

Transcript of the Bromley Council Meeting on 6th May 1999, convened to grant full planning permission to London and Regional Properties to develop the Crystal Palace Site

Stuart Macmillan, Bromley's Chief Planning Officer:

The uses are constrained by the permission, already granted, and limiting in specific ways. The building once occupied ...would include: cinemas, concert halls but it will include bingo halls and casinos (*cries of outrage*) If I can explain to members of the public in view of this concern - this is what the law says that the uses can include ..

... Obviously members will have read the whole agenda ...

If you look on the legal considerations on page 21.44 ...that's important and members will deal with the outline details first as well as the other issues I've referred to, in that leases inside the building, ...exhibition space. I'm sure members look very carefully at all the issues, all the representations,listen very carefully to representations both for and against. Now... I'll pass to Mr Cooper for him to describe these proposals, setting out more detail and then members and members of the public

Robin Cooper Head of Heritage & Urban Design:

[described the building including gabion walls and ramps leading to car park for 950 cars]

Storm Poorun: I understand, Ladies and Gentlemen, that you are here to consider the reserve matters on this forthcoming permission you have already granted. However, firstly I suggest you defer the whole issue since first you don't have any details present today about the actual planned water tables, about the effects of light pollution from this development, about surface water drainage and, secondly, you have no idea what the impact is going to be on public health, as has already been mentioned.

On the European law this development combined with other developments in the Crystal Palace area, which are implicitly linked, for example the National Sports Centre complex and the 'Sky tower' which has been put forward, as well as the restoration of the park itself which is implicitly linked to this development by virtue of the funding that is going to be received for that restoration from the leasehold of this land.

In European law you are required to carry out an **environmental impact assessment** for this (*applause*) if it carries over certain thresholds which it certainly does.

If you look at the Town and Country Planning Act, (Environmental Assessment), Regulations 1998 which are now in force I believe and look back at the European Directive itself, you will find, that as a local authority, both as a land holder and as a decision maker on planning grounds you are required to carry out the EIA.

I appeal to the Councillors on this committee to put forward a motion that before any further matters are considered or decided upon, that an EIA should be sought or at least referred to full Council for a decision upon. (*applause*) It has been plain so far, that your officers and committee, have concluded incorrectly, that this development is not contrary to your unitary development plan policies, for example 'Metropolitan Open Land' or government policies relating to parks and open spaces.

Further, in the details of this planning application you have not taken into account any of the public easements which have existed across this piece of land for so many years. For example, the fact that you could use this piece of land for various things including walking across on established rights of way. Before you finally agree any further conditions, surely you should look at people's rights on this land and their legal rights under law, for example their rights of way and how you are going to mitigate those.

You have said that consultation has been carried out fully yet three local authorities surrounding this park (the people who are going to be most greatly affected by this) have appealed directly against you and have called for an Environmental Assessment. Even the London Borough of Southwark today, or yesterday, has appealed itself for an EIA, yet you choose to ignore this.

You chose to ignore first the thousands of petitioners who have pledged themselves against the construction of this development and 80% of Crystal Palace businesses have responded to pledge forms against this development, who are going to lose out, if not the people in the area as a whole.

This is not going to be regeneration for this area at all (*applause*). So far you have acted as arbiter and prosecutor and as decision makers have shown complete arrogance in ignoring public opinion and your own rules and law. (*applause*)

I again look to one of the Councillors on your committee to put forward this motion that an environmental assessment, not only for this development, but for all the other connected developments within and around Crystal Palace Park should be looked into for a full Environmental Assessment on their cumulative impact on the local environment, not only for Bromley but for Lambeth, Southwark, Lewisham and Croydon as well. (*long loud applause*)

Councillor Paul Booth (Chairman): Are there any questions? (*not a second's hesitation*) OK thank you very much Mr Poorun.

Councillor Paul Booth (Chairman): Next Mr Kolvin, please. (*loud applause*) You have got 10 minutes and the orange light will go on after nine. Press the button there.

Philip Kolvin: Councillors, I want to make three narrow planning points and in view of the extra latitude allowed me I'm then going to make a broader and rather more political point.

Planning first of all.

Number One: **Traffic:**

The figures which were given to you at the outline planning stage were wrong, as Mr Macmillan (*Stuart Macmillan, Chief Planner*) admitted, on oath, in the Judicial Review in the Court of Appeal. We have since uncovered further errors in the traffic impact work which show that the traffic projections were out by over 100% and there will be 17,000 **new** vehicle movements in this park every Saturday.

I am going to use one very small example. The developer assumes that the non-cinema floor space at Park Royal, the comparative development, and at Crystal Palace would be identical, whereas in fact at Crystal Palace the non-cinema floor space is 75% greater than at Park Royal, therefore generating 75% more cars. These figures have been set out in detail in our own analysis which has been professionally prepared with the assistance of consultants, has been placed before your own transport engineering department for the Director of that department, for comment and appraisal and your officers regrettably have refused to answer our analysis at all. (*derision*)

You, as a planning control committee, can exercise influence here. We have suggested a series of conditions in our own submissions. In addition, you are not compelled to accept the proposed size of this building which is 10% bigger than it was at the Outline Planning Stage, nor are you compelled to accept the number of cinema seats which comprise 700 more seats than there were at the Outline Planning Stage, nor are you either obliged to accept the number of car parking spaces. You can actually reduce the number of car parking spaces, so as to choke off vehicular demand. Please, please, if you do nothing else, exercise your powers so as to reduce reliance on car borne visitation to this development. It is an enormously important factor for people who live in Norwood and the environs. (*applause*).

Two: **Visual impact:**

The tree-lined ridge on which this building will sit is protected by your own Community Development Plan and it is precious. The views from the west into that tree-lined ridge have never been professionally appraised which, with respect, is an abdication of responsibility. The views above the tree-lined ridge will comprise a 280m long safety barrier, above it one will see a line of 94 car roofs. That is very important. It has never been put to you before but I have the section drawings here which you can look at which show that the car roofs do in fact protrude

above the parapet wall. Above the car roofs which will brood in the daylight and glint in the sunlight we will have the plant for the multiplex cinema and the lift shafts for the development as a whole. Below that we will see the vehicular access ramps.

This building will indeed be a landmark. It will be a landmark to the domineering influence of the motor car, it will be a landmark to the triumph of utilitarianism over aesthetics, the environment and common sense. *(loud applause)* On those grounds, at the very least, defer, in order to get an independent landscape assessment. You've never had one and when I've asked for one from Mr Robin Cooper *(Heritage & Urban Design)* I've been termed discourteous, distasteful and disingenuous. I don't accept those criticisms, this is merely an attempt on my part to ensure that there is a proper professional appraisal of those views. *(applause)* Point of reference

You undertook to Parliament that this building would contain a predominance of glass and metal. If one looked at the original Crystal Palace one saw nothing else. When one looks at the external surface area of this building one sees that 80% of it, the car park mostly, is concrete, 10% of it is boulders and about 10% of it is glass and metal. There is no trick of arithmetic or word play which can assist you here. **If you grant planning permission you will be breaching your undertaking to Parliament.** *(applause)*

Three: **The architectural style of the original Crystal Palace.** Now you've made one decision about this but it is not final. The building before you is **different** from that which was before you at the Outline Planning Stage. Then, there were largely metal walls which the architect explained in his affidavit to the legal proceedings, were derived directly from the designs for the original Crystal Palace and which also, he said, were designed to reflect the sunlight rather in the manner of glass. Those metal walls are gone, they are now boulders. **Nobody with eyes could look at this building and be reminded of a palace made of crystal which is our heritage.** *(applause)*

Looking at the question of style, please do so and reject the plans on those grounds. *(applause)*

Members I'm not going to go further on our written submissions which have been extensive and no doubt you have had the opportunity to consider. May I please make a broader point?

The Crystal Palace Campaign is comprised of thousands of ordinary law-abiding people. According to your own Councillor Gaster *(Chris Gaster, Anerley Ward, Chairman of Leisure & Community Services Committee)* we are people who were never properly consulted on these proposals and when the dust settles, you acknowledge that local people have never been given a participatory role in working up the scheme, for what is after all, their park. *(applause)*

You have viewed this as a scrap of contaminated land previously occupied by a built form and now affording a real opportunity to regenerate the area. But it is greatly miscalculated. For local people, this is their place; it is their park, their landmark, their heritage, their skyline ridge, their peace and quiet, their village existence, their acre of wilderness. *(hear hear)*

Times have moved on since 1854 when the Victorians were able to place a huge building here because the motor car was not yet invented and the area was unpopulated. Even in the last ten years we have moved on, through the Rio Earth Summit, Agenda 21 which you espouse, and countless government policies we've come to see that parkland is precious and once built on it is lost forever. *(applause)* All over the country parkland is being regenerated, in a low key sustainable way. We, through the People's Park, and through correspondence with your leaders and officers have offered to discuss how such initiatives may proceed. We've made clear that we tolerate a built form provided that it respects its parkland position and also respects the history of the site. But we've been met with silence by politicians and officers, evasion and cancellation of meetings, writs, bulldozers, police cordons and contempt. We are termed activists, romantics and pests. We know that to exercise your powers in the public interest. We are that public. *(applause)* We've been scrupulous in ensuring that our protest is lawful, that it is informative and that it is peaceful. We have so much to say, we have so much to contribute. Please, please, lay down your arms, defer this decision, and mediate. Your objective is regeneration. Our objective is sustainable regeneration. Let's see if we can sit down and meet our objectives in a mutually satisfactory way. You, as a Council, I accept not as a planning committee but as a Council, have

lost £26 million of funding for the regeneration of the Park. You've also lost the sympathy of this community. (*applause*)

We're simply saying that now is the time to give the scheme a fresh look and the alternative is conflict which none of us want. Please, please, sit down. Talk to us. (*long loud applause*)

Cllr Booth: Finally Mr O'Donnell who has also got ten minutes.

Jim O'Donnell: Good evening Ladies and Gentlemen. I am Jim O'Donnell of London & Regional Properties. I'm the Project Manager, responsible for the building of this particular er building scheme.

Our application, before you this evening is the culmination of three year process of innovative design, discussion, negotiation and compliance (*groans*) with the Crystal Palace Act and many of the stakeholder bodies such as English Heritage, The Royal Fine Art Committee to name but two.

We **are** committed to the redevelopment of the former Crystal Palace site and to the determination of full consent from this committee.

London & Regional have continued to listen to all of the concern raised during the Reserved Matter Consultation period (*shouts of 'rubbish'*) and here in this public meeting confirm our commitment to establish a local community forum with stakeholders who will positively progress the former Crystal Palace Sites Development.

The issues particularly to mind (and previous speakers have also raised some) are:

- A general reduction in car parking both on and off the site, in line with Government policy. This may be done by reducing the dependence on the private car park by stimulating the modal shift, already discussed and towards an improved public transport services system.
- We will work within local community groups to address their concerns within a solution culture.
- We will revise the internal uses within our building particularly in relation to:
 1. Provisions of permanent exhibition space.
 2. Provisions of enlarged public space.
 3. Provisions of meeting and performance areas.
 4. Review of restaurant operations leading to limitation if not complete prohibition of fast foods.
 5. A reconsideration of the family entertainment and its replacement with, for example, books, music shops, these such things (*groans*)
 6. **The introduction of an international class Imax facility.**
 7. A review of the opening hours and management of the facility and its environment.
 8. And the review of the total of the cinema seats with the provision of reduction of these and the use of Art House and Community use of particular cinema gauges (?). (*Much discontent in the audience throughout*)

The present issue of the Anerley Hill access and the property opposite has been considered by London & Regional Properties and we will offer to finance whatever the solution is that is agreeable to all concerned.

I can also confirm that our landscaping proposals will include mature specimens of London Planes in an avenue along Crystal Palace Parade. By the public square individual mature sequoia trees will be complimented by the copper beech, oak and ornamental birch.

In conclusions we believe that our development will be a robust sustainable asset to the local community supporting the regeneration (*derision*) of the area and the park in particular.

We have a commitment to meeting all of our undertakings. We have committed to delay the start of our construction on the project until early year 2000 allowing every avenue of dialogue and mediation to be considered.

Thank you for listening. (*no applause, loud dissent*)

Cllr Booth: Are there any questions from the committee to Mr O'Donnell. Thank you very much. (*cries of 'shame'*)

Cllr Booth: Councillor Hall

Cllr Hall: On the question of the **environmental impact assessment** we've been told that because this is approval of reserved matters rather than of detailed planning permission we are not obliged to have an environmental impact assessment. Can he please - does anyone know why we shouldn't have an environmental impact assessment, why it's not been to our advantage to have that? (*applause*)

Cllr Booth: Mr Macmillan?

Mr Macmillan (*Stuart Macmillan, Chief Planner*): Thank you Chairman. The reason why er - We did take professional advice on whether an environmental assessment would apply and that advice is still being maintained, but the advice I've received from the professions is that an Environment Impact Assessment is not required. (*derision*) ... effectively dealt with by the Council members at Outline Stage and the reference that I understand can be corrected perhaps by the legal officers if I am wrong but the regulations that were referred to by one of the speakers do not apply to this application anywhere. (*shouts of why not?*)

I must say as well that the environmental matters which would normally be contained in an environmental assessment were taken into account although representations from the Crystal Palace Campaign who say it should be in a different form but the decision was effectively taken by members

Mr Cooper: I could say one other point on that, Chairman. The Secretary of States power to require an environmental impact assessment during the period when he issued a holding direction he didn't actually require an EIA. In his decision notice passing application he again did not request an EA.

Cllr Hall: He didn't actually answer the question why it would not be to our advantage to have an EA (*applause*)

Mr Macmillan: Well the answer is that it is probably a straightforward legal matter but my view of it is that it would be unnecessary and inappropriate at this stage.The matter is dealt in the report that is before us

Cllr Wickes: (*what about a moral responsibility?*) I understand that what Mr Prideaux said was that he was concerned about the wall opposite his house and I understood from something that was said earlier and I assume that was withdrawn

Robin Cooper

Cllr Wilkinson: I looked at this one application extremely carefully Chairman

such that the outline is a valid outline permission. Indeed we are now being asked to look at the details pursuant to that outline and the conditions that were imposed upon it. Those conditions have been referred to earlier and they are at item G on the agenda which you have with you.

Now in my view we then have to look at those to say are those details good enough to follow these conditions or are they not. That is a view that this committee has to take. I have looked at these and I don't know what my colleagues are going to say. I have looked at these; I have heard the representations and read the representations made by yourselves and others. I cannot see in my opinion that these details do not, double negative, that they do comply with the conditions which were put at the outline. In fact, most points have been answered, in my view we should be passing these conditions tonight proving it. (*No*)

There were points raised by people who spoke, and some of them to do with traffic and others to do with the style of the building. I have read extremely carefully the decisions made in the course which refers (*noise*) including the style and comments which you Chairman made and are

quoted in one of these reports. We have taken advice for this. (*noise*) ...the application and would be quite happy to move for approval to be given to these conditions (*no's*)

.....

If traffic lights are thought to be necessary sufficient drawings etc

Cllr Mrs Green: ... it's clear that some people in our audience don't want to listen to our debate (*noise*) Before I make a statement which is essentially supporting Cllr Wilkinson's proposal to move for permission I have a question regarding size. The siting of the building determines its size, the size determines its use and its use determines its impact on the local community particularly in terms of traffic generation.

Now the Campaign has asked us to consider imposing additional conditions and one relates to the size of the building because the proposal before us tonight - the detail on the siting and design includes an increase of 800 sq m for a mezzanine area over the illustrative drawings which were submitted at the time of the Outline Planning Permission. My question to officers is "Would it be impossible to impose such a condition at this stage? Would it be reasonable so to do and would it in fact make an essential difference to?"

Cllr Holbrook: Chairman I want to raise items from the last minute representations we've had today, sent to us from Southwark Council, referring to consideration being given to the internal ramps instead of external ramps. Now I'd like to comment on the feasibility, practicality and legalityoutline permission that was granted last year and the second point and I've got considerable sympathy with this in their letter to their .. they talk of support for an **Environmental Impact Assessment** which many many people have actually referred to tonight. (*applause*) What Southwark Council in their representation to us tonight was saying that they are suggesting that there should be an assessment to...and examine before instruction had to be given. (*applause*)

Does that actually mean that it would be possible for this committee tonight to actually approve the details but insisting on having such an EA before any actual construction work begins? Apart from those questions I also feel that it is important that - the principal has been raised so many times tonight - that it is important that members of this committee to actually say where they stand. There was all-party support in the outline permission and then after that there was no action. There were elections in the London Borough of Bromley and indeed there were elections in all the other four other boroughs concerned. Each one of us on this committee was well aware that the Crystal Palace issue was one of the key issues in the election. The election that I fought as I was returned to this Council in my area, the Crays, where regeneration is very important, Crystal Palace was also an issue there too. It was an issue across this borough - leisure improvements, cultural improvements, committee all these issues in fact are connected with this application and I believe that tonight I do not share the pessimism of those objecting to this. (*noise*) .. but I understand the concern which had been expressed. I do not believe if we have a mind to approve these details tonight and I hope that we will, also expect to have an EA as well and I would be supporting the action along those lines_ I believe the decision we would be making would be in the interest of the communities in the Crystal Palace area, in the London borough of Bromley and south east London and indeed for posterity Chairman.

Mr Macmillan: I'll answer Cllr Holbrook's question very briefly. As far as ramps are concerned I will remind him on this the terms and conditions in outline planning permission which state that the elevations shall be from material .. and details of all materials ... so I think that while the suggestion of Southwark is an interesting one we are constrained by the terms of the act on the planning permission it's not what the drafts are proposing. The second area of the Act the environmental impact assessment. I think the council's legal position is actually contained in a full response to the Crystal Palace Campaign, they .. about this point. That's the council's position. We've always been well aware of the EA regulations and rules and as far as that is concerned the advice we've received is that most of those issues relevant to the EA have

already been taken on board and we will continue to take on board all the environmental matters that are relevant, both at outline stage, detailed stage and ... (*Noise*)

Cllr Booth: Thank you very much. Mr. Gostt

Cllr Gostt: Thank you Mr Chairman. I have two points on the conditions that I'm concerned about: condition 23 - the scheme of lighting including technical details Now I think light pollution is something we've got to give some concern to here .. with regard to the lighting on the ramps I believe the light situation on the ramps should be included into this clause and greater detail be given to that because I've got a letter here from a local resident whose very genuine concern is in regard to these lights of the cars on the ramps and she quite rightly pointed out that manufacturers these days are producing brighter and brighter lights even on dipped beam. And also I've noticed recently the lights are much higher positioned on vehicles so I would like to see in clause 23 that as well as the lighting scheme to the scheme itself we add a new clause saying we will investigate in greater detail the effects of the lighting on the ramps. It may be the ramps need to be changed in design or in type of materials. I would like to see that included into these conditions.

And the other condition I'd like to see is condition 28 which details a scheme for management of the car park .. approved in writing on behalf of the local authority. The scheme of management of the car parks should be an on-going thing. This authority should have an on-going interest on a regular basis that will use the way the car parking arrangements are operating because that will tie in with the effect its having in surrounding areas and we should be able to be in a position to change that situation for the good of the residents if we need to do so. So I'd like to see those two alterations made to those two conditions also I'd like to say I'd consider the landscaping ...in relation to the ramps on the building, that the landscaping scheme does include much greater projection to the ramps thanpresent in the area.

..like to see Clause 23, add a clause that maybe the ramps need to be revised and clause 28 that the scheme of management of the car park should be ongoing .. will tie in .. position to change the situation for the good of the residents. Also landscaping in relation to ramps - protection for the sake of the residents.

Cllr Booth: ... 23/28

Mr Macmillan: .. not open to the Council re: outline stage - the issue is not relevant to the design of the ramps. It satisfied officers .. no undue light spillage - ongoing scheme needs to be submitted to the Council re: charging - needs to be discussed at that stage.

Cllr Hall: European law says there should be an environmental assessment. None done. We are not engineers. I move that this matter be deferred for an Environmental Assessment. (*applause*)

Mr Macmillan: At the meeting on 24th March 98 the issue of an EA was considered, and noise. .. advice not changed .. we are satisfied. My advice is that EA is totally inappropriate at this stage.

Mr Walter Million, Borough Secretary: An EA was considered at the outline stage. It was the independent view that the issue of a formal EA is something to deal with at the outline stage not something properly to take into account at this stage. The comment Cllr Holbrook made if asking to continue to take into account EA - we are - but not EA.

Cllr Booth: Do remember these issues (were taken into account) at the outline stage.

Robin Cooper: May I remind you of a letter from Ken Lewington regarding noise - response from architects and engineers.

Cllr Holbrook: Coming back on the EA and the letter from Southwark Council: our sister council has sent us a representation to talk about an EA before construction. Surely this committee could resolve we have an EA committee, surely that can be done? I think we have to take it into consideration. Surely we could have that assessment?

Mr Million: We're talking about two different things. My comments related to Statutory Environmental Assessment - the time was at the outline stage - it is not something which would justify you refusing the application before you tonight. If Cllr. Holbrook is referring to the Council to carry out an EA there is nothing to prevent the Council taking that task upon itself, whether they feel the exercise is sensible to carry out. Need further advice from Mr Macmillan if it is of use to you and the council.

Cllr Holbrook: I'm supporting what Southwark Council says: an EA before construction work begins.

Mr Macmillan: I couldn't recommend that. Effects were .. Nothing legally to stop us recommending...

Cllr Hall: Why I think Mr Macmillan is wrong in what is proposed here is the substantial difference (*in size*.) The mezzanine has 700 more seats, 10% increase and .. about the traffic - this was never taken into account at the outline stage.

Mr Macmillan: He doesn't understand the conditions. The scheme has not substantially changed.

Cllr Jane Green: Could the officers tell me if the conditions prohibiting use as a night club - could that include a night club?

Mr Macmillan: No specific definition of a rock (*festival*) A matter of debate.

The woman on the right: 1) in connection with the Act - refers to an exhibition area, exhibition space open.. .. 2) viewing platform on the roof didn't seem particularly large.

Robin Cooper: Plans indicate exhibition space in central concourse. It is possible for members to put a condition on the size of the area. It must be 300sq m / 600 sq. m. We *can* impose a minimum area.

Cllr Hall: Mr Macmillan says that I don't understand but I *do* understand. The size of the floor area is not subject to conditions on outline planning consent. I move that it should be deferred so there can be an EA

Mr Macmillan: Are you asking not for a formal EA but something the council itself would do?

Cllr Hall: I'm moving there should be an independent environmental assessment and we should not approve details until we have that impact assessment.

Cllr Alexa Michael: They are obviously concerned about an extremely large development and feel their concern should be taken into account. With respect they have been very dismissive. I was not given any good reason why we shouldn't have an EA. If we do go down this route, it only makes sense if we have a meaningful study and this application be deferred. We've heard from the applicant that work won't be starting until next year. This gives us sufficient time, and after all the work that's gone into it. If Cllr hall is proposing a motion I'll second Cllr. Hall.

Cllr Booth: We have two motions: Cllrs Wickes and Green propose to confirm and Cllrs Hall and Michael propose a deferral. I'm going to ask for clarification. We have to be clear what the advice is. Is it the case Mr Macmillan that a formal environmental assessment is not open to us but that our own informal environmental assessment, a further investigation of the environment is? Is that the case?

Mr Million: I think you have my legal advice in that it is not open to demand a formal statutory assessment. This should have been dealt with at outline stage. In my opinion this Committee has no justification to refuse details proposed by Cllrs Hall and Michael. (*heckling at this*) Having made a decision on planning merits it is open to the Council if it chooses to carry out exercises on a non-statutory EA. You can do it through our own officers and invite independent advice.

Whether an informal EA will achieve anything useful for the Council is a matter for you to decide on the advice of Mr Macmillan. In my view you can't use that to use as justification to defer a decision.

Cllr Booth asked Peter not to stand up again.

Cllr Hall said the second motion was not to refuse permission but to defer.

Million: I don't believe the committee has justification to defer.

Hall: I didn't use the word "Statutory". Mr Million is using that word to try and rubbish what I'm saying. I know that a "Statutory" EA is for outline planning. There is no reason why this shouldn't be deferred.

Macmillan: An environmental assessment is an irrelevancy.

Booth: Before we move to a vote ...

Philip Kolvin asked for permission to speak for 1 minute to help the council clarify the situation but he was not allowed to.

Wilkinson: Let's make it clear what we are voting on.

Kolvin passes a note to Hall.

Cllr Hall: I'd like to read this note. "We haven't investigated 85/337 to see if it directly applies. We can demand an environmental assessment. The developers agree to this.

As we may be taken to the European court it would be extraordinarily unwise to pass this now. I would like further legal advice on European law which I think has not been adequately dealt with.

Million: I don't advise it. I don't think the committee wants to start a debate with Kolvin. In my view if we are challenge to the European Court that we've breached a directive, I think it will fail.

Secondly, although there may be a challenge it does not prevent you making a decision tonight. The European commission will take it's course over a considerable period of time. In the meantime I think the committee should take its decision on the planning merits.

It matters not to me what decision you make but what I do believe is that you do have to make a decision whether to grant or refuse.

In so far as other legal proceedings still pending must take their course and I don't see them as an impediment.

Holbrook: ..to have our own EA

Booth: There is no problem over an additional EA but we need to take advice if there is to be a deferral before an EA.

Million: I don't see a problem with Cllr Holbrook's idea. It can't stop the development proceeding, legally we can do it, clearly it has to be done quickly. I don't think it is proper to hold up the developer. If the developer is ready to proceed you would have agreed - then the developer is entitled to start on site.

The first half of Holbrook's (idea) is legal and proper. The second half whether to hold up the commencement of the development, I don't think that is right.

Holbrook: The point of moving this is that we've received representation from Southwark Council. What they have suggested is an EA before work commences. Surely the developer has to be aware of the views of the committee and the wishes of the people who want it.

Booth: If it is phrased as a request - ask if .. further EA to be carried out, that the developer is requested not to continue in the meantime until that is carried out and that an individual consultation is to be carried out, I can put it to the vote as an amendment.

All those in favour of the additional point, those against.

Second half of meeting

Angela Ransley: This presentation opposes the application for the Park on behalf of the Martell/Tritton Action Group, a residents' association in West Dulwich, active since 1981. I have lived in this area for most of my adult life and at a transitional point in my career I worked in the Park, so I have a thorough knowledge of it.

I would like to begin by showing you the proposed changes on this map. Below the complex are the three terraces and on the top terrace there would be a canal the full length of the building. The middle terrace would not change, except that it would be used for car parking for special events such as concerts. The lower terrace is currently a car park and this would become a giant flower bed known as the colour swatch. At the bottom a cascade would proceed from the boating lake into a new lake. The café and maintenance are removed to two new sites and a new car park would go there.

You will by now be well aware of the conservation proposals to rework Paxton's design in a modern idiom and to unite the new Crystal Palace with the Park. The main problem with the Park proposals, as with the multiplex, is one of scale. Paxton was building at a time when land was cheap and plentiful and the population low. He built what became the country's foremost concert venue - Britain's Albert Hall before the Albert Hall was built. We are in a quite different situation at the turn of the 20th Century and it is not possible to give the Victorian scale priority. Pursuit of these plans would result in the loss of a great deal of land to the public. The question must be asked: What price conservation? Do we owe more to the dead than to the living? The scheme does not bring conservation and public amenity into a proper relationship and this must be done.

There seems to be a fallacy in Bromley Council that there is plenty of room in the Park: This is not the case as the population is not distributed evenly. During the week the park is used mainly by mothers or nannies with small children and those not in work. There is intensive use at the weekends and on public and school holidays with a concentration of the population at the Penge end. The paths are very full. The reason for this is that this is where the children's play area and the café are. It is also one of the few flat areas in the Park available for family games such as

football or cricket. It is not difficult to see that if the top terraces are used as proposed, the top half of the Park would no longer be available for use by the public. If you build a cascade here and build a new lake an essential public amenity will be lost. Where are the public to go? I can foresee a time when it would be necessary to limit entry.

The second main problem is that no-one - Bromley, the architects or the landscape designers - have a thorough knowledge of the Park and seriously misread its character. I quote: "The overwhelming feeling is of a dream past. The dream has left many vestiges, but it is a lost dream, unconnected with today's world."

This is not true: its life is vigorous! It is primarily a family activity Park and of the three major local parks (Dulwich, Bel Air and Crystal Palace) it has the most provision, such as the land train which operates a circular tour, the shire horses which give rides up and down the Central Avenue, and the children's funfair. The designer wants to put these focal points, the play area and the café, on the edge of the Park: There are major flaws here:

1. The café and children's play area and the maintenance building would be at the bottom of these gardens and this is clearly unacceptable and unnecessary.
2. A café at one end of the Park would not serve people at the other end and your proposals include the demolition of the kiosk by the concert platform and the farm refreshments building which currently serve those people.
3. Putting the café with a terrace and the children's play area so close to the lake has safety implications.

Another preoccupation of the design team is with simplicity and as a result the Park buildings, described in the summary as high quality, are truly dreadful. They look like mousetraps. If they are of such high quality, why don't we like them? The summary is scathing about the existing structures but their replacements are not an improvement. It is the task of architects to produce designs with broad appeal.

All small buildings are to be demolished including one, the farm refreshments building, that has been erected at public expense in the last five years. The café was extensively refurbished at the same time and there was considerable outlay on a mural depicting Victorian life in the Park. The public have not had the full value from this expenditure. The result of this extreme demolition will be that there will only be Paxton's balustrades and futuristic buildings of a very inferior nature. This imposes an image on the Park foreign to its identity.

Your proposals aim to increase water areas considerably in the top canal and the scheme at the bottom here. **The Park does not need more water.** The boating lake is not greatly used and is partitioned off for fishing. The canal takes away from the public the beautiful walk and view. It would be desirable to re-introduce Paxton's flowing water but not at the cost of so much land. **The canal is intended as a security barrier for the multiplex and along with the area around the museum seems to have been handed to the developers for nothing.**

I mentioned earlier that the design team has not taken account of present Park usage and the proposed make-over would be a denial of its identity. **The Park has been without the Palace for almost as long as the Palace was there and during that time has evolved a character that is an enormous success. One of its strengths is that it is not over-developed and offers inner city people a real sense of freedom and contact with nature. If you fill it up with paved paths and concrete terraces you will be introducing those very things that people wish to escape.** You must understand that a park has a quite different significance in the inner city from the environment you know. Again, the conservation issue and the identity of the Park as developed by the community will have to be brought into balance.

The designer wants to take up the lower terrace with a giant flower bed intended to revive Paxton's fascination with colour and to show the changing seasons. Some of the ideas are bizarre and would not be understood by the average park user. I quote:

“In winter may be not always plants, instead a field of pinned down and crumpled heavy grade foil, catching the light, rain, frost, ice. Rows of magnetic recording tape flicker silver in the wind.”

It is not necessary to show the colour of the seasons as nature does that for you already.

The current children’s play area is very good and people come from miles around to use it. It is important to know that although not subject to planning regulations this quality is not going to be lost. Similarly, it is important to know that the capacity of the café is not to be reduced.

The car park for 65 cars contravenes metropolitan open land regulations. Your summary of proposals states that special circumstances exist but our group does not agree to this.

To summarise: there are a number of issues that need to be debated and brought into balance with each other:

- conservation and public amenity
- the original Paxton design and
- the present identity of the Park

All these ideas depend on securing funding and Bromley will strengthen its position with the lottery boards by improving its relations with the local community and weaken it if it is seen to be in conflict with it. It would, therefore, be in everyone’s interest, including Bromley’s, to accept Tessa Jowell’s suggestion at the meeting on April 17, 1999 of a forum for debate and for voting on this application to be deferred. Thank you very much.

Ken Lewington: Mr Chairman, Members.

First, it is clear that, as this is a detailed application and is of immense scale on a park of national significance, an Environmental Assessment would be totally appropriate, and as the Palace development site is, according to your Chief Planner, “intrinsicly linked” to the Park proposals then that too should be included in such an Assessment.

I am now going to read to you extracts from an internal Heritage Lottery Fund document. It is the expert advice given to the trustees in March 1998 by Dr Stewart Harding, the Fund’s Policy Adviser on Urban Parks.

It is of the utmost relevance tonight because it was primarily this advice, from one of the country’s leading authorities on urban parks, which resulted in Bromley being **denied** almost £26 million in funding for what is, essentially, the proposal in front of you this evening.

I hope that it will help you understand how the agency which holds the purse strings, views Bromley’s plans.

“...there are a formidable range of objections which should cause serious concern to a heritage agency.”

“..despite the many references to restoring Paxton’s vision, the proposed design pays only the bare lip-service to the original”

“..the proposed design is the opposite of Paxton’s imposing and robust layout: rather it is ephemeral, superficial and fragile.”

“Bromley has insisted that implementing this design is essential to the success of the whole Crystal Palace project. There seems no justification for this statement. It is hard to see how the landscape proposals affect the leisure development at all.”

“I believe a design which respected the Paxton original and the existing historic importance is feasible, particularly if the applicants followed the current UPP guidelines.

“The current proposal owes nothing to the English landscape tradition but relies heavily on modern European design. While it would be interesting to see the design implemented on a green field site, I feel is an inappropriate overlay on a design of acknowledged national importance. Even if the proposed design should find favour with Trustees, the question remains over whether a heritage agency should fund its implementation. Would HLF even consider this degree of change to a building of national historic interest? I am extremely concerned over the precedent grant-aiding this degree of change could set for other potential applicants. In view of the above I recommend a grant award only for those items identifiable as being of heritage benefit and encouraging the applicants to produce revised designs for the rest of the park in line with HLF guidelines for public parks.”

It is clear that your officers have expended tens, if not hundreds of thousands of pounds working up and presenting to you a scheme, which, as has been shown, is not worthy of funding. A clear case of the tail wagging the dog! And so, your officers must take these plans and, as at Mile End and other parks across the country, ask the local community to help you to find a solution which is sensitive, appropriate, respects this historic park and will therefore be able to attract the required funding.

I submit that, in order to retain your credibility as a planning authority, the support of thousands of Park users and the attention of the Heritage lottery and other funding agencies, there is only one course of action open to you this evening, and that is to defer this decision.

I can let you have a copy of this document if you wish.

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