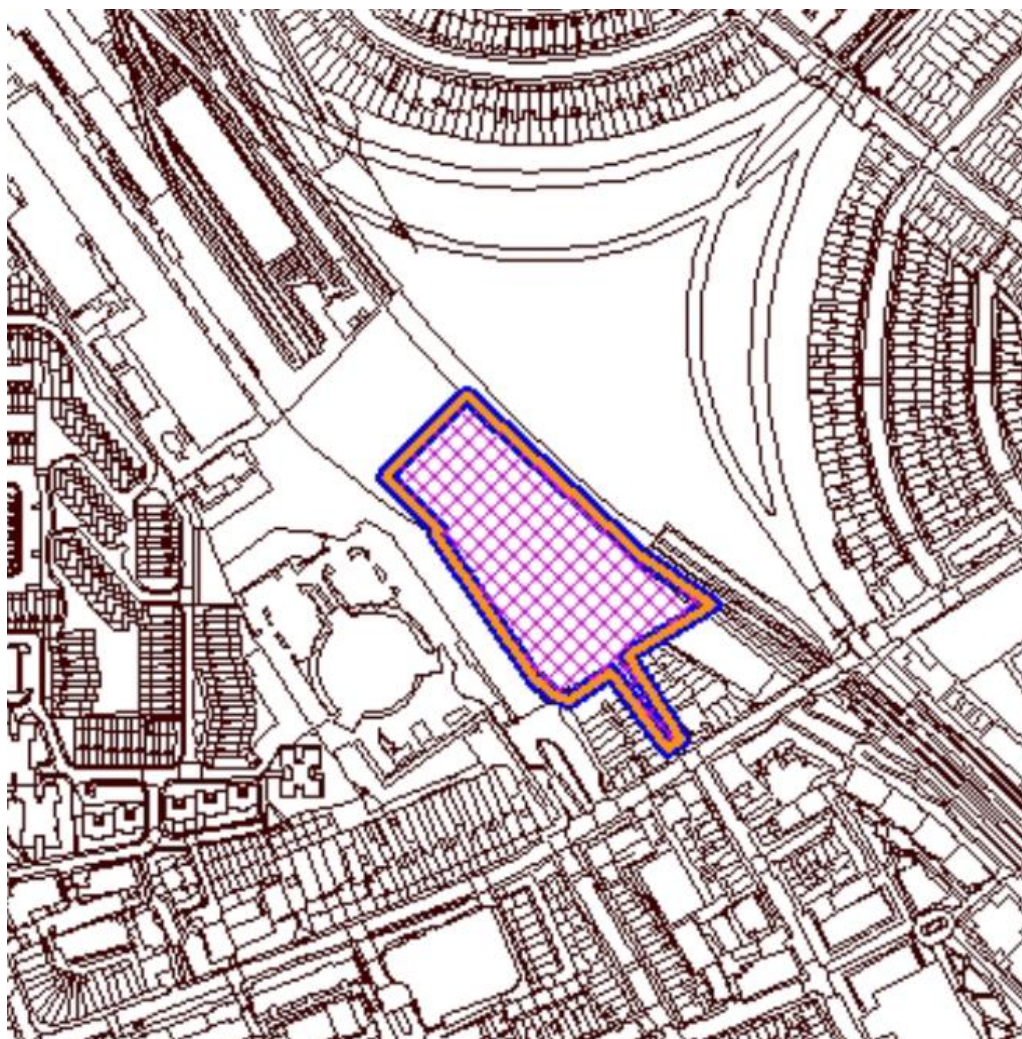

Ward: North End

Site Address:

Earls Court 2 Exhibition Centre, Lillie Bridge Rail Depot,
West Kensington And Gibbs Green Housing Estates And
Adjoining Land



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For identification purposes only - do not scale.

Reg. No:
2021/01443/FUL

Case Officer:
Violet Dixon

Date Valid:
30.04.2021

Conservation Area:

Committee Date:
08.06.2021

Applicant:

Underbelly Limited
4th Floor 36-38 Hatton Garden London EC1N 8EB

Description:

Use of the former Earls Court Exhibition Centre 2 site for a period from 1 July to 10 October 2021, for the temporary erection (including installation and de-installation) of two main event structures - a big top tent and theatre, a box office, food and drink units, amusement rides, a beach area, toilets, storage, outdoor seating areas and fencing, in conjunction with Underbelly 'London Wonderground Event 2021' (associated Advertisement Consent Application ref: 2021/01444/ADV).

Drg Nos: See Condition no.2 below

Application Type:

Full Detailed Planning Application

Officer Recommendation:

That the Committee resolve that the Chief Planning Officer be authorised to grant permission subject to the condition(s) set out below:

Conditions:

- 1) The development hereby approved shall be for a limited period only, carried out between the 1 July to 10 October 2021 (inclusive of installation and de-installation). All buildings, structures or associated equipment carried out under this permission shall be removed from the site by no later than the 10 October 2021 and the site shall be restored to its former condition.

To comply with the wider regeneration of the site and to allow the Council to assess the impact of the operation of the use on the amenities of surrounding occupiers in accordance with Policies FRA, FRA1, CC6, CC7, CC11, CC12, CC13, DC1, DC2, DC8 and DC9 of the Local Plan 2018.

- 2) The development shall be carried out and completed in accordance with the following approved drawings/documents:

UB-EC-21-001; UB-EC-21-003; UB-EC-21-004; UB-EC-21-005; UB-EC-21-006; UB-EC-21-007; UB-EC-21-008; UB-EC-21-009; UB-EC-21-010; UB-EC-21-011; UB-EC-21-012; UB-EC-21-013; UB-EC-21-014; UB-EC-21-015; UB-EC-21-016; UB-EC-21-017; UB-EC-21-018; UB-EC-21-019; UB-EC-21-020; Cover Letter prepared by Quod (29 April 2021); Planning, Design and Access Statement – prepared by Quod (dated April 2021); Operating Event Management Plan – prepared by Underbelly Ltd (dated 12 May 2021); Delivery and Servicing Plan – prepared by Underbelly Ltd (dated 31 March 2021); Economic and Employment Strategy prepared by Quod (UB-EC2-EES-01 - MAY 2021); Transport Statement and Travel Plan prepared by Underbelly Ltd (dated 26/05/2021); Proposed Drainage Design Note prepared by WSP dated 26 May 2021.

In order to ensure full compliance with the temporary planning permission hereby approved and to prevent harm arising through deviations from the approved

plans, in accordance with Policies CC6, CC7, CC11, CC12, DC1, DC2, DC8, DC9, T2 and T3 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

- 3) Operations carried out by persons responsible for the setting up and clearing away of events and their associated vehicles shall only take place between the hours of 08.00 to 20:00 hours.

To ensure that the amenity of occupiers of surrounding premises is not unduly affected by noise and disturbance in accordance with Policies CC11 and CC13 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

- 4) Members of the public shall not be on the site in connection with the uses hereby permitted other than between the hours of 10:00 to 23:00 hours Monday – Wednesday including Public/Bank Holidays and 10.00 to 23:30 hours on Thursday to Saturday.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise from activities or people at or leaving the site, in accordance with Policies CC11 and CC13 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

- 5) The maximum capacity for the two indoor venue spaces hereby approved shall not exceed 1,420 guests / visitors in total at any one time.

To ensure that the use would not lead to potential noise and disturbance which could be harmful to the amenities adjoining residents, in accordance with Policies CC11, CC13 and T2 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

- 6) No amplified sound, speech or music shall be audible outside the site between the hours of 23.00 – 10.00 hours.

To protect the amenities of adjoining occupiers and the surrounding area in accordance with Policies CC11 and CC13 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

- 7) The temporary bars and rides hereby approved shall cease to operate at 23.00 hours and all customers shall vacate the premises within 30 minutes of service ceasing.

To protect the amenities of adjoining occupiers and the surrounding area in accordance with Policies CC11 and CC13 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

- 8) No part of the development shall be occupied prior to the provision of the refuse storage enclosures, as indicated on the approved drawings and shall include provision for the storage of recyclable materials. All the refuse/recycling generated by the development hereby approved shall be stored within the approved areas and shall be permanently retained thereafter in accordance with the approved details.

In order to protect the environment and to ensure that satisfactory provision is made for refuse/recycling storage and collection, in accordance with Policies CC6 and CC7 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

- 9) No removal of refuse nor bottles/ cans to external bins or areas at the development shall be carried out other than between the hours of 08:00 to 20:00 hours on Monday to Friday and 10:00 to 18:00 hours on Saturdays, Sundays and Public/Bank Holidays.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise, in accordance with Policies CC11 and CC13 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

- 10) No deliveries nor collections/ loading nor unloading shall occur at the development hereby approved other than between the hours of 07:00 to 23:00 hours on Monday to Sunday and Public/Bank Holidays.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise, in accordance with Policies CC11 and CC13 of the Local Plan 2018.

- 11) Delivery and Servicing relating to the development hereby permitted shall be carried out in accordance with the submitted Delivery and Servicing Plan – prepared by Underbelly Ltd (dated 31 March 2021).

To avoid obstruction of the surrounding streets and to safeguard the amenities of adjoining properties in accordance with Policies CC11, CC13 and T2 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

- 12) The development hereby permitted shall be carried out in accordance with the Operational Event Management Plan (including COVID 19 measures and procedures) prepared by Underbelly Ltd (dated 12 May 2021) and thereafter be permanently retained for the temporary period permitted.

To avoid obstruction of the surrounding streets and to safeguard the amenities of surrounding properties and to ensure that all appropriate measures are undertaken to minimise the transmission of COVID-19 within the event, in accordance with Policies CC7, CC11, CC12, CC13 and T2 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

- 13) The noise levels within the performance venues shall be monitored to ensure that they do not exceed 85dB(A) Leq over any 15 minute period when measured at the mixing/control desk up to 22:00. After 22:00 hours the levels shall be monitored to ensure that the levels do not exceed 80dB(A) Leq over any 15 minute period when measured at the mixing/control desk. Should an exceedance of these levels occur, corrective action shall be taken to reduce the noise levels to within these limits.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise, in accordance with Policies CC11

and CC13 of the of the Local Plan 2018.

- 14) Noise from uses and activities within the building/ development site shall not exceed the criteria of BS8233:2014 at neighbouring noise sensitive/ habitable rooms and private external amenity spaces.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise, in accordance with Policies CC11 and CC13 of the Local Plan 2018.

- 15) The external sound level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the lowest existing background sound level by at least 10dBA in order to prevent any adverse impact. The assessment shall be made in accordance with BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical installations/ equipment, in accordance with Policies CC11 and CC13 of the Local Plan 2018.

- 16) External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals in the 'Guidance Note 01/20: Guidance Notes for the Reduction of Obtrusive Light'. Lighting should be minimized, and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting, in accordance with Policies CC12 and CC13 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

- 17) Prior to the commencement of the event hereby approved (excluding installation), cycle storage for a minimum of 30 no. bicycles shall be provided within in the site and shall be retained as such for the duration of the development (excluding de-installation).

To ensure adequate cycle parking is available on site and to promote sustainable modes of transport in accordance with Policies T2 and T3 of the Local Plan 2018.

- 18) No non-road mobile machinery (NRMM) shall be used on the site unless it is compliant with the Stage IV NO_x and PM₁₀ emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 (or any superseding requirements). This will apply to both variable and constant speed engines for both NO_x and PM. An inventory of all NRMM for the development shall be registered on the NRMM register <https://london.gov.uk/non-road-mobile-machinery-register> prior to commencement of works.

To ensure that air quality is not adversely affected by the development in line with Policy CC10 of the Local Plan 2018 and Policy SI 1 of the London Plan 2021.

- 19) No on-road vehicle shall be used for the construction and operational phases of the development unless they are London Ultra Low Emission Zone (ULEZ) compliant e.g. minimum Petrol/Diesel Euro 6 (AIR Index <https://airindex.com/> Urban NOx rating A, B) and Euro VI

To ensure that air quality is not adversely affected by the development in line with Policy CC10 of the Local Plan 2018 and Policy SI 1 of the London Plan 2021.

- 20) The provision of 3,000 free tickets and 3,000 discounted tickets to local residents and businesses shall take place in accordance with details and procedures set out in Table 1 of the Economic and Employment Strategy (Document Reference: UB-EC2-ESS-01).

To ensure the proposed temporary use delivers wider benefits by way of generating employment opportunities for local residents and companies in accordance with Policies FRA, FRA1, E4 and CF3 of the Local Plan 2018.

- 21) The development hereby permitted shall take place in accordance with details and procedures set out in Table 1 of the Economic and Employment Strategy (Document Reference: UB-EC2-EES-01) to maximise the opportunities for local residents to access employment offered by the development. In accordance with the Economic and Employment Strategy, as part of the development the applicant will:

- a) Engage with LBHF and Work zone regarding the advertisement of job opportunities;
- b) Enrol 18 young people (up to 25 years in age) on the Training Academy;
- c) Engage with Connection Crew to maximise employment opportunities for the ex-homeless during the installation and de-installation phases; and
- d) Engage with local arts organisation to maximise opportunities for involvement in the performance programme.

To ensure the proposed temporary use delivers wider benefits by way of generating employment opportunities for local residents and companies in accordance with Policies FRA, FRA1, E4 and CF3 of the Local Plan 2018.

Justification for Approving the Application:

1) Land Use: The proposed temporary use is considered acceptable in land use terms in terms of the use of vacant land for pop-ups and meanwhile / temporary uses and would contribute in promoting and regenerating this part of the Fulham Regeneration Area. The development would generate some 120 jobs once the temporary use is operational and would deliver wider benefits by way of increasing local expenditure through increased employment levels, additional visitors through the visit, cultural and leisure uses proposed, and job opportunities for local residents and companies. The proposed development is therefore considered acceptable, on balance, and in accordance with policies SD1 and HC5 of the London Plan 2021 and Policies FRA, FRA1 and CF3 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

2) Design: The proposed temporary structures are considered to respect and respond satisfactorily to the surrounding spaces and townscape at its edges and is consistent with the Council's wider regeneration objectives. It is not considered that the development would negatively impact surrounding heritage assets including the Sedlescombe Road Conservation Area. It is considered that the development would therefore be acceptable in accordance with the NPPF (2019), and Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is therefore considered acceptable, in accordance with Policies DC5 and HC1 of the London Plan 2021, Policies DC1, DC2, DC8 and DC9 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

3) Transport: Impact on traffic generation in terms of congestion of the road network or local parking conditions is considered acceptable. Conditions would secure satisfactory construction / dismantling works and on site cycle parking provision. Adequate provision for storage and collection of refuse and recyclables would be provided. The accessibility level of the site is very good and is well served by public transport. The proposed development therefore accords with Policies T2, T4, T5, T6, T7, T9 of the London Plan (2021) and Policies CC6, CC7, T1, T2, T3 and T7 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

4) Impact on Neighbouring Properties: On balance, the impact of the proposed development upon neighbouring occupiers is considered short term and acceptable with regards to noise/disturbance and impacts on overlooking and light pollution. In this regard, the development would respect the principles of good neighbourliness. The proposed development therefore accords with London Plan (2021) Policy D9, D 13 and D14 and Policies DC1, DC2, DC8, CC10, CC11, CC12 and CC13 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

5) Safety and Access: The development would provide level access and satisfactory provision is therefore made for users with mobility needs, in accordance with Policy D5 London Plan (2021) and Policies DC1 and DC2 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

**LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS**

All Background Papers held by Andrew Marshall (Ext: 4841):

Application form received: 29th April 2021
Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2019
The London Plan 2021
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

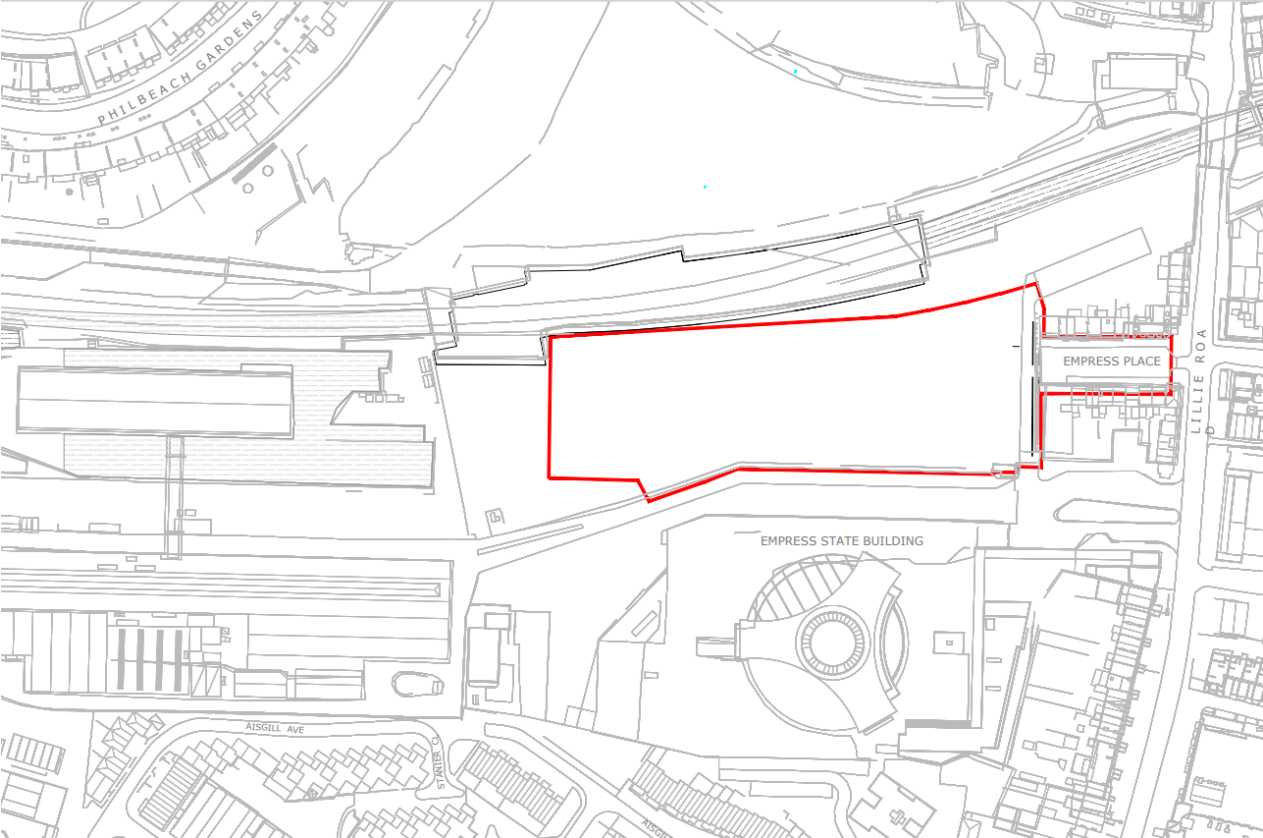
Consultation Comments:

Comments from:	Dated:
Royal Borough Of Kensington And Chelsea	10.05.21
Thames Water - Development Control	21.05.21

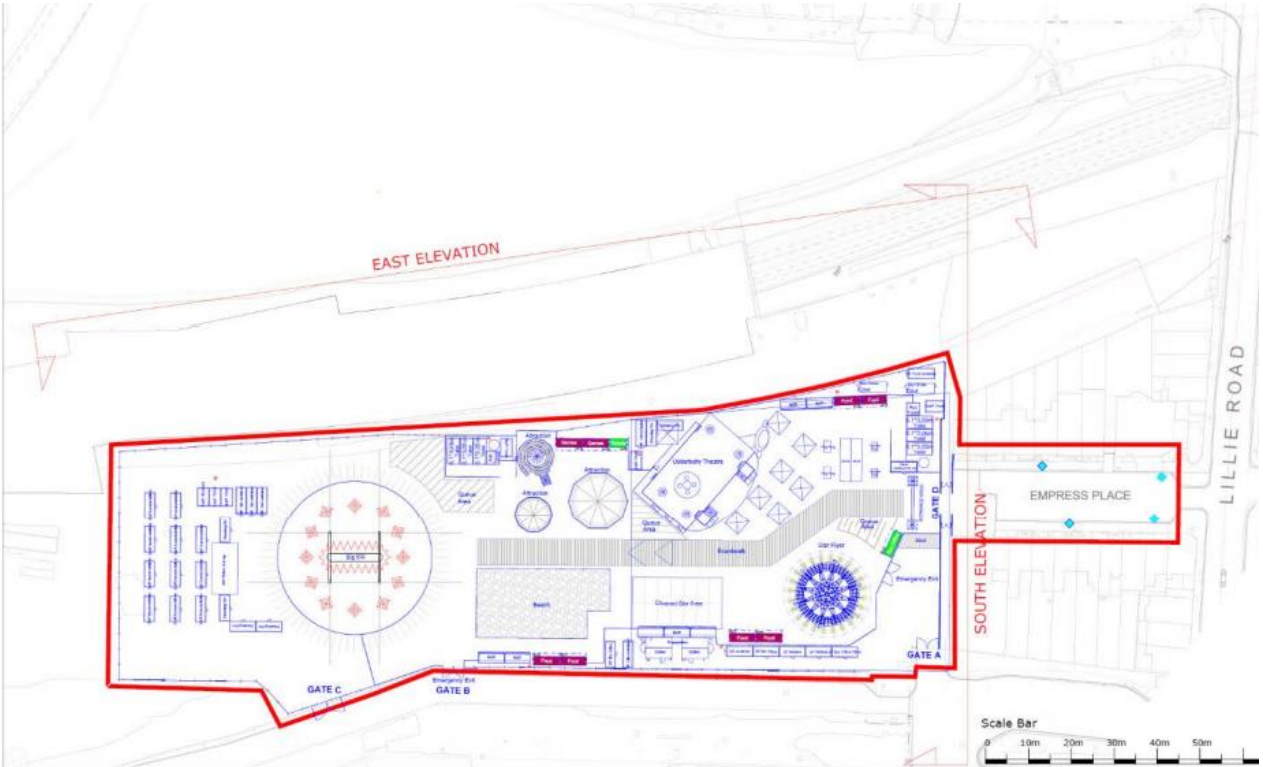
Neighbour Comments:

Letters from:	Dated:
The Town Hall Hornton Street London W8 7NX	18.05.21
2 Archel Road London W14 9QH	12.05.21
Flat 4.04 7 Columbia Gardens London SW6 1FY	17.05.21
5 Archel Road London W14 9QJ	18.05.21
35 Barkston Gardens, Barkston Gardens London SW5 0ER	18.05.21
29 Racton Road SW6 1LW	26.05.21

Plans



Site Plan



Proposed Site Layout

OFFICER'S REPORT

1.0 BACKGROUND

Site and Surroundings

- 1.1 The application site ('the site') covers an area of approximately 1.2 hectares. The site is vacant and was formerly occupied by the Earls Court Exhibition Centre 2 building ('EC2'). The site is relatively flat and comprises an area of largely concrete hardstanding, following the demolition of the former Exhibition Centre buildings in 2016.
- 1.2 The site is located a short distance to the north of Lillie Road, accessible via Empress Place and to the north of the bus layby off Lillie Road, adjacent to the Empress State Building entrance. The area surrounding the application site is largely residential in character mixed with commercial uses on Lillie Road. Empress Place is a short cul de sac, opposite the junction with Seagrave Road and contains a row of currently vacant terraced dwelling houses. The site is bounded to the east by the West London line, over which is a retained concrete podium and the borough boundary with the Royal Borough of Kensington and Chelsea. Beyond the railway tracks is the open triangular area of land of the former Earls Court Exhibition Centre 1 building ('EC1') which was also demolished and cleared. Beyond are the rear gardens of residential properties in Eardley Crescent and Philbeach Gardens. To the south, there are two short parades (nos. 2-14 and 16-26 Lillie Road) which contain a mix of temporary retail and food and drink premises (including) the Prince Public House. To the west, is the Empress State Building, occupied by the Metropolitan Police. Beyond are the West Kensington and Gibbs Green housing estates and North End Road. To the north is the Lillie Road depot.
- 1.3 The site forms part of the larger, former Earl's Court Exhibition site which straddles the administrative boundaries between Hammersmith and Fulham (H&F) and the Royal Borough of Kensington and Chelsea (RBKC). The borough boundary runs through the railway line adjacent to the east of the site.

Designations

- 1.4 The site is included in the Earls Court and West Kensington Opportunity Area (WCOA), as designated in the London Plan (2021). In the Local Plan, the site is included within the Fulham Regeneration Area (Strategic Policy FRA) and more specifically located within Strategic Site Policy (FRA 1): Earl's Court and West Kensington Opportunity Area. The site is largely within Flood Zone 1 (very low flood risk). A small section running along the western boundary is in Flood Zone 2 (medium flood risk).
- 1.5 The site is not in a conservation area. The closest conservation area is the Sedlescombe Road Conservation Area to the south. The Philbeach Conservation Area (located to the north) and the Brompton Cemetery, Nevern Square, Earl's Court Square and Boltons Conservation Areas are located nearby in the Royal Borough of Kensington and Chelsea. The closest listed heritage asset is the Grade II listed West Brompton Station and St Cuthbert's Church, Philbeach Gardens (Grade II*) within the jurisdiction of the Royal Borough of Kensington and Chelsea. Beyond that to the east and is the Grade I listed Brompton Cemetery, which itself contains numerous Grade II and Grade II* listed assets. Nos. 60-68

Lillie Road are Grade II listed properties located in the borough to the south west and approximately 150m from the site. The Empress State Building, Lillie Langtry PH and nos. 30-60 (even) Lillie Road are locally registered Buildings of Merit (BOM) located in close proximity to the site.

Transport

- 1.6 Vehicular access to the site is currently provided via Empress Place and the bus layby off Lillie Road. The site is highly accessible, with a Public Transport Accessibility Level ('PTAL') of 6a (the highest possible level). The closest rail/underground station is West Brompton Station, c.200m from the site, which connects to the District and Overground Lines. This station provides step-free access via lifts between the street and Platform 2 for eastbound District line services, and Platforms 3 and 4 for London Overground services only. The Earls Court Underground Station (on the District/Piccadilly lines), provides step-free access between street and the platforms and is located approximately 500m from the site. The closest bus stops to the site are located along Old Brompton Road and Empress Place Approach, adjacent to the site. Bus numbers 190, 74, 430, N74, N97 all stop within a minute's walk.

Relevant Planning History

- 1.7 The site lies within the wider proposed Earls Court redevelopment site and has extensive historic planning history.
- 1.8 On 14th November 2013, outline planning permission was granted by both LBHF and RBKC for a mix use redevelopment of a wider Earls Court site which at the time included the former Earls Court Exhibition Centres, the Lillie Bridge Depot and housing estates. Both permissions were subject to the same single s106 agreement (application ref. 2011/02001/OUT in the case of LBHF and ref: PP/11/01937 in the case of RBKC).
- 1.9 In April 2014, both boroughs approved Reserved Matters applications for the first phase of the development (referred to by the previous developer as "Earls Court Village"), which essentially comprises the land occupied by the former Earls Court Exhibition Centre buildings (EC1 and EC2) and related structures. Most of the land was in RBKC but also included land occupied by former Earls Court Exhibition Centre 2 building.
- 1.10 The Outline Planning Permission dated 14 November 2013 was subject to a number of "prior to commencement" conditions. This included details contained in a Demolition Waste Management Plan (DWMP). This condition was discharged in two stages, on 30 September 2014 and 13 September 2016 (ref: 2014/03232/DET & 2016/02676/DET). The Earls Court Exhibition Centres were subsequently demolished by the previous owners in 2015 and the site has since remained vacant.
- 1.11 On 13 October 2020, planning and advertisement consent were granted for the continued temporary change of use/works of some of the existing commercial units on the Lillie Road frontage (nos. 2-14 and 16-26). The temporary permissions were extended for a further three years (expiring 13 October 2023).
- 1.12 The Earls Court Development Company (ECDC) now own and manage the wider site and are responsible for bringing forward the future development of the Earls

Court site.

2.0 THE PROPOSAL

- 2.1 Planning permission is sought for a temporary summer event, to be known as the 'London Wonderground Event 2021'. The proposal would deliver a mix of arts, culture and leisure uses on the site, involving the erection of temporary structures/installations.
- 2.2 Permission is sought from 1 July to 10 October 2021 (approximately 14 weeks). This includes the installation and de-installation periods. The event venues would be open to the public from 15 July 2021 to 26 September 2021 (approximately 10 weeks). The site would be returned to their former state at the end of this period. A separate advertisement consent application has been submitted for associated signage, for the same period.
- 2.3 The proposal would run in conjunction with the existing shops and places to eat and drink on Lillie Road, which re-opened in April 2021 and include The Prince Public House.
- 2.4 Unconnected to this application, is a proposal for a temporary space in conjunction with the Kensington & Chelsea Festival, proposed on the Warwick Road (RBKC), where the former entrance to the Exhibition Centre 1 building was.
- 2.5 The proposal would be operated by Underbelly ('the applicant'). The applicant has an established record of delivering public 'pop up' events in the last 20 years. They have run the world-renowned Edinburgh Festival Fringe since 2000, and for the last 11 years has run the Underbelly Festival on the Southbank, as well as producing Christmas in Leicester Square, West End Live and Pride in London. The proposal is for a similar event to the Underbelly Festival on the Southbank, with the main elements providing a range of comedy, circus and theatre, all taking place in a big top and another indoor theatre venue. These performance spaces would operate alongside outdoor events and activities. Include vintage rides, a beach, independent street food traders, food and drink stands, and a bandstand featuring local musicians.
- 2.6 Public access to the site would be via Empress Place. Access would be free and non-ticketed. Specific shows hosted in a 'Big Top Tent' and the theatre structure would be ticketed. These would be sold online through the website, as well as over the phone and in person. A box office would be located at the Empress Place entrance primarily for ticket collections and information.
- 2.7 In terms of visitor numbers, this would vary across each day of the week. The highest footfalls are anticipated between Friday - Sunday. The estimated capacity of the site is estimated at 3,600 people at any one time, split between the indoor venues and outdoor spaces. The expected daily footfall throughout the course of a day is estimated to be 4,800 persons. The movement of visitors entering/leaving the site would be controlled by stewarding. Security and crowd management measures would be put in place on a daily basis. Gate controls on Empress Place would reduce flow or close entry if necessary. A queue system would operate and be formed outside the main entrance on Empress Place if necessary. Entrances and exits to/from the site would be monitored at all times during operational hours.

Inside the site, a central boardwalk would be formed leading from the entrance on Empress Place to all the proposed indoor/outdoor facilities.

- 2.8 The use would be operational on a daily basis. The main proposed opening times would be between 12.00 – 23.00hrs. During the school holidays, opening times may start earlier (10:00am), to allow for additional family performances at 10.30 am within the tent enclosures. Indoor performances would run between 12.00 and 22.00 hours on Mondays – Wednesdays and Sundays but finish at 23.30 hours on Thursdays – Saturdays. The provision of food and drink would be between 12.00 – 23.00. Outside the times listed, the site would be locked, and the public would not be able to access the site. Security would be deployed 24 hours per day in and around the site, and a CCTV system would be in place for the duration of the use.
- 2.9 The proposed floorspace created by the temporary event structures would total 3,498 sqm (GEA) and comprises of the following elements.

Item	SQM	QTY	TOTAL
36m Round Big Top	1020	1	1020
Udderbelly Theatre	360	1	360
Attractions	667	1	667
Beach	370	0	0
Queuing Areas	450	0	0
Dressing Rooms	15	8	120
Set Stores	15	4	60
BOH Toilets / Showers	12	4	48
BOH Accommodation and Welfare	265	1	265
Security/1st Aid	15	1	15
Bar	387	1	387
Bar Stores	15	2	30
Bar Chiller	25	4	100
Bar Office	15	1	15
Concessions Chiller	15	1	15
Concessions Store	15	1	15
Concessions Office	15	0	0
Fuel	0	0	0
Recycling & Waste	15	0	0
Welfare	15	2	30
Site Office	15	1	15
Production Office	15	1	15
Site Store	15	1	15
Staff Toilets	15	2	30
Toilets	18	6	108
Acc Toilet	9	2	18
Box Office	15	2	30
Food Concessions	15	8	120
Total of above	3498 sqm		

- 2.10 The main primary components involve the installation of a large tent design structure and an unconventional design theatre structure. The main structure involves a 36m diameter round 'Big Top Tent' structure and associated back-of-house storage and dressing room areas. It would be located at the most northerly part of the site. The circular tent structure, with a conical roof frame, would measure up to 14m in height. A tent membrane would be supported by 4 steel truss poles and a frame structure, tensioned to the ground using tent pins or ground anchors (depending on the ground conditions). The floor would be raised to a maximum height of 1m off the existing ground surface with a seating structure erected inside. A supporting arch would be positioned in the centre of the tent structure. This would display the event logo and branding, extending up to 16.6m in height. Proposed signage displayed on the arch above the tent structure would measure 12m in length and 1.5m in height and face inwards to the site.
- 2.11 A smaller theatre structure 'Underbelly' would be located adjacent to the eastern boundary of the site. This structure would resemble an upside cow and be finished in a purple colour membrane, held in place by steel and aluminium frames. At its most extreme points, the structure would measure 24.4m in length; 19.1m in depth and 19.5 m in height (including the steel floor at 1m height). A seating structure is then erected within the structure. The main height of the structure would be approximately 13.4m. The dressing rooms and back-of-house areas would be located to the rear of the structure. Signage would be displayed on the side of the structure and would extend to 12.5m wide and 3m high. Two smaller signs are proposed above the entrance / exit points, measuring 3m in width and 0.8m high.
- 2.12 The tent and theatre structures would deliver a total programme of some 283 shows during the 10 week period, aimed at people of all ages. Performances would include live circus acts, cabaret, comedy, music and children's theatre. The tent and theatre structures would have capacities of approximately up to 1,000 and 420 seated respectively (subject to stage layout, seating configuration and restrictions in place). Access to both of these structures would be for ticket holders or invited guests only.
- 2.13 Outdoor event spaces would house a mix of attractions and fairground rides. These comprise a 'Starflyer' amusement ride, a Helter-skelter slide, together with two other vintage fairground rides and traditional funfair games units, a beach area (370 sqm), areas of seating with tables/umbrellas, ping pong tables and a boules area free to play on.
- 2.14 The Starflyer amusement ride would be located to the left of the entrance, as entering the site, in close proximity to the site's western boundary. Comprises a 52m steel framed tower (comprising of 4 sections) with gondolas (16 in total) attached to a 16 arm structure that revolves around the steel frame and travels up and down. Overall the structure would be 18m in width at its widest point (at the base), although the majority of the structure is approximately 2.5m in width. Proposed signage would measure 2.5m wide and 1.5m high at the top of the ride and would display the event logo and branding.
- 2.15 The Helter-skelter slide comprising a steel frame structure and timber panel construction and decorative lighting. Proposed to be positioned at the north of the site, next to the tent structure. The Helter-skelter would measure 16m in height and 8m at the widest point of the main structure. Two areas of signage proposed.

One above the main entrance to the slide measuring 2.8m wide and 1.2m high.
One sign at the top of the structure measuring 4.2m wide and 0.95m in height.

2.16 The remainder of the site would feature a number of single storey structures, including food and bar stalls. These include the following:

- Entrance Arch: Located on the south boundary off Empress Place. Timber clad structure, 7.7m tall and 15.6 m wide (4.8m gap in the middle). Would comprise externally illuminated signage, advertising the event and sponsor branding.
- Covered Bar Area: A 12m x 21m open sided marquee structure located on the west part of the site with associated signage.
- Market units: 6m wide (3m height) timber units consisting of street food vendors dispersed around the edge of the site facing inwards, serving food and drink together with some games stalls, with associated signage.
- External seating areas: For consumption of food or drink or persons waiting for a performance to commence.
- Two Box Offices / Site Offices / toilets (including accessible and baby changing facilities) for staff/visitors and storage areas.

2.17 The entire site would be fenced off to ensure a secure site throughout the duration of the event. This would be in the form of temporary 3m high timber clad hoarding panels erected along the southern boundary of the site fronting Empress Place (except the main entrance area) and to the rear of the Helter-skelter ride on the eastern boundary. Temporary 2m high Heras fencing with a neutral curtain screen is proposed around the edge of the remaining parts of the site.

2.18 Landscape works are proposed over the main outdoor areas of the site in the form of a broad walk, wooden marquee flooring and artificial grass/turf to all front of houses areas. Outdoor seating areas would be formed and be laid out with large umbrellas to protect visitors in the event of adverse weather. Exterior lighting is proposed across the site on structures effect lighting. Additional lighting is proposed along Empress Place towards the public entrance of the site. The site would be powered by mains power.

2.19 In total 56 areas of advertisements are proposed. All externally illuminated. Include the following:

- Food stalls: 6 externally illuminated signs (4880mm x 500mm).
- Bar areas: 7 externally illuminated signs (3 at 6000mm x 1000mm and 4 at 4880mm x 500mm).
- Entrance signage: 1 externally illuminated entrance arch (8000mm x 3400mm). A further 4 areas of illuminated signage around the main entrance (2 at 2200mm x 4800mm and 2 at 5400mm x 2400mm).
- Hoardings: 5 externally illuminated signs of varying sizes. 2 on the hoardings round the toilet area near the entrance to the Event, 1 adjacent to the Big Top Tent Queue Area, 1 to the right of the Covered Bar Area and 1 on the Udderbelly Theatre back-of-house hoardings.
- Box office: 1 externally illuminated sign above the box office structure (4880mm x 500mm).
- Udderbelly Theatre: 1 main externally illuminated sign on the side of the theatre structure (12,500mm x 3,000mm) and 2 illuminated signs above the

entrance / exits displaying Sponsor Logos and Event branding (3000mm x 800mm).

- Big Top Tent: 1 externally illuminated sign above the tent structure displaying sponsor logos and event branding (12,000mm x 1,500mm).
- Ticket Booth: 1 externally illuminated sign above the ticket booth (4,800mm x 500mm).
- Poster Blocks: 4 externally illuminated Poster Blocks each comprising 4 sides of advertisements (16 in total) to be installed on Empress Place (1,220mm x 2,600mm).
- Amusement Rides: 5 areas of externally illuminated signage on 4 amusement rides, including the Starflyer and the Helter-skelter slide.
- Funfair Games: 2 externally illuminated signs above the Funfair Games booths (4880mm x 500mm).

2.20 The proposed use would be carried out in accordance with an Operational Event Management Plan (OEMP). The OEMP includes a Noise Management Plan and Luminescence Management Plan and has been drawn up based on the applicant's experience on operating similar events. It covers operational and performance times; management structure roles and responsibilities, security, pedestrian and vehicular access, health and safety, evacuation procedure, and refuse waste management. The applicant's team would have the day to day responsibility for the operation of the event. Managed by an on-site management team in consultation with the senior management team. This would include an Operations Manager and Production Manager. The OEMP is a comprehensive document and a condition would be recommended requiring the use to operate in accordance with an approved OEMP.

3.0 PUBLICITY AND CONSULTATION RESPONSES

3.1 The application(s) have been publicised by means of site notices displayed on and in the immediate vicinity of the application site and a press notice. In addition, approximately 2,120 individual letters were sent to occupiers of properties in H&F, around the site, including the properties on the West Kensington and Gibbs Green estates, and properties on both sides of Lillie Road (up to North End Road). In addition, the Royal Borough of Kensington & Chelsea (RBKC) was notified of the application as the adjoining borough.

3.2 Six representations have been received to date, in response to the above consultation/publicity (4 from H&F and 2 from RBKC).

H&F:

3.3 Of the four representations received two are in support and two oppose the proposals. The contents of these representations are summarised below:

Objection

- increase noise and anti-social behaviour in the area
- limited information provided on sound proofing/noise reduction measures and amplified sound
- increase traffic flows in the area
- operational times during winter months should be assessed before permitting up to 23.00hrs
- operational timings should be fixed on performances

- servicing should be carried out by sustainable vehicles

Support

- Welcome the proposal to regenerate the area and future development proposal for the wider area with linkages from North End Road and neighbouring residential estates.
- Main access to event should be provided from North End Road (either via West Kensington station or through the estates, preferably both).

Royal Borough of Kensington and Chelsea (RBKC):

3.4 Two representations received. One objecting to the proposal on grounds that the proposal will see an increase criminal activity in the area

3.5 Representation received from Councillor Linda Wade (Earls Court Ward Councillor) objecting to the proposal. Requested additional information relating to:

- Proximity of the site to the borough boundary and impact on residents including noise and nuisance, potential crime and disorder, site and transport capacity with the volume of visitors to the site.
- Location and direction of illuminated signage.
- Number of food and drink units.
- Security provision.
- Toilet provision, including supervision and disabled access.
- Public transport capacity and marshalling of the event to control visitors leaving the site and prevent use of residential streets.
- Parking restrictions required in RBKC and consultation with highways.
- Waste management, including litter patrols and street cleaning in RBKC required.
- Measures required to protect residents from increased noise and nuisance, and increased lighting.

Royal Borough of Kensington and Chelsea

3.6 The adjoining borough have acknowledged receipt of the notification inviting observations on the application. No further comments received at this stage.

Thames Water

3.7 Additional information requested to determine wastewater infrastructure/drainage strategy needs.

3.8 The applicant leafleted some 19,000 leaflets to residents in the local area, on 20th April 2021, distributed prior to the submission of the application. A webinar was held on 26th April 2021 with the local community and was attended by 40+ stakeholders.

4.0 POLICY CONTEXT

4.1 The applications have been considered against all relevant national, regional and local planning policies as well as any relevant guidance. Set out below are those policies most relevant to the proposal, however, consideration is made against the development plan as a whole.

London Plan (2021)

Policy GG5 (Growing a good economy)
Policy SD1 (Opportunity Areas)
Policy E9 ((Retail, markets and hot food takeaways)
Policy E10 (Visitor Infrastructure)
Policy HC1 (Heritage conservation and growth)
Policy HC5 (Supporting London's culture and creative industries)
Policy D5 (Inclusive Design)
Policy D8 (Public Realm)
Policy D11 (Safety, security and resilience to emergency)
Policy D14 (Noise)
Policy T2 (Healthy Streets)

Local Plan (2018)

Strategic Policy FRA (Fulham Regeneration Area)
Strategic Site Policy FRA 1 (Earl's Court and West Kensington Opportunity Area)
Policy TLC1 (Hierarchy of Town and Local Centres)
Policy TLC5 (Managing the Impact of Food, Drink and Entertainment Uses)
Policy CF1 (Supporting Community Facilities and Services)
Policy CF3 (Enhance and Retention of Arts, Culture, Entertainment, Leisure, Recreation and Sport Uses)
Policy E1 (Employment Uses)
Policy E4 (Local Employment, Training and Skills Development Initiatives)
Policy DC1 (Built Environment)
Policy DC8 (Heritage and Conservation)
Policy DC9 (Advertisements)
Policy CC7 (On site Waste Management)
Policy CC11 (Noise)
Policy CC12 (Light Pollution)
Policy T2 (Transport)

5.0 PLANNING CONSIDERATIONS

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the statutory development plan comprises the London Plan (2021), H&F Local Plan (2018) and the H&F Planning Guidance SPD (2018).
- 5.2 In this case, the previous planning history of the site is a material planning consideration and should be afforded a degree of weight in the assessment of the current applications.
- 5.3 The key issues for consideration are:
- The acceptability of using the site as a temporary entertainment venue in land use terms.
 - The impact of the temporary structures/advertisements on the townscape, the character and appearance of the surrounding conservation areas and the setting of the neighbouring listed buildings.
 - Accessibility.
 - Amenity Impacts (Noise and disturbance and light pollution).

- Highways considerations.
- Covid 19

Land Use

- 5.4 The application site forms part of the wider Earls Court and West Kensington Opportunity Area (EC&WKOA) as designated in the London Plan which includes land within H&F and RBKC. In the Local Plan, the site forms part of the Fulham Regeneration Area (Strategic Policy FRA) and more specifically, the Earl's Court and West Kensington Opportunity Area (Strategic Site Policy FRA 1). Policy FRA 1 supports a phased mixed use, residential led redevelopment of the Earl's Court and West Kensington Opportunity Area, including the provision of housing, employment, hotels, leisure, retail and cultural facilities. Together with London Plan policies GG5, HC5 and SD1, Policy FRA1 of the Local Plan supports arts, cultural and leisure events in the Earls Court and West Kensington Opportunity Area, in recognition that the site was a cultural destination for a significant period of time.
- 5.5 London Plan (Policy HC5) supports the use of vacant land for pop-ups and meanwhile / temporary uses for cultural and creative activities during the day and at night in order to stimulate vibrancy and viability. Policy CF1 (Supporting Community Facilities and Services) of the Local Plan states that the council will work with its strategic partners to provide borough-wide high quality accessible and inclusive facilities and services for the community by improving the range of leisure, recreation, sports, arts, cultural and entertainment facilities by also seeking new or enhanced facilities where appropriate and viable in particular major new leisure, arts, sports and recreation facilities in the Earls Court and West Kensington Opportunity Area.
- 5.6 The site is considered a suitable location for leisure, recreation, cultural and entertainment facilities. The proposal would provide an opportunity to use this vacant site for temporary uses whilst the preparation for the wider redevelopment proposals continues. The proposals would activate this vacant space and support local businesses that are seeking to recover from the impacts of COVID-19. The proposal would stimulate visitor numbers into the area which would contribute to the local economy (albeit on a temporary basis). The temporary nature of the use is such that its impact would be limited and would not undermine the long term objectives to regenerate the area, in accordance with both London Plan and Local Plan policies. A condition is attached to ensure that all structures associated with the application will be removed within the time limit period and the site reinstated once the temporary use ceases.
- 5.7 The site's history as a major cultural destination has been taken into consideration. Despite the loss of the exhibition buildings, the Council is supportive of development proposals that assist the area's cultural legacy. An interim use for food and drink establishments, as well as arts, culture, entertainment and leisure uses are considered to be appropriate with the site's historical past and other cultural uses in the vicinity and as such considered beneficial to the area in accordance with London Plan Policies GG5, HC5 and SD1 and policies FRA1 and CF1 of the Local Plan.
- 5.8 Underbelly is renowned for delivering pop up event productions. They have produced and managed a number of high quality, large scale events in sensitive

city centre locations, including London, and have worked successfully with key stakeholders including local authorities and the Greater London Authority. These events include West End Live, Underbelly at the Edinburgh Festival Fringe and The Southbank Festival, one of the biggest multi-arts offerings in London. As part of the proposal, Underbelly are seeking to support local businesses and to ensure that the proposals benefit the local area.

- 5.9 In economic and employment terms, the applicant has produced a note (Economic and Employment Strategy) in order to document and capture the potential benefits that could be secured by the proposal. The proposed development is expected to generate in excess of 120 temporary jobs during the operational phase, through a mix of full and part-time positions. As such, the development would have a residual moderate beneficial effect on the local economy. The Economic and Employment Strategy summarises that the applicant will support employing local workers wherever possible. Discussions are in place with the council to deliver this from the outset of installation works. The applicant are also seeking to coordinate with the Council's Workzone connections and job centres, in order to maximise access to the local workforce about employment opportunities on the site.
- 5.10 For the installation and de-installation periods, a crewing company 'Connection Crew' which gets ex-homeless people back into work and breaks the cycle of homelessness would be used. The applicant states that in 2018, Connection Crew generated 22,761 hours of work for ex-homeless people; and the applicant provided 2,527 of these hours. The applicant are supportive in providing training opportunities, giving young people openings and to assist them in gaining work experience. The applicant aims to run a training academy for up to 18 young people from the boroughs of up to 25 years of age for the running and programming of the event, to provide them with experience of working in the arts and live entertainment business. The programme would run with local borough community organisations.
- 5.11 The applicant have set out their intention to support local businesses and promote economic recovery following the COVID-19 pandemic. The applicant aims to liaise with local businesses about the occupation of the proposed stalls and seeks to invite local arts organisations to participate in the programme. The Underbelly programming team is also in active discussions with a number of local arts organisations across H&F for inclusion in the London Wonderground performance programme including the Amici Dance Theatre Company, Earls Court Community Trust, Earls Court Film and Music Festival, Finborough Theatre, Joy Festival & Turnkey Arts, LAMDA, Lyric Theatre, Ockham's Razor Theatre, Turtle Key Arts. The proposal is therefore considered to accord with aspirations of the NPPF to secure economic growth in order to create jobs and prosperity along with securing the wellbeing of communities together with Policy E11 of the London Plan and Local Plan Policies E1, and E4.
- 5.12 Although the event itself is non-ticketed and free to enter, tickets are required to view performances in the big top tent and theatre structure. The application confirms the provision of an estimated 3,000 free tickets and a further 3,000 discounted tickets available to the local community across both boroughs to view certain performances. The intention is that the free tickets would be made available by the applicant and landowners for distribution to immediate local residents and businesses in H&F and RBKC. Tickets would be provided via a code

booking mechanism when entering details on the applicant's website. Initial focus would be on local schools, care homes, TRAs, charities and resident groups. Similarly, the discounted tickets would be provided with a 50% discount of the face value.

- 5.13 Local Plan Policy TLC1 relates to the hierarchy of town and local centres. The site is not within any designated centre, though just 500m from Fulham Town Centre, one of the three key town centres within the borough. North End Road is a designated Key Local Centre.
- 5.14 Policy TLC5 (Managing the Impact of Food, Drink and Entertainment Uses) controls the hours of operation for Class A3, A4 and A5 uses. Policy TLC5 allows for hours of operation to be extended where the use would not be likely to cause adverse impacts on the amenity of the surrounding area. The policy requires food and drink establishments as well as arts, culture, entertainment and leisure uses to be subject to conditions controlling hours of operation, as follows:
- a. except in predominantly commercial areas, such as parts of town centres - premises shall not be open to customers later than the hour of 23:00; and
 - b. within predominantly commercial areas, such as parts of town centres - premises shall not be open to customers later than the hour of 24:00.
- 5.15 In terms of Policy TLC5, the proposed mix of food and drink stalls is intended to provide further diversity, attracting residents, visitors and tourists to the site. The impact of the activities would be subject to licensing restrictions and would operate in accordance with the submitted Operational Event Management Plan, which sets controls on the hours of operation to no later than 23:00 hours, Sunday to Wednesday, and 23:30 hours Thursday to Saturday.
- 5.16 In summary, the provision of a unique temporary attraction on this vacant site is strongly supported. The public and economic benefits associated with scheme are welcomed and considered to outweigh any temporary harm to the surrounding townscape or amenity. The provision of the proposed economic, employment and community benefits would be secured by condition.

Design and Heritage

- 5.17 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the principal statutory duties which must be considered in the determination of any application affecting listed buildings or conservation areas.
- 5.18 The NPPF recognises the importance to plan positively for the achievement of high quality and inclusive design for all development. Paragraph 190 of the NPPF states: Local Planning Authorities should identify and assess the significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 5.19 Paragraph 193 of the NPPF states: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm

amounts to substantial harm, total loss or less than substantial harm to its significance.

- 5.20 Paragraph 197 of the NPPF states: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 5.21 Case law indicates that following the approach set out in the NPPF will normally be enough to satisfy the statutory tests. However, when carrying out the balancing exercise in paragraphs 195 and 197, it is important to recognise that the statutory provisions require the decision maker to give great weight to the desirability of preserving designated heritage assets and/or their setting.
- 5.22 Together with London Plan policies D3 and HC1, Local Plan policies require development proposals to incorporate exemplary standards of sustainable and inclusive design. Policy DC1 (Built Environment) requires all development proposals within the borough to create a high-quality urban environment that respects and enhances its townscape context and heritage assets. Policy DC2 (Design of New Build) sets out to ensure that new build development will be of a high standard of design and compatible with the scale and character of existing development and its setting. Policy DC8 (Heritage and Conservation) states that the council will conserve the significance of the Borough's historic environment by protecting, restoring, or enhancing its heritage assets, including the borough's conservation areas. Policy DC9 (Advertisements) requires a high standard of design of advertisements, which should be in a scale and in keeping with the character of their location and should not have an unacceptable impact on road safety.

Design considerations

- 5.23 The proposal relates to the temporary use of the vacant Earl's Court site for a summer event and includes the installation of temporary development, incorporating two main event structures - a big top tent and theatre and associated box office, plus food and drink units, amusement rides, beach area, toilets, storage, outdoor seating areas and fencing. The temporary tent and theatre structures would be enclosed in a membrane treatment. The 'Big Top tent' structure would take the form of a more traditional circus appearance with a circular floor plan and conical roof.
- 5.24 Due to the temporary nature of the proposals, the impacts on heritage and the public realm from the proposed structures will be limited. The event structures and advertising will be removed at the end of the defined period and will not permanently impact the built environment. Officers consider that the temporary proposals would complement the former artistic and cultural use of this part of the Earls Court site. The proposal will bring forward a temporary use of a vacant site which will encourage activity and facilitate use of the site by the public.

Heritage Considerations

- 5.25 The site is not located within a conservation area and is not occupied by any heritage assets. The site is however in close proximity to both Empress State building and the terrace of 30-60 Lillie Road, which are both locally listed, buildings

of merit.

- 5.26 The application site is also situated in close proximity to heritage assets in the adjoining Royal Borough of Kensington & Chelsea, which include the Grade II listed West Brompton Station, a 150m away from the site and the Grade I listed Brompton Cemetery, which itself contains numerous Grade II and Grade II* listed assets which is 200m at its closest point from the site.
- 5.27 Given the scale, appearance and temporary nature of the proposals, the developments would have a degree of inter-visibility with the non-designated heritage assets, however this would not detract from the character, appearance or significance of these assets overall. As such the development is not considered to result in any harm to the setting of these heritage assets.
- 5.28 Officers have assessed the impact of the proposal on the heritage assets and consider that it is compliant with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is also in line with national guidance in the NPPF, Policy HC1 of the London Plan and Policies DC1, DC4, and DC8 of the Local Plan (2018).
- 5.29 The associated signage is proportional to the event proposed and the principle of a cultural attraction in this location accords with the heritage and historical uses of the area in accordance with Policy DC9 of the Local Plan (2018).
- 5.30 Officers have assessed the impact of the proposal on the adjacent heritage assets and consider that it is in line with national guidance in the NPPF. Officers also consider that the proposals would be in accordance with Policies D3 and HC1 of the London Plan 2021 and Policies DC1, DC2, DC8 and DC9 of the Local Plan 2018.

Inclusive Design and Access

- 5.31 London Plan Policy D5 requires new development to achieve the highest standards of inclusive and accessible design. Local Plan Policy DC1 of the Local Plan require new development to be designed to be accessible and inclusive to all who may use or visit the proposed buildings. Policy DC2 requires developments to be assessed in relation to the convenience and safety of pedestrians, people with disabilities and wheelchair users.
- 5.32 The design and access statement sets out that outdoors spaces and theatre uses would be wheelchair accessible and DDA compliant. The site is flat and level access both to, around and within the venue would be made available. The scheme would provide level access to all the performance facilities in accordance with Part M of the building regulations. Ramped access to the venues and dedicated accessible seating areas would be made available. All bar concessions would offer a lowered counter to ensure they are accessible to all, and accessible toilet facilities will be provided.
- 5.33 Officers consider these provisions satisfy the requirements of the above policies and the proposal is acceptable in accessibility terms, in compliance with London Plan Policy D5, Local Plan Policies DC1 and DC2 as well as Planning Guidance SPD Key Principles.

Amenity Considerations

- 5.34 Policy DC1 and DC2 of the Local Plan seeks to protect the amenity of existing neighbours and the visual amenity of the community as a whole. This is measured in terms of potential impacts in relation to outlook and privacy, noise and disturbance, lighting and impacts during construction.
- 5.35 There are no residential properties in close proximity to the site (within 20m), the closest being approximately 50m away. The residential dwellings located on Empress Place, adjacent to the site entrance, are currently vacant. The owners of the site are reviewing potential proposals to bring the buildings back into active use through various initiatives, pending more permanent proposals at the wider Earls Court site. Officers consider that the proposal would not result in detrimental impacts in terms of loss of daylight or sunlight nor result in harm from overshadowing.
- 5.36 The closest residential properties to the site are located on Lillie Road (south-west) and Seagrave Road to the south, situated between 50m to 100m away from the site boundary. To the west, the nearest neighbouring residential properties are on Aisgill Avenue, approximately 110m away. To the east of the site, the closest neighbouring properties in the Royal Borough of Kensington & Chelsea are located in Eardley Crescent (approximately 120m away), and to the north of the site in Philbeach Gardens (approximately 150m away).
- 5.37 Potential impacts in terms of noise and disturbance generated by visitors to the site have been taken into consideration. Full details of how the event would be managed to minimise impacts on amenity are set out in the Operational Event Management Plan. This document includes a Noise Management Plan and Luminescence Management Plan.
- 5.38 The proposed events venue is designed to create a family orientated attraction and is of a temporary nature only. Hours of operation would be controlled, and security and stewarding would be in place at all times to allow for a graded dispersal. Signs would be placed around the site for visitors to be considerate to local residents when at events or leaving the site and stewarding and security would be provided to regularise this. In advance of the commencement of the use, local residents and businesses will be provided with contact details to communicate with the site manager with respect to any noise complaints that may arise and any other concerns relating to the operation of the site.
- 5.39 The number of visitor numbers would be controlled so as not to impact on local amenities. The applicant would be responsible for crowd management operations, providing stewards to assist pedestrian movements and road crossings before and after their event.
- 5.40 Hours of operation of the outdoor spaces would be generally restricted (10:00/12:00 to 23:00 daily). Installation / de-installation works would only take place between the hours of 8:00am and 8:00pm.

Noise

- 5.41 Policy CC11 of the Local Plan advises that noise and vibration impacts will be controlled by locating noise sensitive development in appropriate locations and protected against existing and proposed sources of noise through design, layout

and materials. Noise generating development will not be permitted if it would materially increase the noise experienced by occupants/users of existing or proposed noise sensitive areas in the vicinity. Policy CC13 seeks to control pollution, including noise, and requires proposed developments to show that there will be 'no undue detriment to the general amenities enjoyed by existing surrounding occupiers of their properties'.

- 5.42 The applicant has submitted a Noise Management Plan which would minimise the potential for noise disturbance. The supporting document sets out that the potential noise sources from the site would be from live amplified music and voice sound from patrons and audience members, plant and machinery, contractors during the build (set-up) and strike (de-installation) periods (approximately 4 weeks) and in-house staff.
- 5.43 Amplified sound would be used during programmed performances. The final proposed daily programme for the event venues has not been set at this stage. The applicant has specified that performances would end at 11:30pm (Thursday – Saturday) and 10pm (Sunday – Wednesday). The timing of the daily performances would be planned to minimise amplified music after 10pm and would usually be restricted to amplified voice after these times. Sound checks would be carried out before 7pm where possible. The tent structures are designed with a heavy internal fabric to attenuate sound levels and provide a level of sound absorption. Low amplified background music would be played throughout the public areas during the operational period. The applicant states that background music on site would be inaudible beyond the site boundary. Noise mitigation measures would be incorporated and managed in terms of the design of the sound system in the performance venues to minimise the need for amplification and would be directly managed by the Site Manager and Bar Manager.
- 5.44 Air handling and air-cooling plant equipment may be used on an occasional basis to regulate the temperature within the performance venues. This is not expected to be audible at the closest noise sensitive receptor. In addition, all chiller units and refrigeration units used onsite would run silently.
- 5.45 In terms of site control and people management, security would operate at all times to ensure that visitors leave the event quickly. The start and end times for shows will also be staggered to prevent no singular mass egress from the site. Signs will be placed at the exits to encourage audiences and other customers to be aware of and considerate to local residents.
- 5.46 No objection is raised by the Council's Noise and Nuisance officers to the proposed development subject to compliance with conditions relating to noise levels and monitoring to control any possible sound impact outside the site. The proposal is therefore considered to accord with Policy CC11 of the Local Plan 2018.

Lighting

- 5.47 Policy CC12 of the Local Plan seeks to control the adverse impacts of lighting arrangements including that from signage and other sources of illumination.
- 5.48 A Luminescence Management Plan is included as part of the Operational Events Management Plan. Consideration has been given to the layout of lighting taking

into account the requirements, its proximity to local residents and businesses and to minimise any light pollution. The site would be illuminated by way of structure lighting, effect lighting, working lights and decorative lighting. The lighting would only operate until 23:00 (Sunday to Wednesday) and 23:30 (Thursday to Saturday) with the exception of security lighting. Illumination would commence at pre-agreed times (dusk onwards) in order to provide safe and appropriate lighting for staff and visitors. The level of ambient light levels would drop in order to present an appropriate and welcoming atmosphere to the event. Officers have given consideration to the level of luminescence required and are satisfied they would be managed around the site in order not to disturb local residents and businesses. Ride and attraction lighting will be shut down at the agreed closing times. All event light sources would be continually monitored and controlled by the Site Management team.

5.49 Details relating to the size and positioning of the advertisements and associated illumination have been designed to ensure they do not affect the amenity of any nearby residents. All advertisement are directed into the centre of the site and not towards neighbouring residential properties to avoid glare. The Luminescence Management Plan sets out how lighting levels will be minimised. A condition is attached to ensure that illumination of neighbouring premises from all external artificial lighting relating to the development shall be in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Notes for The Reduction Of Light Pollution 2020'. As such officers consider that the proposal accords with the requirements of Policies CC12 of the Local Plan 2018.

5.50 In conclusion, the supporting information adequately addresses the issues of noise and light management and other operational issues relating to the proposed use and these are recommended to be approved by way of conditions to ensure that the event operates in accordance with these documents. As such, it is considered that the proposed development accords with policies CC11 and CC12 of the Local Plan 2018.

Transport

5.51 Local Plan Policy T1 supports The London Plan and states that all development proposals will be assessed for their contribution to traffic generation and their impact on congestion. Policy T2 states that all planning applications will be supported where they do not have unacceptable transport impacts, including cumulative impacts on highway safety; traffic flows; congestion of the road network; on-street parking; footway space, desire lines and pedestrian flows and all other transport modes, including public transport and cycling.

5.52 The site has a Public Transport Accessibility Level (PTAL) of 6a – one of the highest possible levels of public transport accessibility and is therefore well served by public transport. A Transport Statement and Travel Plan has been prepared by the applicant to support a planning application.

5.53 The principal objective of the Travel Plan is to facilitate and encourage sustainable travel methods to and from the site and to actively discourage the use of private vehicles. In this case, the proposal would not provide any off street, car parking. Instead, the use of sustainable transport modes (walking and cycling) and use of public transport modes (Tube, Buses, Trains) are encouraged. A range of public

transport facilities are available within a short walk, including bus, underground and rail services. The site also enjoys good accessibility by walking and cycling and is located within close distance of a range of everyday amenities. Given the site's location and good public transport links the expectation is that a large proportion of persons visiting the site would not arrive by private vehicles. Prior information about transport routes to and from the site would be communicated via the applicant's website, promotional materials, ticket confirmations, social channels and on site messaging.

- 5.54 There are a number of Santander Cycle Hire docking stations located a short walk from the entrance on Empress Place, located at Halford Road, West Kensington and Trebovir Road, and Earls Court. Despite this, the applicant has agreed to install 30 cycle spaces within the site which would be covered by CCTV to encourage patrons to cycle to the event. The quantity of secured on site cycle parking is in excess of the number recommended in the London Transport chapter 6 minimum standards and would be secured by condition in line with Local Plan Policy T3 (Increasing and promoting Opportunities for Cycling and Walking).
- 5.55 The roads surrounding the site to the south of Lillie Road are located in Controlled Parking Zone (CPZ F), with parking restrictions in place Monday to Saturday from 9am to 8pm Monday to Saturday with additional restrictions in place on match days. There is a further CPZ's located to the west of the site. Controlled Parking Zone (CPZ D) controls parking on Monday to Friday 0900-1700. These CPZ are dual use, offering pay and display parking as well as permit holder only. Due to this they offer short parking opportunities for those visiting the proposed site.
- 5.56 The public would only access/egress the site from Empress Place. The proposal would increase pedestrian flows along Lillie Road. The section of Lillie Road over the Lillie Bridge is not wide and would have to be marshalled to control the increase in pedestrian footfall to ensure both pedestrian and vehicle safety. The supporting information adequately addresses the issues of visitor management and other operational issues pertaining to the proposed use and these are recommended to be approved by way of conditions to ensure that the event operates in accordance with these documents.

Trip Generation

- 5.57 Information on trip modes for the proposed use has been generated using survey information from the Underbelly Festival at Southbank. The festival at Southbank is comparable in terms of content and the anticipated audience profile of the proposed use and therefore is a good basis for the projections submitted. In the case of the proposed development, the projected mode share for the site would be as follows:

Mode	Mode Share
Underground	36.4%
Train	4.9%
Bus	5.7%
Taxi	0.9%
Motorbike	0.9%
E-Scooter	1.8%
Car	2.3%
Bicycle	2.3%
Walk	43.9%
Other	0.9%
	100%

5.58 Given the location of the site and good public transport links it is expected that few people will need to arrive by car. Furthermore, the level of transport links are considered to ensure that the intensification of the uses at the site would not result in any transport capacity issues.

5.59 Expected weekly footfalls have been projected for the proposal based on the comparable festival. The highest footfall anticipated between Friday-Sunday (62%). Whilst the peak demand (for both venues being used simultaneously and outdoor spaces) would be circa 3,600 people at any one time, people would not all arrive/depart at the same time given the hosts of other attractions on the site. It is expected that persons would come and go throughout the course of the day and there would not be significant surges in the flow.

Installation/De installation works

5.60 The event would be constructed and deconstructed over a four week period (two weeks prior to the start of operations and two weeks post operation). The schedule of deliveries, the type of vehicles, the entrance gate and the expected turnaround for each of the deliveries in this period is set out in the Delivery and Servicing Plan. All deliveries to site during this period would be scheduled by the applicant and delivery slots would be staggered and to ensure that deliveries are strictly controlled. There is sufficient space for vehicles to be turned on site, enabling them to exit in forward gear, and as such, it will not be necessary for these vehicles to reverse onto or off Lillie Road. The Council aims to take steps to ensure that disruption and noise/disturbance are minimised as far as possible. A condition is attached regularising hours of works during this period.

Waste Management

5.61 Policies CC6 and CC7 of the Local Plan seeks to ensure that the Council pursue waste management facilities within new development, notably through means of ensuring that all developments proposed suitable waste and recycling storage facilities.

5.62 Bins stations are proposed within the site and bins will also be provided at the exits for use by customers. Throughout the day, a cleaning team would keep the site clear of rubbish. Following the closure of the event staff would perform a rubbish patrol in the immediate vicinity of the premises. Waste on site would be separated where possible for recycling and would be split into general waste, dry recycling and food waste. Back of house areas would glass bins. Bins would be

emptied regularly to a central bin area. 1100 litre Euro Waste Bins would be kept in an enclosure within the site and emptied on a daily basis and removed on a daily basis.

Delivery and Servicing

- 5.63 The applicant has submitted a comprehensive Operational Event Management Plan which covers all aspects of how the site would operate during the event period and also a standalone Delivery and Servicing Plan which sets out how the site would be serviced. Deliveries and servicing would take place via Lillie Road into the site through the bus stand adjacent to the entrance to Empress State building. Access would be predominantly through gates A, B and C. The main entrance at the end of Empress Place (Gate D) would be used occasionally during the build and strike period but would primarily be maintained as the pedestrian access for the operational period and would therefore not be used at this time.
- 5.64 All deliveries during the operational period would normally take place between 8am and 12pm. The majority of delivery vehicles would enter and exit through Gates A and C and would be scheduled by the applicant in pre-arrange delivery slots with 3rd party suppliers and contractors. A condition will ensure that no deliveries nor collections / loading nor unloading associated with the use shall occur at the development between Monday to Friday other than between the hours of 7am and 11pm. A condition is recommended to ensure that the site is operated in accordance with these plans.
- 5.65 There are no objections on transport and highway grounds as the development is considered to result in no unacceptable impacts which would otherwise be to the detriment of the highway users particularly bearing the temporary nature of the use. The proposal is therefore considered to accord with policies of the London Plan 2021 and Policies CC6, CC7, T1, T2, T3, T4 and T5 of the Local Plan 2018.

Flood Risk and drainage

- 5.66 The site is located in Environment Agency Flood Zone 1 and 2 which is considered to have a low to medium risk of river flooding. However, flood protection measures are in place to reduce the risk of the River Thames flooding within central London, and regardless of this, the proposed development would only be for a temporary period. As such, the application is not considered to result in an unacceptable risk of flooding. A Drainage Design Note has been prepared in response to Thames Water comments, outlining the management of foul and surface water for the site. No major development changes are proposed within the site and the existing drainage system to Thames Water sewers is to be maintained. Environmental Policy have raised no objection to the proposal, in accordance with Local Plan policy CC3.

Land Contamination

- 5.67 National Planning Policy Framework paragraph 121 states planning decisions should ensure that sites are suitable for its new use taking account of ground conditions and after remediation the land should not be capable of being determined as contaminated land. The London Plan supports the remediation of contaminated sites and that appropriate measures should be taken to control the impact of contamination with new development. Policy CC9 of the Local Plan states that the Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and

ensure that mitigation measures are put in place.

5.68 Although potentially contaminative land uses (past) are understood to occur at, or near to, this site, the proposed development would not break ground. All public areas of the site would be covered with a central boardwalk, wooden marquee flooring and carpet/Astroturf. The wooden flooring is made of 38mm x 63mm timbers with 18mm ply as the surface. Backstage much of the existing ground would be covered with infrastructure - cabins etc, and walkways covered with marquee flooring or a temporary plastic flooring product. No objections have been raised by the Council's Contamination Team given the temporary nature of the application.

Air Quality

5.69 Paragraph 124 of the NPPF states that planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. London Plan Policy SI 1 states that development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality (particularly within Air Quality Management Areas (AQMAs) and where development is likely to be used by large numbers of those particularly vulnerable to poor air quality, such as children or older people). Policy CC10 of the Local Plan explains that the Council will reduce levels of local air pollution and improve air quality in line with the national air quality objectives.

5.70 The Site is located within an Air Quality Management Area. It is expected that the majority of visitors to the site would use public transport, which will assist in offsetting negative air quality impacts from the development. Furthermore, should permission be granted then a condition is recommended to be attached to the decision notice to ensure that no non-road mobile machinery (NRMM) would be used on the site, unless it is compliant with the Stage IV NO_x and PM₁₀ emission criteria. A further condition is recommended to ensure that vehicles used for the construction and operational phases of the development meet London Ultra Low Emission Zone (ULEZ) compliance. This would ensure that all machinery/vehicles to be used on site would be non-polluting to improve air quality.

COVID-19

5.71 The proposal would enable the operation of a temporary event to support vibrancy, arts and culture in the area over the summer period. The applicant however is mindful of existing social distancing restrictions and seeks to ensure that all the necessary safety measures would be implemented. COVID-19 guidance is constantly being reviewed. The applicant has indicated that the layout can be adapted to meet the latest government guidance and future social distancing requirements. The applicant states that a COVID-19 officer has been appointed, whose responsibility will be to oversee that Underbelly's control measures and procedures are correctly introduced and managed. This person will liaise with the local public health authority as required. Procedures on site would reflect the latest government guidance including appropriate PPE and provision of written procedures and guidance for all staff. A full COVID-19 risk assessment will take place prior to the event and be reviewed continually throughout the event.

6.0 RECOMMENDATION

- 6.1 The proposal would comply with the development plan. The proposed structures and activities represent an acceptable temporary use for this site in this instance. The proposal is consistent with the Council's policies for the area, in relation to arts, cultural and entertainment uses. The use is considered to be compatible with other cultural uses in the vicinity. This activation of the vacant derelict space will be beneficial to the wider regeneration area generally. It is considered that the proposed use would contribute to the overall area until the regeneration of the wider Earls Court site comes forward. On this basis it is considered that the proposal is consistent with the requirements of the policies CF3, FRA and FRA1 with regard to employment generation in the area and provision of leisure/cultural facilities as well as small-scale food and drink uses.
- 6.2 Regard has been had to the setting of neighbouring Conservation Areas and special interest of listed buildings. It is considered that there would not be any harm caused to the special interest or character of any heritage assets. Any temporary minor impacts are considered to be outweighed by the social and economic public benefits that the proposal would deliver.
- 6.3 The supporting information adequately addresses the issues of visitor management and other operational issues pertaining to the proposed use in terms of delivery/servicing, noise management and luminescence management and these are recommended to be approved by way of conditions to ensure that the event operates in accordance with the documents. Subject to appropriate conditions including requiring the use be operated in accordance with the Operational Event Management Plan (OEMP) the temporary scheme is considered acceptable. A condition is also recommended to ensure that all structures associated with the application(s) will be removed and the site reinstated once the use ceases.
- 6.4 As such, it is considered that the proposed development accords with relevant policies in the Local Plan (2018) and the London Plan (2021).
- 6.5 Accordingly, it is recommended that the proposed development be granted planning permission subject to the conditions listed above.
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