heritage assets and their settings. The proposal to develop sites on the edges of the Park perimeter to part-fund the improvement works has implications for the historic environment which need to be taken into consideration.

Orpington Field Club and Bromley Biodiversity Partnership sub-group

23. Objection on the following grounds:

- Failure to take into consideration or mitigate the loss of biodiversity. The current biodiversity of the site in relation to bats and birds has not been taken into account. A large proportion of the vegetation on the western side of the park will be removed including trees and scrub impacting biodiversity and ecosystems. Replacement planting in the interim period will not adequately compensate for or replace these trees in terms of biodiversity or CO₂ absorption, air pollution levels and cooling. Loss of scrub and grassland will

also impact biodiversity by removing important habitat for birds, invertebrates, amphibians, reptiles, small mammals and also rare native plants.

- The following issues / mitigation measures should be considered: Replanting should be 70-80% native species. No invasive species should be planted. Bat bricks or other nesting features should be incorporated. Lighting to be sensitive to bats and directed away from woodland, individual trees. Lighting features can be detrimental to bats, birds and invertebrates. There is no mention of retaining this grassland in the many documents associated with the application, including the more recent biodiversity documents, or of resurveying the area at the appropriate time of year.
- Opportunities to improve local air quality and mitigate climate change post construction have not been considered.

Bromley Civic Society

24. Objection on the following grounds:

- Open views into the Conservation Area/into the park will be compromised as a result of the Sydenham villas residential development.
- Bulk and mass of proposed development is out of scale with the sequence of Victorian houses in the road.
- Fails to meet standards for new development in a Conservation Area.

Crystal Palace Community Association

25. Objection on the following grounds:

- Loss of Metropolitan Open Land.
- The benefits offered are considerably less in 2020 than was the case in 2007 in terms of their reliability and overall contribution to the regeneration.
- Funding and deliverability - Inadequate evidence to support viability of enabling development. Only around half of the £40 million said to be required for the regeneration plan is contributed by the housing. The development is in no way sufficient to fund the regeneration. The remainder of the finance consists of 'anticipated income' and none of this is guaranteed. There is very little evidence about how in practice they will be obtained. There is a very real risk that the housing development will take place, but the regeneration will not, and certainly not in the way envisaged in the planning application. It is unfortunate that the Council cannot demonstrate its commitment to the project by contributing any of its own funds with matching funding. It would be much easier to raise money from external sources.
- Inappropriate density and scale of new development - The scale of the proposed new buildings on Crystal Palace Park Road and at Rockhills is out of keeping with their surroundings and with the existing pattern of development in the area.
- Loss of the caravan site.
- The northern and eastern fringes of the Park provide an attractive green boundary, containing numerous mature trees, which blends well with the

Victorian streetscape beyond. The new developments would be intrusive and would damage this classic parkland setting

- Support proposals for conservation and repair of heritage assets, removal of hard surfaces, landscaping and creation of new pedestrian paths and cycle parking.

Crystal Palace Foundation

26. Objection on the following grounds:

- Impact on MOL at Rockhills site.
- Objection to Sydenham Villas development and concern regarding increasing development on the periphery of the park.
- Deficiency in open space will not be remedied by building 'villas' on Crystal Palace Park Road and residential development at Rockhills. So, it would seem prudent to abandon both of these proposals and, when appropriate, reintegrate the fringe lands and redefine it as MOL through the Local Development Framework process.
- Diddy Dino's nursery is an asset appreciated by many parents and children,
- St. John Ambulance - Unless and until a suitable alternative space were to become available, at an arrangement acceptable to their operators, we consider that they should remain.
- Loss of 174 trees including more than 60 trees on the terrace.
- Argument for retaining the highest wooded ridge in south London.
- Anerley Hill site is an ideal location for carefully-designed teaching facilities – restoring the original connection with education and making it a more accessible and attractive place for visitors.
- There is a great opportunity to significantly improve the existing farm facilities, providing a much better experience for students, visitors and animals.
- Capel Manor College proposal would jeopardise tram extension to Crystal Palace.
- The Capel Manor proposal presents a long brick wall on the Anerley Hill frontage which would be an urbanising influence on the park edge. The College has not produced studies of the visual impact on the historic landscape.
- A car park at the entrance is a lost opportunity to improve the pedestrian enhance to the park and the square behind the museum.
- The proposal to build on the farm involves a number of buildings of up to three storeys: this is directly contrary to Metropolitan Open Land policy. By reason of their height, mass and density, the proposal fails to have sufficient regard to the status of the Park as a conservation area. The site is very close to the dinosaurs, which are a treasured asset listed as Grade 1 and no study of the impact has been produced
- The piecemeal addition of two education sites in the Park is consistent neither with the overall master-planning of the park, carefully considered over a long

period, nor with the policies which have been designed over many decades to protect the park from further inappropriate development.

- There is no special imperative for the College to occupy Crystal Palace Park and if it is to do so at all, it should do so in a manner which does not breach the planning framework pertaining to the park.
- Supportive of the educational role which the College plays, and have no difficulty with their continuing to occupy the Jubilee Stand but their current proposals to expand into the green fabric of the Park are directly inconsistent with the planning framework for the Park
- Recommended that the courtyard area of the Subway is reglazed and a structure is built over the access stairs, housing a new interpretive museum in which to tell the stories of the Palace and Paxton's vision for the landscape and the history of the Park
- The erection of a building above the Subway may require the removal of a number of plane trees. If this were to be unacceptable and no building erected here, this could leave the area above the Subway as an open space, with trees.
- Concerns regarding public consultation and the accessibility of documents.

Friends of Crystal Palace Dinosaurs

27. Objection on the following grounds:

- without a visual impact assessment of the Capel Manor College building from key points around the site the application must be dismissed.
- viable alternatives for CMC exist elsewhere
- LB Bromley should make good on its promise on enriched interpretation space for the historic CP Dinosaurs by submitting a planning condition or section 106 agreement to this effect

Norwood Society

28. Objection on the following grounds:

- Unacceptable to develop land in MOL.
- Rockhills housing will be visually intrusive and highly damaging to Grade II* listed park.
- Sydenham Villas proposed residential unacceptable due to height, scale and bulk and would dwarf Victorian properties.
- Capel Manor Farm will have an impact on the park given that this site is on higher ground.
- Removal of Grade II listed gate piers at Rockhills – will they be re-located?
- Unacceptable increase in the amount of traffic to serve 140 flats at Rockhills.
- Removal of 158 trees is unjustified. Removal of trees will increase visible intrusion of new Capel Manor buildings.

- No objection to demolition of existing structures but will depend on the quality of the buildings which replace them.
- Relocation of coach park to the Rockhills development would be unsuitable/visually intrusive.
- Not clear how the alterations will benefit the functioning of the NSC.
- Commuter parking will be displaced to local residential streets.
- Caravan park is a valuable tourist attraction.
- Inappropriate for application to be in outline form. Indicative drawings not sufficient to consider the impacts of the proposals. Concerned over what level of consultation will be carried out on the reserved matters applications.

Sydenham Society

29. Objection on the following grounds:

- extremely concerned about plans for the junction of Sydenham Hill with Crystal Palace Parade and Westwood Hill
- intensification of use of Old Cople Lane
- inadequate assessment of local traffic conditions and sensitive nearby air pollution receptors.

The Victorian Society

30. Objection on the following grounds:

- Do not object to principle of constructing dwellings.
- Recognition that this is enabling works.
- Proposed scale of housing will not respond well to the form and design of the existing villas and will dominate neighbouring villas.
- Reduce height and a more sympathetic and varied roofscapes required.

London Wildlife Society

31. Objection on the following grounds:

- A significant number of trees identified in both the arboricultural surveys and also recorded on the Ancient Tree Inventory are likely to be affected by the proposed development. It is essential that no trees displaying ancient/veteran characteristics are lost as part of the development. Concerns regarding impacts on root protection areas.
- Object unless all trees demonstrating veteran characteristics are retained and provided with adequate root protection areas. The applicants should ensure appropriate protection for any trees displaying veteran characteristics and that have the potential to become veteran trees given appropriate time and space to develop.
- There is no wholly exceptional reason for the development in this location and as such this development should be refused on the grounds it does not comply with the NPPF.

LB Croydon

32. Made the following comments:

- Concern that the development may prejudice the implementation of the proposed extension to the London Tram network.
- Concern that the capacity of the Crystal Palace Bus Station is insufficient for future demand generated by the development.
- Welcome improvement works to this significant heritage asset and public park.
- Welcome enhanced pedestrian and cycle routes to and from the park in accordance with the Healthy Street guidance of the London Plan.
- There appears to be avoidable tree losses in areas adjacent to Crystal Palace Park Road. Given the status of the park and some of the trees within it, mature & veteran status specimens should be retained where possible and revision of the proposed layouts should be re-considered.
- Construction should be scheduled so traffic impacts are outside of peak times.

LB Lewisham

33. Objection on the following grounds:

- Design and massing: The proposed scale of the Rockhills development upon the public realm. The Rockhills development may fail to relate positively to the existing development along the Park's frontage opposite LB Lewisham, resulting in a reduction of the existing green setting that contributes to the character of the public realm along this section of Westwood Hill.
- Community use: Potential for amenity harm arising from the proposed community facility at Rockhills in terms of activity, noise, disturbance and additional highways pressures.
- Transport, highways and car parking concerns, including:
 - The proposed residential units would be located within an area where the PTAL is low, which would not encourage sustainable travel.
 - Overspill parking - The removal of 338 car parking spaces within the Park would result in a significant amount of overspill parking on an event day which has not been fully considered. Concerns that the Rockhills development and nursery / community centre would also lead to overspill parking within LB Lewisham.
 - Traffic congestion - The impact of the revised vehicle access strategy and reassignment of trips would be most significant at the double mini-roundabouts adjacent to Old Cople Lane (at the A212 Crystal Palace Parade / Fountain Drive / Westwood Hill / Sydenham Hill).
 - Concern that locating the new car and coach park in Old Cople Lane would result in a significant increase in the number of vehicles having to undertake u-turns at these roundabouts, whilst increasing the potential for vehicular conflict and congestion that would affect LB Lewisham.
 - Concerns regarding the independent Road Safety Audit within the Transport Assessment which highlights a number of deficiencies and

Highway safety issues with the design of the vehicle access points adjacent to the Rockhills element, which the Applicant should address.

- Highways impacts from activity associated with the construction of Sydenham and Rockhills residential developments and wider works within the park.
- Increase in the number of HGV movements may have highway safety implications that would affect LB Lewisham if not robustly addressed in the planning process.

LB Lambeth

34. No objection, subject to the following issues being addressed:

- Further measures are required to reduce travel to the park by private motor vehicles in order to meet Mayoral targets.
- Car parking provision should take into account the wider context, including a review of parking controls on adjacent public highway and whether amendments to these are required.
- Motor vehicle activity within the core of the park should be limited and priority given to walking and cycling. LB Lambeth therefore suggests that any car parking that is provided should be located on the periphery of the park with the exception of Blue Badge bays.
- A visitor management and travel plan should be secured to promote alternative travel modes on event days when demand for car parking is much higher.
- For Lambeth, the key access point is from Westow Hill and the junction with Anerley Hill, Crystal Palace Parade and Church Road. Improvements to this junction are needed to improve pedestrian access. From this point seamless, direct walking routes to Crystal Palace Station are essential.
- We would welcome consideration of the development of a cycle hub at the station to improve cycle links to the park. Cycle links should also be provided parallel to the Crystal Palace Parade.
- Lambeth shares the concerns of the London Borough of Croydon that the proposals impair the implementation of a potential Tramlink extension to Crystal Palace.

LB Southwark

35. Made the following comments:

- The proposal is a wide ranging and welcomed upgrade to an important London Park which serves many communities in Southwark.
- The information provided is inadequate for LBS to assess the harm to the park and further justification is necessary to demonstrate the public benefits arising, and in this sensitive case to demonstrate why it is necessary to cause any harm, in accordance with the NPPF.
- The application should be accompanied by a comprehensive Conservation Management Plan for the whole park which should define the significance of

the park and its landscape, establish the range of significance across the protected landscape, and form the basis of any future development of the park.

- An assessment should be carried out of overall tree removal and replacement planting so that there is no net loss. Unnecessary tree removal should be avoided.
- The proposed residential development is generally of modest scale and positioned sufficiently downhill from Sydenham Ridge so the development would be unlikely to impact upon the Sydenham Hill ridgeline when viewed from the wider borough or from the Dulwich Woods Conservation Area.
- The scheme also includes the part development of a grade II listed subway for a new cultural venue. More information is required to assess the heritage implications of the proposals (including setting).
- The development is generally scaled to respond to the adjacent residential housing at the junction with Sydenham Hill and Westwood Hill.
- No objections on transport grounds subject to the following:
 - The applicant making a contribution towards increasing the frequency of buses along the A212 Crystal Palace Parade/Westwood Hill including the provision of sufficient bus shelters and information systems (countdown facilities) at the bus stops on these roads; and
 - The applicant funding a package of road safety measures on the segments of Fountain Drive and Sydenham Hill preceding the pedestrian crossings at these roads' junctions with the A212 Crystal Palace Parade, including the construction of sinusoidal road humps before them to enforce the 20mph speed limit on these roads and/or conversion of the pedestrian crossings to raised pedestrian crossings.
- Since the proposals are not anticipated to increase flood risk and include provisions to reduce existing surface water discharges to the sewer network, Southwark's Flood Risk Management Team have no objections.
- Lack of affordable housing - It is understood that LB Bromley will be making no capital contribution to the planned improvements to the park, which will instead be cross-subsidised by the proposed housing on the site meaning that the scheme would deliver no affordable housing. The lack of any investment in the park by LB Bromley is therefore at the expense of being able to deliver affordable housing, for which there is an acute need across London
- Impact on local infrastructure - the proposed new housing would be in very close proximity to the boundaries with Southwark and Lewisham, and as such is likely to put pressure on local infrastructure in these boroughs including schools and education. There is currently no mechanism to mitigate these impacts through shared CIL contributions.

Representations to the Mayor

36. The Mayor has not received any written representations on the application at the time of writing this report.

Response to public consultation - conclusion

37. Having considered the local responses to public consultation, Bromley Council has sought to secure various planning obligations and conditions in response to the issues raised. GLA officers have had regard to the above statutory and non-statutory responses to the public consultation process where these raise material planning issues of strategic importance.

Update

38. Since consultation stage GLA officers have engaged in joint discussions with the applicant, the Council and TfL officers with a view to addressing the above matters. Furthermore, as part of the Council's draft decision on the case, various planning conditions and obligations have been secured. An update against the issues raised at consultation stage is set out below, having regard to responses to the public consultation.

Relevant policies and guidance

39. Since consultation stage the following are now material considerations:
- On 2 March 2021 the Mayor published his new London Plan (2021).
 - The revised National Planning Policy Framework (NPPF) was published on 19 July 2021. The NPPG was also updated in 2021. In addition to this, in January 2021, MHCLG published the National Design Guide and the National Model Design Code.
 - On 24 May 2021 a Written Ministerial Statement (WMS) was published in relation to First Homes. To the extent that it is relevant to this particular application, the WMS has been taken into account by the Mayor as a material consideration when considering this report and the officer's recommendation. Further information on the WMS and guidance in relation to how the GLA expect local planning authorities to take the WMS into account in decision making can be found [here](#).

Land use principles

40. At Stage 1 GLA officers concluded that very special circumstances had not been demonstrated which would clearly outweigh the inappropriate development on Metropolitan Open Land (MOL). As such, the application was considered to be contrary to the NPPF and the London Plan (2016). In addition to this, further clarification and detail was required in relation to the loss of the caravan site facility and the reprovision, phasing and delivery of social infrastructure facilities.

Impact on Metropolitan Open Land:

41. The following elements of the proposed revised Regeneration Plan constitute inappropriate development within MOL and are therefore, by definition, harmful:
- Rockhills residential development
 - Capel Manor College urban farm
 - The Cultural venue

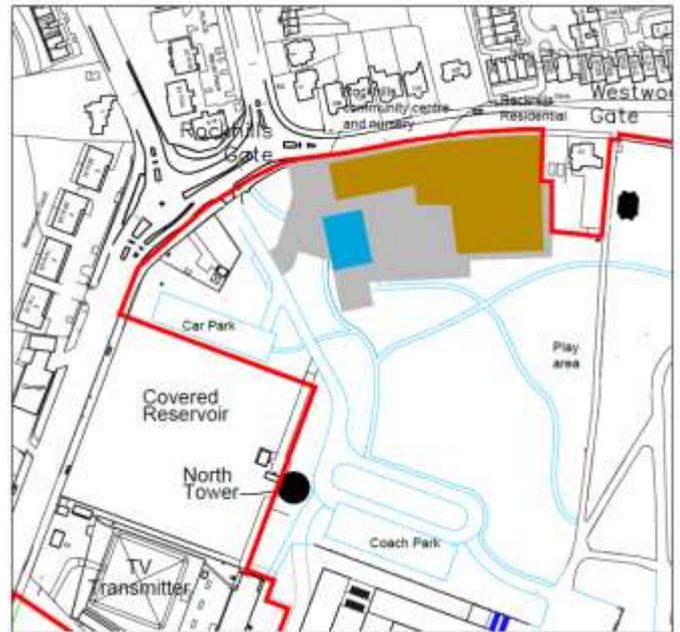
Rockhills residential development

42. In spatial terms, the Rockhills development would result in a significant increase in overall building footprint compared to the existing situation as shown below. The maximum building footprint associated with residential development would be 12,810 sq.m. The parameter plans would allow for the construction of two residential blocks with maximum building envelopes (building coverage) of circa 50 x 20 metres and 30 x 60 metres. A separate single storey community building is envisaged which is shown in blue below. This would have a maximum building envelope / footprint of 20.5 x 28 metres (670 sq.m.).
43. In terms of height and massing, the residential buildings would have a maximum height of 5-storeys fronting Westwood Hill (22 metres) with the height of the blocks stepped down to four storeys to the rear. The community building would have a minimum to maximum height ranging from 3.5 to 10.8 metres.

Figure 1 – existing buildings within the Caravan Club site



Figure 2 – proposed built development and land uses at Rockhills



44. There would be a visual impact on openness due to the provision of five storey blocks of flats and the loss of mature trees adjacent to Westwood Hill and Old Cople Lane. Whilst replacement planting would be secured as mitigation this would not be comparable to the size and maturity of the existing trees. The visual impact of the Rockhills development would be most noticeable when viewed from Westwood Hill but would be more limited from within the park itself. This is due to

the way the caravan site functions as a private inward facing site and its topography and landscape context. The majority of the mature canopy of trees towards the southern half of the caravan site would be retained and would continue to screen the site and the proposed residential buildings from view from within the park. Overall, GLA officers conclude that the Rockhills development would cause significant harm to the openness of the MOL and, in addition, would result in harm by way of inappropriateness.

45. The proposed building envelope and maximum height for the residential development and community building on Rockhills is broadly the same as that which was permitted in the 2007 Masterplan.

Figure 3 – illustrative elevation along Westwood Hill



Figure 4 – illustrative layout



Cultural venue

46. The cultural venue would be a substantial flat roofed building with a maximum building footprint of 2,300 sq.m. over three storeys with basement level linked to the Grade II* listed subway. The proposed building would be between 12.5 to 14 metres in height and cover an area of MOL approximately 40 metres in length and 13 metres in depth. Indicative plans show the building as three storeys, with a ground floor cafe, reception and shop and exhibition space at first and second floor level and a roof level viewing terrace.

47. There are currently no existing buildings on this part of the MOL, so the impact of the proposed building in terms of additional footprint and volume would be considerable. There would be visual impacts on the MOL with the proposed glazed roof and cultural venue visible from Crystal Palace Parade as shown below. It would also be visible in close proximity from within the park itself. However, due to its location at the edge of the park and the park's steep topography, the visual impact would be localised in terms of its visibility from within the park. A number of mature London Plane trees would need to be removed to facilitate the building. Therefore, GLA officers consider that the proposed cultural building would have a demonstrable harm to openness of the MOL and, in addition, would result in harm by way of inappropriateness.

Figure 4 – proposed building envelope

Figure 5 – illustrative section

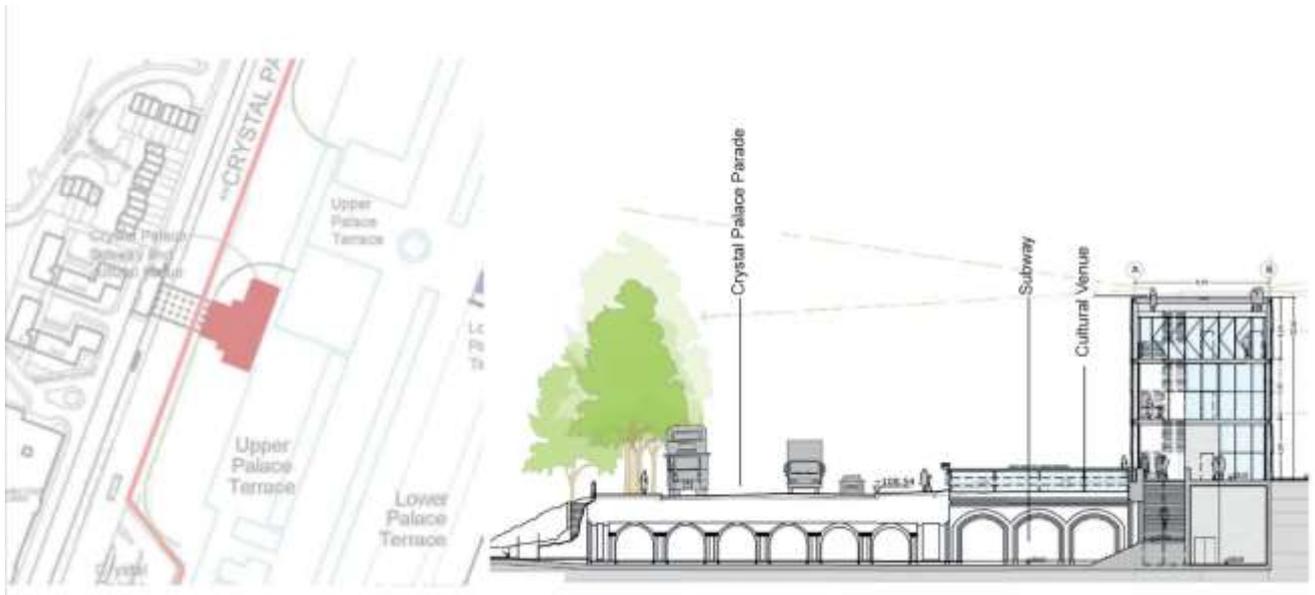


Figure 6 – proposed view from Crystal Palace Parade (TVIA view 12)



Capel Manor College

48. The Capel Manor College urban farm site would be redeveloped with the construction of two new U-shaped courtyard buildings facing onto central yards, providing 3,399 sq.m. of educational floorspace with a further 380 sq.m. of additional ancillary outbuildings and shelters. The replacement building will measure a maximum length of approximately 90m and will be set-back towards the edge of the Park parallel to the adjacent railway line to the south. The building would also incorporate three projecting 'wings' (circa 30 metres in depth) which would be orientated towards the park. The proposed maximum building height would range from 5.5 to 10.5 metres.

Figure 7 – existing buildings

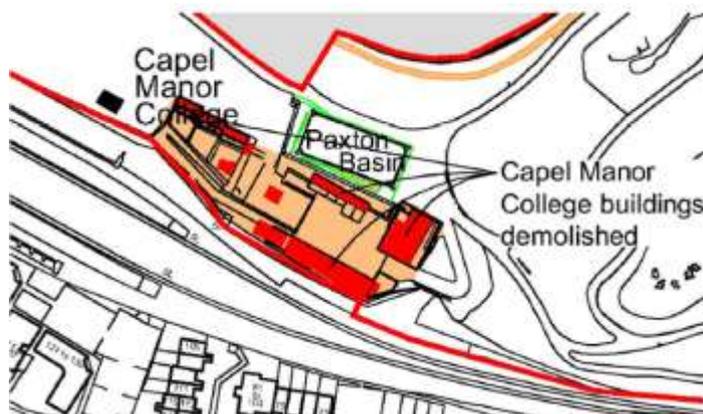
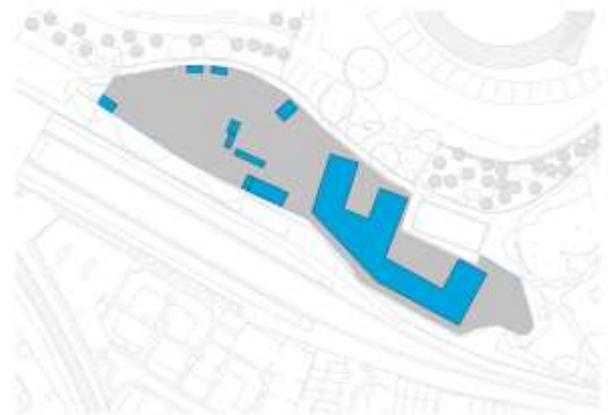


Figure 8 – proposed building coverage



49. As such, in spatial terms there would be a significant increase in the building footprint and volume compared to the existing buildings, particularly at the western part of the site. In visual terms, the scale and massing of the proposed building would also increase from circa 6 metres at its tallest to a maximum of 10.5 metres. The applicant's TVIA demonstrates that the proposed building would be highly visible from the adjacent pathway which leads down to the dinosaur lake from Crystal Palace Station. Harm would also be caused by the removal of a number of existing trees. Overall, taking into account the existing and proposed building layout, footprint, massing and height, GLA officers consider that the applicant causes significant harm to the openness of the MOL and, in addition, would result in harm by way of inappropriateness.

Very special circumstances

50. The applicant's very special circumstances case can be summarised as follows:

- **Heritage benefits** – Ensuring the restoration and repair of highly significant designated heritage assets and preventing their continued deterioration and decay and improving their condition with the aim of removing the assets from the Heritage at Risk Register.
- **Community and recreation benefits** – Enhancing the facilities available within the park for outdoor recreation and leisure use including; increasing the quantum of land within the park that would become publicly accessible; and improving access and circulation routes.

- **Educational benefits** – educational need for enhanced replacement facilities for Capel Manor College which specialises in education and training for environment and land-based industries. The applicant has also stated that the landscape and horticulture students on site would support the ongoing management and maintenance of landscaping within the park and that the current premises are not fit for purpose.
- **Cultural benefits** – associated with the cultural venue and improved visitor experience and facilities within the park. The applicant states that the cultural venue is required to secure the long-term management and use of the Crystal Palace subway which is not currently accessible to the public.
- **Economic benefits** – associated with increased visitors to the park, as well as students and staff associated with the college, events held at the park and at the cultural venue.

Assessment of the applicant's case for very special circumstance

Heritage benefits

51. The restoration and repair of designated heritage assets which are on the Heritage at Risk Register comprise substantial heritage related public benefits associated with the application which must be given significant weight in line with the NPPF, London Plan and heritage related statutory duties. Currently, the at Risk Register includes the following designated heritage assets within Crystal Palace Park:
 - the Grade II* listed Crystal Palace Registered Park and Garden;
 - the Grade I listed dinosaurs, prehistoric animal sculptures and associated geological formations;
 - the Grade II listed Upper and Lower Terrace; and
 - Grade II listed north and south railings on Crystal Palace Parade.
52. The heritage assets in question are individually and collectively of a high level of significance as set out in more detail in the heritage section of this report. The urgent need for the works to be undertaken to prevent the further deterioration or loss of the heritage assets is also acknowledged. Failure to undertake these essential restoration works in a timely manner would be undesirable from a heritage perspective and would result in their continued deterioration, with the potential for loss longer term.
53. The Regeneration Plan also aims to restore and reintroduce key elements of the original historic landscape design of the park including the Paxton Axis and the grandeur of the terraces which have become degraded and more difficult to fully appreciate. Improvements to the Paxton Axis and the provision of a new entrance on Crystal Palace Park Parade, as well as measures to improve and maintain the Upper and Lower terraces so that they can be better accessed and used by visitors would significantly improve the extent to which the significance of the Grade II* listed Crystal Palace Registered Park and Garden can be appreciated.
54. The Grade II* Crystal Palace Pedestrian Subway is also on the Heritage at Risk Register. The subway is being restored via a funding package already secured and separate planning permission and listed building consent with these works

currently underway. However, the outline application and, in particular, the proposal for the cultural venue aims to ensure the Grade II* subway can be managed and appropriately maintained and sustained over the long-term for future generations. The cultural venue would enable members of the public to enter and appreciate the significance of this asset in a way which is not currently possible. Without the cultural venue, this would not be possible. Therefore, the outline application is also relevant in terms of sustaining and restoring the Grade II* listed subway. Significant weight should be attached to the proposal to enable public access to the Grade II* listed heritage asset, ensure its significance can be appreciated and to return the space to an optimum viable use, in line with the NPPF.

55. The NPPF confirms that the protection and enhancement of the historic environment is a key element of sustainable development. When determining planning applications, the NPPF requires decision makers to take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation noting the wider social, cultural, economic and environmental benefits this can bring.
56. Paragraph 208 of the NPPF defines enabling development as development which would secure the future conservation of a heritage asset but would conflict with planning policies. The Rockhills and cultural venue are considered to comprise enabling development for the purpose of paragraph 208 of the NPPF. This requires a decision maker to assess whether the benefits of a proposal would outweigh the disbenefits from departing from planning policies. As such, GLA officers conclude that significant weight must be given to the conservation and enhancement of these heritage assets in the overall planning balance. GLA officers therefore conclude that the heritage benefits associated with the proposed scheme do constitute important site specific very special circumstances in this particular instance.

Community and recreational benefits

57. The proposed community and recreational benefits mainly comprise increased public access to areas of the park which are not currently accessible and improvements to the park's landscape, recreational, sporting and play space facilities and pedestrian and cycle access routes. This would contribute to improving access to green infrastructure and public open space, in accordance with London Plan Policies G2 and G4.
58. Currently, a number of areas within the application site are not publicly accessible including unsafe or cordoned off areas on the Italian and Palace Terraces, the caravan park and the Intermediate Lake. The Regeneration Plan would result in these areas being made publicly accessible as set out below.
59. The 2.43 hectare caravan club site is within designated MOL and the Grade II* Registered Park and Garden. However, the site is currently private land which falls outside the park and is not accessible to non-paying caravan club customers. The application would result in an additional 1.52 hectares of land being made available as public space and parkland via the redevelopment of the caravan club site. This figure takes into account the amount of land proposed for residential and community buildings which would cover 0.91 hectares of the site. Overall, this

represents a significant net increase in public space which is only made possible as a result of the caravan club site being redeveloped.

60. In addition to this, the application proposes landscaping and pedestrian access improvements to the upper and lower terrace and within the Transitional Landscape Character Area. Currently, the terraces are in a state of unsafe disrepair and are poorly used with some areas fenced off for safety reasons. In addition, the area around the Paxton Bust within the Transitional Landscape Character Area is also under-utilised and dominated by hard landscaping, car parking and unsightly and poorly designed buildings, barriers and seating areas. A range of access, landscaping and pedestrian access improvements are proposed to these areas including the removal of car parking, hard-standing and barriers to access and through the introduction of new and/or enhanced replacement steps and pedestrian access routes. This would make better use of this area of the park.

Figure 9 – existing public access

Figure 10 – proposed public access



Key:
[Red outline] Site boundary
[Green shaded area] Existing accessible areas of the park



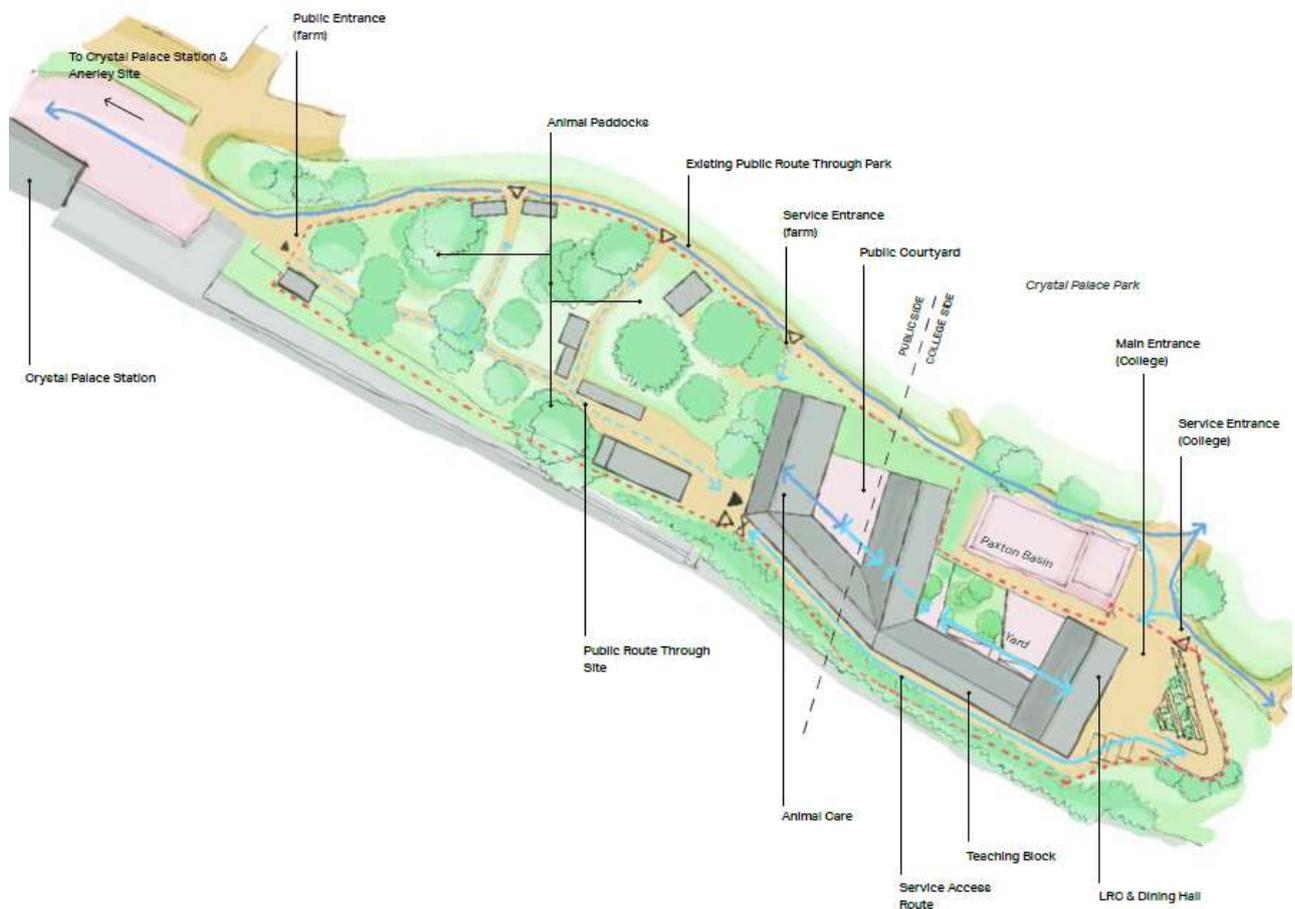
Key:
[Red outline] Site boundary
[Green shaded area] Proposed accessible areas of the park

61. Improved access and use of these areas of the park would be inclusive and free to access and would therefore give rise to multiple associated benefits in terms of recreation, leisure, play, physical and mental health and wellbeing. This would comprise significant public benefits which are strongly supported and for which there is a clear and demonstrable need. The delivery of these public benefits has been secured as part of the S106 agreement and conditions. GLA officers therefore conclude that the community benefits associated with the proposed scheme do constitute important site specific very special circumstances in this particular instance.

Educational benefits

62. The redevelopment of the existing Capel Manor College (CMC) urban farm site seeks to enhance the education and learning offer at the current farm site which is in need of upgrade in terms of building facilities, layout, access arrangements. The new facilities would substantially improve the quality, capacity and accessibility of the existing education and learning facilities as well as an enhanced visitor experience at the urban farm and children's zoo. The new layout would also provide practical day to day benefits for the college by separating the teaching facilities from the urban farm visitor attraction. A new entrance would be provided closer to Crystal Palace Station with a clearer public route through the farm site.

Figure 11 – proposed site plan



63. The need for the new educational buildings and the educational benefits associated with their provision has been satisfactorily demonstrated. Capel Manor is the only college in London that specialises in education and training for the environment and land-based industries, including vocational qualifications and apprenticeships. The applicant has demonstrated that there is a clear need for improved and larger replacement facilities. A review of alternative available sites (which would potentially cause less harm to the MOL) has been undertaken and no available alternative sites have been identified for the proposed Capel Manor College urban farm site. The additional teaching studio space which was originally proposed at Annerley Hill Campus is now being proposed on an alternative site via a separate planning application.

64. The public benefits associated with the new buildings in terms of the provision of specialist skills, education and training, larger and enhanced facilities with improved public access at the existing farm site are acknowledged and given significant weight, in line with London Plan Policies E3 and E11. GLA officers therefore conclude that the educational benefits associated with the proposed scheme do constitute important site specific very special circumstances in this particular instance.

Cultural benefits

65. As set out above, the applicant's very special circumstances case for this element of the scheme is based on its role in ensuring the long-term management and use of the Crystal Palace subway which is on the Heritage at Risk Register and not currently accessible to the public. The design and location of the cultural venue would enable this objective to be achieved by introducing a new event space and viewing platform with ancillary food and beverage uses linked to the subway at basement level. The role of this facility would be to manage and control public access to the subway but also enable a wide range of educational, cultural and leisure activities. The Section 106 agreement ensures that revenue from the cultural venue shall be used towards securing the future management of the subway as an events space, unless otherwise agreed in writing by the Council.
66. These wider cultural benefits are recognised by GLA officers and given an appropriate degree of weight. There would also be cultural benefits associated with the restoration of the Tidal Lakes, dinosaurs and Italian Terraces as well as the re-establishment of the Paxton Axis. To some extent these benefits overlap with heritage related public benefits but are nonetheless important and thus afforded due weight. GLA officers therefore conclude that the cultural benefits associated with the proposed scheme do comprise important site specific very special circumstances in this particular instance.

Economic benefits

67. Whilst increased visitors and jobs within the site would have a positive impact, these are not considered to be significant and would not contribute to the very special circumstances so as to justify the proposed harmful inappropriate development. The applicant has stated that the Regeneration Plan aims to create a more sustainable long-term business plan which could fund the ongoing management and maintenance of the park. This would be achieved by unlocking the potential for income-producing events which is a common requirement for regeneration and heritage-led restoration projects such as this. However, no specific evidence has been provided to substantiate this position. Therefore, GLA officers consider that the proposed economic benefits do not represent a very special circumstance based on the evidence provided to date.

The need for enabling residential development

68. A key element of the applicant's case for very special circumstances is their position that inappropriate residential development within MOL at Rockhills, together with Sydenham Villas (which is outside of the MOL) is needed to help part-fund the costs of the Regeneration Plan and key heritage restoration works. At submission stage, the total cost of the Regeneration Plan was estimated at £40

million, with the majority comprising capital costs associated with the proposed heritage restoration works, earthworks, landscaping, access and play space improvements. However, due to increased cost of inflation, the Regeneration Plan is now been estimated to cost £52 million.

69. The disposal of the two Council-owned sites at Rockhills and Sydenham Villas is expected to generate a potential capital land receipt of ranging from approximately £17.5 million to £24 million. As affordable housing is now proposed at Sydenham Villas, the lower land value estimate is more likely which would equate to approximately one third of the total funding requirement. The Council has identified a range of external funding sources to make up the shortfall, including from Central Government, National Lottery and Historic England. This element of the funding is uncertain at this stage. Bromley Council is proposing to make a limited capital funding contribution of £1 million towards the overall scheme costs. In addition, the Council has agreed to provide £4.5 million of forward funding to enable the progress of the key priority heritage works. The applicant has stated that further capital funding from the Council is not possible given Council's overall budget deficit position and other funding commitments and priorities.
70. Overall, GLA officers consider that the applicant has demonstrated that the proposed scale of enabling residential development is required in order to part-fund the delivery of the Regeneration Plan, given the substantial capital cost of the project.

Phasing and delivery and means of securing public benefits

71. At Stage 1, GLA officers highlighted the need for phasing conditions and / or obligations to ensure that the key heritage restoration works are secured and delivered ahead of the inappropriate harmful residential development on MOL. In addition, GLA officers also stated that the capital receipts generated by the enabling residential development should be clearly ring fenced to deliver the identified enhancements.
72. These elements have been subject to detailed discussion and negotiation between the applicant, local planning authority and GLA officers. The S106 agreement requires the capital receipts generated by the disposal of the residential sites to be placed in a designated and ringfenced escrow account. This funding can then only be spent on the Regeneration Scheme with priority given to the priority at risk heritage restoration works at the Tidal Lakes and Italian Terraces. To ensure transparency, the Section 106 agreement requires the Council to notify GLA in writing of the value of the capital land receipt so this can be confirmed and monitored. The following phasing approach has been agreed between the applicant, local planning authority, Historic England and GLA officers.

Rockhills development:

No commencement of the Rockhills development until the following level of progress has been made on the key heritage restoration works:

- **Italian Terraces:** A contract has been awarded for carrying out all the stonework at the Italian Terraces and 30% of the stonework has been completed;
- **Tidal Lakes:** either of the following milestones have been achieved:

- a contract has been awarded for carrying out all historic landscaping works at the Tidal Lakes and 30% of such works have been completed; or
- a contract has been awarded for the restoration of all the dinosaurs at the Tidal Lakes and restoration of three of those dinosaurs has been completed.
- **Statues:** A contract has been awarded for the restoration of at least four statues in the Park and restoration of the Paxton Bust has been completed (but not necessarily moved into position).

Sydenham Villas development:

- No commencement of the Sydenham Villas development until:
 - **Italian Terraces:** A contract has been awarded for carrying out all the stonework at the Italian Terraces and 10% of the stonework has been completed;
 - **Tidal Lakes:** either of the following milestones have been achieved:
 - a contract has been awarded for carrying out all historic landscaping works at the Tidal Lakes and 10% of such works have been completed; or
 - a contract has been awarded for the restoration of all the dinosaurs at the Tidal Lakes and restoration of three of those dinosaurs has been completed.
 - **Statues:** A contract has been awarded for the restoration of at least four statues in the Park and restoration of the Paxton Bust has been completed (but not necessarily moved into position).
73. This is reflected in the final conditions and S106 obligations. Prior to the heritage restoration works being commenced, a schedule of works must be agreed with the local planning authority in consultation with Historic England. This will need to set out the details and timescales for the works and identify by which point in the project 30% and 10% of the proposed works would have been completed. Once these milestones have been reached, there is a further obligation and condition to carry out the park development and heritage works in accordance with the agreed phasing plan.
74. It is recognised that this phasing approach does not ensure that all of the key 'high priority' heritage restoration works are undertaken and delivered in full prior to the commencement of the enabling residential development which was the expectation of GLA officers at Stage 1. The reason for this is due to the way the scheme is being funded and associated cash flow issues but also the technical complexity of the heritage restoration works involved and the timescale it will take to complete these in their entirety.
75. Bromley Council has agreed to forward fund the heritage works by £4.5 million which will enable the work to commence and progress to a certain level. However, once this level of funding has been used up, further finance is required in the form of the residential land receipt. As such, the applicant's view is that it is not possible to delay the disposal and commencement of the residential sites until the

entire 'at risk' heritage restoration works have been completed. GLA officers have discussed other potential approaches, for example, Council borrowing. However, the applicant has consistently stated that they are not able to provide further forward funding via borrowing as this would not be agreed to by Bromley Council and have stated that the Council is experiencing a significant capital funding deficit.

76. Overall, GLA officers are satisfied that the applicant has demonstrated that there is a sufficiently strong enough link between the enabling residential development (including the inappropriate residential development on MOL) and the delivery of the key high priority heritage works.
77. The restoration work to the Tidal Lakes and dinosaurs is estimated to cost £4.8 million and the works to repair and upgrade the Italian Terraces are estimated to cost £12.3 million. These 'high priority' heritage related works are expected to cost £17.1 million. By comparison, the value expected to be generated by the enabling residential development sites is £17.5 million. Therefore, in the worst-case scenario that the Council is unsuccessful in securing any external grant funding from central Government or heritage funding bodies, there would be sufficient funding to undertake these works, restore the heritage assets and to deliver the associated public benefits in terms of heritage, culture and public access.

Conclusion – Very special circumstances

78. In summary, GLA officers are of the view that the heritage, community, recreational, cultural and educational benefits associated with the proposals do comprise genuine site specific very special circumstances which outweigh the harm caused to openness of the MOL and the harm by reason of inappropriateness.

Loss of the caravan site

79. London Plan Policy E10 seeks to support the provision of visitor accommodation and infrastructure in London including camping and caravan sites in appropriate locations. This policy is relevant to the application given the proposed loss of the existing caravan club site which would be replaced by the Rockhills residential development.
80. GLA officers consider that the loss of the caravan site would not conflict with London Plan Policy E10 given that the policy does not specifically protect this land use. However, the loss of this facility would significantly reduce the number of specialist touring facilities available within London. Therefore, the loss of this facility would have an impact on overall visitor infrastructure in London which has to be balanced against the overall public benefits of the scheme.
81. The existing caravan site at Crystal Palace is one of only three such sites within London which have a specialist offer and does contribute to the aims of Policy E10 in terms of providing a range of visitor accommodation. The site provides 72 caravan and touring pitches and 18 camping pitches and is relatively well-used and well-served by public transport and amenities locally.
82. Whilst it is recognised that the loss of the caravan club would reduce the caravan and caravan and camping offer in South London, the Regeneration Plan

proposals would support the wider strategic aims of the London Plan Policy E10 in terms of significantly enhancing the park as a visitor attraction. This would be achieved through the restoration of heritage assets, the cultural venue, enhanced playground facilities and landscaping works. The redevelopment of the caravan site would also result in a significant amount of private space which does not form part of the park being given over to the park as public space as detailed above. It is noted that the caravan site was proposed for removal in the previous 2007 Masterplan which was granted outline planning permission.

83. The loss of the camping and caravan site is therefore considered to be, on balance, acceptable and would be outweighed by the overall public benefits proposed by the application.

Social infrastructure

84. The application involves the demolition of the existing Diddy Dinos nursery at 27 Crystal Palace Park Road to allow for the construction of the Sydenham Villas residential development. The St. John's Ambulance facility would also be demolished as part of this element of the scheme. A new community centre will be located at Rockhills and will provide a flexible community facility including a new nursery. In terms of floorspace provision, the existing nursery is 133 sq.m. in size. The proposed community building would comprise up to 670 sq.m. of community use, of which, approximately 250 sq.m. would be made available for use by the nursery, ensuring a net gain. This has been secured via condition.
85. In terms of phasing, it was expected at Stage 1 that the replacement community facility would be reprovided prior to the demolition of the existing Diddy Dinos nursery. However, this is unlikely to be the case now due to the phasing restrictions which are applied to the Rockhills residential development which mean that this element of the scheme will now come forwards at a later stage compared to the Sydenham Villas development.
86. To ensure continuity of social infrastructure provision, the S106 agreement includes an obligation to require the provision of a suitable alternative floorspace in the event that the Diddy Dinos facility is demolished prior to the Rockhills scheme being completed. This would be either in an existing building or within a temporary structure. This would be subject to planning and reasonable endeavours. The approach to social infrastructure is therefore acceptable and accords with the London Plan as the existing social infrastructure would be replaced and continuity of provision secured.

Conclusion – land use principles

87. GLA officers are satisfied that the strategic planning concerns raised at Stage 1 in relation to land use principles in terms of MOL, visitor accommodation and social infrastructure have been addressed and the principle of the development is acceptable.

Housing and affordable housing

88. The site is public sector owned land so is subject to the Mayor's 50% threshold for affordable housing. London Plan Policy H4 sets out the Mayor's strategic target for half of all new homes delivered in London to be affordable and confirms that a

key mechanism to achieve this is to ensure public sector owned land provides at least 50% affordable housing. The scheme is following the Viability Tested Route as set out in London Plan Policy H5. Therefore, the Mayor needs to be satisfied that the scheme is providing the maximum level of affordable housing.

89. No affordable housing was proposed by the applicant at pre-application stage or at Stage 1. This was due to the scheme's overall viability position and the scale of development costs relative to the expected capital land sale receipt. The GLA's Stage 1 consultation response stated that affordable housing was required from the scheme in line with the above strategic policies. Prior to Stage 2, the applicant was required to set out all available options to provide affordable housing on the site, including through grant funding, different options in term of tenure mix and by providing affordable housing off-site or via a cash in lieu contribution.

The potential for affordable housing grant funding

90. The applicant has engaged in detail with GLA officers to address and resolve outstanding issues in relation to affordable housing. This has included discussion on the potential prospect of GLA affordable housing grant funding being allocated to the scheme. Detailed modelling of the likely grant funding requirements has been undertaken, taking into account the overall viability of the scheme and potential for variable / negotiated grant funding rate to be agreed as part of the Mayor's affordable housing programme 2021-2026. However, GLA officers consider that it is unlikely that affordable housing grant funding would be assigned to the scheme given the expected grant funding requirement per unit and scheme's overall viability position.

The potential for off-site affordable housing provision

91. The applicant has also put forward proposals for the site's affordable housing requirement to be met off-site which have been discussed with the local planning authority and GLA officers. This proposal would involve additional affordable housing provision (over and above policy requirements) being provided on sites coming forwards as part of the Council's emerging borough-wide affordable housing programme. The applicant has identified the potential for 84 grant funded homes to be provided through via this means. However, these schemes are at various stages in the planning process and are in a range of locations within Bromley and in some circumstances a significant distance from the site. The local planning authority has concluded that no weight can be given to the proposed off-site affordable housing approach, given the uncertainty in terms of delivery and the difficulties in linking and securing this 'over provision' of affordable housing to the Crystal Palace Park Regeneration Plan. GLA officers agree with the conclusion reached on this issue by the local planning authority.

The applicant's revised affordable housing offer

92. Following further negotiation and discussion with GLA officers, the applicant has agreed to providing a minimum level of affordable housing (without public subsidy) as part of the S106 agreement. This would comprise 24 homes (76 habitable rooms) and equates to 11% affordable housing by unit (13% by habitable room). All of the affordable housing would be low cost rent tenure (either social rent or London Affordable Rent). The applicant has agreed that this is an unconditional

(without grant) affordable housing offer and would therefore be reflected in a lower capital land value receipt being received by the Council on disposal of the sites.

93. The S106 agreement requires the agreed baseline level of affordable housing to be provided on the Sydenham Villas site but provides the flexibility for this to be provided at Rockhill. The S106 agreement includes appropriate phasing triggers to require the construction and transfer of the baseline affordable housing prior to the occupation of more than 50% market homes in the Sydenham Villas residential development. This is acceptable.
94. The GLA's Viability Team have reviewed the applicant's viability assessment and the review carried out on behalf of the local planning authority. Whilst the GLA's Viability Team do not agree all of the inputs to the viability assessment carried out, it is agreed that the value generated by the Rockhills and Sydenham Villas sites does not exceed the funding gap for the works to the Crystal Palace Park Regeneration Plan. As such, GLA officers consider that the maximum viable level of affordable housing is being secured in this particular instance, in line with London Plan Policy H5. Early and late stage viability review mechanisms have been secured on each of the residential sites (Rockhills and Sydenham Villas).
95. The application accords with the key principles set out in the viability tested route and the affordable housing proposals can therefore be accepted in this instance, given the particular circumstances and planning considerations associated with the Regeneration Plan.

Urban design

96. There were no outstanding issues in relation to urban design. At Stage 1, GLA officers supported the overall design strategy underpinning the Regeneration Plan and the proposed improvements to the park in relation to access, landscape, heritage, play space and recreation. GLA officers are content that the application proposals are capable of being successfully integrated with the emerging proposals for the National Sports Centre site to ensure the coherent overall regeneration of the entire park. Residential quality and inclusive design standard have been secured by condition. This is acceptable.

Heritage

97. The significance of Crystal Palace Park is summarised below:
 - Historic interest – primarily derived from its association with Crystal Palace and its relocation to the area following the Great Exhibition in Hyde Park in 1851 as part of a grand and ambitious design formulated by Sir Joseph Paxton. The designs took inspiration from Versailles and incorporated large fountains and full-sized dinosaur models.
 - Architectural / landscape interest – derived from its vast and impressive landscape architecture and landscape features and the original concept behind the Paxton's design, especially those aspects which remain from the original layout. There is also architectural interest in individual structures and buildings and their associated group value within the landscape.

- Artistic interest - associated with the surviving sculptures on the Italian Terrace, and the dinosaur sculptures and geological feature displays.

98. The Heritage Statement concludes that the key heritage features shown below including the Palace Terrace, Italian Terrace, Tidal Lakes and dinosaur structures and Paxton Axis are of international significance (shaded red) with other elements of national (orange) and local (significance). GLA officers agree with the assessment.



99. The state of the park and the condition of many of the associated heritage assets is a longstanding and expensive problem which has resisted many attempts at a solution. The Palace was destroyed by fire in 1936 and became a dump for bombsite rubble during the World War Two Blitz. In the 1960s the National Sports Centre was built as part of a masterplan by Sir Gerald Barry, commissioned by the London County Council. The Crystal Palace National Sports Centre is Grade II* listed. The loss of the palace and subsequent neglect of the landscape has resulted in the original structure and many of its features being lost, hidden or in a critical state of disrepair and in need of restoration and enhancement.

100. The outline scheme proposes the restoration, repair and enhancement of the setting and overall significance of the following designated heritage assets which are on the Heritage at Risk Register:

- Grade II* Crystal Palace Registered Park and Garden;
- the Grade I listed dinosaur sculptures;
- the Grade II* Crystal Palace Pedestrian Subway;
- the Grade II listed Upper and Lower Terrace; and
- Grade II listed north and south railings, walls and boundary marker at Crystal Palace Park Parade.

101. The restoration of these heritage assets and their removal from the Heritage at Risk Register is a very significant heritage benefit and therefore a very significant public benefit.
102. None of the buildings and structures proposed to be demolished are of any heritage interest and many detract from the significance of the heritage assets. Their demolition is therefore a welcome heritage benefit.
103. Development on the edges of the park at Sydenham Gate, Rockhills and the existing Capel Manor College farm site and the proposed cultural venue would affect the setting of the Grade II* listed Crystal Palace Registered Park and Garden and the character and appearance of the Crystal Palace Conservation Area which would harm these two heritage assets. However, taking into account the existing and proposed context and the applicant's TVIA, the harm caused would be relatively spatially and visually limited. The level of harm would be less than substantial taking into account the significance of the heritage assets in question and the statutory and planning policy tests set out above.
104. GLA officers consider that this less than substantial harm could be clearly and convincingly outweighed by the following public benefits associated with the proposed scheme:

Heritage related public benefits:

- the restoration and repair of the above mentioned heritage assets which are of a high level of significance and on the at risk register. These works are essential to address the risk of continued deterioration and potential for loss and would help to help conserve and sustain their significance so this can be better appreciated by current and future generations and to enable their more optimum and viable use, in line with the NPPF and London Plan.
- the re-establishment of the Paxton Axis including works to reinstate and improve steps from the Lower Palace Terrace to the Upper Palace Terrace and introduce ramped access and the reinstatement of the original entrance to the park from Crystal Palace Parade to align with the re-established central Paxton Axis.
- enabling public access to the Grade II* listed Crystal Palace Subway and its long-term stewardship and management via the new cultural venue.
- relocation of the Grade II listed Paxton Bust from the present seating area in the Transitional Landscape to an improved setting in the Lower Italian Terrace.

Other public benefits:

- Increased public space provision within the park as a result of the redevelopment of the caravan club site which would result in a net increase of 1.52 hectares of park / public space.
- improvement to the park including the proposed reduction in hard-standing, car parking and ancillary buildings located within the Transitional Landscape Area.
- the delivery of 24 low cost rent affordable homes in either London Affordable Rent or social rent tenure (11% by unit; circa 13% by habitable room).

Transport

105. The Mayor's initial Stage 1 consultation response set out a number of strategic transport concerns and requirements which needed to be addressed prior to Stage 2. This included the following key comments:

- the quantum of public car parking within the park should be further reduced to promote active and more sustainable travel modes in line with the Mayor's transport objectives and mode shift target;
- parking management measures and charges are required and further information is required for temporary event car parking. An Events Management Plan should be secured by condition or S106 agreement.
- Further discussion is required to demonstrate that final parking levels would not impact bus operations.
- walking and cycling improvements should be secured by condition and/or S106 obligation.
- Given the existing transport safeguarding, TfL and the Council will need to further consider the potential implications of the application on the Tramlink extension before the application is referred back to the Mayor at Stage 2.
- The following standard conditions are required: a Parking Design & Management Plan; provision of electric vehicle charging facilities; cycle parking provision and its design in accordance with the London Cycling Design Standards; a Delivery and Servicing Plan; Construction Logistics Plan; and Travel Plan.

Car parking

106. The quantum of non-residential car parking has been reduced from 136 spaces to 124 spaces. The residential car parking provision does not exceed the maximum standard in the London Plan with the level of disabled parking proposed also in line with the London Plan.

107. A £5,000 transport study contribution has been secured which will be paid prior to occupation / first use of the development. This study will consider the introduction of a Controlled Parking Zone (CPZ) or pedestrian safety facilities in the vicinity of the site. A restriction on residents within the Sydenham Villas and Rockhills sites from obtaining parking permits within any controlled parking zone in force in the future has been secured by condition (excluding disabled residents). These provisions are considered acceptable.

108. A Parking Design and Management Plan (PDMP) is required on each phase of the scheme, which will be submitted and approved, in consultation with TfL. This will set out the arrangements in terms of disabled car parking provision, electric vehicle charging and measures to control the frequency and type of use of the parking spaces, as well as arrangements for the car parking charging regime. This is acceptable.

Event management, travel plans and servicing

109. A Framework Events Management Plan (FEMP) has been secured by condition and S106 planning obligation to be submitted and approved by the local planning

authority in consultation with TfL. The FEMP will set out the details of events including delivery and servicing arrangements, measures to encourage active and sustainable travel for staff and visitors, parking management and also an assessment of the impact on public transport, including any mitigation and monitoring required. This is acceptable. Travel Plan and Servicing and Delivery Plans have been secured for each use.

Cycle parking

110. The cycle parking provision is in line with both elements of policy T5 in the London Plan and appropriately worded conditions have been included in the decision notice which require the specific details of cycle parking to be submitted and approved, including the quantum of provision at least in line with the minimum standards in the London Plan and the layout and design of cycle parking in line with the London Cycling Design Standards (LCDS). This is acceptable.

Cycle hire provision

111. The provision of four cycle hire docking stations in suitable locations within the park has been secured by condition and S106 planning obligation. The details of these locations will be agreed in writing by the local planning authority in consultation with Transport for London (TfL) and, thereafter, the land shall be safeguarded for this purpose and kept free of development.

112. A financial contribution of £500,000 towards the provision of two cycle hire docking stations has also been secured which would be paid in two instalments with 50% paid prior to commencement (excluding the key heritage works associated with the Tidal Lakes and Italian Terraces); and the remaining 50% paid prior to the occupation / first use of the park development. This is acceptable. Separate to this, the S106 also secures the submission and approval of a park bike hire scheme which would be separate to and additional to TfL cycle hire scheme.

Public transport and highways infrastructure

113. £100,000 has been secured towards bus stops including and bus shelter enhancements around the perimeter of the Crystal Palace Park such as on Crystal Palace Parade and at the Crystal Palace Bus Station.

114. Park highway improvement works at Anerley Hill Gate; Penge Gate; Old Couple Lane (Rockhills Gate); and Sydenham Gate have been secured by condition and S106 planning obligation.

115. Residential highway works at Rockhills and Sydenham Villas would be secured via s278 agreement prior to occupation of the relevant residential development.

Walking and cycling infrastructure

116. The improvements to walking and cycling infrastructure within the park were welcomed at Stage 1 and a condition has been included to require a site-wide pedestrian and cycle strategy to be submitted and approved by the local planning authority in consultation with TfL. This condition set out key requirements for the strategy in terms of identifying and safeguarding key existing routes, ensuring no

loss and identifying new routes taking into account desire lines through the park, as well as details regarding management and maintenance.

Impact on tram safeguarding

117. The Annerley Hill Campus element of the Capel Manor College proposals has been removed. The development would not therefore impact on the potential to deliver a tram extension in the future.

Conclusion – transport

118. In summary the transport proposals within the application and the mitigation of the impacts of the development are considered acceptable taking into account the amendments to the scheme and the resolved conditions and s106 obligations

Climate change

119. The Mayor's Stage 1 report stated that the energy strategy was acceptable, subject to further information being provided and conditions being included in the decision notice to require further details in relation to energy efficiency, overheating, energy infrastructure to be provided at Reserved Matters Stage. All of these issues have been addressed. Matters relating to whole life carbon assessment, embodied carbon, 'Be Seen' monitoring of actual energy performance and circular economy assessments have been included in the decision notice conditions and will be subject to further scrutiny and approval at Reserved Matters Stage. This is acceptable.

Biodiversity and urban greening

120. In relation to urban greening, the overall site wide strategy and urban greening factor assessment was considered acceptable at Stage 1. However, conditions were required to ensure further details were submitted and approved at RMA stage in relation to urban greening factor assessments, landscaping and trees. Similarly, more detail drainage strategy was required at RMA stage. These issues have all been addressed and are included as conditions in the draft decision notice.

121. A significant number of mature trees are proposed to be removed to enable the Regeneration Plan. The applicant's arboricultural impact assessment report states that 158 individual trees would be removed and 21 tree groups. This includes 13 high quality trees (Category A) and one group of trees classified as Category A as well as a significant number of Category B trees (moderate quality) including 27 groups and 130 individual trees in this category. There is potential for this to be minimised at detailed design stage. This would cause harm to the SINC and would cause harm to biodiversity and habitats.

122. The tree loss is the result of a number of key elements of the proposed Regeneration Plan. This includes the proposed works to the upper and lower Palace Terrace, the re-establishment of the Paxton Axis; the new park entrance on Crystal Palace Parade; re-landscaping of the Transitional Landscape Area; the construction of the cultural venue; the construction of the Rockhills development and Capel Manor College urban farm development. In addition, a number of

mature trees would be removed as part of the Sydenham Villas development. GLA officers are satisfied that the works are necessary to achieve the Regeneration Plan and deliver the overall public benefits associated with the proposed development.

123. The applicant has submitted a Biodiversity Net Gain report which concludes that a 12% net gain is achievable on the site. The decision notice includes a range of conditions to ensure that detailed survey works are submitted and approved to mitigate and control the impact on trees, biodiversity, habitats and protected species and ensure the provision of appropriate replanting schemes with the compensating strategy based on CAVAT or iTree evaluation system. This is, on balance, acceptable and would accord with London Plan Policy G6. The harm to trees and biodiversity is unavoidable in the context of the Regeneration Plan for the site specific reasons set out above. The mitigation strategy is acceptable and should be secured via subsequent Reserved Matters Applications.

Section 106 agreement

124. The Section 106 agreement will include the following provisions:

Enabling development related obligations

Use of capital receipts

- All capital receipts arising from the disposal of the Rockhills and Sydenham Villas enabling development land shall only be spent towards the Regeneration Scheme, with priority given to the works to the Italian Terraces and the Tidal Lakes.
- If capital receipts exceed £24 million or the cost of the Regeneration Scheme (whichever is higher) then the surplus shall be spent on affordable housing, unless otherwise agreed in writing by the Council.
- Capital receipts shall be placed in a designated escrow account that is only available to the Regeneration Scheme).
- Cultural venue – revenue from the cultural venue shall be used towards securing the future management of the subway as an events space, unless otherwise agreed in writing by the Council.

Phasing / timing of enabling residential development

- No commencement of the Rockhills development within MOL until:
 - **Italian Terraces:** A contract has been awarded for carrying out all the stonework at the Italian Terraces and 30% of the stonework has been completed;
 - **Tidal Lakes:** either of the following milestones have been achieved:
 - a contract has been awarded for carrying out all historic landscaping works at the Tidal Lakes and 30% of such works have been completed; or
 - a contract has been awarded for the restoration of all the dinosaurs at the Tidal Lakes and restoration of three of those dinosaurs has been completed.

- **Statues:** A contract has been awarded for the restoration of at least four statues in the Park and restoration of the Paxton Bust has been completed (but not necessarily moved into position).
- No commencement of the Sydenham Villas development until:
 - **Italian Terraces:** A contract has been awarded for carrying out all the stonework at the Italian Terraces and 10% of the stonework has been completed;
 - **Tidal Lakes:** either of the following milestones have been achieved:
 - a contract has been awarded for carrying out all historic landscaping works at the Tidal Lakes and 10% of such works have been completed; or
 - a contract has been awarded for the restoration of all the dinosaurs at the Tidal Lakes and restoration of three of those dinosaurs has been completed.
 - **Statues:** A contract has been awarded for the restoration of at least four statues in the Park and restoration of the Paxton Bust has been completed (but not necessarily moved into position).

Phasing Plan

- Obligation to carry out the park development (not including the residential development sites) in accordance with the agreed phasing plan.
- Submission and approval of a schedule of works (in consultation with Historic England) prior to the commencement of the park development detailing:
 - Proposed works to the Tidal Lakes and Italian Terraces which identifies 10% and 30% of those works which must be completed before the commencement of development on the residential land.
 - A timetable for the completion of all the works to the Tidal Lakes, Italian Terraces and Statues; and
 - The proposed works to the statues.
- To complete the agreed works to the Tidal Lakes, Italian Terraces and Statues in accordance with the programme of works approved.

Social infrastructure

- To provide a replacement community centre at Rockhills in line with the approved parameters.
- In the event that the new community centre at Rockhills is not completed prior to the demolition of the existing Diddy Dinos nursery, the owner is required to find existing suitable alternative floorspace; and, if this is not possible, the owner is required to provide temporary suitable alternative community floorspace within or around the proximity of the site (subject to reasonable endeavours).
- Compliance with an approved community use agreement as approved by condition.
- Provision of the Information Centre in the agreed location identified on approved plans.

Affordable housing

- The residential owner must construct 24 affordable homes comprising 76 habitable rooms). These shall be in low cost rent tenure (either London Affordable Rent or social rent) in line with the indicative unit mix.
- Affordable housing secured in perpetuity; managed by a registered provider; and subject to nominations agreement.
- Early stage viability review
- Late stage viability review
- Phasing triggers to require the construction and transfer of the baseline affordable housing prior to the occupation of more than 50% market homes in the Sydenham Villas residential development.

Housing affordability and tenure

- London Affordable Rent housing at the GLA benchmarks. Social rent at target rents.
- Should any intermediate affordable housing be provided (eg. via review mechanisms), this would need to be in line with the Council's income thresholds which are currently as follows:
 - 1-bedroom homes - £55,000
 - 2-bedroom homes – £68,800
 - 3-bedroom homes - £73,400
 - 4-bedroom homes - £90,000
 - subject that the GLA income threshold of £60,000 applies to all intermediate rent housing products.

Transport

- £500,000 cycle hire docking station contribution - to provide 2 cycle hire docking stations in the park for the TfL scheme.
- Cycle hire docking station – to safeguard four cycle hire docking areas in the park and keep these areas free from development unless agreed otherwise by the Council (in consultation with TfL).
- £100,000 bus stops and bus shelter enhancements – at stops on the perimeter of the Crystal Palace Park and in particular on Crystal Palace Parade and/or at the Crystal Palace Bus Station.
- Both obligations (bus stops/shelters enhancements and cycle hire docking stations) are to be paid in two instalments - 50% paid prior to commencement (excluding the key heritage works); the remaining 50% paid prior to the occupation / first use of the park development.
- £5,000 transport study contribution – to consider the introduction of a Controlled Parking Zone (CPZ) or pedestrian safety facilities in the vicinity of the site. Paid prior to the occupation / use of the park development.
- Framework Events Transport Management Plan – to be submitted to and approved by the local planning authority, paid prior to occupation / use of the park development.

- Park bike hire – submission and approval of further details of a scheme by the Council (separate to and additional to TfL cycle hire docking scheme).
- Residential and non-residential travel plans and monitoring fees.
- Park related highway works at Anerley Hill Gate; Penge Gate; Old Couple Lane (Rockhills Gate); and Sydenham Gate (car parking & maintenance depot).
- Residential related highway works at Rockhills and Sydenham Villas via s278 agreement prior to occupation to the occupation of residential development.

Climate change

- Carbon off-set contributions to be paid prior to occupation:
 - £225,161 Rockhills residential carbon off-set contribution
 - £123,836 Sydenham Villas residential carbon off-set contribution
 - £145,226 non-residential carbon off-set contribution

Employment and training

- Employment and training strategies for residential phases and park development phases.

Legal considerations

125. Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. Mayor also has the power under Article 7 to direct that he will become the local planning authority for the purposes of determining the application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

126. Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance emphasises that parties usually pay their own expenses arising from an appeal.
127. Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or, behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

128. Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the Council to do so) and determining any approval of details (unless the Council agrees to do so).

Overall planning balance

Metropolitan Open Land

129. The proposed buildings at the Rockhills site and the Capel Manor College farm site, as well as the proposed cultural venue comprise inappropriate development which is harmful by definition and which would also cause demonstrable harm to openness of the MOL.
130. Other harm would also be caused as a result of the loss of trees and associated impacts on biodiversity, together with less than substantial harm to the significance of the Grade II* listed Crystal Palace Registered Park and Garden and the Crystal Palace Conservation Area.
131. There are therefore four distinct categories of harm associated with the application:
- Harm by reason of inappropriateness
 - Harm to openness
 - Harm caused by the loss of trees and consequential impacts on biodiversity
 - Less than substantial harm to designated heritage assets

Very special circumstances

132. As with development proposals affecting the Green Belt, there is a strong presumption against inappropriate development on MOL. Inappropriate development should not be approved except in very special circumstances. Substantial weight must be given to any harm to the MOL when making planning decisions and very special circumstances will not exist unless the potential harm to the MOL caused by inappropriate development and any other harm associated with a development is clearly outweighed by other considerations.
133. This is a finely balanced case. However, in this instance, GLA officers consider that there are very special circumstances which do clearly outweigh the harm caused to openness of the MOL and the other harm associated with the proposed development. GLA officers consider that there are site specific very special circumstances which would outweigh these harmful impacts comprise:
- **the heritage related benefits** - associated with the repair and restoration of designated heritage assets. These heritage assets exhibit a very high degree of significance and are on the Heritage at Risk Register. The other heritage related benefits comprise the re-establishment of the Paxton Axis; enabling public access to the Grade II* listed Crystal Palace Subway as well as its long-term stewardship and management via the new cultural venue; and improvements to the Transitional Landscape Character Area.

- **community and recreational benefits** - associated with the 1.52 hectare net increase in the size of the park and the overall quantum of public open space would be created as part of the Rockhills development. Further community and recreational benefits would be provided through the improvements to the access and use of the Upper and Lower Palace Terraces and Transitional Landscape Area, as well as the new entrance on Crystal Palace Parade and the re-establishment and enhancement of the Paxton Axis within the upper western sections of the park which are significantly under-utilised and in need of regeneration and investment.
- **cultural benefits** – associated with the provision of a new cultural venue which would improve the visitor experience and facilities within the park and enable managed public access within the Grade II* listed Crystal Palace subway
- **Educational benefits** – associated with the provision of significantly enhanced educational and learning facilities for the Capel Manor College at the existing urban farm site.

134. GLA officers consider that the harm by way of inappropriateness and the harm to the openness of the MOL would be clearly outweighed by the overall heritage related public benefits and other associated community, recreational and cultural benefits associated with the proposed scheme. As such, the proposal would accord with MOL planning policy and the NPPF.

Heritage

135. The proposal would result in less than substantial harm to the significance of the Grade II* listed Crystal Palace Registered Park and Garden and the Crystal Palace Conservation Area. However, GLA officers consider that this less than substantial harm would be clearly and convincingly outweighed by the public benefits associated with the proposed scheme. These are set out in paragraph 104.

Enabling development

136. Paragraph 208 of the NPPF defines enabling development as development which would secure the future conservation of a heritage asset but would conflict with other planning policies. The Rockhills and cultural venue are considered to comprise enabling development for the purpose of paragraph 208 of the NPPF. Therefore, a decision maker is required to assess whether the benefits of a proposal would outweigh any identified conflict with planning policies.

137. Overall, GLA officers consider that the applicant has demonstrated that the proposed scale of enabling residential development is required in order to part-fund the delivery of the Regeneration Plan given the substantial capital cost of the project.

138. As noted above, there are a number of other harms associated with the proposed scheme. This includes harm by reason of inappropriateness; harm to openness of the MOL; harm caused as a result of the loss of trees; harm to biodiversity; and less than substantial harm to designated heritage assets. On balance, GLA

officers consider that the overall benefits of the proposal do outweigh the harm and the identified harms. The NPPF criteria for enabling development is therefore met.

Conclusion - Planning balance

139. In summary, the proposal would accord with London Plan Policy G3 on MOL. The justification for the residential enabling development is accepted in this particular instance. The harm to heritage, trees and biodiversity is considered acceptable taking into account the specific circumstances and noting the mitigation measures and wider benefits which are being secured which would outweigh the harm caused.

Conclusion

140. The strategic issues raised at consultation stage with respect to MOL, visitor accommodation, social infrastructure, housing and affordable housing, urban design, heritage, transport, climate change, urban greening and biodiversity have been acceptably resolved on balance. GLA officers have had regard to the details of the application, the matters set out in the Committee Reports and the Council's draft decision and considering the material planning considerations of strategic importance raised in responses to the public consultation. The application is acceptable in strategic planning terms and there are no sound planning reasons for the Mayor to intervene in this case. It is therefore recommended that Bromley Council is advised to determine the case itself, subject to any action that the Secretary of State may take.

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We are committed to being anti-racist, planning for a diverse and inclusive London and engaging all communities in shaping their city.