

<b>Committee Date</b>	13.10.2022	
<b>Address</b>	Crystal Palace Park Thicket Road Penge London SE20 8DT	
<b>Application Number</b>	22/03065/PLUD	<b>Officer</b> - Louisa Bruce
<b>Ward</b>	Crystal Palace And Anerley	
<b>Proposal</b>	Temporary light installation trail/exhibition within Crystal Palace Park between Friday 28th October 2022 and Thursday 12th January 2023 PROPOSED LAWFUL USE CERTIFICATE	
<b>Applicant</b>	<b>Agent</b>	
Proud Events Ltd	Mr Chris Jones	
Belgrave House 39-43 Monument Hill Weybridge KT13 8RN	Firstplan Broadwall House 21 Broadwall London SE1 9PL	
<b>Reason for referral to committee</b>	<b>Councillor call in</b>	
	Council Application	No

<b>RECOMMENDATION</b>	Proposed Use/Development is Lawful
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<p>KEY DESIGNATIONS</p> <p>Conservation Area: Crystal Palace Park  Areas of Archeological Significance  Article 4 Direction  Local Cycle Network  Green Chain  Locally Listed Building  London Distributor Roads  Metropolitan Open Land  Renewal Area  Smoke Control SCA 6  Statutory Listed Building</p>
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Views of Local Importance

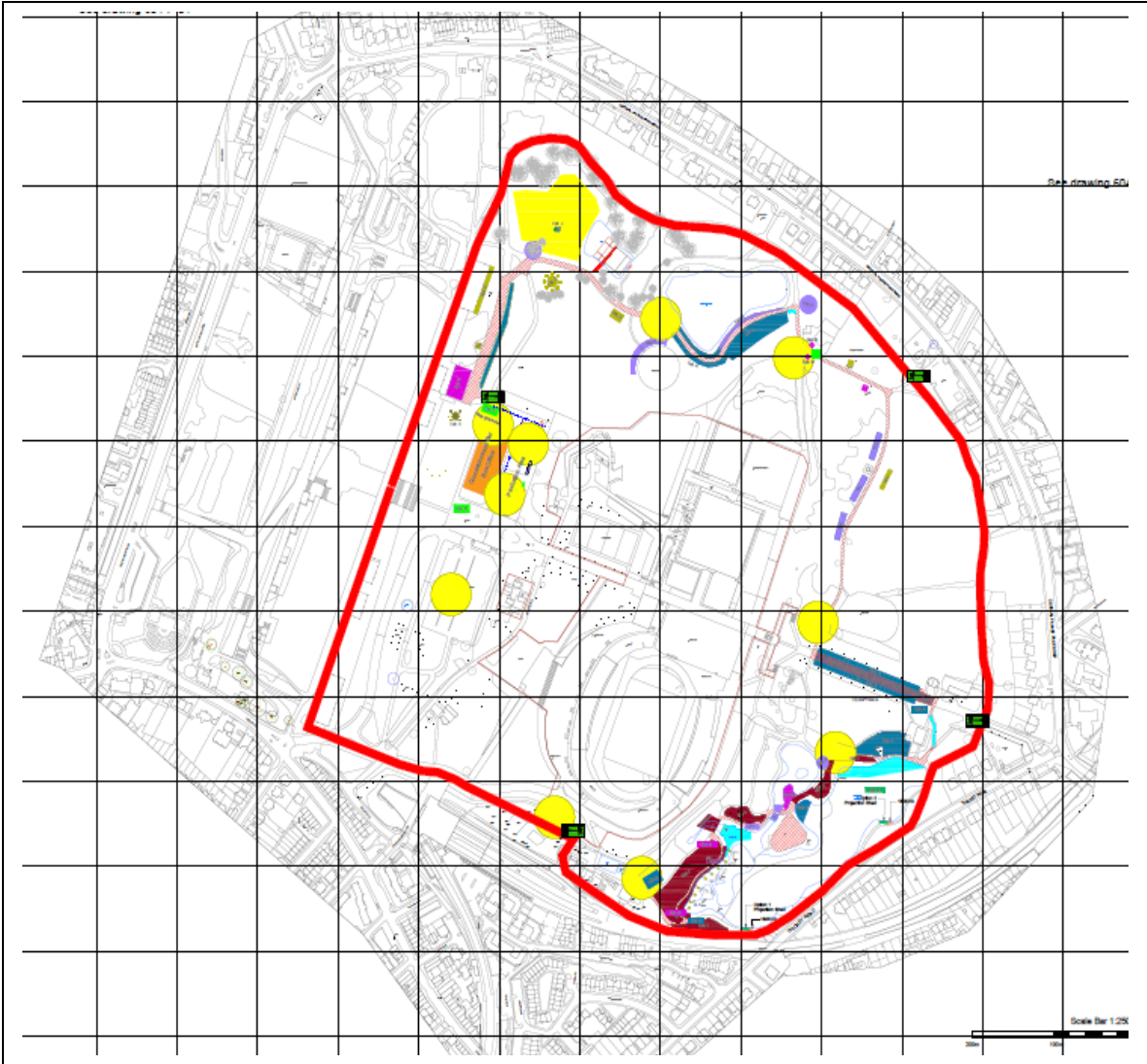
<b>Representation summary</b>	A site notice was displayed by the agent on the 23 <sup>rd</sup> August 2022.	
Total number of responses		1
Number in support		0
Number of objections		1

## 1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposals do not constitute development as defined in Section 55 of the Town and Country Planning Act and therefore the Lawful Development Certificate should be granted.

## 2. LOCATION

2.1.1 The application site lies within Crystal Palace Park which is a Grade II\* Listed park designated as Metropolitan Open Land and within the Crystal Palace Park Conservation Area. The site borders Thicket Road, Crystal Place Park Road and Anerley Hill.



### 3. PROPOSAL

- 3.1.1 A Lawful Development Certificate is sought for a temporary light trail/exhibition within Crystal Palace Park between Friday 28th October 2022 and Thursday 12th January 2023.
- 3.1.2 The walking route is outlined to take people 1.5hrs and is described as a lantern and light festival that explores interactive exhibits, light installations and an illuminated trail through the park.
- 3.1.3 The accompanying covering letter sets out that the event was held successfully at the park in 2021. Lightopia Festival is an international award-winning festive installation creating a temporary family visitor attraction at locations across the UK. Lightopia first began in 2019 to celebrate Diwali in Edinburgh, a second full-scale installation followed the same year in Manchester's Heaton Park. With special dispensation from the Secretary of State for Culture Media and Sport for light trails to operate during the pandemic, Lightopia returned to Heaton Park for Christmas 2020. Further Lightopia installations have been installed at the Grade I listed house and grounds of Chiswick House & Gardens and Yorkshire Wildlife Park.

- 3.1.4 Lightopia (London) 2022 seeks to build on the park's legacy to become an annual event in the park. The operational dates and times are stated as follows:

Set up: Friday 28<sup>th</sup> October – Wednesday 16<sup>th</sup> November 2022  
Health & Safety checks – Wednesday 16<sup>th</sup> November 2022  
Press night – Thursday 17<sup>th</sup> November 2022

Open to the public for 37 non-consecutive nights

Friday 18<sup>th</sup> November – Sunday 20<sup>th</sup> November 2022  
Thursday 24<sup>th</sup> November – Sunday 27<sup>th</sup> November 2022  
Thursday 1<sup>st</sup> December – Sunday 4<sup>th</sup> December 2022  
Thursday 8<sup>th</sup> December – Saturday 24<sup>th</sup> December 2022  
Monday 26<sup>th</sup> December – Monday 2<sup>nd</sup> January 2023

The installations will be removed between Tuesday 3<sup>rd</sup> January & Thursday 12<sup>th</sup> January 2023.

- 3.1.5 The event will open at 5pm on each event day and finish at 10pm. Crystal Palace Park will be fully open to the public during the day and the event will begin once the park closes to the general public which is 4-4.30pm during winter months.
- 3.1.6 The trail will comprise of a series of temporary light installations along a 1.9km one-way trail through the park. The route and installations are demonstrated within the concept document (enclosed at Appendix 3) with extracts of the walking route. The route remains the same as the 2021 event. The trail includes iconic attractions of the park including The Crystal Palace itself, the Concert Bowl the Farmers Market, a Water Show and the Dinosaur Trail.

## 4. RELEVANT PLANNING HISTORY

- 4.1.1 The planning history of the park as a whole is long and complex, reflecting the size of the park and its historical significance relating to the Palace site and the listed dinosaur structures.
- 4.1.2 Under reference: 21/03684/PLUD a Lawful Development Certificate was granted for a Temporary light installation trail/exhibition within Crystal Palace Park between November 2021 and January 2022.
- 4.1.3 The Council has resolved to grant planning permission under reference: 20/00325/OUT for outline application with all matters reserved except highways access for comprehensive phased regeneration of Crystal Palace Park. This will include conservation and repair of heritage assets; removal of existing hard surfaces; alterations to ground levels and tree removal; landscaping including planting of new trees; demolition of existing buildings and structures; creation of new pedestrian paths/vehicular access roads / car, coach and cycle parking; changes of use including part of the caravan site to part public open space and part residential; erection of new buildings and structures comprising: up to 2300sqm for a cultural venue (Use Class D2), up to 530sqm of park maintenance facilities (Sui Generis) including the dismantling and reconstruction of existing maintenance depot; up to 150sqm information centre (Use Class D1); up to 670sqm for a community centre (Use Class D1); up to 3779sqm of educational institution at the Capel Manor College Farm Site (Use Class D1) of which 3399sqm comprises educational buildings and 380sqm comprises ancillary shelters/ outbuildings; and up to 16,352 sqm of residential (Use Class C3) accommodation to provide up to 210 residential dwellings, together with associated and ancillary works including utilities and surface water drainage, plant and equipment. Full planning permission is sought for alteration to highways access at Anerley Hill Gate entrance, Penge Gate car park, Old Cople Lane (Rockhills Gate), Sydenham Gate car park and the creation of three additional accesses for the residential development at Rockhills and Sydenham Villas. (amended description).
- 4.1.4 Under reference: 20/03619/DET planning permission is pending consideration for Details of layout pursuant to outline permission DC/07/03897/OUT granted by the Secretary of State on 13th December 2010 for comprehensive phased scheme for landscaping and improvement of the Park comprising the demolition of and alterations to existing buildings and structures including the removal of existing hard surfaces; changes of use including part of the caravan site to public open space and the museum to a park rangers base; the erection of new buildings and structures for various uses including museum, park maintenance facilities, community facility, information kiosk, greenhouses, retail kiosks, cafes, toilets, classroom, childrens nursery, treetop walk, college and up to 180 residential dwellings; erection of a new regional sports centre including indoor swimming pool; alterations to ground levels with new pedestrian paths, vehicular access roads, car park, highway works, water features, together with associated and ancillary works, plant and equipment (part outline/part full application).

- 4.1.5 Under reference: 19/03578/FULL1 planning permission was granted for Construction of a footbridge in Crystal Palace Park for access to the Crystal Palace Dinosaurs on Dinosaur Island.
- 4.1.6 Under reference: 19/03579/LBC planning permission was granted for Construction of a footbridge in Crystal Palace Park for access to the Crystal Palace Dinosaurs on Dinosaur Island (Listed Building Consent).
- 4.1.7 Under reference: 16/02679/FULL1 planning permission was granted for proposed formation of skatepark (outdoor wheeled sports area) with associated landscaping/ excavation/ regrading works on land adjacent to sports pitches.
- 4.1.8 Under reference 15/03106/FULL1 planning permission was granted for the demolition of the existing café building and the erection of a replacement café.
- 4.1.9 Under reference 07/03897 outline planning permission was granted (subject to the prior completion of a Section 106 agreement and subject to numerous planning conditions) for the Masterplan which proposed a comprehensive phased scheme for landscaping and improvement to the Park in its entirety, which included, inter alia, new residential development and a Regional Sports Centre.

## **5. CONSULTATION SUMMARY**

### **A) Statutory**

#### **Legal (Summary) – *Acceptable***

The proposals would not constitute development under Section 55 of the Town and Country Planning Act.

### **B) Local Groups**

- No objections were received from residents' groups

### **C) Adjoining Occupiers**

One letter of objection was received from a local residents which is summarised below:

- The last Lightopia was absolutely atrocious
- The sculptures looked like something from a low budget film
- Please don't let this happen again

## 6. POLICIES AND GUIDANCE

6.1.1 Section 192 of the Town and Country Planning Act 1990 is the relevant legislation along with Section 55 of the Town and Country Planning Act and Class B, Part 4 of the GPDO.

Certificate of lawfulness of proposed use or development.

(1) If any person wishes to ascertain whether—

(a) any proposed use of buildings or other land; or

(b) any operations proposed to be carried out in, on, over or under land,

would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.

(2) If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

(3) A certificate under this section shall—

(a) specify the land to which it relates;

(b) describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);

(c) give the reasons for determining the use or operations to be lawful; and

(d) specify the date of the application for the certificate.

(4) The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.]

6.1.2 Section 55 of the Act sets out the meaning of “*development*” for which planning permission could be required.

Part (1) defines “development” for the purposes of planning legislation. It states that “development” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. For the purposes of this Act “building operations” includes—

“(a) *demolition of buildings;*

(b) *rebuilding;*

(c) *structural alterations of or additions to buildings; and*

(d) *other operations normally undertaken by a person carrying on business as a builder.*”

6.1.3 Class B of Part 4 (Temporary Buildings and Uses) of Schedule 2 to the GPDO already permits the temporary use of land (excluding buildings) for 28 days, subject to limitations and conditions.

6.1.4 Class A (Additional temporary use of land during the relevant period) in the new Part 4A (Temporary Changes of Use) of Schedule 2 provides an additional 28 days (in addition to the period granted under Class B of Part 4) for the temporary use of land. This is reduced to an additional 14 for the holding of a market or motor car and motorcycle racing including trials of speed, and practising for these activities.

## **7. ASSESSMENT**

7.1.1 The light trail will be a temporary event taking place within Crystal Place Park between the 28<sup>th</sup> October 2022 and 12<sup>th</sup> January 2023 for members of the public to enjoy a walking Christmas light trail. The public event will be ticketed and open at 5pm each day and finish by 10pm. Crystal Palace Park will be fully open to the public during the day. The event will begin after the park has closed which is between 4-4.30pm (during winter months).

7.1.2 Having considered the details of the proposal as set out in the application, it is concluded that the proposed temporary event does not amount to “*development*” under Section 55 of the Town and Country Planning Act 1990, as there is no material change of use of the land and that the temporary placing of light installations and other works do not comprise building or engineering operations in, on, over or under the land.

7.1.3 Under Section 192 of the Town and Country Planning Act 1990 a lawful development certificate can therefore be granted for a temporary light trail exhibition within Crystal Place Park.

## **7.2 CIL**

7.2.1 CIL would not be payable on this proposal.

## **8 CONCLUSION**

8.1.1 Having regard to the above, the Lawful Development can be granted.

8.1.2 Background papers referred to during production of this report comprise all correspondence on the file ref(s) DC/22/03065/PLUD & DC/21/0368/PLUD as set out in the Planning History section above, excluding exempt information.

## **RECOMMENDATION: CERTIFICATE BE GRANTED**

**Reason:**



**The proposals do not constitute development as defined in Section 55 of the Town and Country Planning Act and therefore the Lawful Development Certificate should be granted.**