

Committee Date	22.12.2022	
Address	Crystal Palace National Sports Centre Ledrington Road Anerley London SE19 2GA	
Application Number	22/02326/FULL1	Officer - Louisa Bruce
Ward	Crystal Palace And Anerley	
Proposal	Application to operate car boot fair/sale events at crystal palace coach park, on Wednesdays and Saturdays from 7am-1pm	
Applicant	Agent	
Jaffer & Co Accountants 32 Woodstock Grove Basement Offices London W12 8LE	Firoz Gangji	
	4 Virginia Road Thornton Heath Surrey CR7 8EG	
Reason for referral to committee	LBB interest	Councillor call in No

RECOMMENDATION	Application Permitted
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<p>KEY DESIGNATIONS</p> <p>Conservation Area: Crystal Palace Park Smoke Control SCA 6</p>

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Overflow car park	

Proposed	Overflow car park for use of a car boot sale on a Wednesday and Saturday morning	

Representation summary	Neighbours notified on 29 th June 2022 Site notice displayed 30 th June – 21 st July 2022 Site visited 19 th August 2022	
Total number of responses	75	
Number in support	75	
Number of objections	0	

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal is considered to be acceptable in principle, as the permanent openness of the Metropolitan Open Land and the public open space would be retained, having regard to the temporary nature of the proposed use, which would be limited to Wednesday and Saturday mornings, for a temporary period of 1yr.
- It is considered that the proposal would not have a significant impact on the amenity of nearby sensitive receptor sites, namely the nearby residential properties in Ledrington Road, in terms of noise or air quality, and the proposal would be acceptable in terms of loss of light, outlook and privacy.
- Permission be granted subject to a condition limiting the use of the site as a car boot sale for a period of one year, to allow any adverse impacts on the highway or in terms of local parking provision to be assessed in situ.

2. LOCATION

- 2.1 The site (an overflow car park) is located next to The Italian Terrace within Crystal Palace Park with the main entrance being via Anerley Hill.
- 2.2 The site, which is approximately 80 hectares in area, is bounded by Crystal Palace Parade to the west, Thicket Road to the east, Crystal Palace Park Road to the north and north east and Anerley Hill, Ledrington Road and the railway corridor to the south.
- 2.3 The site is Grade II listed on Historic England's 'Register of Historic Parks and Gardens of special historic interest in England' and contains a number of historic

buildings and features a designated Conservation Area, an Area of Archaeological Significance, Metropolitan Open Land (MOL) and a Site of Importance for Nature Conservation (SINC).

- 2.4 The surrounding area has a mixture of parkland, residential properties on Ledrington Road and the Crystal Place Park National Stadium.

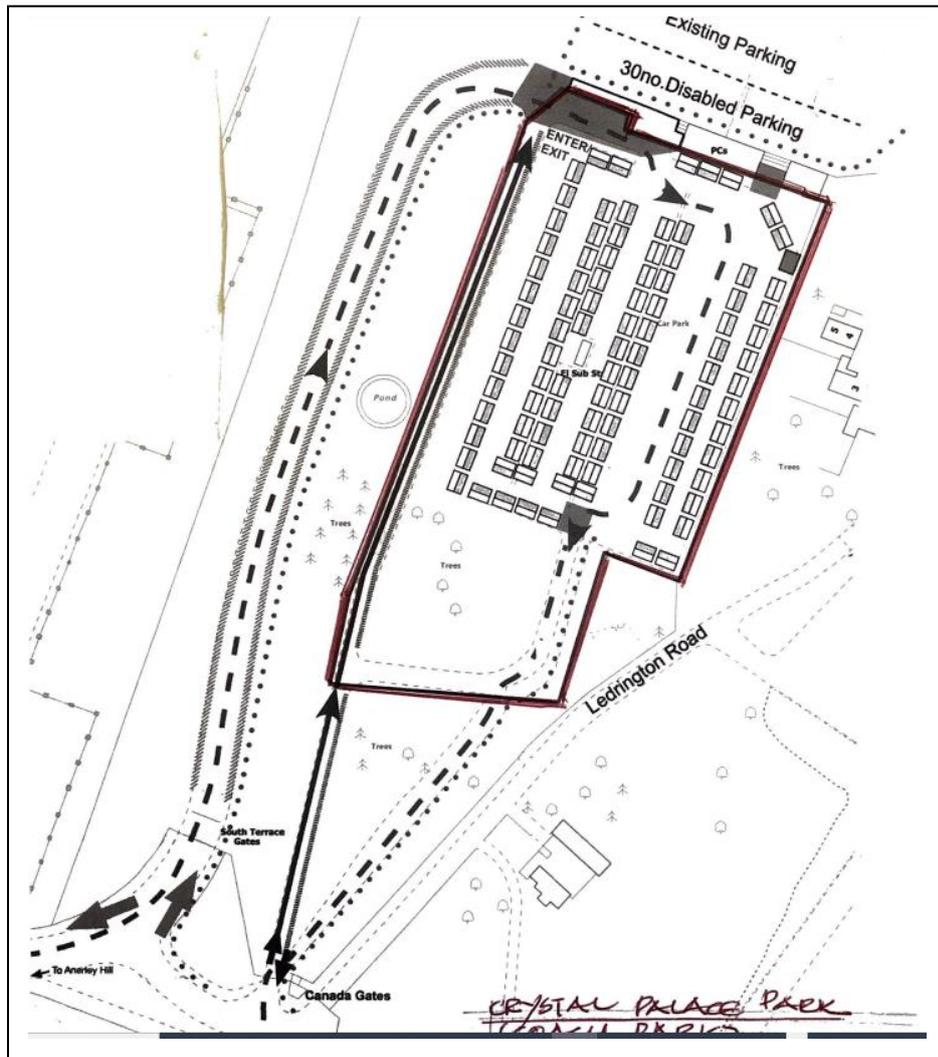


Figure 1: Site Plan

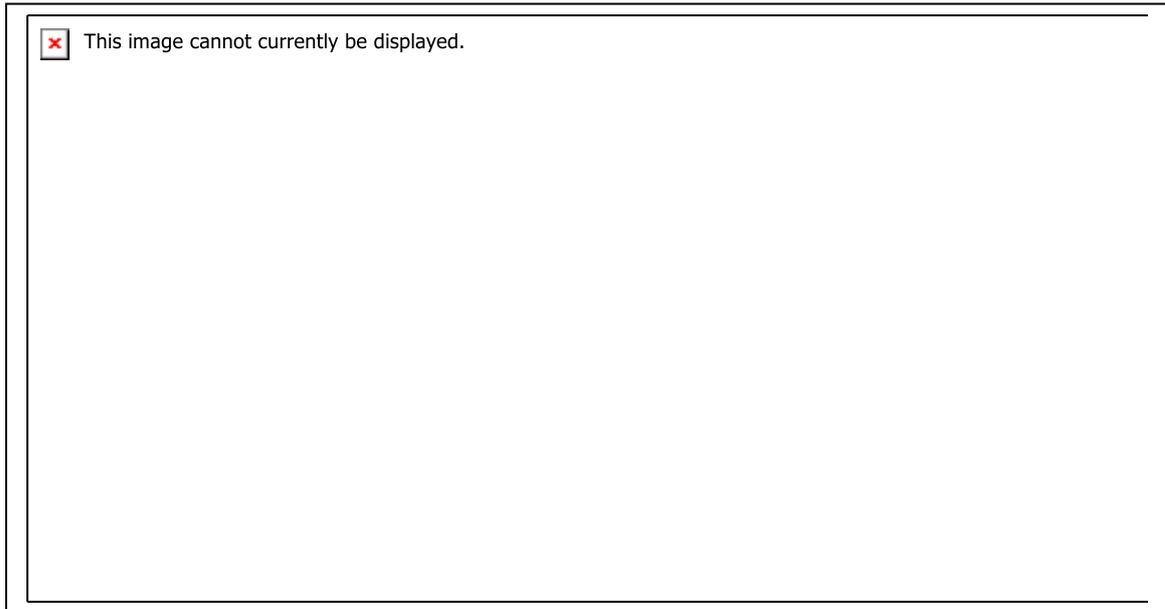


Figure 2: Photograph of site



Figure 3: Photograph of site

3. PROPOSAL

- 3.1 Planning permission is sought to use the site of an overflow car located within Crystal Palace Park to run a weekly community car boot sale (every Wednesday and Saturday) operating between 7am-1pm. Prior to the introduction of a covid testing centre in 2020 the car boot sale is understood to have been operating in 2019 and 2020.

- 3.2 It is recommended that site is only used between the months of March – October to take account of winter weather conditions.



Figure 4: Photographs shown Car Boot Sale

4. RELEVANT PLANNING HISTORY

- 4.1 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.

Under reference: 22/03065/PLUD a Lawful Development Certificate was granted for a temporary light installation trail/exhibition within Crystal Palace Park between Friday 28th October 2022 and Thursday 12th January 2023.

Under reference: 20/00325/OUT outline planning permission is currently pending consideration for 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).

Under reference: 19/03578/FULL1 planning permission was granted for the construction of a footbridge in Crystal Palace Park for access to the Crystal Palace Dinosaurs on Dinosaur Island.

Under reference: 19/03579/LBC listed building consent was granted for Construction of a footbridge in Crystal Palace Park for access to the Crystal Palace Dinosaurs on Dinosaur Island.

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.

Under reference 15/03106/FULL1 planning permission was granted for the demolition of the existing café building and the erection of a replacement café.

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

Conservation Officer

No objections raised from a Heritage perspective.

TfL

After further consultation, TfL would agree to temporary consent for a period of two years pending work commencing on the Italian Terraces and other areas in the Park Masterplan. This will allow for the delivery and outcome of the Masterplan, listed park, Metropolitan Open Land and building statuses. It is recommended that the applicant renews permission if there are delays in this work to not undermine its delivery.

Due to the nature of the proposal attracting a high volume of trips by car and a low public transport mode share, TfL would require a comprehensive travel plan to be undertaken by the applicant covering both trips by customers and trips by traders. This should be secured through condition. This will help to mitigate any impact on the TLRN and should support sustainable and active travel.

An events management plan should also be secured through condition which coordinates with other uses. There should also be efforts made to ensure safe comfortable and convenient routes to/from the rail station bus station and bus stops. This will help support sustainable travel modal share.

Cycle parking should be provided by the applicant. This should be in line with LCDS guidance and Policy T5 of the London Plan. 5% of the cycling provision should be for Cargo Bikes which allows for sustainable freight to this area. This should be for traders and customers, so a higher cycle mode share is possible. Spaces at wider capacity for wider cycles and disabled cyclists should also be available.

TfL also queries whether a later start would be more sensible. This would reduce peak traffic impacts in the area and encourage more public transport use and active travel, particularly on weekends where services are better later in the morning.

As a further note TfL requests whether Bromley are satisfied with town centre impacts from the Car Boot sale and whether this complies with policy.

Highways

No further comments to add; TfL is more concerned about of sustainable transport mode which I share. Do not think the proposal would have a significant impact on the surrounding road network. As the applicant is stating that they are “experienced Car Boot Fair operators and have operated the Crystal Palace Car Boot Fair in 2019, Nov-Dec, x12 events, Jan 2020, X8 events, and then returned after Covid in 2022 Jan – April x 13 events”.

Environmental Health –

- Environmental Health had not expected that the properties along Ledrington Road would be residential in use, but from the photographs and your e-mail this is clearly the case. Some requirement for the organiser to inform all stall holders not to have car stereos on or any form of music played and on arriving and setting up to ensure they do this without creating unnecessary noise, should be part of a conditioned operational management plan if approval is given.

- Concern was raised whether the hours applied for are 'open for traders to set up' from 07:00 or the start of public admission, in which case traders will need to arrive earlier, during the night hours i.e. prior to 07:00. It would be important to receive clarification on times that traders are expected to arrive.
- Also, Highways have requested numbers of customers expected which would be helpful to know from the perspective of the noise impacts on residents.

Finally, is there scope, subject to submission and acceptance to points above, for any approval to be given on a temporary basis with the potential then to review should complaints be received.

Drainage

No comment

Legal

The land is owned by LBB and Property should be consulted.

Property

It appears that property are aware that there have been car boot sales taking place at Crystal Palace Park previously. In this regard Property has consulted with a number of stakeholders for the Park and have not received any observations back. Therefore, on the face of it, Property is not aware of any valid planning grounds why this application shouldn't proceed.

Regeneration

The Regeneration Team does not have any objections to the application in principle, however there are a few things that need to be considered, which I have outlined below for ease.

- It is the Council's intention to Transfer the Park to the Crystal Palace Park Trust in the summer of 2023, on a long-term 125 year lease (essentially a disposal, although the Council will still retain the freehold of the Park). The site boundary for the proposed boot fair would sit within the Trust's demise upon transfer.
- As a result, there could potentially be issues with the fair conflicting with the Trust's use of the space for their events programme, alongside the proposal to implement paid parking within the Park. The Trust's business model focuses on the ability for them to generate income via various methods (including events and paid parking) which will then be reinvested back into the maintenance and upkeep of the Park. It is important that no new permissions are granted that would impact this, without the option to review such permissions at the point of handover.
- I would therefore suggest we need to consider the period of time that permission is granted for, with the view that this will need reviewing on a six-monthly basis. Or alternatively, permission is granted until such a time that the transfer of the Park has formally taken place, at which point the boot fair operator will be required to directly contract / lease the space from the Trust on new terms.

Local Groups

No local groups have written to the Council.

Adjoining Occupiers

Several hundred people have written in support of the application whilst no letters of objection have been received.

6. POLICIES AND GUIDANCE

6.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

6.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

6.3 The development plan for Bromley comprises the London Plan (2019) and the Bromley Local Plan (2019). The NPPF does not change the legal status of the development plan.

6.4 The application falls to be determined in accordance with the following policies:

National Policy Framework 2021

NPPG

14: achieving sustainable development

17: principles of planning

32 to 36: promoting sustainable transport

56 to 61; 63 to 66: design of development

70; 74: promoting healthy communities

96 to 99: climate change

109; 117 to 118: conserving and enhancing the natural environment.

The London Plan (2021)

In addition, the most relevant London Plan polices are as follows:

- D1 London's form and characteristics
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D8 Public realm
- D11 Safety, security and resilience to emergency
- D12 Fire safety
- D13 Agent of change
- D14 Noise
- S4 Play and informal recreation
- GG1 Building strong and inclusive communities
- G3 Metropolitan Open Lane
- G4 Open space
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- HC1 Heritage conservation and growth
- SI1 Improving air quality
- SI4 Managing heat risk
- SI5 Water infrastructure
- SI7 Reducing waste and supporting the circular economy
- SI12 Flood risk management
- SI13 Sustainable drainage
- T1 Strategic approach to transport
- T2 Healthy Streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential Parking
- T7 Deliveries, servicing and construction

Bromley Local Plan 2019

- Policy 20: Community Facilities
- Policy 30: Parking
- Policy 32: Road Safety
- Policy 37: General Design of Development
- Policy 40: Conservation Areas
- Policy 50: Metropolitan Open Land
- Policy 57: Outdoor Recreation and Leisure
- Policy 58: Outdoor Sport, Recreation and Play
- Policy 69: Development and Nature Conservation Sites
- Policy 72: Protected Species
- Policy 73: Development and Trees

Policy 77: Landscape Quality and Character
Policy 78: Green Corridors
Policy 79: Biodiversity and Access to Nature
Policy 120: Air Quality
Policy 122: Light pollution
Policy 123: Sustainable Design and Construction

7. ASSESSMENT

7.1 The main issues to be considered in respect of this proposal are:

- Metropolitan Open Land
- Crystal Palace Masterplan
- Heritage impacts
- Highway impacts
- Neighbouring Amenity

7.2 Metropolitan Open Land – *Acceptable*

- 7.2.1 Policy G3 of the London Plan states that the strongest protection should be given to London's Metropolitan Open Land (MOL) and inappropriate development refused, except in very special circumstances, giving the same level of protection as in the Green Belt. In addition, essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of MOL.
- 7.2.2 Policy 50 of the Bromley Local Plan sets out that the council will not grant planning permission for inappropriate development in MOL unless other material considerations clearly outweigh the harm, and development with MOL will be inappropriate unless it is for agricultural, horticultural or animal related businesses or for outdoor sport and recreation or cemeteries.
- 7.2.3 The development would take place within Crystal Palace Park which is designated as Metropolitan Open Land (MOL), as set out in local policy, being used neither for agricultural or recreational purposes, however, the use being applied for is for a limited period 7-1am twice a week which allows for some flexibility when applying the policy.
- 7.2.4 The proposal relates to an area of land which is currently used as an overflow car/coach park within Crystal Palace Park which is predominately hardstanding. Due to the scale and nature of the proposed car boot sale, it is not considered to impact unduly on the viability of the wider park. The proposal would attract visitors to the area from the local area and in turn would complement the existing parkland and Crystal Palace Sports Stadium.
- 7.2.5 The proposal seeks to use an area designated as both Metropolitan Open Land (MOL) and in a designated Conservation Area for use as a car boot sale twice a week on a Wednesday and Saturday mornings. The overflow car park will provide sellers the opportunity to sell their second-hand goods from the site between the

hours of 7am – 1pm (with sellers arriving just before 7am). Seller can arrive at the Crystal Palace Museum Gate whilst exiting via the Cintra Gate.

- 7.2.6 The use of the site as a car boot sale is proposed on a limited basis, operating on Wednesday and Saturday mornings only, with all activities associated with the car boot sale to have ceased by 13:00, and all staff and organisers to have left the site by 13:30. The proposal would not be contrary to the intent of these policies, as the permanent openness of the site would be retained, and there would be no permanent structures erected on site.

7.3 Crystal Palace Masterplan – *Acceptable subject to temporary permission*

- 7.3.1 The Council's Regeneration Team have been consulted and whilst they raise no objection in principle to the proposed Car Boot Sale they have highlighted that it is the Council's intention to Transfer the Park to the Crystal Palace Park Trust in the summer of 2023, on a long-term 125 year lease (essentially a disposal, although the Council will still retain the freehold of the Park). The site boundary for the proposed boot fair would sit within the Trust's demise upon transfer.

- 7.3.2 As a result, there could potentially be issues with the car boot sales conflicting with the Trust's use of the space for their events programme, alongside the proposal to implement paid parking within the Park. The Trust's business model focuses on the ability for them to generate income via various methods (including events and paid parking) which will then be reinvested back into the maintenance and upkeep of the Park.

- 7.3.3 The Regeneration Team have suggested that any permission granted is done so on a temporary basis, possibly 6 months to begin with until such a time that the transfer of the Park has formally taken place, at which point the boot fair operator will be required to directly contract / lease the space from the Trust on new terms. A temporary permission for a 2yr period has also been suggested by TfL so that any highway impacts can be assessed. It is Officer's opinion that it might be best to limit any permission to a temporary 1year term and then reviewed thereafter.

7.4 Heritage Impacts – *Acceptable*

- 7.4.1 Policy 41(Conservation Areas) states that Conservation Areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.
- 7.4.2 Whilst the site lies with the Crystal Palace Park Conservation Area no objections have been received from the Council's Conservation Officer from a heritage perspective with the Boot Sale taking place on the site of an overflow car park.

7.5 Highway Impacts – *Acceptable*

7.5.1 The website (crystalpalaceboot.co.uk) advertises that sellers can set up from 7am but with no entrance for sellers after 8.30am. Entrance to vehicles will be via the Crystal Palace Museum. All sellers will be expected to be packed up and off site by 12:55pm.

7.5.2 The website also advertises that limited free parking is available on Anerley Hill and Crystal Palace Park road entrances to the park. The website also asks people to avoid driving to the site and to use other modes of transport wherever possible including Crystal Palace Bus and Railway Station.

7.5.3 The Highways Officer raised no objections subject to conformation of the expected number of visitors, where will the displaced car parking spaces be relocated to and the exact number of existing car parking spaces that are required. The applicant has provided the following information and the information provided has raised no objections from the Highways Officer.

1) Number of expected visitors

Between 300-400 throughout the duration of the day but around 200 at any one time. Around 60% of visitors travel by foot or public transport. (turn-out is heavily dependent on the weather)

2) Where the displaced car parking spaces would be relocated.

We have some very disabled customers with major mobility issues so we try to accommodate near as possible parking, Displaced parking from this zone is easily adjusted in the same car park and along the Terrace Straight where there is more than sufficient parking from our 3 seasons of experience.

3) The exact number of existing parking spaces required.

250 parking for visitors.

7.5.4 TfL have also been consulted and have also been consulted concerning the proposal and have raised no objection to the Boot Sale provided any permission granted is for a temporary period (2yrs) in view of the pending Crystal Palace Masterplan which is currently being drafted. In addition, TfL consider that the Boot Sale will lead to increased volumes of traffic and have suggested that a Travel Plan is submitted by way of a condition together with an Events Management Plan which can be co-ordinated with other uses and users of park. Furthermore, cycle parking should be provided for visitors to encourage sustainable travel to and front the park.

7.5.5 The Boot Sale has been in operation from the site of the Italian Terrace during 2019 and 2020 and no reported traffic problems that the Council is aware of occurred during this time. The website crystalpalaceboot.co.uk is helpful in advertising that public transport should be advocated in order to protect the environment and that

bus and train stations are located close by. Whilst car parking is available for visitors buyers to the site are encouraged to come on foot.

7.6 Neighbourhood Amenity - *Acceptable*

- 7.6.1 The closest neighbours to the car park where the Boot Sale will be held is Ledrington Road which back onto the site. No letters of objection have been received from local residents but the Environmental Health Officer has raised some concerns about potential noise and disturbance. The Boot Sale would not be operational before 7am and would only take place on a Wednesday and Saturday morning finishing by 1pm. A suitably worded condition can be attached to ensure that sellers do not enter the site before 7am to ensure neighbouring amenity is protected.
- 7.6.2 The Boot Sale did operate from the site in 2019 and 2020 prior to the temporary construction of a covid testing centre and to the Council's knowledge no complaints of noise and disturbance were made. Subject to conditions through a Travel Plan and Events Management Plan it is considered that noise and disturbance can be kept to a minimum to ensure that sellers and buyers to the Boot Sale do not cause undue noise and disturbance to nearby residents.

8. CONCLUSION

- 8.1 The proposal is considered to be acceptable in principle, as the permanent openness of the Metropolitan Open Land, Conservation Area and the public open space would be retained, having regard to the temporary nature of the proposed use, which would be limited to Wednesday and Saturday mornings, April to October inclusive.
- 8.2 In addition, it is considered that the proposal would not have a significant impact on the amenity of nearby sensitive receptor sites, namely the nearby residential properties on Ledrington Road, in terms of noise or air quality, and the proposal would be acceptable in terms of loss of light, outlook and privacy.
- 8.3 Permission is granted subject to a condition limiting the use of the site as a car boot sale for a period of 1yr, to allow any adverse impacts on the highway or in terms of local parking provision to be assessed in situ. It is also considered that December 2023 would be a favourable time to review whether the Crystal Masterplan has been signed and to assess whether the Crystal Palace Trust is happy to continue with the running of Car Boot Sales from the site.
- 8.4 For these reasons the proposal is considered acceptable and it is recommended that a temporary planning permission for a period of 1yr is granted.

RECOMMENDATION: Application Permitted for a temporary period of 1yr.

Subject to the following conditions:

Temporary permission

Hours of operation

Travel Plan

Events Management Plan

Cycle parking

Any other planning condition(s) considered necessary by the Assistant Director of Planning