

Committee Date	26 October 2023		
Address	Crystal Palace Park Thicket Road Penge London SE20 8DT		
Application Number	23/03026/FULL1	Officer: Louisa Bruce	
Ward	Crystal Palace and Anerley		
Proposal	Changing place facility for users of the park with severe disabilities at land adjacent to the Crystal Palace Park Cafe		
Applicant		Agent	
Mr Max Graham Crystal Palace Park Thicket Road Penge London SE20 8DT		Mr E Douthwaite 51 Trinity Street Huddersfield HD1 4DN	
Reason for referral to committee	Outside Delegated Powers		Councillor call in No

RECOMMENDATION	Application Permitted
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KEY DESIGNATIONS

Conservation Area: Crystal Palace Park
 Areas of Archeological Significance
 Article 4 Direction
 Biggin Hill Safeguarding Area
 Capital Ring
 Green Chain
 Historic Parks and Gardens
 London City Airport Safeguarding
 Local Distributor Roads
 Metropolitan Open Land
 Renewal Area
 Sites of Interest for Nat. Conservation
 Smoke Control SCA 6

Strategic Outer London Development
Views of Local Importance

Representation summary	Nearby owners/occupiers were notified of the application and the application was advertised by way of 3 site notices affixed within the park and a press advertisement.	
Total number of responses	0	
Number in support	0	
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 small scale of the proposed modular building.
- The new building would have a neutral impact on the character and appearance of the Conservation Area.
- The delivery of four new Changing Places facilities across the borough (including the one proposed within Crystal Palace Park) will have positive impacts and enable people who use Changing Places facilities, including people with complex and multiple disabilities, their families, and carers, to enjoy days out in a safe and comfortable manner.
- 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 Thicket Road.

2. LOCATION

- 2.1 The proposed changing rooms would be constructed along the South/East boundary of Crystal Palace Park, near the Penge Gate entrance. The proposal will place the facility adjacent to the existing car park off Thicket Road and to the rear of No. 81 Thicket Road, Anerley.
- 2.2 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 Palace Park Road and Anerley Hill.



Figure 1 – Photograph illustrating location of proposed facility.

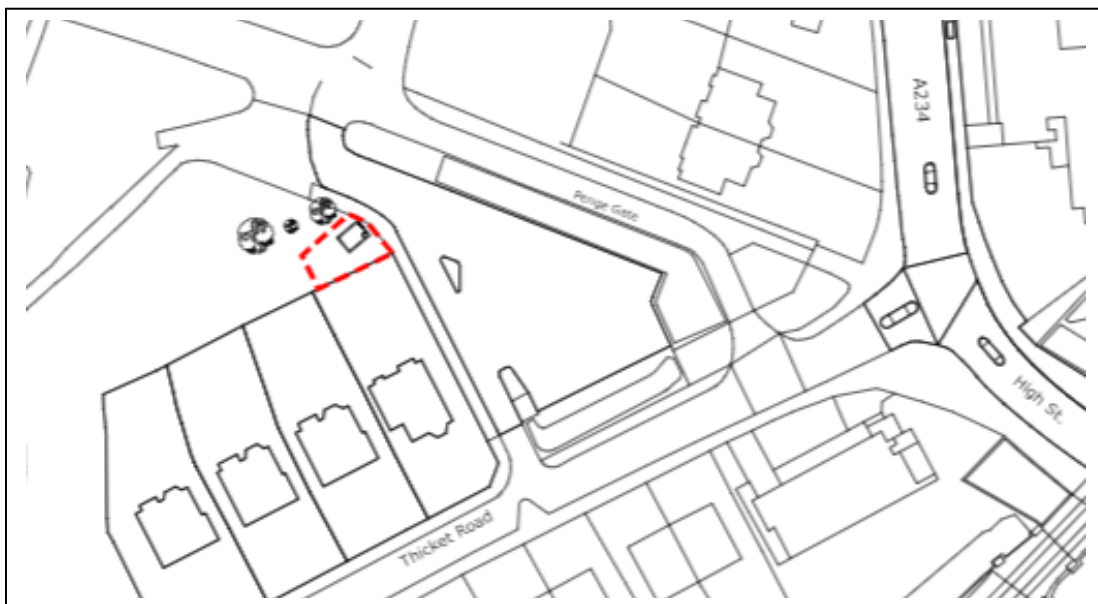


Figure 2 – Location plan illustrating location of the proposed changing rooms

3. PROPOSAL

- 3.1 Planning permission is sought for a changing place facility for users of Crystal Place Park with severe disabilities at land adjacent to Crystal Place Park café. The building will provide WC, shower and changing facilities.
- 3.2 The proposal is for a 3.5m in depth x 4.8m in width x 3m in height. The modular single storey building which measures will have a flat roof and entrance door in the east elevation. The building will be constructed off-site and brought to site.
- 3.3 The application is accompanied by a Design, Access and Heritage Statement which states at paragraph 5.1 that the building is of timber frame construction with red cedar timber cladding. The building will have a grey EPDM rubber flat roof with red cedar PVCu fascia and soffits. Guttering will be black PVCu and the door into the building will be steel coloured red.
- 3.4 In March 2022, Bromley Council was awarded £220K grant funding from the Department of Levelling Up, Housing and Communities to deliver four Changing Places facilities at agreed locations across the Borough which included Crystal Place Park. Changing Places facilities support people with complex and multiple disabilities whose needs are not met by a standard accessible toilet. Changing Places facilities are larger and contain specialist equipment including an adult-sized changing bench and ceiling track hoist.

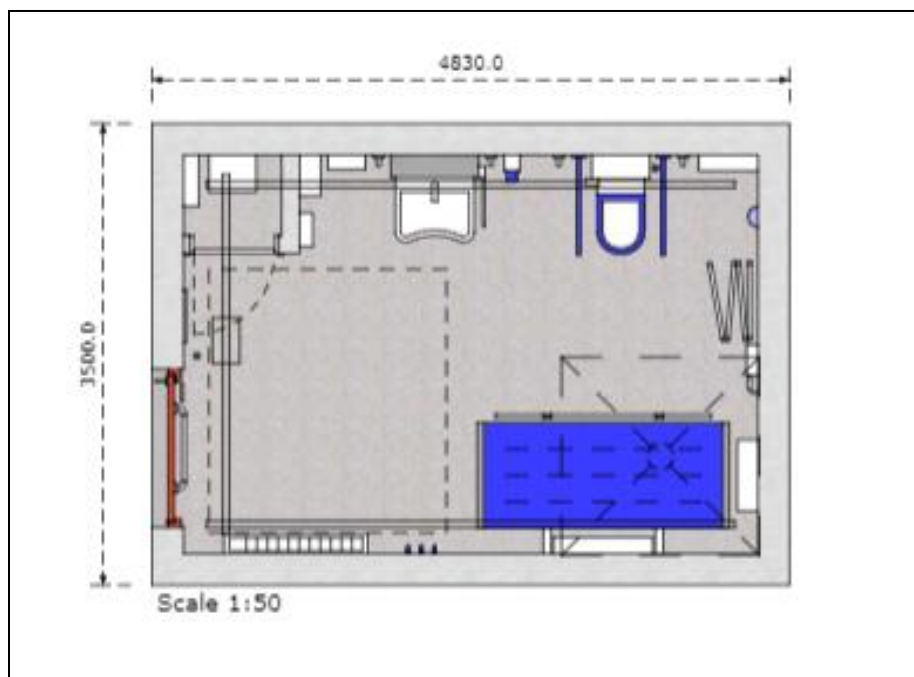


Figure 3 – floorplan of proposed changing rooms

Figure 4 – Elevations of proposed changing rooms



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.
- 4.2 Of particular relevance to the determination of this application is the planning history relating to the café building which was granted planning permission in 2015 under planning application ref: 15/03106/FULL1 planning permission was granted on the 23rd November 2015 for 'Demolition of existing single storey cafe and terrace and erection of two storey building comprising cafe on ground floor and cafe/ event space on first floor; external ground and first floor terraces and construction of connecting bridge from first floor terrace to lakeside path'.
- 4.3 More recently, outline planning permission was granted under ref. 20/00325/OUT 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)

5. CONSULTATION SUMMARY

A) Statutory

Conservation Officer: I can confirm no heritage objection. This facility will be visually discreet and built using traditional materials in my view.

Highways: Roads in Crystal Palace Park and not considered adopted Highways. The Crystal Palace Park Trust is answerable for the day-to-day supervision of the Park, including any roads which are not maintainable highways running through it. Highway Planning would have no comments on the proposal.

The applicant is creating a 1.5m x 1.5m flat area in front of the door matching the existing pedestrian footway levels to ensure wheelchair users can easily access the Changing Places Toilet. This is better than having a slope.

Environmental Health: No comment

Drainage: The proposed connection of surface & foul water to existing network system is acceptable. No Comment.

Trees: No objection.

Designing out crime Officer: Having looked at the proposal, the MPS Designing Out Crime Group, will not be seeking to have planning conditions relating to crime and criminality and Secured by Design on this application.

The Gardens Trust: Initial objection raised. Any further comments to be reported verbally at the meeting.

Historic England: we acknowledge that this would result in loss of open space in the Grade II* Registered Park and Garden and some visual intrusion close to a main entrance. Whilst we don't wish to object to the proposals because

they deliver obvious public benefits, it would be great if they could be considered as a temporary installation in advance of the new WCs that would be coming forward in the masterplan works.

Local Groups

No objections were received from residents' groups

B) Adjoining Occupiers

No objections were received from local residents.

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)

D1 London's form and characteristics
D4 Delivering good design
D5 Inclusive design
S4 Play and informal recreation
GG1 Building strong and inclusive communities
G3 Metropolitan Open Land
G4 Open space
G6 Biodiversity and access to nature
G7 Trees and woodlands
HC1 Heritage conservation and growth
SI13 Sustainable drainage

Bromley Local Plan 2019

Policy 20: Community Facilities
Policy 30: Parking
Policy 32: Road Safety
Policy 37: General Design of Development
Policy 41: Conservation Areas
Policy 45: Historic Parks and Gardens
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

7. ASSESSMENT

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

- Metropolitan Open Land
- Design
- 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 proposal would provide an appropriate facility to support the outdoor recreational use of the wider park by visitors with complex disabilities. Given the siting of the building and its relatively modest size, it is not considered that the openness of the MOL would be unduly harmed in this particular case. Accordingly, the proposal is considered to constitute one of the specific exceptions to inappropriate development in MOL and it is not necessary to demonstrate very special circumstances in this case.

7.3 Design – Acceptable

- 7.3.1 Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. London Plan and Bromley Local Plan (BLP) policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.3.2 Policy 37 of the Bromley Local Plan (BLP) and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development.
- 7.3.3 The application has been submitted by the Council's Regeneration Team to provide accessible toilets and changing rooms to support the needs of the disabled persons. The purpose of the development is to provide adequate accessible facilities for visitors of Crystal Place Park.
- 7.3.4 The proposed modular building is rectangular in shape and will be designed of cedar cladding with all surface water and foul drainage connecting to the mains system on site. Entrance/exit into the building will be from a single door located on the eastern flank elevation. The building will not contain any windows. Level access will be provided for ease of access into the facility which will be located adjacent to the existing toilet block and Crystal Park café.
- 7.3.5 The accompanying Design and Access Statement sets out the proposed external materials have been chosen as they are sympathetic to the natural

elements of the park. Guttering and waste pipes will be black PVCu and 3 x LED downlights will be located on the front elevation.

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 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 7.4.3 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.
- 7.4.4 Whilst the site lies within the Crystal Palace Park Conservation Area no objections have been received from the Council's Conservation Officer from a heritage perspective. It is considered that the proposed building would be of an appropriate size and scale for the proposed use and its bulk, size and scale is appropriate. The materials would be appropriate for the setting, with the cedar cladding materials softening the appearance of the building and complementing the park landscaped setting of the proposed building. Accordingly it is considered that the character and appearance of the Conservation Area would be preserved in this case.
- 7.4.5 The Park is also registered as a Grade II Historic Park and Garden. Given the scale of the proposal and its siting on the park edge adjacent to the car park and nearby residential properties it is not considered that the special features, historic interest and setting of the park would be harmed as a result of the proposal. It is noted that the Gardens Trust had raised an initial objection to the proposal. The applicant has provided further supporting information in response and any further comments from the Trust will be provided at the Committee meeting.

7.5 Highway Impacts – *Acceptable subject to condition*

- 7.5.1 The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

- 7.5.2 London Plan and Bromley Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.
- 7.5.3 The Highway Officer, during consultation, has referred to the accompanying Design and Access statement which sets out that the changing rooms will have level access for ease of access into the facility but that this information in the form of a drawing is notably absent within the submission. The Highways Officer has questioned if the level access will be from behind the bollards and a footway to the changing facility along the retaining wall. Wheelchair access is on the bend behind 81 Thicket Road could create a road safety hazard. At the time of writing the agent has been contacted but no response received by Officers. However, the Highways Officer has specified if level access is from behind the bollards and a footpath made on the grass verge to the changing facility along the retaining wall, then they would have no objection to the application. Officers consider a condition requesting a level access plan would be appropriate if Members resolve to grant planning permission.
- 7.5.4 The Highway Officer has raised no objections to the proposal on the basis that roads in Crystal Palace Park and not considered adopted Highways.

7.6 Trees – Acceptable

- 7.6.1 Policy 73 Policy 73 of the Bromley Local Plan states that proposals for new development will be required to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained. Policy 77 of the Bromley Local Plan states that development proposals will seek to safeguard the quality and character of the local landscape and seek the appropriate restoration and enhancement of the local landscape through the use of planning obligations and conditions.
- 7.6.2 Para 3.2 of the D&A statement sets out *“a number of trees are located adjacent to the development, however no trees will be affected by the development”*. The Tree Officer has indicated that they raised no objections to the proposed development.

7.7 Neighbourhood Amenity - Acceptable

- 7.7.1 Policy 37 of the Bromley Local Plan seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 7.7.2 The closest neighbours to the proposed changing rooms will be No.75, 77, 79 and 81 Thicket Road. No letters of objection have been received and it is not considered that the proposed development would cause undue noise and

disturbance to nearby residents, nor result in an unacceptable visual impact or loss of outlook given its scale and siting.

7.8 Other considerations

- 7.8.1 Consideration has been given to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010. This includes the need to advance equality of opportunity for people who share a protected characteristic. The development would provide an accessible toilet and changing facility to meet the needs of visitors with complex and multiple disabilities whose needs are not met by a standard accessible toilet. This consideration would also weigh in favour of the development.

8. CONCLUSION

- 8.1 The proposal is considered to be acceptable on balance, as it would constitute an appropriate form of development within the MOL and would preserve the character and appearance of the Conservation Area and respect the special features and historic interest of the Park. No adverse highways or residential amenity impacts are expected to arise. Furthermore, the public benefits of the proposal in meeting the needs of park visitors will also weigh in favour of the development.

RECOMMENDATION: PERMISSION

Conditions

1. Time Period
2. Compliance with approved plans
3. In accordance with submitted materials
4. Level Access Plan to be submitted

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