



Crystal Palace Community Association

CPCA



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Member of the London Forum of Amenity & Civic Societies and The Open Spaces Society Registered Charity No. 261790

Mr Peter Frost
South East London Plans & Casework Team
Government Office for London
Planning & Housing Division
9th Floor, Riverwalk House
157 - 161 Millbank
London SW1P 4RR

18th December 2008

Dear Mr Frost,

MASTERPLAN OUTLINE APPLICATION (Ref No: DC/07/03897/OUT)
CONSERVATION AREA CONSENT APPLICATION (Ref no. DC/07/03906/CAC)
LISTED BUILDING CONSENT APPLICATION (Ref no. DC/07/03907/LBC)
CRYSTAL PALACE PARK, THICKET ROAD, LONDON SE20 8DT

We write further to our letter of 4th March 2008 and your response on 6th March, to request that the Secretary of State calls in the above planning application.

The Report of Bromley Chief Planner and the accompanying Environmental Statement contain a significant number of factual errors, which can now only be addressed at a Public Inquiry or, ultimately, Judicial Review.

The application meets the criteria for call-in under Annex 1, paragraph 3, (a), (b) and (c).

Call-in should be implemented under Government Circular 07/99, annex 2, paragraph 7 under (4)(i), (ii), (iv), (v), (vi), (vii) and (viii) for the following reasons.

1. It is an application for development of major importance having more than local significance

The applicant's Masterplan proposals will have a direct impact on the neighbouring boroughs of Lewisham, Southwark, Lambeth and Croydon and, if approved, the sale of parkland for housing will set a national precedent. Where there are significant cross-borough issues such as crime and anti-social behaviour and regeneration, councils should work together to find a common solution that meets the needs of the area, regardless of their boundaries. At Bromley

DCC on 9th December 2008, the LDA confirmed that they had not consulted the officers and councillors of the four neighbouring boroughs.

The application is of more than local importance as the LDA Masterplan designates Crystal Palace Park as a national/international destination and the Masterplan application is drawn up on this basis. This designation is correctly applied as CPP is recognised as one of the most important mid-19th century Victorian urban parks in the country, owing its national and international significance to its overall concept, its iconic status, and its wide-ranging influence in many spheres. It includes within it Grade I and II* listed structures of international significance and is, in its own right, Grade II* registered on the English Heritage Register of Historic Parks and Gardens.

2. It is an application that raises important issues of development control

Development on Metropolitan Open Land for the construction of private housing conflicts with the Local Authority's policies that are set out in its Adopted UDP, the London Plan and PPG2, i.e. it is a departure from local, regional and national policies.

3. It is an application that significantly affects Metropolitan Open Land, a Conservation Area, Grade II* registered Park and Grade I and II* buildings

The application conflicts with PPG15 4.14 which states: "*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.*" The need to have regard to harm (ref: Steinberg v Secretary of State (1989) JPL 258), which the application does at some length, is a consideration, but is not enough. The benefits of the Masterplan to the local community would not outweigh the harm caused to national assets.

4. The application involves development for which an environmental impact assessment is required

Nicholas Pearson Associates were commissioned by Bromley Council to review the LDA Environmental Statement. NPA identified numerous unsubstantiated statements and highlighted 44 issues that required clarification *before* the decision on the planning application were made.

The applicant has not followed the Bat Conservation Trust survey guidelines nor has the issue of Section 17 of the Crime and Disorder Act been addressed as required.

5. It is a development involving inappropriate development on MOL

To allow sale of parkland for housing on MOL, the LDA must demonstrate 'very special circumstances'. Exceptional and very special circumstances have not been adequately demonstrated. The LDA claims that publicly accessible parkland will be increased. The Park is defined as the land within its boundaries, the nature and use of which can change at any time. Construction of eight, 4 and 5-storey blocks of private flats *will* result in irrecoverable loss of precious public parkland. A one-off capital sum for 'park improvements' fails to address the long-term financial sustainability of the Park.

6. It is an application that involves the loss of open space

The proposed housing development within the Conservation Area will block views into and out of the Conservation Area and MOL. The replacement of the internationally renowned caravan and camping park, which is appropriate use of MOL, for five-storey blocks of private flats will result in a permanent and irrevocable loss of precious public parkland. Relocation of existing facilities at 'Sydenham Gate', within the Park, will result in further loss of MOL.

The application includes loss of open space at Ledrington Road Green, partly on MOL and adjoining MOL, for construction of a hostel/college building which conflicts with Policy G2 of Bromley's UDP.

7. The application will impact significantly on implementation of Bromley's UDP policies

Aspects of the application, in particular the sale of MOL parkland for private housing, are contrary to Bromley's UDP, the London Plan and other policy guidance, and if approved, would set a precedent for inappropriate development on MOL and Green Belt.

The contentious nature of the application meets the GOL departure criteria for call-in; it involves the construction of 180 flats, is on land owned by the local authority, works against the development plan's policies, involves significant road adaptations affecting all four neighbouring boroughs directly and requires modifications to UDP policies.

Additional considerations

a) MOL status of Crystal Palace Park

When preparing its UDP in 2006 and to allow future commercial development, Bromley intended the removal of MOL status from the hilltop area of Crystal Palace Park. Bromley's intention was robustly challenged by the CPCA and others, and the Government Planning Inspector found in favour of retention of MOL. Removal of MOL status for housing would be in direct contradiction of the Inspector's recommendations to protect the existing MOL designation of Crystal Palace Park.

b) Conflict of interest

The London Development Agency, the applicant, is the development arm of the GLA. In considering the application, the London Mayor has a conflict of interest and it is therefore not possible for him to provide an impartial judgement.

c) Statement of Community Involvement – applicant and Bromley Council

Nicholas Pearson Associates, in their report on the Environmental Statement, identify the lack of a summary of responses to the applicant's public consultation process. This is of particular concern, as the scale of public opposition to sale of parkland for housing was not indicated. Whilst there is public support for the principle of repairing the landscape of the Park, elements of the application give rise to substantial local and regional controversy. The records of Bromley Planning Department confirm the level of public opposition to proposed

housing on the Park, as does the LDA's own stakeholder consultation, the 85% opposition to housing in a newspaper poll, and the 7,000 signature petition to the previous London Mayor.

Despite being the largest planning application received by Bromley, the Council conducted the minimum required under planning law for public consultation and publicity. Unlike other major applications in the borough, such as the Bromley Town Centre Action Plan, Orpington Town Centre Action Plan and Biggin Hill Masterplan consultation, Bromley's website does not give a direct link to the Crystal Palace Park application. This makes the application impossible to find without prior knowledge of its existence and of the full application details.

d) **Contradictory views**

On 24th April 2008 the Policy Idea Response unit, policy@backboris.com wrote to a CPCA member in response to a question about proposed developments in Crystal Palace Park: "...Nor does he [Boris Johnson] feel that building houses on the precious parkland is a suitable way forward." Now, as Mayor, his view is stated as: "*The inappropriate residential development is justified by the unique and exceptional characteristics of this park which have led to the urgent need for improvements (which themselves have widespread public support).*"

This change of view is inconsistent and contradictory.

e) **Rockhills MOL**

Rockhills has been described by Bromley and the applicant as not being part of the Park (page 2 of the Report of the Chief Planner). It is noted that in November 1986 the Manager of Crystal Palace Park, Mr P K Phillips, in his Draft Landscape Plan, confirmed the incorporation of Rockhills into the Park on 1st January 1972, where he also links the Rockhills site with the Park by the opening of a new jogging trail in 1978. Under a lease, Bromley relocated the publicly enjoyed and internationally famous tourist Caravan Club to its present site at Rockhills in 1979.

f) **Lack of viable business case**

In analysing the applicant's limited financial strategy for the Masterplan, the CPCA considers the application to be fundamentally flawed with the applicant failing to make an economic and sustainable business case. Reliance is heavily weighted on the sale of parkland to raise capital rather than concerted investigation of alternative sources of funding or value engineering. Throughout the public consultation, the applicant asserted: "*Housing is the last resort, not the first choice*". (LDA newsletter August 2007). By October 2007 this had changed to: "*Housing...is vital to ensure the deliverability of the Masterplan*". (LDA final exhibition brochure)

The CPCA asserts that the application is vexatious in that it fails to include a viable Business and Management Plan for the Park, in either the short or long-term. Phasing and delivery statements are vague and ambiguous, as are methods of funding, both in capital and revenue terms.

The enclosed CPCA letter of objection considers the application in full and in detail, and asserts that 'very special circumstances' have not been proven to allow the loss of MOL to private residential development.

In accepting that this application for Crystal Palace Park is a notifiable departure application falling within the criteria outlined in the Town and Country Planning (Development Plans and Consultation (Departures) Directions 1999) and therefore will be referred to the Secretary of State, the CPCA requests that the Secretary of State uses her powers under Section 77 of the Town and Country Planning Act 1990 to exercise her power to call in the application for her own decision.

Yours sincerely,

John Payne
Chairman, CPCA

Encls. CPCA Letter of Objection
CPCA Statement of Objection to Bromley DCC, 9 December 2008