

# Crystal Palace Community Association

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*Member of the London Forum of Amenity & Civic Societies Registered Charity No. 261790*

Mr Bob McQuillan  
Acting Chief Planner  
London Borough of Bromley  
Civic Centre, Stockwell Close  
Bromley  
BR1 3UH

19<sup>th</sup> June 2008

Dear Mr McQuillan,

**MASTERPLAN OUTLINE PLANNING APPLICATION, DC/07/03897/OUT  
CONSERVATION AREA CONSENT FOR DEMOLITION, DC/07/03906/CAC  
& LISTED BUILDING CONSENT, DC/07/03907/LBC  
AT CRYSTAL PALACE PARK, LONDON SE20 8DT**

1. While welcoming the principle of restoration of Crystal Palace Park, the CPCA must formally object to the planning applications submitted by Gerald Eve on behalf of the London Development Agency on 1 November 2007 for Crystal Palace Park which is Grade II\* on the English Heritage Register of Historic Parks and Gardens, Metropolitan Open Land (MOL) and much lies within a Conservation Area.
2. The following CPCA comments on the applications should be considered in conjunction with the applicant's Planning Statement, Supplementary Documentation and other associated documents. The outline 'hybrid' illustrations and descriptions submitted with the applications cannot be relied upon as they have been submitted within an 'outline' application. Outline applications only establish the principle of development and therefore, all illustrative proposals within these outline applications could change substantially at the later 'Reserved Matters' stage.
3. National planning policy attaches importance to plan-led decision making. There is presumption in law that any decision should be made in accordance with statutory and advisory policy, including the borough's UDP and the London Plan. In cases of conflict, the latter prevails. Elements of the Crystal Palace Park applications conflict with MOL and conservation policies, in both the London Plan and Bromley UDP.
4. PPG15 2.24 Historic Parks and Gardens states, "*...local planning authorities should protect registered parks and gardens in preparing development plans and in determining planning applications. The effect of proposed development on a registered park or garden or its setting is a material consideration in the determination of a planning application.*"

5. Crystal Palace Park is not identified as an area of intensification in the London Plan or Bromley UDP policies; it is not identified as a site of special policy area; it is not a highly sustainable location in Crystal Palace or London. The proposal to sell off parkland for private luxury residential development for enabling development to facilitate a funding strategy would be a departure from the statutory development plan, and could only be undertaken after amendment to the development plan. Any fundamental conflict with strategic policy objectives would be a departure from the UDP, but that conflict must be demonstrable. This is especially important in a location such as this, which is of high national and local importance, providing green open space for all residents in the community. Mere invocation of the principle or assertion is not enough.

6. **Failure to provide a viable and detailed business plan**

6.1 The CPCA considers the Council does not have an application to consider, as the project described is speculative and not supported by a detailed business and management assessment. Therefore a grant of planning should be refused or deferred until the Council has received full supporting material which the applicant's independent professional advisers have already made clear must be obtained before the project can be properly assessed.

6.2 In particular, the applicant has commissioned the following three independent studies: the Master Cost Plan Public Issue No 1 (Davis Langdon); the Masterplan Outline Business Case (URS); the Masterplan Management and Maintenance Plan (Land Management Services). We refer to these documents as the 'Supporting Documentation'. At para.48 the CPCA addresses the issues raised by these studies and quotes directly from the Supporting Documentation provided by the applicant to Bromley Council.

6.3 The Supporting Documentation identifies the following key areas: initial funding; continuing financial sustainability; future Park management; ownership of the land and responsibility for delivery of Park amenities over the next twenty years. It makes clear that the application is in outline only, and that the next stage would be proper development of the business plan and the economic and regeneration cases. The application lacks a business model providing costs and financing and, without which, no potential source of finance would assess requests for funding. (Para.48, Section 3)

6.4 The application states that: "*the LDA will be responsible for providing the core funding for the Masterplan proposals.*" (Outline Business Case Para.6.1) However, it is not clear if this has been confirmed and, if not, the project must be in doubt. With the choice of other sources of funding undecided, the applicant suggests that finance may be raised from the private sector but there is no analysis of potential borrowing costs. The terms, period and quantum, therefore, cannot be estimated at this stage, which creates significant uncertainty when seeking to assess the overall project cost. As the Outline Business Case confirms, being able to obtain finance on commercial terms, in the current "funding climate" may be difficult.

- 6.5 The “*key considerations*” have not been resolved (para.48, 7.4 & 7.5) and until this is done, no accurate idea can be formed of the appropriate nature and scale of the restoration of the Park and no view can be formed of the financial viability of the project. For example, the cost figures are expressed in terms of prices effective at October 2007, with no allowance for cost inflation.
- 6.6 The applicant, the London Development Agency, is a London-wide organisation operating under directive of the Greater London Authority and the London Mayor, and funded from the public purse. The LDA newsletter November/December 2006 stated: “...*the park improvement is expected to cost between £35-50 million*”. By July 2007 the figure had risen to over £67 million, excluding other costs. (Para.48, section 1.5)
- 6.7 As the areas to be resolved are fundamental, discussion would be no more than speculation, as already stated by the applicant's own advisers. It would be inappropriate for Bromley to grant permission on an application, in which they hold vested interest on behalf of residents and council taxpayers, without evidence of the viability of the Masterplan. The conclusions drawn by the applicant's advisers on the viability and sustainability of the Masterplan are listed in para. 48, section 9.

## 7. **Residential development on MOL and Conservation Area parkland**

- 7.1 The applicant has submitted detailed Masterplan application prior to establishing funding sources, for capital or revenue. It is irresponsible not to identify the source of funding and budget requirements in order to ensure the project fits in with key parameters. The applicant's proposal to fund Crystal Palace Park restoration through the sale of public parkland for 180 private luxury flats, i.e. ‘**enabling development**’, is not acceptable and the applicant's claims of “*exceptional or very special circumstances*” to justify this enabling development are unsustainable and conflict with PPG2 paras.3.1, 3.2, 3.13 and 3.15. Park improvements can be achieved by legitimate means, as demonstrated in the regeneration of other UK parks.

The following numerical references in **bold** are from the ‘Masterplan – Planning Statement’ document accompanying the application.

### 7.2 **6.6.3 & 6.6.4**

The applicant's justification to sell parkland for housing to provide “*significant improvements to the openness of MOL...*” is defined as:

- a) “*the removal of a considerable amount of hardstanding*”
- b) “*the removal of large spectator stands ... within the centre of the Park*”
- c) “*removal of other buildings, turnstiles and unused structures such as the footbridge over the former racetrack...*”.

The CPCA reminds that:

- a) the hard standing is low profile and is already open in nature,
- b) the Jubilee Stand is within the footprint of Major Developed Site (MDS), already leased by the applicant and subject to separate funding and other provision, and
- c) the improvements adjacent to the Crystal Palace Station are also on MDS and have already been completed.

Therefore enabling development is not required as claimed by the applicant.

7.3 **6.10.1**  
The applicant attempts to demonstrate that locations for the Park housing have been *“influenced by the extensive consultation exercises carried out by the applicants”*. However, the extent of opposition to housing has not been reflected in the planning application and the CPCA considers this paragraph disingenuous and misleading. Three locations were identified originally but following strong public opposition to housing on all three locations, the applicant amended ‘Planning Framework’ proposals to exclude housing at the ‘Norwood Triangle Gate’. Every survey and LDA public meeting has shown overwhelming majority opposition to housing at ‘Sydenham Gate’ and Rockhills. The applicant, in claiming to recognise public concern over the building of housing on public parkland by dropping the ‘Norwood Triangle Gate’ housing development proposal, fails to consider and recognise the same level of opposition to the building of housing at Rockhills and ‘Sydenham Gate’. The area at ‘Norwood Triangle Gate’ has since been proposed as a possible route for Tramlink and its terminus. (See paras.40.2, 40.4 and 41.2)

7.4 **6.10.2**  
The CPCA regards this *“summary”* as perverse, including the claim of *“...due consideration for other policy requirements including MOL, landscaping, design and CA designation”* in that its conclusions fail to recognise requirements under MOL, Bromley UDP, Conservation Area and Registered Park status, London Plan and other guidance (SPGs and PPGs). The presence of listed buildings and structures in and around the Park has also been given insufficient consideration. Policy 3D.9 Metropolitan Open Land, London Plan states: *“The Mayor will and boroughs should maintain the protection of Metropolitan Open Land (MOL) from inappropriate development. Any alterations to the boundary of MOL, should be undertaken by boroughs through the UDP process, in consultation with the Mayor and adjoining authorities.”*

7.5 **6.10.3**  
This paragraph recognises that residential development at Rockhills would be on MOL and clearly *“inappropriate development for the purposes of MOL policy”*. However, the applicant does not recognise that the ‘Sydenham Gate’ residential development, while not on MOL, is adjacent to it and within the Park’s boundaries and the Crystal Palace Park Conservation Area. It is wrong therefore to consider the housing in this area of the Park as simply ‘infill’ development and ignore the impact on Metropolitan Open Land and the Conservation Area.

7.6 The applicant claims at Section 4 - Description of the Proposals, Overview of the Proposals para.4.7, *“the proposals also identify two sites for housing, the Rockhills and Sydenham Residential sites. These sites are not accessible to the public and do not currently form part of the Park.”* Contrary to this assertion, both are within the Park boundary, form part of the Park and, with the exception of the maintenance depot, are accessible and used by the public.

## 8. **Residential Development within MOL**

### 8.1 **6.10.4**

In this paragraph the applicant recognises the need to demonstrate “*very special circumstances*” to enable the Rockhills housing development. The CPCA does not consider that the requirement for ‘very special circumstances’ has been demonstrated in the applicant’s planning statement and associated documents linked with the application.

### 8.2 **6.10.5**

The applicant bases arguments for ‘very special circumstances’ on a capital intensive and overly ambitious ‘Masterplan’ that fails to recognise the history and unique protected status of Crystal Palace Park and its present function as vital green open urban space. The Masterplan seeks to create a “*sports and events park*” to generate an unproven and undeveloped funding stream. (Masterplan Exhibition Brochure October 2007 - Core Principles)

### 8.3 **6.10.6**

The CPCA agrees that the ‘project’ is “*wholly exceptional*” but only in that it is overly ambitious, as demonstrated by the need to raise the required funding by selling protected Grade II\* parkland for enabling development. “*Overall benefit*” to the Park and MOL has not been demonstrated; indeed were the Masterplan to be implemented a net loss of irreplaceable parkland would result. In recent years, sympathetic restoration of public parks across the UK has been achieved without sale to private developers, e.g. Canon’s Park Hillingdon, Valentines Park Ilford, Battersea and Dulwich Parks.

## 9. **6.10.7**

To justify the sale of public parkland for private development at Rockhills, the applicant advances the following four reasons to show ‘very special circumstances’.

9.1 Point 1 states: “*Financial contribution from housing to facilitate the essential regeneration works;*” However, the applicant provides no convincing evidence for enabling development nor makes clear the scope and cost of “*essential regeneration works*”. The enabling development would produce only limited capital revenue, whilst permanently removing parkland from MOL.

9.2 Point 2: The loss of the Caravan Club, a popular and international public facility, which brings considerable financial and social benefits to the Park and wider area, would result in permanent loss of parkland to housing and other built development. The CPCA disputes the applicant's assertion that construction of private housing forming a five-storey barrier on the periphery of the Park would lead to “*improved openness*” in this area. (See Para.12)

9.3 Point 3: The applicant's claim that the entrance to the Park will be more clearly defined by the construction of a major housing development is illogical and without foundation. It is not necessary to build blocks of flats to define a park edge. An effective gateway and signage would adequately define the Park entrance.

- 9.4 Point 4: In the absence of a ‘Section 17 Designing out Crime’ report, the CPCA contends that the applicant's statement that the Rockhills residential development would provide “*natural surveillance to enhance safety...*” is unsubstantiated and unsustainable. The proposed layout of the blocks of flats around a courtyard would provide only limited views into the Park, even assuming that residents would be vigilant.
- 9.5 The “*sense of place*” will be that of a residential housing estate and little different from current faceless developments all over the country. The applicant is relying on the surroundings of the Park itself to provide a “sense of place”, not the blocks of flats and the applicant's claim is spurious.
- 9.6 The CPCA maintains that the applicant has not demonstrated ‘very special circumstances’ to justify the sale of highly protected MOL public parkland for enabling development and this, with other submissions made in this letter, must result in the application being refused.

10. **Financial Contribution to the Park Regeneration**

10.1 **6.10.8 - 6.10.14**

For expediency, the CPCA will address these paragraphs together as they relate mainly to financial and funding requirements to justify ‘very special circumstances’. The CPCA asserts that the applicant seeks to develop parkland by stealth, in conflict with planning policy, by linking a proposal for residential development to the Masterplan application and attempting to justify ‘very special circumstances’ by landscape improvements. Given the long timescale for the implementation of the Masterplan, there are other viable improvement options available that would not compromise the economic viability of the project. Such an approach has proved successful with the removal of turnstiles, footbridge and other improvements to the Park entrance at Crystal Palace Station.

- 10.2 Housing would have a negative impact on the Park, Conservation Area and MOL, would be contrary to planning policies, and erode people’s amenities, use and enjoyment of the Park.

11. **Return of Currently Enclosed Land to MOL**

11.1 **6.10.15**

The applicant claims that: “*the land upon which the Rockhills residential development is to be located is currently occupied by the Caravan Club and is therefore inaccessible to the general public.*” This assertion is flawed, as the caravan park is a publicly used facility, appropriate to MOL. The proposed blocks of flats would occupy a significant area of MOL parkland and any claimed ‘return of parkland’ as the consequence of the removal of the Caravan Club, would be partly negated by the permanency, bulk and mass of this development, the widening of and increase in access roads, car parking, coach turning circles and new buildings. The CPCA considers that the proposed redevelopment of this area conflicts with the applicant's statement of “*...improved openness and clear benefits to the MOL.*”

## 12. **Removal of the Caravan Club**

### 12.1 **6.10.16**

The applicant claims that the Caravan Club “...has a negative effect on the openness of the land and conflicts with its inclusion within MOL.” The CPCA maintains that the temporary and unobtrusive nature of the Caravan Club is appropriate on MOL, which has a less harmful effect than the permanency, scale, bulk and mass of the proposed housing development. The applicant admits that: “*the proposed housing will conflict with openness...*” The applicant's claims of improved “...surveillance and financial benefits for the Park” consequent to the construction of housing have not been demonstrated. The activity of visitors to the camping and caravan centre already provides a measure of security to this part of the Park and it is not proven that the proposed blocks of flats, which are insular in nature, would lead to improved “...surveillance and financial benefits for the Park”.

12.2 Rockhills is not a vacant building site and the CPCA does not consider the removal of the international camping centre, an established and valuable public facility, to be appropriate or beneficial. The cost of its relocation, the loss of visitors and tourists and the income thereby derived, has been neither quantified nor demonstrated.

12.3 The applicant admits that the relocation of the Caravan Club to achieve the Rockhills residential area development “*would represent an adverse impact.*” (Section 8 Socio-Economics p37 of the EIA Technical-Summary) and that “...*the LDA would work with the Caravan Club to find a suitable alternative location.*” However, the applicant fails to explain where the Caravan Club would be relocated, and the cost of such relocation. The applicant appears not to have deducted such associated costs from the figure stated for the sale of the land for housing, to produce a more accurate net figure.

## 13. **Urban Design and Security & Safety Benefits**

### 13.1 **6.10.17 & 18**

See the CPCA's previous comments, which refer to Section 17 Crime & Disorder Act – Designing out Crime. (Para.9.4)

### 13.2 **6.10.19**

The applicant's failure to provide required detail of “*the design of the dwellings*” in the ‘outline’ application does not permit robust assessment of the impact of this development on the Park, street scene and surrounding Conservation Areas. English Heritage states that planning permission should only be granted if: “*the impact of the development is precisely defined at the outset, normally through the granting of full rather than outline planning permission.*” (English Heritage Policy Statement ‘Enabling development and the conservation of heritage assets’)

14. **English Heritage Criteria for Enabling Development (Masterplan Planning Assessment)**

14.1 English Heritage has produced a Policy Statement entitled ‘Enabling Development and the Conservation of Heritage Assets’, which sets out seven criteria, all of which should be met if enabling development is to be deemed acceptable. This Policy Statement was produced following concern for the “*damage caused by developments put forward primarily as a way of benefiting heritage assets but which destroy more than they save*”. English Heritage considers that there should be a presumption against enabling development and that enabling development proposals relating to outstanding heritage assets should be considered against the criteria.

14.2 The CPCA maintains, and the Masterplan application indicates, that the applicant’s proposal for private luxury residential housing on Crystal Palace Park is ‘*enabling development*’. According to the applicant, “*housing ... is vital to ensure the deliverability of the Masterplan.*” (Masterplan Exhibition brochure October 2007) Without the applicant vigorously assessing the Masterplan proposals against English Heritage’s policy of enabling development, inclusion “*for completeness*” or otherwise, of such considerations is insincere.

14.3 **6.10.20**

The CPCA contests the applicant's initial claim that the proposed “*vital*” private housing development of 180 flats on Crystal Palace Park does not fall within: “*...the definition of enabling development as set out by English Heritage*”. The applicant’s statement: “*...for completeness, it is prudent to consider this element of the proposal against the criteria set out by this Government body*” is welcome, as English Heritage is a statutory consultee. It is therefore more than just a matter of ‘prudence’ to consider the impact of this ‘enabling development’ on the ‘heritage asset’.

14.4 **6.10.21**

As demonstrated in the following points, the applicant first chooses to respond to English Heritage’s policy statement that: “*there should be a general presumption against enabling development which does not meet all of the following criteria*” by claiming that the building of private housing on Crystal Palace Park to help fund its restoration, is not ‘enabling development’ and that all the criteria are fully satisfied. The CPCA maintains that the applicant fails to meet the following English Heritage criteria:

15. **1<sup>st</sup> English Heritage criterion: “The enabling development will not materially detract from the archaeological, architectural, historic landscape or biodiversity interest of the asset, or materially harm its setting”.**
- 15.1 The applicant’s response makes statements and claims that fail to explain how this will be achieved. The applicant fails to explain how the construction of two large blocks of 132 flats 18 metres/five storeys high and a nine-metre high ‘community facility/café will “*protect the landscape and its bio-diversity interests*”, (Parameter Plan H3 and H6). The applicant also proposes creating two new entrances for vehicles into the Park at Rockhills; one entrance to service the blocks of flats from the traffic congested Westwood Hill opposite 104 and 105 Westwood Hill and another entrance for cars, buses and coaches opposite the existing mini roundabout at the junction of Fountain Drive and Crystal Palace Parade (Parameter Plan 5). The latter would take vehicles into a new car park on the hilltop and a coach drop-off and turning area at the northern end of the Italian Terrace. In addition, the applicant proposes a new entrance opposite the Sydenham Hill/Westwood Hill mini roundabout to allow deliveries, servicing and emergency vehicular access for the residential development and the café. (Parameter Plan 5) According to the plan, this entrance would also serve as a pedestrian route into the Park. The applicant proposes to remove the vegetation at the entrance of Old Cople Lane and replace it with hard surfacing in the form of porous bound gravel.
- 15.2 The proposed development on this northern edge of the Park will require the removal of three Category A trees – “*These are high quality, high amenity trees which should be retained if at all possible. Significant amendments to any proposed development should be considered before removing these trees.*” (Design & Access Statement Vol.1 p62 and Parameter Plan 4 Arboricultural Survey) and eighteen Category B trees – “*These are reasonably high quality trees whose retention is desirable. Minor amendments to any proposed development should be considered before removing these trees.*” It is also proposed to remove a similar number of Category C trees/hedges. These category designations accord with British Standard 5837:2005 - Trees in Relation to Construction – Recommendations.
- 15.3 The CPCA objects to the proposed Rockhills development on the grounds that, contrary to the applicant's claims at Point 1, the development would **not** “*protect the landscape or biodiversity interests*”, nor preserve the Park’s character, nor protect the setting. We contend that the applicant's claims fail to meet the 1<sup>st</sup> English Heritage criterion.
16. **2<sup>nd</sup> English Heritage criterion: “The proposal avoids detrimental fragmentation of management of the Heritage asset”**
- 16.1 The CPCA submits that Crystal Palace Parkland, permanently sold for private luxury housing development, would require a different form of management, involving a dedicated and resourced structure that would divert attention from holistic public park management.
- 16.2 The Caravan Club has been managed and maintained at the Rockhills location to a very high standard for the past 20 years. As the applicant has not identified sources of long-term funding for maintenance, with the enabling development only providing a one-off capital receipt, continued care of the Rockhills area could not be guaranteed.
- 16.3 The applicant's response fails to meet the 2<sup>nd</sup> English Heritage criterion.

17. **3<sup>rd</sup> English Heritage criterion:** *“The enabling development will secure the long-term future of the Heritage asset and, where applicable, its continued use for a sympathetic purpose.”*
- 17.1 Here the applicant states that the construction of private residential blocks of flats on protected Crystal Palace Parkland is enabling development, contrary to their earlier denial at **6.10.20**.
- 17.2 The applicant states: *“the enabling development will not secure the long term future use of the Park (the Heritage asset) in isolation but will make a significant and necessary contribution to the level one works...”* That the proposed housing is enabling development is further supported in the record of the Crystal Palace Park Stakeholder Dialogue Process Task Group meeting of 19 July 2005, when specific reference was made to the issue of enabling development by the LDA Crystal Palace Park Project managers, Arup Associates and J & L Gibbons landscape architects.
- 17.3 The applicant's response does not meet this 3<sup>rd</sup> English Heritage criterion, as the enabling development would only produce a one-off capital sum and not provide a long-term revenue stream that would secure the future sustainability of the Park. The permanent loss of public parkland for private housing cannot sensibly be considered *“a sympathetic purpose”*.
18. **4<sup>th</sup> English Heritage criterion:** *“The problem arises from the inherent needs of the Heritage asset, rather than the circumstances of the present owner or the purchase price paid.”*
- 18.1 The fundamental inherent need of the Heritage asset, i.e. Crystal Palace Park, is its **protection** as public parkland. The present landscape of Crystal Palace Park is generally in good condition and does not require excessive funding for its restoration. However, the Park is in need of an efficient funding stream for its future maintenance and upkeep, which a one-off capital receipt from enabling development would not provide. As a public facility, the upkeep of public parks and open spaces is generally funded from local council tax and other local precepts. Sources of funding for the repair and upkeep of the heritage structures have, by the applicant's own admission, yet to be fully explored. (Supporting Documentation Outline Business Case Section 4 and para.48, section 4)
- The applicant has stated that the enabling development on Crystal Palace Park, i.e. the sale of parkland to developers for the construction of private luxury housing, is to meet *“level one works”*, many of which are not an ‘inherent need’ of the Heritage asset.
- 18.3 At the Main Group meeting of the Crystal Palace Park Stakeholder Dialogue Process, 10 July 2004, the LDA Park Project Director stated: *“it is not the intention of the LDA to put housing on the Park”*, *“it is not the intention to propose major developments in the Park”* and *“it was not the intention for the Park to subsidise the sports centre”*.
- 18.4 The CPCA contends that the applicant's response fails to meet the 4<sup>th</sup> English Heritage criterion.

19. **5<sup>th</sup> English Heritage criterion: “Sufficient financial assistance is not available from any other source.”**

19.1 Requisite funding for the Masterplan has not been adequately explored. The applicant's requirement for funding to meet the budget for the ambitious Masterplan through the sale of parkland for residential development was offered to the public as “... *the last resort*”, (LDA newsletter August 2007) but was later contradicted with the published statement that: “*housing... is vital*” (LDA newsletter October 2007). Just prior to the submission of the application, the applicant organised a series of ‘Housing & Funding’ meetings with ‘stakeholders’ to receive suggestions for funding initiatives.

19.2 The CPCA is concerned that the LDA (the applicant), a London-wide and publicly-funded body with considerable financial resources, states on its website: “*The long-term implementation costs of the Masterplanning designs for the park will need to be found from a mix of private and public money. The public contribution will be limited. This means that any large scale works would need commercial investment... We will be looking for a sustainable option that does not involve significant revenue subsidies.*” This statement indicates a lack of financial commitment from the applicant both in terms of capital investment and on-going funding.

19.3 It is irresponsible to conduct funding assessments *after* a planning application has been submitted especially as massive capital investment will be required to implement the proposed Masterplan. Moreover, a realistic and sustainable revenue stream has yet to be identified by the applicant. The applicant's claim to ‘identifying’ the necessary finance remains ambiguous. This suggests the applicant’s source revenue streams cannot be relied upon and therefore the viability of the Masterplan remains uncertain. In long-term projects it is common for the budget to either spiral out of control or for the project to be scaled down by a value engineering exercise. The recent HLF-funded Gustafson/Porter Crystal Palace Park ‘Vision’, failed for a number of reasons despite its comprehensive approach, the expenditure of huge sums of public money and the reputation of the consultants. This left Crystal Palace Park with a legacy of failed work. The mistakes of the past must not be repeated.

19.4 In the applicant's response to point 5, the phrase “*level one works*” is mentioned four times; however a credible explanation of “*level one works*” is not given in the planning application. In the Masterplan Exhibition brochure of October 2007, “*Basic Park Improvements*” of £41.8 million are listed as: “*expensive landscaping works necessary to make the Park accessible and inclusive will take up the bulk of the investment. Improvements would include a new Paxton Fountain, Eco Palace Water Ponds and two Sunken Gardens on the Italian Terraces*”. The Fountain, Water Ponds and Sunken Gardens cannot be considered as “*Basic Park Improvements*” as they are entirely new features, and not “*essential level one works*”. **(6.10.9)** Outline applications should not include landscaping works. These are subject to submission of detail at Reserved Matters stage. Therefore landscaping works should be excluded from the purposes of the enabling development, i.e. the applicant’s claim to need to sell parkland for housing to raise funding for ‘basic park improvements’ (landscaping), also called ‘level one works’, is not sustainable.

- 19.5 The applicant “*has sought to identify funding from various sources to cover the level one costs of approximately £40 million. The Agency [LDA] itself will contribute some funding*”. In these statements, and despite the submission of a planning application, the applicant has failed to show its own comprehensive financial commitment, relying speculatively upon, as yet, unidentified funding sources.
- 19.6 The CPCA believes that monies provided for level one works should be for repair of the Heritage assets such as the listed terraces and Subway before construction of new features commences.
- 19.7 The exceptionally long-term nature of the Masterplan could see changes in politics, the economy and society, where a particular phase of the Masterplan could be achieved without the permanent loss of public open space.
- 19.8 The applicant's response does not meet this 5<sup>th</sup> English Heritage criterion.
20. **6<sup>th</sup> English Heritage criterion: “*It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the Heritage asset, and that its form minimises disbenefits.*”**
- 20.1 The applicant fails to recognise that the few existing buildings and structures at Rockhills are low-key, one-storey and temporary, and have little impact on the setting of the Park. In contrast, the proposed two- to five-storey permanent major built developments will block existing views into and out of the Park while significantly increasing the existing built development footprint. The form (size, bulk, massing) of the enabling development fails to “*minimise disbenefits*” and is not in keeping with the existing housing type in the Conservation Area. The level of detail provided in this outline application is insufficient for proper assessment of the impact of this development on the Park, street scene and Conservation Area, while the elevational sketches are illustrative only, and unsatisfactory for an objective planning decision to be made without resort to Reserved Matters.
- 20.2 The statement by the applicant that: “*...members of the public will not experience any reduction in their enjoyment of the Park ...*” is incorrect and subjective. The Caravan Club is a public facility, ancillary to Metropolitan Open Land and has been at Crystal Palace Park since 1952. In 1989, upon its relocation to Rockhills, it was opened by Lord Bernard Weatherill, former MP for Croydon North and Speaker of the House of Commons. This camping facility has been open to the public and it is “*members of the public*” who use and enjoy it.
- 20.3 It is incongruous and perverse for the LDA to claim a desire to encourage visitors to the Park whilst removing an important facility that attracts thousands of visitors annually and brings economic benefit to the community and the wider area.
- 20.4 It is derisive for the applicant to refer to the Caravan Club in the Planning Assessment as the “*former caravan park*”.

- 20.5 The applicant's claim that the public “*will enjoy a larger amount of green open space once the Masterplan proposals have come to fruition*” is not substantiated by the Rockhills proposals. Comparison of Parameter Plan H1 (existing) with H3 and H5 (proposed) shows the net gain of greening to be exaggerated. At Rockhills there will be a loss of parkland to permanent residential development, other built development, three new vehicular access roads in addition to the existing Old Cople Lane, which will be upgraded for greater vehicular use, a coach drop-off and turning circle, car park and hard surface entrance areas of porous bound gravel. (Parameter Plan 5)
- 20.6 The applicant's response does not meet this 6<sup>th</sup> English Heritage criterion
21. **7<sup>th</sup> English Heritage criterion: “*The value or benefit of the survival or enhancement of the Heritage asset outweighs the long-term cost to the community (i.e. the disbenefits) of providing the enabling development.*”**
- 21.1 The Heritage asset, i.e. the Park, will remain a Heritage asset by being a park, although aspects and uses may change over the years. The only way this could change is by selling it or building inappropriately upon it.
- 21.2 It is correct that public consultation has demonstrated “*...support for lasting improvements to Crystal Palace Park.*” Also demonstrated through the same public consultation was the overwhelming opposition to the sale of Crystal Palace Parkland and the construction of housing.
- 21.3 For the applicant to claim that: “*Any perceived disbenefits of the Rockhills residential development would pale into insignificance compared to the vast benefits that can be achieved with the Masterplan proposals*” is subjective, facile and without foundation.
- 21.4 The applicant's response is also based on inaccurate conclusions, as original consultation was carried out on the basis of the October 2005 Planning Framework document and the February 2007 Crystal Palace Park Planning Framework Addendum. The Masterplan application now submitted to Bromley Council bears little similarity to these original consultation documents and the proposals contained therein.
- 21.5 The CPCA contends that the applicant's claims fail to meet the 7<sup>th</sup> of the English Heritage criteria.
22. **6.10.22**  
 The CPCA considers that the applicant has been selective when quoting the wording of ‘Chapter 8 Green Belt and Open Space – Objectives’, from Bromley Unitary Development Plan. The objectives state:  
*“1. To protect the Green Belt, Metropolitan Open Land and the Green Chain from inappropriate development, encourage greater access, and promote their use for outdoor recreation.”*

- 22.1 The CPCA disputes the applicant's interpretation of this chapter in Bromley UDP, which is clear in its intention to protect Green Belt and Metropolitan Open Land and promote better access and use. The CPCA fails to understand how the construction of blocks of flats on MOL parkland will assist in this respect and rejects claim that the housing proposals will achieve “*greater legibility of the Park, making access to it safer and more secure...*” as the boundary of the Park is already adequately defined to be perfectly legible.
- 22.2 While the housing might provide a one-off cash sum, the issue of it “*contributing to a general housing need in London*” is not a consideration in relation to chapter 8 of the UDP as quoted by the applicant. No evidence has been given for the need in this area of 180 one- and two-bedroom luxury flats. (See also Section 8 Socio-Economics page 37 of the EIA Technical-Summary) while ‘Planning Policy Guidance Note 3 – Housing’ advises that the way of achieving its objectives is through assessing local need including the provision of affordable housing.
- 22.3 As is stated in chapter 8, Bromley UDP aims to promote the use of MOL for “*outdoor recreation*”, currently provided by the camping and caravan facility at Rockhills. The applicant fails to explain how two high-density residential blocks, each with over 65 flats, would comply with Bromley UDP and enhance use of MOL for “*outdoor recreation*”.
- 22.4 For the applicant to claim that construction of blocks of flats at Rockhills and ‘Sydenham Gate’ will “*have security and surveillance benefits...*” (6.10.28) and make “*access to it safer and more secure particularly in the evening...*” (6.10.22) whilst proposing removal of all perimeter walls and fencing to make this Park a 24-hour facility, is perverse. Effective Park security will not be achieved by the introduction of private housing but by security measures within the Park itself and keeping the Park closed at night to prohibit free public access for any and no particular purpose. (See para.9.4) The applicant has neither indicated the advantages of making this 200-acre Park a 24-hour facility, nor explained the activities expected to occur within the Park outside normal park opening hours. The applicant fails to mention consultation with police and local residents with regard to possible negative consequences from Park use throughout the night.

## 23. **Summary - English Heritage Criteria for Enabling Development**

- 23.1 In the Masterplan Planning Statement the applicant seeks to justify sale of parkland for residential development against the English Heritage criteria only in respect of the residential development within MOL. This is fundamentally incorrect as English Heritage’s criteria extend to the whole Park, including the parkland where residential is proposed at ‘Sydenham Gate’ on Crystal Palace Park Road.
- 23.2 The applicant states that the sale of public parkland to developers for the construction of private luxury blocks of flats to enable improvements to the Park is not enabling development, but perversely refers to it as ‘enabling development’ to satisfy English Heritage’s criteria.

- 23.3 Enabling development is such development that is contrary to established planning policy, permitted only when shown to deliver public benefits that have been clearly shown to outweigh the harm that would be caused. The Masterplan application fails to meet the requirement of all English Heritage criteria.
- 23.4 English Heritage maintains that planning permission should only be granted if: ***“The impact of the development is precisely defined at the outset, normally through the granting of full rather than outline planning permission.”***
- 23.5 The applicant fails to provide sufficiently detailed information for the Council to properly consider the Masterplan application. The submission of an outline application, without a comprehensive business plan and firm commitment from the applicant to fully fund and manage the Park on a long-term basis, is unacceptable. English Heritage states in its Policy Statement on enabling development that: ***“financial considerations are fundamental to the decision...”*** and that ***“...the local planning authority should ensure that it has sufficient information to make an informed decision upon the application. If it fails to do so, its decision may be vulnerable to judicial review and less likely to be supported on appeal.”***
- 23.6 English Heritage also makes clear that ***“because of the sensitivity of enabling development proposals, applications in outline will not normally be appropriate. However, if an application is made in outline, the local authority should use the provisions in Article 3 (2) [Town and Country Planning (General Development Procedure) Order 1995 (SI1945/419)] to ensure that the potential impact on the heritage asset is defined. The temptation to grant outline planning permission on the basis that a scheme of enabling development appears acceptable as a broad matter of principle should be avoided. Once outline planning permission has been given, resisting applications for approval of reserved matters may be difficult, as the principle of development has been established.*** The CPCA considers that in this statement English Heritage have correctly identified the importance of the need to submit a full application so that all implications of proposed development can be assessed against the needs of protection of the heritage asset. The CPCA concludes that should permission be granted to the outline application, opportunity of controlling the development would be reduced.
- 23.7 Due to the sensitivity of enabling developments, they are usually viewed by English Heritage as unnecessary in principle or in scale to achieve the security of the future of heritage assets. The heritage asset in this case is Crystal Palace Park and the CPCA believes that enabling development at Rockhills and Crystal Palace Park Road, together with the failure of the applicant to provide an adequate business plan, management and governance strategy, would not guarantee the secure future of this heritage asset.

23.8 English Heritage maintains in their Policy Statement - Enabling development and the conservation of heritage assets, p6, that: *“permission should only be granted [for enabling development] if the asset is not materially harmed, and the applicant convincingly demonstrates that on balance, the benefits clearly outweigh any disbenefits, not only to the historic asset or its setting but to any other relevant planning interests.”* The CPCA maintains that the permanent loss of over two acres of protected MOL parkland to private housing development, and the resultant impact on MOL and the Conservation Area, would materially harm the historic asset (the Park) and its setting. The 20-year time frame for phasing Park improvements should be sufficient for other funding avenues to be fully and properly explored.

23.9 The CPCA disputes claim in para.1.3 of the Executive Summary of the Planning Statement that: *“the proposals accord with regional and local policy aims for the improvement of the Park as a recreation, sporting and leisure destination.”* The sale of public parkland for enabling development, in the form of private luxury blocks of flats on Metropolitan Open Land, does not accord with regional and local policy and would be a departure from Bromley UDP and the London Plan, which places repeated emphasis on the need to protect public green and open space.

## 24. Residential development outside the MOL

### 24.1 6.10.23

The applicant states: *“There are six residential villas proposed providing flats at ‘Sydenham Gate’, which represent infill development on land which is within the Park boundary but not identified as MOL.”* In the applicant's public consultation document: *‘Shaping the future for Crystal –Palace Park’*, reference was made to the *“possible provision of high quality Paxton-style villas along Crystal Palace Park Road”*. These references by the applicant to *“Paxton-style”* and *“villas”* to describe modern blocks of flats are an attempt to justify the building of blocks of flats on protected public parkland. (See 29.5)

24.2 The CPCA reiterates our comments made at para.7.5 that the applicant appears not to recognise that the Sydenham residential development is adjacent to MOL and within the Park's boundaries and the Crystal Palace Conservation Area. It is wrong therefore to consider the housing in this area of the Park as simply *“infill”* development and ignore the impact on Metropolitan Open Land. PPG15 4.14 refers to areas immediately adjoining conservation areas as being sensitive and having a bearing on the impact on a conservation area: *“The desirability of preserving or enhancing the area should also, in the Secretary of State's view, be a material consideration in the planning authority's handling of development proposals which are outside the conservation area but would affect its setting, or views into or out of the area.”* Therefore, the applicant's claim that: *“The new residential development would not occupy any existing open space of significant value”* is unsustainable and irresponsible. A document to which most local authorities refer is English Heritage's *‘Guidance on the management of conservation areas, Section 3.15 Designation Procedures’* which states: *“The immediate setting of the area also needs to be considered carefully and within reason, included in the boundary, if protection is desirable.”*

25. **6.10.24 & 6.10.27**

25.1 It is the intention of the applicant to relocate the One o'clock club, St John's Ambulance facility and the Park Rangers' maintenance building to enable their replacement with private flats. As identified by the applicant the current structures are not on MOL but within the Park boundary. However, new locations for these facilities within any other area of the Park would be on MOL and would result in loss of MOL.

25.2 The applicant's assertion that the anticipated "*significant funding contribution (circa £4 million) to the essential Masterplan works ...*" from the sale of parkland, to contribute to 'basic Park improvements', fails to assess the deduction to reimburse the Heritage Lottery Fund for public money recently spent on the Park maintenance depot, the funding required for its reconstruction less than 200 yards away, and the funding required to relocate and rebuild the One o'clock club and St John's Ambulance facility.

26. **6.10.25**

The applicant refers to Policy H7 of the Bromley UDP, where seven policy criteria must be met. The CPCA considers that the Masterplan application fails to meet three of these criteria: ii, iii and vii.

Criterion ii requires that: "***In the interest of creating mixed and balanced communities, the development provides a mix of housing types and sizes, or provides house types to address a local shortage.***"

26.1 The proposed housing at Rockhills and Sydenham Gate would comprise solely of private luxury flats. In Section 3, p81 of the Masterplan Design & Access Statement Vol.1, the applicant states: "*The housing proposed is 100% open market although the LDA would include affordable housing if provision would be cost-neutral*". This is in direct conflict with the Mayor's London Plan and its requirement to incorporate 50% affordable housing in all new developments. Para.1.5 of the Executive Summary of the Planning Statement states, "*...the very special circumstances which justify development within Metropolitan Open Land and the provision of no affordable housing*" and "*explanation and justification is provided in section 6 – Planning Assessment in Appendix A – Planning Policy Schedule.*" The CPCA contends that "*explanation and justification*" has not been provided in section 6, and refutes the conclusions of the applicant in Appendix A, which would be contrary to policy. It is inappropriate for the applicant to fund the deficit of an overly ambitious Masterplan by selling off protected Parkland.

26.2 At **6.10.45** of the Planning Assessment, in justification of building five three-bedroom flats and over 170 one- and two-bedroom flats on MOL and Conservation Area parkland, the applicant refers to 'Bromley Housing Needs Survey - Update 2003'. The applicant concludes: "*that there are shortages of open market [owner-occupied] one bedroom and 4 bedroom properties in the Borough*" This statement does not indicate where in Bromley such properties are required. Section 8 of the EIA Non-Technical summary - Socio-Economics states: "*the new permanent residential areas proposed at Rockhills and the Sydenham [sic] would provide up to 180 residential apartments in an area where there is a need for housing.*" This latter statement does not distinguish between the need for social, luxury or affordable housing and the CPCA refers the applicant to the Bromley Housing Needs Survey, and refutes the applicant's claim that the need for housing in the borough should be on protected parkland.

- 26.3 The London Mayor's letter to Bromley (July 2005) stated clearly that the targets for residential developments should be based on the policy framework set out in the London Plan. This includes continued protection of Metropolitan Open Land and other sensitive sites such as green belt, areas of outstanding beauty, public or other open spaces and sites of special nature conservation. However, this objective of the London Plan has been excluded from the applicant's assessments. The CPCA maintains that this policy objective must be recognised when meeting the London Mayor's housing targets and that housing, affordable or otherwise, should not be built on MOL and should not contribute to meeting the targets.
- 26.4 The CPCA's view remains that all residential housing on Crystal Palace Park is inappropriate.
27. Criterion iii of Bromley UDP requires that: ***“the site layout, buildings and space about buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas”***.
- 27.1 The applicant, in submitting an outline application, has presented only limited information on the designs of the buildings, limited mainly to their size, bulk and location. The CPCA submits that the residential proposals as shown in the applicant's drawings will not ***“complement the qualities of the surrounding areas”*** particularly with regard to the Conservation Area. The elevations in the Design & Access Statement Vol.1 Section 4 p142 show how the proposed new development would dominate existing dwellings while forming a physical and visual barrier along this edge of the Park.
28. Policy H7 Para.4.42 of Bromley UDP states: ***“The design of all new housing development should include appropriate measures to maximise security and prevent crime”*** while Policy H7 Criterion vii requires that: ***“security and crime prevention measures are included in the design and layout of buildings and public areas”***.
- 28.1 The CPCA notes that in the Design & Access Statement Vol.1 Section 3.5 'Security and Safety', the applicant has identified that ***“security in the Park is problematic”*** with a list of various criminal activities ranging from motor vehicle crime to drug-dealing to fly-tipping. The applicant proposes to remove all fences and barriers and allow the Park to be open day and night, suggesting that: ***“Lighting and supervision would need to reflect this ambition.”*** The applicant states at para.G that: ***“The police forces of the five relevant boroughs (Bromley, Croydon, Lambeth, Lewisham and Southwark) are located at some distance from the Park, meaning that response times to incidents are relatively long.”*** It is Bromley Police, with its control centre in Orpington, which has to respond to any incident in Crystal Palace Park on the northern edge of the borough.
- 28.2 The applicant fails to provide any information on 'Designing out Crime', both in respect of the proposed residential development, and the Park as a whole. The suggestion for security: ***“Subtly illuminated, the clock [on top of the cricket pavilion] would be visible at night to give a sense of habitation and security within this otherwise dark part of the Park”*** is absurd and damages the credibility of the application. (Design & Access Statement Vol.1 Section 4 p143) The applicant's frequent references to 'security' fail to provide any scheme or policy, demonstrating that security within a never-closing park has been properly considered. The applicant makes no reference to consultation or agreement with local police forces and residents who could be directly affected by the Park being 'active' 24-hours a day, 365 days a year. (See 9.4 & 22.4)

- 28.3 The CPCA disputes the applicant's statement that “*a good park is an active and well-used park – at day and at night...*” The CPCA recognises that the Park will continue to be enjoyed in the evening, consequent to activities held in the National Sports Centre (NSC) and other events, but we consider that removing the option to enclose the Park, and choosing to keep it open and active “*at night*” on a regular basis is unworkable. The applicant also fails to identify which activities are expected to occur in the Park throughout the night, outside those events, which may legitimately extend until midnight.
- 28.4 The CPCA considers the requirement for lighting throughout the night would be environmentally damaging and have an adverse impact on wildlife, especially songbirds.
- 28.5 The CPCA does not consider that: “*the design principles in the Design and Access Statement*” explain how the proposed buildings will respect the historic Park status and Conservation Area, and to avoid repetition, refers to other comments in this letter.
29. **6.10.26**  
The applicant fails to adequately explain how the sale of public parkland for the construction of six four-storey blocks comprising 45 private luxury flats with associated car parking will not be “*detrimental to the visual amenity, character or nature conservation value of the adjacent designated area*” as required in Bromley UDP Policy G6 - Land Adjoining Green Belt or Metropolitan Open Land.
- 29.1 The existing buildings and structures on the Park at ‘Sydenham Gate’ are park-related, low key and have little impact on the setting of the Park except to contribute to the openness and character of the Park, whereas the proposed row of six four-storey blocks would obscure existing views into and out of the Park. The CPCA cites the appeal against Bromley’s refusal of planning permission for a front boundary fence and 1.86m high gates at 25C Crystal Palace Park Road Sydenham (DC04/00864), which states: “*As the appeal site was located within the Crystal Palace Park Conservation Area the Inspector advised that he had to give special consideration to the desirability of preserving and enhancing the character and appearance of the Conservation Area. The proposed wooden fence would replace part of the existing wall and hedge between the side elevation of the building and the boundary with the adjacent nursery. In the Inspector’s view the wooden fence would be an intrusive and incongruous feature that would detract from the historic character of the property and the Conservation Area as a whole. Because of its height it would also obscure views of Crystal Palace Park that would also be harmful. Even if trellis replaced the upper part of the fence the Inspector felt this would still detract from the current view of the park. In the light of this the Inspector considered that the proposal would fail to preserve or enhance the character or appearance of the Conservation Area. Having taken account of all other matters raised the appeal was dismissed.*”
- 29.2 The proposed development encroaches outside the footprint of original built form, and therefore makes a greater impact than the existing condition while the loss of trees will injure the nature conservation value of the adjoining MOL.
- 29.3 Should outline planning permission be granted, it would be difficult to resist applications for approval of ‘Reserved Matters’ since the principle of development would have been established.

- 29.4 Being an outline application, there is insufficient detail on the proposed development to adequately consider the effects of the ‘Sydenham Gate’ development on the Conservation Area and adjacent MOL.
- 29.5 The form, bulk and design of the proposed six four-storey blocks of flats would not relate, as claimed by the applicant, to the existing Victorian villas that run the length of Crystal Palace Park Road. Whilst it is accepted that the existing properties are now multiple-occupancy, their distinctive and original character, is that of large Victorian family villas. In contrast the applicant's proposed private residential development reads as blocks of flats, and takes its reference from blocks of flats outside the Conservation Area. The incongruity of the housing proposed for Crystal Palace Park Road can be clearly seen in the illustration on page 142 of the Masterplan Design & Access Statement Vol.1 Section 4.0 and the drawings show clearly that the proposed dwellings will be blocks of flats not villas. The CPCA maintains that the proposed development does not comply with Policy G6 and is therefore not in keeping with its surroundings.
- 29.6 Throughout the Masterplan, various references to the creation of a “*permeable edge*” to the Park are made by the Masterplanners, Latz + Partner. The proposed residential development within the boundary of the Park would be at variance with this stated aim by creating an impermeable barrier of private blocks of flats. The effect of this can be seen in the drawings on p142 of the Design & Access Statement Vol.1.
- 29.7 The CPCA maintains that proposed development of six four-storey blocks of flats will be over-dominant in the existing street-scene and rejects the applicant's claim that: “*the proposed development would not injure visual amenity character or nature conservation value of the MOL...*”. The CPCA also rejects the applicant's claim that the development would complete a more uniform townscape. The designation of Conservation Area status was instigated with regard to the existing street scene; a street scene that did not rely upon a “*uniform townscape*”.
30. **6.10.28**  
It is presumptuous of the applicant to state: “*the character and appearance of this stretch of Crystal Palace Park Road and the CA will be enhanced by this proposal [housing]...*” The drawings provided show the developments to be completely out of context with regard to bulk, scale and massing, and views into and out of the Park.
- 30.1 The CPCA welcomes the applicant’s decision not to incorporate: “*the residential block which was proposed in the Planning Framework to the west of ‘Sydenham Gate’...*” as “*it was considered to be too obtrusive when viewed from Sydenham Park Avenue.*” (Design & Access Statement Vol.1 Section 4.0 p140). The applicant has recognised the negative impact that this large block of flats would have had on the street scene, but fails to recognise that the remainder of the ‘Sydenham Gate’ development would have the same negative impact. While the rejected residential block to the west of ‘Sydenham Gate’ would have been viewed only by drivers and pedestrians, the six four-storey blocks proposed to replace the one-storey Park buildings, will create an “*obtrusive*” barrier “*when viewed*” by drivers, pedestrians and those living opposite.

- 30.2 For the applicant to claim that the replacement of park-related buildings with 45 private flats and private vehicular entrances would bring “*security and surveillance benefits as the activity around the Sydenham Gate will be increased*” is fallacious and illogical. The proposed blocks would not be situated adjacent to the Park’s ‘Sydenham Gate’ entrance but at locations further east, currently occupied by the One o’clock club, St John’s Ambulance facility and the Park Rangers’ maintenance depot. Such ‘benefits’, if any, are achieved by existing facilities, and could be further increased by more park-related activities, such as a children’s playground, adventure area, café, etc.
- 30.3 The perimeter of the Park is already well defined with a ‘sense of place’, without requirement to build blocks of flats.
31. Normal development controls, pertaining to Conservation Areas, should be applied when considering the setting of the Rockhills and Sydenham Gate developments. (Ref. case law Mynors C, *Listed Buildings, Conservation Area and Monuments*, 1999 Section 3.2.6 pages 69-70) PPG15 para.4.14 clearly points out that the effect of proposed development on the setting of the Conservation Area, or on views into or out of the area, is a material consideration. The mass of the applicant's proposed developments would impede and encroach on the views into and out of the Conservation Area. The CPCA maintains that the spacious character of the Conservation Area and Metropolitan Open Land is worth protecting and that these issues have not been recognised.
32. The applicant’s response to PPG: Planning for Open Space, Sport & Recreation Planning Policy Schedule, Appendix A (p117) states: “*there would be a major improvement in sporting facilities at the Park*” and “*there would be some minor loss of open space to residential development, however this must be balanced against the improvement of existing sports and leisure facilities, the introduction of new modern facilities and overall improvements to the Park itself.*” These statements fail to identify to which sporting facilities the applicant refers, however, if they relate to the National Sports Centre and the MDS area of the Park, already leased by the applicant, then, as demonstrated previously in para.7.2, they are not relevant to this application.
33. The applicant states in Appendix A – Planning Policy Schedule (p131) in response to Policy 3D.9 of the London Plan that: “*the majority of buildings proposed within the MOL are Park related ...*” This is incorrect as the majority of buildings in this application are private residential flats. Therefore the applicant's statement that: “*the proposed buildings and structures are intended to improve the visual amenity of the Park*” is perverse and misleading.
34. Between 1977 and 1979, the thirteen villas around the ‘Penge Gate’ entrance to the Park surrendered part of their gardens to Crystal Palace Park, to the benefit of all park users, as did the villas at the northern end of Crystal Palace Park Road. The land, now claimed for infill development by the applicant, was within the boundary of the Park when Crystal Palace Park was established in 1951 and forms part of the Conservation Area on Grade II\* registered parkland. If the applicant should receive planning permission for the proposed six blocks of flats at ‘Sydenham Gate’ then, as at Rockhills, this would constitute private residential development within a public Park.

35. The CPCA would like to remind those determining this application of members' concerns at the 13 December 2005 Bromley Council committee meeting when Peter Martin, Head of Heritage and Urban Design, said: *"there is quite a bit of housing"* and *"the LDA have been criticised for skating over the issue in their consultation process."* He added: *"the LDA 'Vision Statement' talks about 'activating the edges', which really means development around the edges."* Committee Chairman, Cllr Tony Wilkinson stated: *"I think members were a little surprised about the housing, the amount of it, the outstanding details and the reasoning for building on Metropolitan Open Land."* Cllr Peter Fookes, Penge and Cator Ward, stated that: *"obviously the housing element is causing concern... I'm not certain people will want 213 [houses]".* Cllr Reg Adams, Clock House Ward, said: *"we should not be selling parkland for housing ... because if we grant that, developers will want to grab a bit of Norman Park and put housing in there. It is a really dangerous precedent."*
- 35.1 Similar concerns were expressed by Tony Juniper, Director of Friends of the Earth, when writing in support of the public petition submitted to Mayor Ken Livingstone against proposed residential and commercial development in Crystal Palace Park. Mr Juniper wrote: *"the prospects of short-term gain should not force Councils and others into irreversible decisions that will destroy parkland forever."* He also recognised that selling *"parkland to speculators and developers would establish a dangerous precedent threatening not only this park but all other parks throughout the country"*.
- 35.2 Nigel Kersey, Director of the London branch of the Campaign for the Protection of Rural England, aware of LDA proposals for Crystal Palace Park, stated at an Environment meeting at City Hall in March 2006 that, although welcoming improvements to the Park, CPRE was *"sceptical that it requires investment from housing and we would wish to uphold, as an absolute, the principle that there should be no housing development on MOL."*
36. Should permission be granted for the sale of protected public parkland at Crystal Palace Park for private housing, a precedent would be set threatening other areas of public parkland and green open space. In light of this precedent, there could be no guarantees that further sale of Crystal Palace Parkland would not take place. The 'protection' afforded by Metropolitan Open Land and Conservation Area status must be respected to ensure that a pattern of similar inappropriate developments and funding strategies do not occur elsewhere. The CPCA rejects the principle of funding a park's improvement by selling off parkland.
37. **Consultation**
- 37.1 The applicant, as part of planning obligation, has produced a Statement of Community Involvement (SCI). Since 2004, over 80 'consultation' meetings have been held between Park stakeholders and the LDA. The applicant engaged public relations consultants, 'dialogue', to bring *"unparalleled expertise to supporting planning applications"* and *"maximise support ... minimise opposition"* ('dialogue' website). Publicity for LDA consultation events and news has been selective, with many CPCA members and other local residents reporting that they have not received issues of the applicant's 'Park News' despite claim of over 37,000 copies circulated locally.

37.2 Enabling development is not supported by the public as shown by the LDA's own consultation results, a 7,000 signature petition opposing the sale of Crystal Palace Parkland for housing, presented to former London Mayor Ken Livingstone, local polls by Lambeth and Southwark councillors and various newspaper polls. LDA facilitator, Nigel Westaway, stated repeatedly that: "*the LDA recognises the opposition to housing...*" and the foreword to the facilitator's Masterplan Questionnaire, March 2008, states: "*There is no need to mention housing as the level of opposition to this is well known.*"

37.3 During early meetings, the LDA assured stakeholders that there would be no sale of parkland to developers for housing. The final Masterplan application bears little resemblance to the Planning Framework document (October 2005) and the subsequent Addendum (February 2007), which formed the basis of public consultation including costly marquee and 'road show' events. The CPCA considers that despite the large number of public meetings, stakeholder input is poorly reflected in the application.

37.4 The applicant's claim (SCI Addendum Section 5) that: "*The issue of housing was raised frequently, with an even balance between positive and negative comments*", cannot be verified, and is based solely on the views of the limited number of attendees to the October 2007 Crystal Palace Station Exhibition who completed just 354 feedback cards and 13 emails. This limited response does not represent the view of the overwhelming majority who remain opposed to the sale of Parkland for housing.

37.5 Bromley is required to implement an SCI to consult with stakeholders on planning applications. (See para.50) However, despite being the largest application it has ever received, Bromley's consultation and publicity has been limited, with omissions and failures to alert the public, thus failing to follow its own SCI and advice given by the Department of the Environment for 'Publicity for Planning Applications'.

### 38. **Sustainability**

The applicant makes reference to sustainability in the context of the proposed residential development with regard to building design and energy and carbon emissions. The Executive Summary of the Sustainability Statement is ambiguous and contradictory. (Section 4 p21) The building of so many new structures in the Park would hardly result in a reduction in the Park's present carbon footprint. The CPCA is not persuaded by the statements and claims in the Sustainability Statement.

### 39. **Conservation Area Consent for Demolition DC/07/03906/CAC**

39.1 The applicant proposes demolition of three historic walls, part of the surviving historic fabric of Crystal Palace: at Rockhills fronting Westwood Hill, an arched wall within the Rockhills Caravan Club facility, and a wall on Ledrington Road which was part of the structure of the 'Crystal Arcade'. These historic walls should be preserved at all costs in compliance with PPG15, Preservation or Enhancement. The removal of historic fabric changes the character and appearance of the Conservation Area, and the replacement structures, comprising blocks of flats at Rockhills and the Ledrington Road/Capel Manor College building, are harmful to the character and appearance of the Conservation Area.

- 39.2 PPG15 (3.17 & 3.19 (iii)) requires clear and identifiable substantial benefits to the community and confirmation of funding and contracts before Conservation Area Consent for demolition can be allowed. The applicant fails to clarify and specify tangible community benefits and how the anticipated Park improvements would be financed and implemented. The result may be partially completed projects with consequent detrimental impact on Crystal Palace Park and the community. (See para.19.3)
- 39.3 PPG15 (4.27) is clear that there must be acceptable and detailed plans for re-development before consent for demolition can be given.
- 39.4 An outline application does not provide sufficient detail; artists' impressions and parameter plans, providing maxima and minima sizes, could all be subject to substantial change at Reserved Matters stage.
- 39.5 With the viability of the whole project uncertain, Conservation Area Consent should not be granted until a full application has been submitted and considered. The CPCA objects to this application.

40. **Zone A - Anerley Hill Edge**

- 40.1 The CPCA cannot agree that the Anerley Hill edge proposals would “*improve the integration of the Park and its urban surroundings along Anerley Hill...*” and “*make a major contribution to improving Park security.*” (Design & Access Statement Vol.1 4.2) The applicant fails to demonstrate how the proposals would improve this area and fails to adequately address the issue of Park security. (See paras.9.4, 22.4 and 28.2)
- 40.2 The proposed felling of a considerable number of trees and shrubs would be detrimental for wildlife and public amenity. The removal of substantial amounts of spoil serves little purpose other than to accommodate the proposed route of Tramlink and as a possible source of material for landscaping around the base of the NSC.
- 40.3 The London Mayor is calling in all proposals for London tram schemes, which makes consideration of a possible tram route through the Park premature. The Masterplan proposals for the Anerley Hill and Crystal Palace Parade edges of the Park are tram-led (for example, the ‘permeable boundary’ to ‘improve security’ and extending the bus terminus) rather than being part of a holistic scheme for the Park. The inconsistency of the proposals potentially harms the Park.
- 40.4 Pedestrian access and safety from Anerley Hill into the Park would be severely compromised should the proposed Croydon Tramlink extension travel through this area of Parkland. Parameter Plan 5 shows open pedestrian access along the whole length of Anerley Hill into the Park. Should the closure of this area for the landscaping works be followed by TfL’s decision to route a nine-metre wide tramline and associated infrastructure through this area of parkland, the applicant's claim that this area would become “*a natural meeting and gathering point*” is untenable.

40.5 **Museum building**

The CPCA welcomes a new use for the existing Crystal Palace Museum building for Park Rangers and a Park information point, but only after such time that a new Museum on the hilltop is operational. The CPCA objects to the phasing of Park works, which would result in the closure of the Crystal Palace Museum for an indefinite period. (Sustainability Statement, Section 4 p22, Phase 2)

#### 40.6 South greenhouse

The CPCA objects to the scale, bulk, massing and location of this structure and its impact on the Conservation Area. The applicant's suggestion that the greenhouses relate to the former wings of Paxton's Crystal Palace is facile as there is no Crystal Palace to which they could relate. The disruption to normal Park pedestrian activity by access requirements of service vehicles, and possible parking for the disabled and coach parties, has not been addressed. Should the Tramlink extension be approved, this disruption would be compounded.

#### 40.7 Ledrington Road/Capel Manor College building

The CPCA objects to the scale, bulk, mass and use of the proposed building and its location. This five-storey block is contrary to the philosophy of the Latz + Partner Masterplan which advocates permeability (visual and physical) and seriously harms the amenity of the closely adjacent residential properties on Anerley Hill. It conflicts with Policy G2 of Bromley UDP which states: "*The openness and visual amenity of the MOL shall not be injured by any proposals for development within or conspicuous from the MOL which might be visually detrimental by reasons of scale, siting, materials or design.*"

40.8 The CPCA rejects the applicant's claim that the proposed Ledrington Road building "...responds to the scale of houses along Ledrington Road". (Design & Access Statement Vol.1 Section 4 College and Lodge) and the applicant's assertion that because the building will use "trellis with climbers" etc. it "will integrate into the green surroundings..."

40.9 The CPCA objects to the use of this building as an education and accommodation centre for Capel Manor College. The Planning Statement at **6.14.2** acknowledges: "*the site is partly within the MOL and within the CA*" and therefore the applicant must demonstrate 'very special circumstances'. (See para.8. Residential Development within MOL)

40.10 The proposed Capel Manor College "*educational facilities*", cited eight times by the applicant under section **6.14**, would be contrary to Policy G2 of the adopted UDP.

40.11 **6.14.5** The applicant's claim that "*this overnight accommodation ...will be used for short stays of less than 90 days...*" is perverse and absurd.

40.12 **6.14.7** The applicant recognises "*that the existing... open space... may offer some visual amenity to those who live within viewing distance*". The CPCA agrees with this statement but disagrees with the applicant's claim that this land is "*of limited value*" and "*of rough vegetation*". This is not a material planning ground. The applicant's justification for developing this land intensively on the pretext that it is "*balanced through the overall regeneration*" of the Park, is untenable and the applicant could apply such justification to any development in the Park.

#### 41. **Zone B - Palace Terrace (Hilltop)**

- 41.1 The CPCA objects to the proposed regimented monoculture of plane trees (known for their asthma-inducing properties - Collins Tree Guide, Johnson & More) on the MOL hilltop, the highest point of Crystal Palace Park, with its unsurpassed views across Kent and the southeast, as detrimental to the amenity of Park users.
- 41.2 The CPCA objects to the use of the hilltop for over-flow car parking, the use of hard surfacing and porous bound gravel, and proposed extension of the bus terminus. Should the Tramlink extension be approved, the possible requirement for a terminus with platforms, ticket offices and overspill sidings for the stacking of additional trams, would be visually intrusive and inappropriate on Metropolitan Open Land. (Parameter Plan 5) The route for Tramlink on Grade II \* registered, Metropolitan Open Land, is inappropriate under government and local policies for MOL, Conservation Areas, and Registered Historic Parks and Gardens. It conflicts with Bromley's adopted Unitary Development Plan, PPG2 and PPG15 and is contrary to the Mayor's London Plan to protect urban green space.
- 41.3 The CPCA objects to use of the hilltop for vehicular access, coach drop off, servicing and maintenance via a ramp from Crystal Palace Parade. (Design & Access Statement Vol.1 Section 4)
- 41.4 The historic listed terraces and Subway remain on English Heritage's 'Buildings at Risk register' and should be repaired as a primary concern of the applicant.

#### **Crystal Palace Museum**

The CPCA welcomes a scheme to incorporate, restore and maintain Paxton's historic Grade II listed Subway. However, proposal for a 23m high, box-like structure housing a new museum and other vaguely outlined uses fails to exploit and respect the history of the site. This landmark location deserves a building that accords with MOL and the Crystal Palace Acts, will be a meaningful destination for Park users and visitors and a focus for the proposed improvements to the central axis.

- 41.6 The uses proposed for the greenhouses on the Italian Terrace would be better integrated into a new and more ambitious structure on the hilltop, resulting in significant savings in capital build costs, maintenance costs, improved access and security. Any such proposal must accord with Bromley UDP Policy BE16 Para. 6.44: *"The Council will promote the conservation, protection and enhancement of ancient monuments and archaeological sites and their interpretation and presentation to the public."*
- 41.7 The CPCA objects to the outline proposals for the Crystal Palace Museum in the Masterplan application.

42. **Zone C - Italian Terraces, north greenhouse and sunken gardens**

- 42.1 The CPCA welcomes the applicant's intention to repair the listed terraces but is concerned that the outline application provides insufficient detail of proposals “*such as ramps and slides*” that would affect the heritage asset of listed terrace structures and staircases. (Design & Access Statement Vol.1, 4.4)
- 42.2 The applicant fails to identify a definite source of capital funding for this work and provides no clear estimate of the cost of repairing and restoring the Italian Terrace walls, steps and balustrades. However, continuing maintenance is projected at £25,000 p.a. (Outline Business Case p46). This figure appears to indicate minimal repair and maintenance provision to one of the principal heritage features of the Park.
- 42.3 The CPCA objects to the proposed construction of two huge sunken gardens on the Italian Terrace. These features would radically alter the nature of the Conservation Area by reducing the established openness of the Terrace and limiting its present uses. Water features require considerable capital funding and on-going maintenance, safety and security provision. The applicant has not identified the source of such funding.
- 42.4 The proposed north and south greenhouses would introduce considerable built commercial development into this area of the Park, would be detrimental to the Conservation Area, the sense of openness, sky and space that is currently used and enjoyed, and the setting of the listed terraces. The applicant has not demonstrated the long-term financial viability of these buildings and the potential of financial failure would be catastrophic for the Park. With spiralling energy costs and environmental concerns, single-glazed greenhouses requiring energy intensive controlled climate systems, may well prove unsustainable. The applicant provides no supporting evidence to meet ‘National Planning Policy Statement 1, para.22: Delivering Sustainable Development’. (Planning Statement Appendix A, p93)
- 42.5 As is now widely recognised with the location of the NSC, the position of the north greenhouse in the heart of the Park would present particular problems of security and access. Such risk could be minimised if the proposed uses of the greenhouses were combined with other features in a more prominent and hence secure location, e.g. on the hilltop in conjunction with the Subway, Museum and viewing facility.
- 42.6 Both greenhouses would require the felling of mature Category A and B trees and hedging, against which there is presumption against removal.
- 42.7 These new structures would cause fundamental change to the visual amenity and green open space that is a unique feature of the Italian Terrace, and add to the annual running costs of the Park.

43. **Zone D - Transitional Landscape**

43.1 The CPCA welcomes the removal of the large area of concrete in the centre of the Park, and the building of an adventure playground and new landscaping features.

43.2 The CPCA is concerned with the applicant's concept that this area of the Victorian Park would become "*reminiscent of rice terraces*" (Design & Access Statement Vol.1, 4.5), and that such landscaping may obstruct the views of the listed terraces.

43.3 The CPCA objects to the "*new attenuation ponds*" and other water features on the grounds that the outline application provides insufficient detail to assess their impact on the Park's Conservation Area. The CPCA disputes the applicant's claim that "*this transformed landscape would be designed for low maintenance*". As was experienced in the failed Kathryn Gustafson HLF-funded scheme, water features are generally costly and high-maintenance, requiring statutory safety and security measures.

44. **Zone E - Central Sports Area (Listed Building Consent, DC/07/03907/LBC)**

44.1 This area of the Park lies within the Major Developed Site (MDS), is Metropolitan Open Land, and was leased to the LDA in March 2006 for 125 years. Any development proposals within the MDS should be subject to a sports-related funding strategy, and not confused with the Masterplan application for the Park. However, the CPCA recognises that there will be some association of proposals such as landscaping and access requirements.

44.2 During public consultation the applicant stated that "*...an increase of built footprint within the MOL designation would be contrary to policy set out in PPG2 Annex C, would increase the visual impact on the Grade II\* listed Park and be contrary to the Framework's vision of opening up the Park...*" and that: "*The footprint of the former NSC and adjacent hard standings would be given back as open parkland, greening the 'core' of the Park.*" (Crystal Palace Park Planning Framework 6.2.4 and 6.2.11) Under the revised Planning Framework, the NSC would remain in the centre of the Park as a 'pavilion' with the proposed Regional Sports Centre (RSC) providing "*approximately 3,000 covered fixed seating in addition to additional informal seating*". These proposals would add to the built footprint of the MDS, rather than 'green' it. (Design & Access Statement Vol.2 Appendix 1, 3.51)

44.3 The CPCA welcomes the concept of a new Regional Sports Centre; however, with the applicant's failure to seek delisting and demolition of the National Sports Centre, the applicant now seeks to increase built development on MOL and Conservation Area outside the MDS. The removal of the Lodge and Park workers' houses in the MDS would mitigate this increase in total built structures on the MDS, but the relocation of some existing facilities currently within the MDS to MOL outside the MDS is unacceptable and therefore the CPCA objects to this planning application.

45. **Zone F - Tidal Lakes, Dinosaurs and Capel Manor College**

- 45.1 The CPCA welcomes proposals for the removal of the gabion wall adjacent to the Paxton fountain basin and the re-landscaping of this area, and welcomes the concept of proposed café and dinosaur interpretation centre with themed playground and the suggestion of a partly earth-sheltered design. However, the CPCA has concerns over the outline drawings that show a building ill suited to a Victorian park and the Conservation Area.
- 45.2 The CPCA welcomes the return of boating on the Tidal Lake as a popular activity, as found in many other parks, but rejects the outline illustrations, which show a sterile environment with no reeds or lilies to encourage aquatic life and wildlife habitats. The applicant neither addresses the removal of the recent publicly funded landscaping and fencing around the Lake (following the removal of the original low loop fencing to another Bromley park), nor safety and security issues.
- 45.3 Crystal Palace Park Farm was originally located on the edge of the Tidal Lake and was a publicly accessible facility charging a modest entrance fee. Relocated as part of the Gustafson/Porter scheme, with a new building created adjacent to the fountain basin, the poor and sub-standard design of the new farm and Bromley's failure to find a tenant meant that it never opened to the public. The CPCA welcomes the applicant's statement that "*the farm would be reinstated to its previous use*" but notes that prior to the submission of this application, the applicant had leased the farm premises to Capel Manor College. The farm premises are now used primarily as a horticultural training college, allowing only limited public access to the College's animals.

46. **Zone G - Cricket Ground and Sydenham Gate residential development**

- 46.1 While improvements to the cricket ground are welcome, it must be noted that the former cricket pavilion was demolished after suffering vandalism and arson attack. The proposed new cricket pavilion would, of necessity, be subject to costly security and maintenance, the funding for which the applicant has not identified. The applicant also fails to identify any club or other user-group to ensure the regular use and viability of this proposed facility.
- 46.2 The applicant refers to the realignment of paths to "*create direct views from the Penge Gate*" and the proposal "*to plant the car park with trees ... opening up views from adjoining streets into the Park.*" This objective of "*opening up views...*" is in direct contradiction with the applicant's statements three paragraphs earlier, of "*filling in gaps*" with a row of four-storey blocks of flats, effectively a barrier to "*opening up views from adjoining streets into the Park*". (See CPCA comments under housing para.29) PPG15 places particular emphasis on sight lines, both into and out of the Conservation Area.

46.3 The CPCA objects to the false and mendacious statement by the applicant that residential villas were constructed in the 1870s *“on former parts of the Park and, as in many public parks of the period, their construction was used to finance the Park.”* The villas on Crystal Palace Park Road were not constructed to finance the Park but to save the commercially operated Crystal Palace Company from bankruptcy in 1869, four years after Paxton’s death. The grounds of the Crystal Palace were not a public park but operated as a commercial venture, charging an entrance fee, until the destruction of the ‘Palace’ in 1936. A public park was not established until August 1951 when the London County Council acquired the parkland belonging to the Crystal Palace. (JR Piggott “Palace of the People”) There is no tradition of infill development at Crystal Palace Park as claimed by Robin Buckle, LDA Urban Design Manager, in his address to the Norwood Society on 23 October 2007.

47. **Zone H - English Landscape Garden and Rockhills residential development**

The applicant describes the English Landscape Garden as: *“one of the key remaining features of the original design which has avoided any major change ...a beautiful wide swathe of open space”,* which *“feeds the Park with all the natural elements of classical parkland”* while *“the whole landscape is visually coherent as parkland of scale and interest”*. The proposal to build a ‘tree-top walkway’ through this area would destroy the very elements which the applicant appreciates in the above statements, be visually detrimental, and reduce the “classical” status of the English Landscape Garden to that of a theme park. There would be additional issues of disturbance to wildlife, safety, security and maintenance. Again, the applicant fails to demonstrate how this ‘feature’ would be funded.

47.2 The HLF funded Kathryn Gustafson water channel referred to by the applicant as *“the unsuccessful rill feature”* would be replaced in the Masterplan with *“a new bog and marsh garden...enhanced by lighting”*. The CPCA maintains that the applicant's new schemes for this historic area of the landscape demonstrate an unsympathetic ‘themed’ approach, inappropriate to the Conservation Area, and may repeat the improvidence of the past.

47.3 The proposed felling of healthy Grade A, B and C trees, shrubs and hedges is unacceptable as this area falls with the designated Site of Importance for Nature Conservation. It is also Metropolitan Open Land and within the Conservation Area. The loss of such trees conflicts with the applicant's previous assertions in the LDA Newsletter 3<sup>rd</sup> edition March 2007 under ‘Ecology’ that there would be: *“no loss of veteran trees especially oaks”*.

47.4 The Masterplan *“recognises and acknowledges existing neighbourhood structure and green corridors, such as at Rockhills and Westwood Hill and aims to establish connections that would facilitate the inter-linkage of green spaces beyond the boundary of the Park”*. The applicant fails to explain how such aims would be achieved with the interruption of this green corridor by the proposed urbanisation of Rockhills. (Design & Access Statement Vol.1 Section 3.2.2 p51)

47.5 The CPCA maintains that the applicant's claim "*to release over four acres of parkland for public use*", subsequent to the removal of the camping and caravan centre, would not result in significant greening of the Rockhills area. The increase in access roads, the creation of hard landscape areas, the establishment of car parking, coach turning circles and new buildings, along with considerable specimen tree and shrub removal, would show a net increase considerably less than that stated by the applicant and an urbanisation of this area of parkland. (Parameter Plan5 and para.11.1)

47.6 For CPCA comments on the north greenhouse see para.41.6 of this letter.

47.7 The CPCA supports those activities and uses for the Park, identified in the application, which are appropriate to parkland and to the benefit of park users. In the English Landscape Garden such uses would include: the maze, a woodland playground and woodland interpretation play trail.

## 48. **CPCA Report on the Supplementary Documentation**

### 1. **Summary**

1.1 The planning application is based on preliminary assessments in four key areas:

- initial funding
- continuing financial sustainability
- management
- ownership

1.2 Until these areas are fully researched, no conclusion can be reached by the Bromley Planning Committee or anyone else.

1.3 By hearing the planning application now, the Local Authority is in effect endorsing a wish list of design proposals, which have no basis in deliverable fact. At the very least, the planning committee should

- recognise the tentative nature of the proposals in each of these four areas
- insist that no application is approved until all key issues have been fully researched
- require changes to the proposals to be amended to fit within what is clearly determined to be capable of being financed (both initially and over the long term) and properly managed.

1.4 It cannot be emphasised strongly enough that the current proposals are by their very nature both provisional and wholly dependent on satisfactory research. This research must demonstrate beyond all doubt that the proposals are fully fundable and financially sustainable over the next twenty-five years.

1.5 The headline cost figure is repeatedly referred to as £67.4 million. This figure is qualified as excluding certain other costs. These other costs are nowhere estimated. However it would be reasonable to assume that the headline cost of £67.4 million should be increased as follows:

- professional fees £10 million
- cost inflation £15 million - £ 20 million
- other £ 5 million - £ 10 million
- finance costs (construction phase)  
£ 5 million - £ 10 million
- additional exclusions £ 2million - £10 million

1.6 This gives a total project cost for the regeneration project in excess of £110 million. However this does not include the costs of other items, which have been excluded from the total. These are set out in the business plan documents and are summarised in paragraph 2.5 below.

1.7 Whilst the Financial Services and Markets Act 2000 and with the related regulations do not directly apply to the documents under review, they do set out a mandatory statutory framework for all communications to the public in connection with the raising of finance. This legislation requires that all communications should be true, fair and not misleading. There is no reason to suppose that the public sector is exempted from this basic requirement. To refer repeatedly to a cost figure of £67.4 million, however qualified, is without doubt neither true nor not misleading.

1.8 This assessment is based on the following three documents prepared for the LDA which are referred to here as:

- 'A' Master Cost Plan Issue No 1 (Davis Langdon)
- 'B' Masterplan Outline Business Case (URS)
- 'C' Masterplan Management and Maintenance Plan (Land Management Services)

1.9 If there are further documents which bear on the key issues on 1.1, or if the documents in 1.8 have been updated, these will need to be considered and the conclusions above to be revised.

## **2. Costs**

2.1 The total cost of the project being presented to the public is repeatedly referred to as £67.4 million. This is then described as excluding certain other cost headings, none of which have been quantified (see **A 1.1**).

2.2 Document A 2.3 provides the following breakdown of costs:

- zone A (Anerley Hill Edge)	total £8.5m
- zone B (Palace Terrace)	total £7.7m
- zone C (Italian Terraces)	total £7.8m
- zone D (Transitional Landscape)	total £6.4m
- zone E (Central Sports area)	total £4.9m
- zone F (Tidal Lake & Dinosaurs)	total £4.4m
- zone G (Lower area: Sydenham Gate & cricket ground)	total £3.3m
- zone H (English Landscape Gardens incl. Rockhills)	total £17.3m

2.3 Principal elements within these totals are:

- demolition	£2.8m	
- preparation (bulk earthworks)	£3.6m	
<hr/>		
- footpaths	£8.6m	
- planting and trees	£3.1m	
- ramps, steps, stairs	£2.1m	
- drainage	£4.0m	
- street furniture	£1.5m	
- roads, parking	£1.7m	
- playgrounds	£1.4m	
<hr/>		
- dinosaur interpretation area	£1.9m	zone F
- south greenhouse	£6.2m	zone A
- north greenhouse	£8.4m	zone H
- tree top walkway	£3.2m	zone H
- community hall	£1.5m	zone H
<hr/>		
- water system	£4.4m	
- services, CCTV	£2.6m	

2.4 Having regard to the level of costs identified as having been excluded, the figures in A 2.3 will need to be increased by as much as 50% in order to arrive at the marginal cost of each item. In particular this gives adjusted totals in the regions of:

- dinosaur interpretation area	£3.0m
- south greenhouse	£9.0m
- north greenhouse	£13.0m
- tree top walkway	£4.6m
- community hall	£2.5m

2.5 Cost headings which have been excluded from this total include (see A 3):

- professional fees
- irrecoverable VAT
- site acquisition
- other developer's costs
- developer's risk allowance
- overall project contingency
- finance costs

- 2.6 These costs can be estimated on a provisional basis:
- professional fees are usually of the order of 12% -15% of construction cost, depending on the contractual arrangements between all the parties and the scope of the brief to the architects
  - there is no guide at the level of potentially irrecoverable VAT
  - there is no guide as to site acquisition costs
  - there is no indication of what is meant by ‘other developer’s costs’, or indeed as to what they might relate to (but see 2.7 below)
  - a typical developer’s risk allowance is in the region of 15% (but see 2.7 below)
  - overall project contingencies will obviously vary but 10% is not unreasonable for a fairly simple construction project
- 2.7 It is unclear why the total project cost includes references to site acquisition, other developer’s costs and developer’s risk allowance. If part of the site is sold off to a developer, then these costs will be for the account of the developer. They will however reduce the net sale proceeds of the site.
- 2.8 As the documents stand, total costs are described as excluding the cost of the Rockhills residential development and Sydenham Gate development. There is no analysis of what these costs might be. Where the sites are sold off then the cost would be for the account of developer, and therefore not included in the project total.
- 2.9 The cost figures are expressed in terms of prices ruling at October 2007. There is no allowance for cost inflation. Davis Langdon in-house estimates of cost inflation at the time were between 6.5% and 7.0% per annum. These estimates have now been revised downwards to 5% per annum at the present, reducing to close to 3% per annum. On the basis that:
- construction will be delayed from October 2007 by an average of at least three years,
  - the average construction is up to two years,
  - professional fees are calculated in the normal way as a percentage of construction costs.

**Total project costs could add £15 - £20 million to the overall cost of the project.**

- 2.10 Professional fees excluded include (A 3.1):
- legal
  - architects
  - engineers
  - cost consultants
  - other construction and design related consultancy fees
  - planning, building control
  - site surveys
  - monitoring costs
  - environmental audits
  - wind studies
  - third party fees and costs

- 2.11 Other costs excluded comprise (A 3.1):
- project insurance
  - sale and letting fees
  - section 106 and 278 settlement costs
  - monitoring adjacent buildings
  - road closures, etc.
  - archaeological survey and excavation costs
  - revised sustainability features
  - landfill tax
  - diversion of services
  - phasing costs
  - works to the national sports centre
  - works to the regional sports centre
  - new museum
  - Thames Water boundary area
  - BBC tower area
  - Capel Manor student accommodation
  - Works to the existing Museum
  - works to Capel Manor
  - remediation
  - works discovered as a result of the unexploded ordnance survey
- 2.12 Rights to light settlement and other third party compensation costs have been excluded. There is no analysis of whether any part of the scheme is injunctable on the basis of loss of rights to light.
- 2.13 There is no analysis that shows clearly what is meant by ‘revised sustainability features’. As a result it is not possible to determine what the related costs might be.
- 2.14 There is no analysis of potential borrowing costs. Whilst the choice of funding route is left undecided in the documents, it is suggested that finance may be raised from the private sector. The terms, period and quantum therefore cannot be estimated at this stage, which creates a significant area of uncertainty when seeking to assess the overall project cost. In the current financial markets, being able to obtain finance on commercial terms, indeed on any terms at all, is highly unlikely.
- 2.15 Additional costs are stated as having been excluded. These could amount to anywhere between £2m and £10m, and include (see A 3.2):
- abnormal ground conditions
  - enhancements to facades
  - design changes
  - marketing
  - fitting out beyond category A works
  - additional electrical services
  - offsite services infrastructure
  - works to aquarium
  - asbestos removal
  - miscellaneous fitting out.
- 2.16 The illustration in the Master Cost Plan Appendix A shows significant areas that are excluded from the cost plan. It is not clear if all costs related to works in these areas are covered in 2.5 - 2.15 above.

### 3. **Business Case – Viability**

3.1 The business case is clearly stated to be provisional (**B p11**):

*“This document provides an outline of a business case ... for the proposals. The suggested next steps are in the process of developing the Crystal Palace Park business plan, economic and regeneration case and funding bids include:*

- *a more detailed demand assessment*
- *detailed capital and revenue costs*
- *detailed research into funding sources*
- *detailed economic assessment*
- *management arrangements*
- *detailed business plan*
- *funding bids and packages”*

3.2 To add to this fundamental uncertainty, the Masterplan further confirms that (**B p11**):

initial capital costs

- plans for the NSC and RSC are not yet formulated with sufficient detail for them to be considered
- soil investigation work has yet to be carried out
- the related cost of remediation work cannot be estimated

ongoing maintenance

- *“there is a need to prepare an on-going costed maintenance plan for the upkeep of the Park and its structures”.*

3.3 The Masterplan continues by recommending the formation of a fund to pay for upgrading facilities to keep them fresh and attractive. It is not clear where (or whether) this head of cost is quantified in the Masterplan (see also **B p47**).

3.4 The Masterplan re-emphasises the need for a viability study (**B p12**):

- *“An essential element of the work that needs to be addressed in detail is a strategy for funding to cover capital and revenue costs and to justify the scheme”*
- *“there is a need to establish the main priorities and ensure that costs are phased on an appropriate basis”*
- *“in the event of a reduction in core funding this will ensure that areas of the Park in greatest need of enhancement are prioritised”*
- *“this report gives an overall strategy based on an initial review and is not a fully justified business case”*
- *“the findings will be used as a basis for the development of a detailed business plan”*

- 3.5 It is inconceivable that any reasonable idea can be formed of the appropriate nature and scale of the restoration of the Park in the absence of this information.
- 3.6 It is similarly inconceivable that any view can be formed of the financial viability of the project at this stage. It is beyond doubt that any potential source of finance will not bother to assess any requests for funding without this information.

#### **4. Business Case – Initial Funding**

4.1 The Masterplan (**B p9**) states: “*the LDA will look to supplement core funding of the Park with other sources*”. Approximately seven possible sources are identified for funding the capital costs:

- Heritage Lottery
- Sport England
- Big Lottery
- London Boroughs (Bromley, etc.)
- commercial finance sources
- charities
- sale of parkland

4.2 The Masterplan assumes that the LDA will be responsible for providing the core funding (**B p48**). It is not clear if this has been confirmed. If not, the entire project must be in doubt.

4.3 The report then examines the likelihood of obtaining finance from the bodies in 4.1 (**B p48 – 53**). The general tone is that there can be no reliable degree of confidence that finance will be obtainable in the amounts that are needed:

- |                      |  |
|----------------------|--|
| - Heritage Lottery   | likely to fund only the Italian terraces<br>traditionally have not funded large scale projects   |
| - Sport England      | no significant contribution, if any  |
| - Big Lottery        | not very likely and not large sums<br>(cricket, museum, dinosaur)  |
| - London Boroughs    | ‘may be potential’   |
| - commercial finance | unlikely   |
| - charities          | ‘may be possible’, but not significant amounts   |
| - sales proceeds     | £13.1 million, but this is a relatively small contribution,<br>and extremely unlikely to reach anywhere near this figure<br>in current market conditions |

4.4 The conclusion in the Masterplan is not encouraging and certainly does not support a commitment to any scheme at all at this stage (**B p53**)

- “*there will be a need to undertake a more in-depth review of funding sources to locate funds to support the Masterplan proposals*”
- “*Work would also involve looking at potential income generation from the...Park facilities*”.

- 4.5 No decision should be made as to the sale of the residential sites until it is clear that funds can be obtained for the whole of the project. This is by no means clear at the present. The Masterplan states (**B p51**):
- *“The residential housing option would be looked upon as a last resort and, if taken up, would fund only basic local Park improvements”.*
- 4.6 The main source of funds is stated to be the National Lottery (**B p51**). However, this depends in large part on the sales of Olympic Park Land after 2012. This assumption is tenuous at best:
- no decision will be made until 2012, and this is after the commitment to proceed with the Park project will have been entered into
  - there is no clear understanding of the cost overruns on building the Olympic facilities, and the degree to which land sales will be used to recover these overruns
  - in the current financial markets, there is considerable uncertainty as to what values will be and thus the overall level of funds potentially distributable.
- 4.7 The LDA are stated to have proposed three different levels of regeneration (**B p48**). It is not clear what is:
- to be included in each stage
  - the cost of phasing
  - the timing between each upgrade
- 4.8 The Masterplan is to be phased in over a twenty-year period (**C p6**). There is no business model which provides the costs and how these will be financed. All that is stated is *“a phasing strategy is currently being developed”*. It is made clear that this is a difficult process as it is dependent on a number of substantial and critical variables (e.g. planning, funding, contaminated land).

## **5. Business Case – Visitor Numbers**

- 5.1 The baseline total number of visitors in a year is 1.7 million (**table EI, B p8**). This research was carried out by Steer Davis Gleave. The following are not clear:
- survey period
  - extent visitors were questioned about their reasons for visiting the park are not stated
  - whether this survey related to visits or visitors
- 5.2 The Masterplan makes it clear that visitor numbers are significantly dependent on links with the East London Line and the extension of the Croydon Tramlink (**B p15, B p20, B p26, B p39**). To the extent that these proposals are delayed or do not proceed, the viability assumptions will be significantly adversely affected.
- 5.3 The Masterplan (**B p26**) makes it clear that visitor numbers are also heavily dependent on appropriate marketing and ongoing investment to ensure the facilities are kept *“fresh and interesting”*. Any doubt that funding will be available for this will expose the viability of the facilities to spiral decline.

## 6. Business Case – Funding Continuing Operations

6.1 The annual maintenance and lifecycle cost is estimated at £2.82 million per annum, which compares with the current annual budget of £1.14 million (**B p9, p45**). If the Park is regenerated in stages, the annual costs are (**C p57**):

- revived local park       £2.1 million pa
- enhanced regional park £2.8 million pa
- national destination     £3.0 million pa

6.2 There is no clear estimate of the cost of repairing and restoring the Italian Terrace walls, steps and balustrades. The continuing maintenance is projected at £25,000 pa (**B p46**). This appears to indicate minimal repair and maintenance to one of the principal features of the Park.

6.3 The Masterplan refers to the restoration of the Italian Terraces but qualifies this by stating (**C p29**) *“until such time as restoration of other Park elements is progressed, maintenance is likely to be restricted to annual structural surveys and repairs for health and safety reasons”*.

6.4 Having said this, the Masterplan continues (**C p34**) *“Landscape Design Principles [include the need to] maintain the impressive scale of the Italian Terraces, repair and conserve the steps and balustrades in accordance with the Morton Partnership recommendations, replace lost staircases, interpret the missing elements through contemporary features reflecting the massing of the historic layout”*.

6.5 The largest element of future operational costs is salaries, at £815,000 pa. This figure does not include inflation, even though plan covers a twenty-five year period, over which time salaries can be expected to have doubled at least (**B p 47**).

6.6 The Masterplan then refers to possible income generating facilities for continuing costs. These are identified as:

- concert bowl events
- ‘events around the terraces’ [sic]
- dinosaur interpretation facilities
- museum
- cricket pavilion
- north and south greenhouses
- kiosks

The case is not made that these ‘facilities’ will produce income. They may well make a loss as demonstrated with recent concert bowl events.

## 7. Business Case – Management

7.1 The report highlights potential options (**B p9**):

- Bromley
- LDA
- informal partnership between the LDA and the five surrounding boroughs
- formal partnership
- independent trust or company
- new park authority

7.2 The Masterplan (**B p54 et seq.** and **C p46 et seq.**) comments on the various alternatives:

- Bromley                      limited motivation  
   will find it difficult to commit resources
- LDA                            least disadvantages, but no steer yet
- informal partnership      lack of focus  
   too loose  
   lack of independent profile  
   budget uncertainty  
   too complex
- formal partnership        possibly too complex
- trust or company            lacks financial security  
   no direct access to financial support  
   will take time
- new authority                primary legislation required  
   will take a long time  
   not subject to democratic control  
   unlikely as the project is too small

7.3 In the absence of not only a financial plan but also a management plan, it is difficult to see how any properly argued decision can be made.

7.4 The Management and Maintenance Plan (document C) expands on the issues in 7.2 above. It emphasises the need for a single management structure (**C p5**), and continues (**C p46 et seq.**) by setting out the “*key considerations*”:

- “*security of funding*”
- “*level of investment to be made in the Park and the facilities and infrastructure to be supported*”
- “*ability to secure and ring fence Park income*”
- “*effectiveness efficiency of the managing organisation*”
- “*overall risk to the Park owner and managing organisation*”.

7.5 Whilst the ownership issue is left unresolved, it is impossible to determine what the Masterplan should be. The Masterplan (**C p46**) states clearly that “*retention of the Park solely within Borough stewardship would not be an option in the event that the Masterplan is to be implemented as the Boroughs would not be able to support the levels of investment necessary*”.

## 8. Business Case – Outputs

8.1 The report refers to the following (**B p11**; see also **p58 et seq.**):

- increase in visitors (or visits?) of up to 1 million pa
- creation of up to 100 new jobs in the Park
- creation of 50 new jobs in the area
- increased expenditure in town centres of £4 million pa from residents in the new developments

8.2 There is no hard evidence for these figures:

- visitor estimates are clearly stated to be provisional
- creation of new jobs in the area is also speculative
- it is not clear if jobs created in the Park are paid or on a voluntary basis (i.e. the distinction between function and employment)
- there is no comment on the evidence for increased spending by new residents

8.3 The Masterplan (**B p23**) makes it clear that many of the functions will have to depend on voluntary labour, as the resources will not be available to place these onto a conventional paid employment basis. This is a very fragile assumption on which to base the viability of various buildings, and to justify their construction in the first place.

8.4 Fee paying attractions will be as follows (**B p 25 et seq.**):

- concert bowl
- cricket pavilion
- treetop walk
- north greenhouse, butterfly pod (not certain if this will go ahead)
- south greenhouse
- museum subway, social events
- dinosaur centre, social events
- museum learning suites, community events
- Capel Manor College, Farm and Lodge

8.5 Visitor numbers are projected on a very general level (**B p26**). These estimates are recognised as being at best provisional (**B p26 – p43**). On **B p41 – p42**, the report does recognise the need to trim back the initial estimates, but the degree to which this is done is also very general, and the net result is thus unsatisfactory, particularly as the basis of any decision:

- concert bowl attendance reduced by 50% (**B p51**)
- linked trips (treetop walk, north and south greenhouses, dinosaur, museum) reduced by 50%
- linked trips (cricket, concert, NSC, RSC) reduced by 25%

8.6 The report makes it clear (**B p41, p43**):

- *“it is difficult to be definitive about the degree of linked trips”*
- *the overall “estimate has a considerable degree of uncertainty associated with it for reasons including concerns over the certainty of the baseline estimate of general visitors, uncertainties over the degree of linked trips, and a general caveat over the wide range of factors that can influence the number of visitors to individual facilities”*

## 9. **Masterplan Conclusion**

The Masterplan concludes as follows (**B p64 – p65**):

- *“a range of additional work will be required”*
- *“more detailed research to scope out the details of the proposed facilities, their financial models, and estimated demand”*
- *“factors that will need to be considered [and thus have not yet been considered] for each activity include the amount and nature of space required, frequency of use, and potential revenue”*
- *“further detailed information on the NSC and RSC is required... [to confirm] the activities and services to be provided”*
- *“further work is required to firm up on capital and revenue costs”*
- *“more detailed soil testing and investigation [is required]”*
- *“need to prepare an on-going costed maintenance plan for the Park and its structures”*
- *“also recommend a fund to pay for upgrading facilities... [and] to keep them fresh and attractive”*
- *“need to undertake a more detailed review of funding sources”*
- *“[research] revenue funding sources to support operations”*
- *“detailed economic assessment will need to be undertaken”*
- *“[need] to establish a preferred option for the overall management structure [of the Park]”*
- *“[need] to produce a detailed, fully costed business plan”*

- *“it is imperative to develop this detailed business plan given the need to demonstrate to funding organisations the potential benefits, outputs and outcomes that would result”*
- *“funding organisations will expect a detailed financial case to be made that would highlight how facilities and the Park would be sustainable”*

**The applicant has not addressed the above issues.**

49. **Inadequate and misleading consultation**

Contrary to the assertions by the applicant of wide public consultation, the CPCA considers that the applicant's consultation process has been ambiguous and misleading. As a consequence stakeholder input has been poorly reflected in the application.

**April 2000:** When candidate Ken Livingstone was asked at a Kingswood School Mayoral Campaign meeting if it was right for councils to sell off parkland and open space for commercial and other types of development against the wishes of local people, he said: *“we have all the brownfield sites we need to develop housing ... and it would be a disaster to lose what little of our green spaces remain.”*

**March 2002:** As Mayor, Ken Livingstone wrote in the foreword of a consultation report on Crystal Palace Park: *“The decline in quality and loss of green space is of grave concern to me. My London Plan (spatial development strategy) will seek to protect and improve parks and open spaces of local and regional significance. Improvements are needed, but not developments of a scale best suited to an urban town centre.”*

**March 2004:** Derek Newman, LDA Project Executive for Crystal Palace Park, gave assurances at a public meeting that *“the park as a park takes precedence”* and that *“the LDA will not take land out of park use.”*

**July 2005:** At a Park Working Group meeting, the LDA revealed proposals for ‘enabling development’ of over 200 luxury private apartments and villas and asked they be kept secret until officially announced three months later.

**October 2005:** At a Mayor’s Question Time, Ken Livingstone said *“I do not support any proposals for major housing development in Crystal Palace Park.”*

**Nov/Dec 2006:** LDA Newsletter: *“...one of the options being considered is allowing limited residential development on the edge of the park...”*

**January 2007:** LDA Newsletter briefly mentioned housing for Rockhills gate *“on land not currently open to the public”* and *“one option being considered is recreating the row of Paxton villas that historically stood alongside the Park on Crystal Palace [Park] Road.”*

**Note:** Both statements are incorrect. The Caravan Club is open to the public, and there were no Paxton villas. The houses currently on the edge of the Park were built in the grounds of the Crystal Palace by the Crystal Palace Company, after Paxton’s death, to save this private company from bankruptcy.

**March 2007:** LDA Newsletter: *“there is increasing consensus in favour of the majority of proposals for the park and now the consultation is moving on to discuss the remaining issues such as the Transport for London Tramlink proposals and residential options.”*

**May 2007:** LDA Newsletter: *“we have more events planned for the next few weeks including a workshop to discuss issues around funding (housing and other options) in Crystal Palace Park.”*

**July 2007:** LDA Newsletter: *No decision has been made on housing and it is an option which may not be used.”*

**August 2007:** LDA Newsletter: *“Housing is the last resort, not the first choice – the LDA has decided to include the proposals for housing at Rockhills and ‘Sydenham Gate’ in the masterplan. Housing is only being included as an option. The decision to use this option would only be made if funding sources to enable the delivery of the basic ‘improved local park’ plans are not forthcoming.”*

**October 2007:** LDA exhibition brochure states: *“Housing ... is vital to ensure the deliverability of the masterplan”. “... we have concluded that the development of up to 180 purpose-built residential units at two locations on the periphery of the Park (Rockhills and Sydenham) is likely to be required.”*

**December 2007:** LDA consultants, The Environment Council, wrote: *“The LDA has proposed some housing development in the masterplan as it believes income from residential sales will be needed to help fund park improvements... however, it has also clearly stated that it regards housing as a funding source of last resort and that, if acceptable alternatives could be found, it will drop the residential proposals.”*

**December 2007:** LDA Project Manager, Mark Lloyd said at the first Housing & Funding meeting: *“If we can fund the Park without housing the LDA would take that.”* And LDA facilitator Nigel Westaway said *“the LDA recognises the opposition to housing and views it as a last resort.”*

**March 2008:** LDA Newsletter: *“The Dialogue Process ... Key issues discussed include ...”* and no mention of housing proposals in this list or anywhere in the publication.

**March 2008:** Masterplan Questionnaire: *“There is no need to mention housing as the level of opposition to this is well known.”*

(CPCA Newsletter, Spring 2008)

## 50. 'Statement of Community Involvement'

The Government requires that all councils produce a 'Statement of Community Involvement' (SCI) that sets out how the Council will involve residents, community groups and stakeholders in preparing and revising Planning Development Documents and how these people and groups will be consulted on planning applications.

Bromley are failing to implement their own procedures for proper and effective community involvement as outlined in their SCI.

The CPCA is included in Bromley's List of Consultees, yet has received no formal notification of the LDA's Crystal Palace Park Masterplan application and it must be assumed that neither have other interested groups.

Bromley's SCI states: it is important to recognise that "significant" (major) applications will need to be subject to wider consultation than those of a minor nature. The definition of "major" applications includes:

- a residential development for 10 or more dwellings
- residential development on a site of 0.5 hectares or more
- development involving a building(s) with a floor space of 1000 m<sup>2</sup> or more
- any other development on a site of 1 hectare or more
- a major application likely to produce significant public interest or controversy;
- an application likely to have a significant physical impact on the surrounding area or could be a potential departure from the adopted Development Plan.

### **Government Guidance**

The guidance notes produced by the Government (Publicity for Planning Applications) are clear on the need for adequate publicity for major planning applications. Apart from statutory minimum requirements they state that local planning authorities should consider what other methods of publicity are available for attracting a wider audience. List of applications should be available in public places, such as libraries, notice boards and citizens' advice bureaux. Planning authorities should also ensure that the press, local civic and amenity societies and residents associations are made aware of proposed developments.

Again Bromley are not following government guidelines for compulsory publicity for all planning applications. For example the two closest libraries to the Park have no information on the application.

Despite the size and complexity of the application, detailed analysis shows it to be lacking in clarity and integrity. Much of the material is textbook, irrelevant or generalised, and poorly cross-referenced. The Masterplan fails to link each of its elements into a coherent whole. Many of the elements can be readily excluded without detriment or adverse impact to the Park and their inclusion poses an unnecessary financial burden on the Park, with adverse material implications on the treatment of the support structure, i.e. the soft landscape, which should not be part of the outline planning application.

The CPCA considers that the applicant:

- fails to prove “very special circumstances” for residential development on MOL
- fails to make a convincing case on the integrity of the Masterplan
- fails to demonstrate that the proposed built structures do not materially harm the Conservation Area
- fails to make an economic and sustainable case
- fails to provide exceptionally created benefits to the community.

**The CPCA, therefore, formally objects to the above planning applications.**

The London Borough of Bromley has shown previous resolve in resisting the building of housing on Green Belt and MOL elsewhere in its borough. The CPCA anticipates that similar resolve will be applied when determining the London Development Agency’s Masterplan applications for Crystal Palace Park, which will include the construction of private luxury blocks of 180 flats on this highly protected Grade II\* registered Metropolitan Open Land , much lying within a Conservation Area.

Please acknowledge receipt of this letter.

Yours sincerely,

John Payne  
Chair

and the members of the Executive Committee

on behalf of the Crystal Palace Community Association