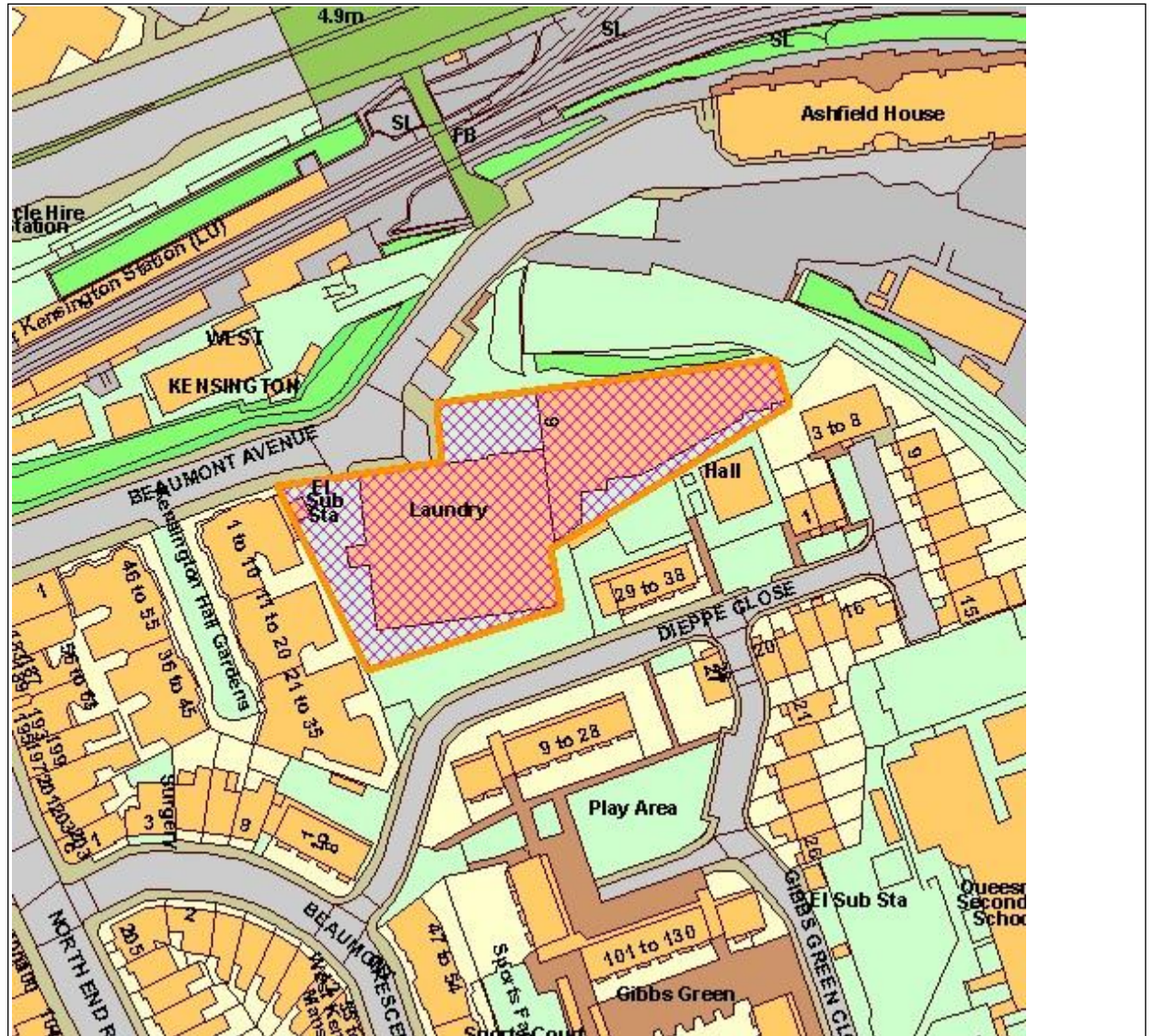


Ward:

West Kensington

Site Address:

9 Beaumont Avenue London W14 9LP



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Reg. No:

2022/01426/FUL

Case Officer:

Violet Dixon

Date Valid:

25.05.2022

Conservation Area

N/A

Committee Date:

20.07.2022

Applicant:

The Lost Estate Property Ltd

c/o Agent: Firstplan, Broadwall House, 21 Broadwall London SE1 9PL

Description:

Change of use and refurbishment of the former Mannequin Factory (Class B2) to a combined theatre/performance space with restaurant and bar areas (Sui Generis use), along with the continued use of the rear section of site as a church (Class F1 (f)) - for a temporary period of 5 years.

Application Type:

Full Detailed Planning Application

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

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

Application form received: 10th March 2022

Drawing Nos: see Condition 2

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

Consultation Comments:

Comments from:

Thames Water - Development Control
Environment Agency - Planning Liaison
The Theatres Trust
Historic England
Transport for London Spatial Planning

Dated:

26.05.22
13.06.22
14.06.22
21.06.22
22.06.22

Neighbour Comments:

Letters from:

Dated:

4 Kensington Hall Gardens Beaumont Avenue W14	20.06.22
5 Kensington Hall Gardens Beaumont Avenue W14	20.06.22
6 Kensington Hall Gardens Beaumont Avenue W14	19.06.22
10 Kensington Hall Gardens Beaumont Avenue W14	19.06.22
10 Kensington Hall Gardens Beaumont Avenue W14	19.06.22
10 Kensington Hall Gardens Beaumont Avenue W14	19.06.22
16 Kensington Hall Gardens Beaumont Avenue W14	12.06.22
19 Kensington Hall Gardens Beaumont Avenue W14	01.06.22
20 Kensington Hall Gardens Beaumont Avenue W14	09.06.22
21A Kensington Hall Gardens Beaumont Avenue W14	20.06.22
23 Kensington Hall Gardens Beaumont Avenue W14	04.06.22
23A Kensington Hall Gardens, Beaumont Avenue W14	20.06.22
29A Kensington Hall Gardens Beaumont Avenue W14	01.06.22
29A Kensington Hall Gardens Beaumont Avenue W14	01.06.22
30 Kensington Hall Gardens Beaumont Avenue W14	05.06.22
32A Kensington Hall Gardens Beaumont Avenue W14	02.06.22
33A Kensington Hall Gardens Beaumont Avenue W14	06.06.22
35A Kensington Hall Gardens Beaumont Avenue W14	20.06.22
42 Kensington Hall Gardens Beaumont Avenue W14	20.06.22
44 Kensington Hall Gardens Beaumont Avenue W14	02.06.22
63 Kensington Hall Gardens 191 North End Road W14	13.06.22
63 Kensington Hall Gardens 191 North End Road W14	13.06.22
63 Kensington Hall Gardens 191 North End Road W14	13.06.22
215 North End Road W14	11.07.22
5 Beaumont Crescent W14	12.06.22
11 Dieppe Close W14	07.06.22
7 Radipole Road London SW6	13.06.22

Officer Recommendation:

- 1) That the Committee resolve that the Chief Planning Officer be authorised to grant planning permission upon the completion of a satisfactory legal agreement and subject to the conditions listed below.**
- 2) That the Committee resolve that the Chief Planning Officer, after consultation with the Assistant Director, Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed Heads of Terms of the legal agreement or proposed conditions, which may include the variation, addition, or deletion of conditions, any such changes shall be within their discretion.**

CONDITIONS

In line with the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations (2018), officers have consulted the applicant on the pre-commencement conditions included in the agenda and the applicant has raised no objections.

1. Temporary Use

The use(s) hereby permitted shall be carried on only by the Lost Estate Property Ltd./Every Nation Church and shall only be for a limited period, expiring on or before 31 July 2027. Thereafter the use(s) shall be discontinued, and the building restored to its former condition/use.

In granting this permission, the Local Planning Authority is not prepared to approve the development other than for a limited period only, having regard to the wider regeneration of the area, and to allow the Council to assess the impact of the operation of the uses on the amenities of surrounding occupiers, in accordance with Policies FRA, FRA1, DC1, DC4, E1, CF1, CF3, TLC5, T1, T2, T3, T6, CC7, CC11, CC12 and CC13 of the Local Plan (2018) and Key Principles SDC1, SDC6, NN7, LC6, WM9, TR1, TR2, and TR28 of the Supplementary Planning Document (SPG) (2018).

2. Approved Drawings/Documents

The development hereby permitted shall be carried out and completed in accordance with the following approved drawings/documents:

- 22141 Lost Estate – Site Location Plan
- 22141 Lost Estate – Block Plan
- Q2210-IOA-ZZ-00-DR-A-003 – Proposed Ground Floor Plan
- Q2210-IOA-ZZ-00-DR-A-003 – Proposed Ground Floor Plan (Church red line)
- Q2210-IOA-ZZ-01-DR-A-1101 – Licensing Plan
- Q2210-IOA-ZZ-01-DR-A-1101 – Cycle Parking Spaces
- Q2210-IOA-ZZ-01-DR-A-1102 – Proposed First Floor Plan
- Planning Statement produced by First Plan dated May 2022
- Operational Management Plan (Version 7) produced by The Lost Estate
- The Lost Estate - Social/community value programme and social value plans
- Transport Assessment produced by EAS dated May 2022
- Performance Space Travel Plan produced by EAS dated May 2022
- Church Travel Plan produced by EAS dated May 2022
- Delivery and Servicing Management Plan dated July 2022

- Phase 1 Land Contamination Assessment and Technical Review produced by Ecologia (Reference: EES 22.078.1) dated 16 May 2022
- Amended scheme for investigation (emails re Mannequin Factory Earls Court, sent 31/05/2022 & 16/06/2022, WSP – LBHF)
- Acoustic Assessment produced by ACA Acoustics (Report Reference: 220322-R001) – amended – 16 June 2022
- Air Quality Assessment produced by Aether dated May 2022
- Flood Risk Assessment produced by WML Consulting (Report No. 10525/FRA/01) dated April 2022
- Statement of Community Involvement produced by The Lost Estate dated May 2022

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. Operational Management Plan

The use(s) hereby permitted shall be carried out in accordance with the Operational Management Plan prepared by The Lost Estate (Version 7) and thereafter be permanently retained for the temporary period permitted.

To ensure that the amenity of occupiers of the development site/surrounding premises is not adversely affected by noise, in accordance with Policies CC7, CC11, CC12, CC13 and T2 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

4. Opening Hours (theatre use)

Members of the public shall not be on the site in connection with the theatre use hereby permitted other than between the hours of 08:00 to 00:00 hours on Sunday – Thursday (including Public/Bank Holidays) and 08:00 to 00:30 hours on Friday and 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. Opening Hours (church use)

No Sunday church services shall take place outside the hours of 10.00-12.00 and 16.00-18.00 hours.

To ensure that the use does not conflict with the theatre performance times and 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).

6. Maximum Capacity (theatre use)

The maximum capacity of the theatre use hereby permitted shall not exceed 300 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).

7. Maximum Capacity (Church Use)

The maximum combined capacity of the church use hereby permitted shall not exceed 300 persons 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).

8. Sound Insulation – building envelope

Prior to first use of the development hereby permitted, sound insulation works within the building envelope and other mitigation measures shall be completed in accordance with the approved details. The acoustic works shall demonstrate that noise from uses, and activities is contained within the building/site and shall not exceed the criteria of BS8233:2014 at neighbouring noise sensitive/ habitable rooms and private external amenity spaces. Approved details shall be permanently retained thereafter for the period of the permission.

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

9. External Noise - Plant

The external sound level emitted from the site including plant/ machinery/ equipment shall be lower than the lowest existing background sound level by at least 10dBA in order to prevent any adverse impact. An 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. A post installation noise assessment shall be carried out where required to confirm compliance with the sound criteria and additional steps to mitigate noise shall be taken, as necessary. Any necessary mitigation measures shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

10. Anti- vibration mounts and silencing of machinery etc.

Any extract / ventilation system and ducting shall comprise of sufficient antivibration measures / proprietary anti-vibration isolators and any fan motors shall be vibration isolated from the casing and adequately silenced.

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

11. External doors and windows to remain shut

Prior to the first use of the development hereby permitted, all external doors to the premises shall be fitted with self-closing devices, which shall be maintained in an operational condition and at no time shall any external door nor windows be fixed in an open position.

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

12. Acoustic lobby where proposals include loud music or voices etc.

Prior to the first use of the development hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority of the installation of acoustic lobbies to entrances and exits which would otherwise allow the emission of internal noise to neighbouring noise sensitive premises.

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).

13. Music/ Loud Voices

Neither music nor amplified, or loud voices emitted from the development shall be exceed limits advised by BS8233 (2014) inside any residential/ noise sensitive premises.

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. Artificial Lighting

Prior to the first use of the development hereby permitted, details of external artificial lighting shall be submitted to and approved in writing by the Council. Lighting contours shall be submitted to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Note 01/20: Guidance Notes for the Reduction of Obtrusive Light'. Details should also be submitted for approval of measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming, and shielding luminaires. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained

To ensure that the amenity of occupiers of surrounding properties are not adversely affected by lighting, in accordance with Policies CC12 and CC13 of the Local Plan (2018).

15. Car Parking Management Plan

No part of the development shall take place until a Car Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Car Parking Management Plan shall include details of the type of car parking spaces provided, and how any potential conflicts with vehicles delivering/servicing the site would be resolved or managed. Full details of the number, size layout, identification and location of car parking spaces, including parking spaces for people with disabilities and active electric charging points (minimum 22 KW) will be required. Before the first occupation of the use of the development these parking spaces shall be provided in accordance with the approved details and thereafter retained for the sole use of parking for the development hereby approved.

To ensure a satisfactory provision of disabled car parking/electric charging facilities, in accordance with Policy T6, T6.5 of the London Plan and Policies T4 and T5 of the Local Plan (2018) and SPD Key Principles (2018).

16. Cycle Storage Facilities

Prior to the first use of the development hereby permitted, the cycle storage facilities, shown on approved drawing no. Q2210-IOA-ZZ-01-DR-A-1101 – Cycle Parking Spaces shall be installed in full accordance with the approved details. The cycle storage facilities shall thereafter be permanently retained and maintained for the lifetime of the permission.

To ensure adequate provision of cycle storage for employees/visitors in accordance with Policy T5 of the London Plan (2021) and Policy T3 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

17. Low Emission Delivery and Servicing Plan

Prior to the occupation of the development hereby permitted, details of a Low Emission Delivery and Servicing Plan for the theatre and church use shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- a. Use of Zero Exhaust Emission Vehicles in accordance with the emissions hierarchy (1) Walking Freight Trolley (2) Cargo bike (3) Electric Vehicle, (4) Alternative Fuel e.g., CNG, Hydrogen,
- b. Frequency of deliveries and collections
- c. Reduction and consolidation of deliveries and collections e.g., Waste,
- d. Re-timing of deliveries and collections outside of peak traffic time periods of 07:00-10:00 and 15:00-19:00 hrs.
- e. Vehicle movements, and operations of the loading bay (s) as identified on the approved drawings
- f. Quiet loading/unloading mitigation including silent reversing measures in accordance with Building Design Guidance for Quieter Deliveries, TFL, June (2018),

Approved details shall be fully implemented prior to the occupation of the development and thereafter permanently retained and maintained.

To comply with the requirements of the NPPF, Policy SI 1 of the London Plan 2021 and Policy CC10 of the Local Plan (2018).

18. Deliveries and collections / loading/unloading

No deliveries nor collections/ loading nor unloading shall occur at the development hereby approved other than between the hours of 08:00 to 18:00 on Monday to Friday, 09:00 to 18:00 on Saturdays and at no time on 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 CC11 and CC13 of the Local Plan (2018).

19. Delivery and Servicing Plan

Prior to the first use of the development hereby permitted, a final Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. The DSP shall detail the management of deliveries, emergency access, collection of waste and recyclables, times, and frequencies of deliveries and collections/ silent reversing methods/ location of loading bays and vehicle movement at the site entrance and throughout the development. The DSP shall demonstrate that all servicing and deliveries shall take place from within the site.

The approved measures shall be implemented and thereafter retained for the lifetime of the development.

To ensure highway safety and that satisfactory provision is made for refuse storage and collection and to ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise, in accordance with Policies T2, T6, CC7, CC11 and CC13 of the Local Plan (2018) and SPD Key Principle TR28 (2018).

20. Refuse

Prior to the first occupation of each use hereby permitted, full details of the dedicated refuse and recyclable storage enclosures shall be submitted to and approved in writing by the Local Planning Authority. 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.

To ensure adequate provision for refuse and recycling within the development in accordance with Policies T2, T6, CC7, CC11 and CC13 of the Local Plan (2018) and SPD Key Principle TR28 (2018).

21. Refuse Collection Times

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 10:00 and 16:00 and 18:00 and 21:00 on Monday to Friday and 10:00 to 18:00 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).

22. Flood Risk Assessment

The development shall be carried out in full accordance with the details contained within the approved Flood Risk Assessment (produced by WML Consulting (Report No. 10525/FRA/01) dated April 2022) and the measures shall be retained in this form and maintained as necessary thereafter. No part of the development shall be used or occupied until all flood prevention and mitigation measures, including a water exclusion and water entry strategy to prevent a risk to life in the event of fluvial flooding, and water efficiency measures have been installed in accordance with the submitted details and the development shall be permanently retained in this form thereafter.

To reduce the impact of flooding to the proposed development and future occupants, in accordance with Policies CC3 and CC4 of the Local Plan (2018).

23. Contamination – Quantitative Risk Assessment Report

Unless the Local Planning Authority agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, following a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Local Planning Authority. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health, controlled waters, and the wider environment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters, or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan (2018) and SPD Key Principles LC1 to LC7 (2018).

24. Contamination - Remediation Method Statement

Unless the Local Planning Authority agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, a remediation method statement is submitted to and approved in writing by the Local Planning Authority. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters, or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan (2018) and SPD Key Principles LC1 to LC7 (2018).

25. Contamination - Verification Report

Unless the Local Planning Authority agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until the approved remediation method

statement has been carried out in full and a verification report confirming these works has been submitted to, and approved in writing, by the Local Planning Authority. This report shall include: details of the remediation works carried out; results of any verification sampling, testing, or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement, and disposal; and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the Local Planning Authority is to be informed immediately and no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Local Planning Authority. Any required remediation shall be detailed in an amendment to the remediation statement and verification of these works included in the verification report. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters, or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan (2018) and SPD Key Principles LC1 to LC7 (2018).

26. Contamination - Onward Long-term Monitoring

Unless the Local Planning Authority agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until an onward long-term monitoring methodology report is submitted to and approved in writing by the Local Planning Authority where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. A verification report of these monitoring works shall then be submitted to and approved in writing by the Local Planning Authority when it may be demonstrated that no residual adverse risks exist. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters, or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan (2018) and SPD Key Principles LC1 to LC7 (2018).

27. Level Access

The thresholds of public entrance doors to the buildings and integral doors shall be at the same level as the adjoining ground level fronting the entrances to ensure level access.

To ensure the development provides ease of access for all users, in accordance with Policy DC1 of the Local Plan (2018) and Principles DA1, DA4, DA5, DA6, DA7 and DA11 of the Planning Guidance SPD (2018).

28. No External Alterations

No external alterations shall be carried out to the external appearance of the building, including the installation of air-conditioning units, ventilation fans or extraction equipment flues or other plant equipment and associated external pipework or ducting shall be fitted to the exterior of the building unless otherwise shown on the approved drawings.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DC1, DC4, DC8, CC11 and CC13 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

29. Permitted Development

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that principal Order with or without modification), no additional aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted, without planning permission first being obtained.

To ensure that the visual impact of telecommunication equipment upon the surrounding area can be considered, in accordance with Policies D4, D8 and HC1 of the London Plan 2021; Policies DC1, DC4 and DC8 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

30. Construction Method Statement

Prior to commencement of the development hereby permitted, a method statement for the construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. Details shall include control measures for dust, noise, vibration, lighting, delivery times/location, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 - 1300 hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the project period.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting, or other emissions from the site, in accordance with Policies T1, T6, CC11, CC12 and CC13 of the Local Plan (2018).

Justification for Approving the Application:

1) Land Use: The proposed temporary uses are considered to be acceptable in land use terms and is compatible with the Fulham Regeneration Area which is well served and accessible by public transport. The proposed development is therefore considered acceptable, on balance, and in accordance with Policies GG2, SD1, SD10, S1 and E11 of the London Plan 2021 and Policies FRA and FRA1 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

2) Design & Conservation: The proposal would preserve the character and appearance of the adjoining Barons Court Conservation Area, and the setting of nearby designated and non-designated heritage assets in accordance with s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF (2021), the London Plan (2021), Policies DC1, DC4 and DC8 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

3) Residential Amenity: The impact of the proposed development upon nearby residential occupiers is considered to be acceptable. Subject to conditions and obligations, the proposal would not have an adverse impact on neighbouring residential amenity in terms of noise and disturbance. In this regard, the development would respect the principles of good neighbourliness, and would therefore be acceptable in accordance with Policies CC11, CC13, and DC2 of the Local Plan (2018)

4) Highways: The accessibility level of the site is very good and is well served by public transport. Subject to conditions and obligations, the scheme would not have an adverse impact upon the highway network or parking stress. Satisfactory provision shall be made for cycle parking and refuse storage. The proposal accords with Policy T4, T5 and T6 of the London Plan and Policy T1, T3, T4, T5 and T7 of the Local Plan (2018).

5) Environmental: Flood mitigation will be secured by way of condition along with the necessary land contamination investigations. Subject to these conditions, the proposal would accord with Policies CC3, CC4, CC7, CC9, CC10, CC11, CC12 and CC13 of the Local Plan (2018).

6) Economic Development: Planning obligations to offset the impact of the development and to make the development acceptable in planning terms to ensure the proposed temporary uses 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).

MAIN REPORT

1.0 SITE AND SURROUNDINGS

- 1.1 The Application Site ('the site') covers an area of approximately 0.32 hectares. The site is flat and comprise a series of interlinked, part single, part two storey former industrial buildings, with ancillary office/storage spaces, a car park/servicing space, and a synthetic landscaped forecourt area.
- 1.2 The site is located at the eastern end of Beaumont Avenue and accessed from North End Road at the western end. Beaumont Avenue is a no through road. Situated opposite the site is a secondary and emergency access to TfL's Lillie Bridge Depot (LBD) - an operational railway depot, and associated office building (Ashfield House).
- 1.3 The surrounding area is urban in character, comprising a mix of residential, commercial, and industrial uses. The site is bound to the west by Kensington Hall Gardens (5 storey mansion blocks) and the Gibbs Green Estate (off Dieppe Close) to the south. TfL land including rail tracks running into West Kensington London Underground station are situated to the north with the A4 (West Cromwell Road) beyond.



c/o Google Earth

Designations

- 1.4 The site is industrial brownfield land, located in the Earls Court and West Kensington Opportunity Area (WCOA), as designated in the London Plan (2021). In the H&F Local Plan, the site is included within the Fulham Regeneration Area (Strategic Policy FRA) and more specifically within Strategic Site Policy (FRA 1) – Earls Court and West Kensington Opportunity Area. The site is in Flood Zone 3 with high residual risk. The area however benefits from flood defences.

- 1.5 The site is not in a conservation area. The Barons Court Conservation Area adjoins the site immediately to the west. West Kensington Underground Station and the Three Kings Public House on North End Road are locally registered as Building of Merits (BOM). There are no listed buildings located within close vicinity to the site.

Transport

- 1.6 Vehicular/pedestrian access is via Beaumont Avenue. The site is well located in terms of access to public transport. The site has a Public Transport Accessibility Level (PTAL) of 5 which is considered a very good level of access to public transport. There are two bus stops located within a short walk distance from the site. West Kensington stop T is 145m west of the site; and West Kensington stop S is located 150m to the north of the site (located outside West Kensington Underground Station). The two bus stops provide access to three bus services 28, 306, and N28 including a night bus service. West Kensington (District Line) underground station is located 145m from the site. Barons Court underground station (District/Piccadilly Lines) is located a 10 minute walk to the west. West Brompton Station is located to the south and approximately 1.3km from the site. The site is located within H&F Controlled Parking Zone (CPZ) 'D' which is operational Monday – Friday (09:00-17:00).

Planning History

- 1.7 The site lies within the wider proposed Earl's Court redevelopment area.
- 1.8 **Site History:** The site was originally used as a Victorian laundry and then by Adel Rootstein Ltd. as a factory in the design and manufacture of display mannequins. In recent years, the site has had temporary uses. Between 2017-2020, it was used by Fulham Boys School. The site is now under the ownership of the Earls Court Development Company (ECDC) who seek to bring the building back into a long term meanwhile use.
- 1.9 Part of the site is leased to 'Every Nation Church.' The church facilities currently use the former main school hall for a morning Sunday service (200-250 persons). The rest of the time the church operates with 20-30 persons.
- 1.10 **EC History:** 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).
- 1.11 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 comprises the land occupied by the former Earl's 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.

- 1.12 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 change of use of the former industrial site to a combined theatre/performance space with ancillary restaurant and bar areas (Sui Generis), alongside the continuation of an existing church use (Class F1(f)), which would relocate to a different part of the site.
- 2.2 The proposal is for a temporary period of 5 years, whilst long term regeneration proposals for the wider Earls Court site come forward.
- 2.3 The proposal involves the repurposing the existing buildings into a cultural hub/theatre venue and moving the present church facilities to the eastern end of the site. Both uses would co-exist however operate independently from each other, with separate entrances. The site would be divided, with approximately 1,850 sqm of space allocated for the performance space/theatre use, and 650 sqm for the church activities.
- 2.4 The theatre use would be operated by 'The Lost Estate', an immersive performance space operator, with live shows provided by means of an interactive experience told through theatre, music, and food/drink.
- 2.5 The theatre use has an established record for operating short term, meanwhile events. The Applicant states they have delivered combined theatre, music, and dining events for over 5 years, across London, attracted a range of high profile productions and served a combined 50,000+ guests. This includes a similar use in L.B. Southwark (16 Great Guildford Street).

Theatre Use

- 2.6 The proposed theatre/performance space (Sui Generis) would occupy the main/front section of the site. The use would combined a live theatre performance and restaurant space, ancillary small bar areas, integration of an existing kitchen, and provide workshop space and shared workspaces including studios, rehearsal rooms, green rooms, and storage space. The main performance room would be placed in the present main hall, used by the church for services with live music and formerly used by the school as a multi-purpose hall/dining space.

- 2.7 Workshop spaces and back of house areas for staff would be provided on the ground floor levels together with ancillary office space. An Arts Hub for local emerging artists is proposed and would provide a creative co-working space for artist studios, meetings, rehearsal rooms and hot desking. The applicant proposes to set up a series of initiatives for local graduates and provide employment opportunities, community programmes and free tickets for local residents/businesses.
- 2.8 The proposals do not intend to carry out any external changes or alterations to the building. The refurbishment/fit-out of the premises would primarily involve internal, non-invasive works. The southern façade wall of the main performance hall facing the Gibbs Green estate is currently formed by double glazed windows and contains three fire escape doors. The applicant intends to install a new internalised acoustic wall inside the façade, in order to improve the sound insulation and reduce noise breakout and to upgrade the existing fire doors.

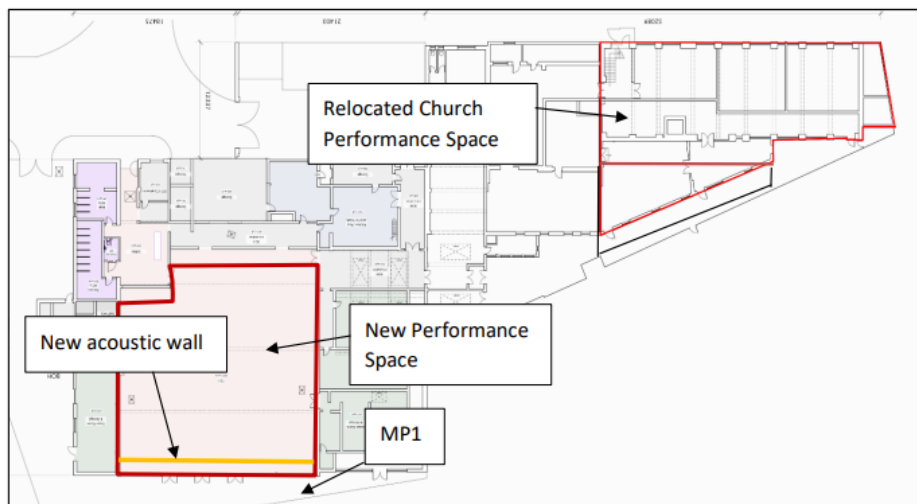


Figure 1: Ground Floor Layout

- 2.9 The application proposes the introduction of a free standing cycle storage unit in the existing car park area. Provision for on-site disabled parking would remain.
- 2.10 The theatre use would create 35-40 jobs which comprise a mix of staff employed on either a full-time or part-time basis.
- 2.11 The public entrance to the theatre and church uses would be via separate entrances on Beaumont Avenue. Performances hosted would be ticketed. These would be sold online through the website, as well as over the phone.
- 2.12 Visitor numbers to the theatre use would vary across each day of the week. The proposed capacity of the theatre use would be limited to 290 customers, split between the main performance space and bar space.

The main performance space would have a maximum capacity of 250 covers, and 40 bar covers.

- 2.13 The movement of visitors entering/leaving the site would be controlled. A customer dispersal policy is proposed in order to minimise potential noise disturbance from customers at the premises. Members of staff would be placed on the door before closing to ensure customers vacate the premises quietly. No drinks would be permitted outside the premises. In order to minimise the impact of patrons arriving or departing at once, the premises would be to open one hour before and after a theatre performance. This 'soft closure' practice would ensure the premises close more slowly and encourage a more even dispersal. The applicant has stated the intention to contact Uber and other major app-based private hire taxi companies and will advise on their website a drop-off/pick-up point away from the premises, in order to avoid taxis dropping off/picking up guests outside residential properties further up Beaumont Avenue.
- 2.14 The theatre use would operate on a daily basis and would programme public theatrical performances event for between 40 and 46 weeks of the year. The premises would operate between 08:00 -12:00am (Sunday to Thursday) and 08:00 - 12:30am (Friday and Saturday). Typical performance timings would be between 19.30 – 22.30 hrs (Tuesday to Friday) and between 13.00 – 16.00hrs and 19.30 – 22.30hrs (Saturday and Sunday). The theatre use do not intend holding performances on a Monday.
- 2.15 The site benefits from designated areas for delivery and servicing and refuse storage, including on-site loading area on an existing hardstanding which is also used for car parking. The Applicant states there would typically be between 1-2 food deliveries per day in the morning. Alcohol and soft drinks will be delivered approximately twice a week, between the hours of 8am-6pm. There will be typically between 2-4 show changes per year. Each of these involves changing the theatrical 'set dressing' in the main performance space and each set up will last for around 1 week. There will typically be between 4-8 deliveries during this period. Bin storage is proposed to remain as existing, within a purpose built bin store in the building.
- 2.16 An Operational Management Plan (OMP) has been submitted with the application for the theatre use. The OMP has been drawn up based on the applicant's experience of managing similar type events. It includes details relating to the intended operational and performance times, maximum covers, staff numbers, dispersal policy, deliveries, noise controls and refuse waste management. The applicant would employ a Venue and Community Manager. The OMP will be a comprehensive 'live' document, and a condition is recommended requiring the use to operate in accordance with the OMP.

Church Use

- 2.17 Part of the site is currently used 'Every Nation' Church and the proposal seeks to regularise the use. The Applicant has advised officers that the church operator has been on site since 2017 and previously functioned concurrently with former educational facility. The church operator seeks to remain as a subtenant of the theatre use and would relocate to the rear (east) section of the site. The church use delivers religious and educational services and operated across the UK and the rest of the world since 1994. The church currently utilises the main hall, foyer, kitchen, toilets, and office spaces.
- 2.18 The church operates on a daily basis between 09:30 – 21:30 (Monday – Saturday) providing facilities for religious studies and group meetings. The main church function however takes place on Sundays, with the other ancillary activities run during the rest of the week.
- 2.19 A weekly Sunday church service takes place between 10:00am – 12pm with a 30 minute buffer before and after the service to allow visitors to enter/exist the site. The church advise they would like to have provision to provide an additional afternoon service in the afternoon should the church service grow in numbers. The church operator advises that the church hall would have a capacity for approximately 210 seated people seated, with three additional ancillary rooms provided for children each with capacity of about 25 children. So in total, there would be approximately 285 people on site at any one time.
- 2.20 The church hire out space to diverse cultural groups (a 1/3rd occupancy per month is estimated) and would continue to operate a weekly youth meeting on Friday evenings, together with other ad hoc meetings.
- 2.21 The church staff comprises of 4 x pastoral staff, 2 x operational staff, 5 x youth/children's workers & 1 x campus worker. Staff meet together onsite at church meetings and one other time per week, otherwise work mostly off the premises.

Submitted Documents

- 2.22 The applicant has submitted the following documents in support of the application proposals:
- Drawings (Existing/Proposed)
 - Air Quality Assessment (prepared by Aether)
 - Church Travel Plan (prepared by EAS)
 - Performance Space Travel Plan (prepared by EAS)
 - Transport Assessment (prepared by EAS)
 - Flood Risk Assessment (prepared by WML Consulting)
 - Noise Impact Assessment and Acoustic Assessment (theatre use) (prepared by ACA Acoustics)
 - Phase 1 Land Contamination Assessment and Technical Review (prepared by Ecologica) and Vapour Testing

- Operational Management Plan
- Social Value Plans
- Social Community Value Programme
- Statement of Community Involvement

3.0 PUBLICITY AND CONSULTATION

Pre-application Consultation

- 3.1 The applicant undertook engagement with local residents prior to the submission of this application, inviting residents to meet the team and view the proposals for the site. The applicant leafleted 227 addresses in the local area inviting them to a consultation event held on the site on 25 April 2022. In total, 22 person attended the event and in response the applicant received 8 forms providing written feedback. The Statement of Community Involvement submitted with the application summarises the feedback provided. It states that overall the proposals were supported however, concern was expressed about noise breakout from the proposed theatre space. The Applicant states that the feedback received from the consultation has subsequently been taken on board.

Formal Consultation

- 3.2 The application was publicised by mean of a site notice displayed outside the site and a press notice. In addition, 483 notification letters were sent to neighbouring occupiers. The Royal Borough of Kensington & Chelsea (RBKC) was notified given the proximity of the site to the adjoining borough.
- 3.3 In total 26 representations were received from local residents. Includes 20 objections (Kensington Hall Gardens and Dieppe Close) and 7 in support. The content of the representations received are summarised below:

Objections

- The change of use would increase noise/disturbance (including late night noise).
- Proposals are incompatible with the residential character of the street.
- Kensington Hall Gardens is a high density, 1800's mansion block development, with single glazed windows/poor noise insulation. Bedrooms either face out onto the street or back onto the application building. Noise already reverberates within the existing residential courtyard and residents already experience noise/disturbance associated with the TfL depot.
- Noise levels from proposed theatre/restaurant/bar uses (inside/outside the venue) would have an adverse effect on residential amenity.
- Noise and disturbance from the existing church use, related to amplified/live music and volume of people attending the premises on a Sunday.

- Proposed theatre operating times are unclear/misleading and will result in unsocial and unneighbourly behaviour.
- Increase footfalls in Beaumont Avenue will have an adverse impact on the amenity of residents.
- Northern footpath in Beaumont Avenue is semi blocked, by legally parked vehicles, forcing all pedestrians movement to the southside passing alongside Kensington Hall Gardens. Proposal will increase footfall outside residential properties, particularly late at night, increasing noise and disturbance.
- Outdoor smoking on street will increase noise levels and have a negative impact on adjacent residential occupiers.
- Issues with existing security, crime and anti-social behaviour in Beaumont Avenue and the surrounding area. Proposal would increase this further.
- The building's age and the large single paned windows will result in on-going noise issues that cannot be mitigated.
- Beaumont Avenue is a congested road. Not designed to take more traffic, including large delivery and servicing vehicles.
- Availability of residential on street parking spaces in Beaumont Avenue is already difficult/non-existent. Residents already competing with local businesses, mini cabs and TFL depot staff due to current CPZ controls. Free parking available after 17.00 hours and at weekends when theatre/church uses would be operational. Proposals would make the situation worse.
- Parking permits applications by the proposed occupiers will make the parking situation worse.
- On street parking in Beaumont Avenue should be limited for residents use only and controls extended until 22.00 with suitable signage to such effect and robust enforcement.
- Equipment/food delivery vehicles would worsen the existing traffic situation. Times and sizes of vehicles would result in parking/unloading in the middle of the road due to existing limited parking.
- Results of parking surveys, traffic data and details in the Travel Plans have been questioned.
- Not convinced by proposals put forward by the Applicant for Uber/Taxi 'Pickup' locations to be directed away from the site and Beaumont Avenue
- Noise assessment inaccurate.
- Air quality concerns.
- Some residents highlight they were not aware of the consultation carried out.

Support

- Positive development for West Kensington – what the area needs subject to adequate safeguards re impact on noise and parking must be ensured
- Will generate cultural events and jobs.
- The existing building can be improved and soundproofed.
- Will enrich the local community

External & Statutory Consultees

3.4 The Theatres Trust:

Supportive of the proposal. Consider the principle of the land use to be policy compliant, would bring back a vacant building back into use and its location is accessible to public transport. The Theatre Trust state that the applicant has worked positively to produce acoustic, operational and travel plans which show that potential impacts of this proposal on nearby properties can be managed and mitigated. These and other matters can in their view be managed through conditions. In relation to crime and anti-social behaviour it is considered that by bringing this site back into positive active use would improve surveillance.

3.5 Transport for London (TfL):

TfL has no objection in principle to the proposed development, subject to the following being addressed:

- Cycle Parking details to be clarified in order to meet London Plan Policy T5 requirements.
- Possible improvements be explored such as improving tactile paving at the crossing point on North End Road.
- A Delivery and Servicing Management Plan.
- Commitment to travel plans.

3.6 Environment Agency:

No objection to the proposed development. Highlight the potential presence of contamination based on previous land uses. The site is situated in a vulnerable groundwater area on a secondary aquifer. The proposals therefore need to be dealt with in a way which protects the underlying groundwater.

3.7 Thames Water:

No objection/comments raised to the proposed development.

3.8 Historic England:

State they wish to raise no comments to this application.

4.0 POLICY CONTEXT

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

4.2 London Plan (2021)

- Policy GG5 (Growing a good economy)
- Policy SD1 (Opportunity Areas)
- Policy E10 (Visitor Infrastructure)

- Policy HC1 (Heritage conservation and growth)
- Policy HC5 (Supporting London's culture and creative industries)
- Policy HC6 (Supporting the night-time economy)
- Policy D5 (Inclusive Design)
- Policy D8 (Public Realm)
- Policy D11 (Safety, security, and resilience to emergency)
- Policy D14 (Noise)
- Policy SI 1 (Improving air quality)
- Policy SI 12 (Flood risk management)
- Policy T2 (Healthy Streets)
- Policy T5 (Cycling)
- Policy T6 (Car Parking)
- Policy T6.5 (Non-Residential disabled persons parking)
- Policy T7 (Deliveries, servicing, and construction)

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 E2 (Land and Premises for Employment Uses)
- Policy E4 (Local Employment, Training and Skills Development Initiatives)
- Policy DC1 (Built Environment)
- Policy DC4 (Alterations/extensions to existing Buildings)
- Policy DC8 (Heritage and Conservation)
- Policy CC3 (Minimising Flood Risk and Reducing Water Use)
- Policy CC7 (On site Waste Management)
- Policy CC10 (Air Quality)
- Policy CC11 (Noise)
- Policy CC12 (Light Pollution)
- Policy T2 (Transport)
- Policy T3 (Opportunities for Cycling and Walking)
- Policy T4 (Vehicle Parking Standards)
- Policy T5 (Blue Badge Holders)

5.0 PLANNING CONSIDERATIONS

Policy Framework

- 5.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England. Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).
- 5.2 In this instance the statutory development plan comprises the London Plan 2021, LBHF Local Plan 2018 and the LBHF Planning Guidance SPD 2018.
- 5.3 The National Planning Policy Framework - NPPF (2021) is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- 5.4 The London Plan was published in March 2021 and is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years.
- 5.5 The Council adopted the Local Plan on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The Planning Guidance Supplementary Planning Document (SPD) (February 2018) is also a material consideration in determining planning applications. It provides supplementary detail to the policies and is organised around key principles

Planning Assessment

- 5.6 The main planning considerations in the assessment of this application are considered to be:
- Land Use: Acceptability of a temporary theatre and continued church use on a former industrial site.
 - Accessibility.
 - Design and Conservation.
 - Residential Amenity of neighbouring occupiers (principally noise & disturbance and light pollution).
 - Highways impacts.

- Environmental Considerations.

Land Use

- 5.7 The application proposes a temporary change of use and refurbishment of a former industrial - mannequin factory to a combined theatre/performance space with ancillary restaurant and bar areas, alongside the continued temporary use of the eastern (rear) section of the site for a church use.
- 5.8 **Paragraph 93 of the NPPF** advises that planning decisions should provide social, recreational, and cultural facilities and services the community needs.
- 5.9 **Policy SD1 ‘Opportunity Area’** of the London Plan sets out the areas of London which are designated for growth and regeneration. This includes the Earls Court/West Kensington OA which the site is located within. This area is noted as having capacity for 6,500 new homes and 5,000 new jobs.
- 5.10 **Policy GG2 ‘Making the Best Use of Land’** seeks to maximise the development of brownfield land, utilising small sites which are well-connected by public transport. The policy encourages decision-makers to proactively explore the potential to the potential to intensify the use of land.
- 5.11 **Policy HC5 ‘Supporting London’s Culture and Creative Industries’** supports the continued growth and evolution of London’s diverse cultural facilities and creative industries. Part 1 of the policy specifically encourages the development of new cultural venues in town centres and places with good public transport connectivity. Part 3 states that strategic clusters of cultural attractions should be protected and enhanced, while Part 5 sets out that Council’s should ensure that OA’s include new cultural venues. The supporting text for Policy HC5 encourages Boroughs to support opportunities to use vacant buildings and land for flexible and temporary meanwhile uses or ‘pop-ups’ especially for alternative cultural day and night-time uses. It notes that the temporary use of buildings for cultural and creative uses can help stimulate vibrancy, vitality, and viability in town centres by creating social and economic value from vacant properties.
- 5.12 **Policy FRA of the Local Plan** sets out the overriding vision for the Fulham Regeneration Area which is to provide 7,000 new homes and 9,000 new jobs. The policy sets out that in order to do this, new development must secure economic benefits for the wider community in order to enable local people to access new job opportunities through training, local apprenticeships, or targeted recruitment. The policy also sets out that new development should provide appropriate social, physical, environmental and transport infrastructure to support the needs arising from the area as a whole.

- 5.13 **Policy FRA1 of the Local Plan** relates specifically to the Earls Court and West Kensington Opportunity Area where the site is located. Part 1 of the policy sets out that the Council will seek to provide a mix of land uses including housing, employment, hotels, leisure and associated facilities, retail, and cultural facilities – and it is specifically noted that cultural facilities should include a major arts, leisure, or entertainment activity. The supporting text for policy FRA1 Cultural facilities should include a major arts, leisure, or entertainment activity.
- 5.14 The supporting text for Policy FRA1 recognises that Earls Court has been a cultural destination for a significant period of time. It notes that despite the loss of the Earl's Court Exhibition Centre, this legacy should not be lost and as such development proposals brought forward within the opportunity area should support arts, leisure or entertainment uses which should help to continue the area's cultural legacy.
- 5.15 **Policy CF1** seeks to ensure high quality educational facilities are provided across the borough and that existing educational facilities are protected.
- 5.16 **Policy CF3** supports the enhancement of arts, cultural entertainment and leisure uses across the borough. The policy sets out that new and expanded venues must be accessible and inclusive and include evidence on how impacts such as noise, traffic, parking, and opening hours have been assessed minimised and mitigated.
- 5.17 Part D of the Policy CF3 identifies that the LPA's will support the temporary use of vacant buildings for commercial uses, including for performance and creative work. This is expanded on within the supporting text, where it is noted that vacant buildings that are transient or have a short life are an ideal location for community uses, and that this may help to enliven town centres where vacancy is an issue.
- 5.18 **Policy E2** requires the retention of land and premises capable of providing continued accommodation for employment or local services. It is stated that permission will only be granted for a change where continued use would adversely impact on residential areas, an alternative use would give a greater benefit that could not be provided on another site, or it can be evidenced that the property is no longer required for employment purposes.
- 5.19 **Policy TLC5** provides criteria for permitting Class A3 and other drink and entertainment uses. The policy notes that subject to the location of the proposals, the Council will apply conditions on uses where these are appropriate. The impact of the activities would be subject to licensing restrictions and would operate in accordance with the hours submitted, which would operate no later than 00:00 on Sunday - Thursday and 00:30 on Friday – Saturday, including Public/Bank Holidays.

- 5.20 The proposal aims to bring back an underutilised building (2582 sqm (GIA) floorspace) into temporary use for a period of up to five years, dependant on the progression of longer term redevelopment proposals for the Earls Court And West Kensington Opportunity Area coming forward. The proposal would provide a sustainable, educational, and multi-use cultural space serving the local community. Alongside the proposed cultural functions, the proposed uses would open up facilities and services for the benefit of the wider local community. The site is situated in an accessible location just outside of the designated North End Road Key Local Centre and West Kensington underground station is less than 200m away.
- 5.21 The proposals would improve and diversify the local cultural provision and contribute to London's cultural provision. Furthermore the proposals would support local businesses still seeking to recover from the impacts of COVID-19. The applicant has set out an operational management strategy and a series of mitigation measures which demonstrate impacts on the amenity of nearby residential properties can be addressed and managed. The temporary nature of the use is such that the long term objectives to regenerate the wider Earls Court Opportunity Area in accordance with both London Plan and Local Plan policies is not impacted. A condition is attached to ensure compliance with the time limit period attached and for the temporary uses to cease.
- 5.22 The proposal seeks to create a vibrant Arts Hub providing affordable workspace for local emerging artists, an initiative for local graduate creatives, and a community programme that offers local residents free tickets and would deliver social change partnerships with local hospitality charities.
- 5.23 In economic and employment terms, the applicant has set out that the proposed theatre use would generate 35-40 jobs, comprising a mix of full time and part time positions, providing acting, bar, front of house and facilities employment. As such, the development would have a residual moderate beneficial effect on the local economy. The applicant state they would support employing local workers wherever possible and seek to align with the Council's Work Zone connections and job centres, in order to maximise access to the local workforce about employment opportunities on the site. In addition, graduate opportunities on productions would be offered to local creatives (for example, paid internships for emerging set designers).
- 5.24 The applicant are committed to extend an existing 3 year partnership with The Felix Project, who work with local charities to deliver excess food to the homeless and those in need. Look to inaugurate a placement scheme with Springboard, a charity providing hospitality industry training to vulnerable young people. The applicant are also committed to extending their existing 4-year partnership with technical

crew agency Connection Crew, who employ ex homeless people (including over 12,000 hours of such paid work in 2021).

- 5.25 The applicant intend to employ a Venue and Community Manager, and work with Metre Squared, a company which create affordable spaces for artists in meanwhile use spaces. The applicant also intend to collaborate with Every Nation, the church use, on providing theatrical, musical, and other cultural users.
- 5.26 The applicant confirm the provision of 500 free tickets per year available to the local community to view certain performances.
- 5.27 The proposed use of the site as a combined theatre/performance space would deliver a vibrant arts/social community hub which encompasses affordable workspace for local emerging artists, an initiative for local graduate creatives, alongside a community programme which would deliver social change partnerships with local hospitality charities. The public and economic benefits of this cultural use are therefore welcomed and considered to outweigh any impacts relating to the temporary loss of an industrial site or impact on residential amenity. The provision of the proposed economic, employment and local community benefits would be secured by planning obligation.
- 5.28 The development would bring back the site which is located in an accessible location into a productive and efficient use. The meanwhile uses would aligns with the objectives of the Fulham Regeneration Area, to provide employment opportunities and cultural facilities and contribute to the local community. Overall, the proposed land uses would provide positive social and economic benefits to the local area, positively contributing to the local economy and enhancing the viability and vitality of the Fulham Regeneration Area. Subject to no adverse impact on neighbouring residential amenity, officers consider that the proposal is acceptable in this location and would accord with London Plan Policies SD1, HC5 and HC6 and Local Plan Policies FRA, FRA1, E1, E4, CF1 and CF3.

Design and Heritage

- 5.29 **Local Plan Policy DC1** 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 DC4** sets out to ensure that proposals are compatible with the scale and character of the existing building, neighbouring properties, and their setting. **Policy DC8** 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.

- 5.30 In this case, no external works are proposed to the building. The proposal is therefore considered acceptable in this regard. In this case, no external works are proposed to the building. Furthermore, the application site is not situated in a Conservation Area and the existing buildings/structures on-site do not benefit from any heritage designations. As such, the proposal scheme does not raise any design or heritage issues and is therefore considered acceptable in regard to these policies.
- 5.31 Visitors to the theatrical shows would enter the building through their main lobby off Beaumont Avenue and enter the main performance space at the western end of the site. An existing kitchen is positioned centrally, whilst the other back of house areas and staff spaces are positioned around the main performance space ensuring a practical layout. Overall, the building is designed to ensure a practical and functional layout, with minimal physical alterations necessary to accommodate the proposed uses. A cycle storage structure would be erected within the existing car park and servicing area at the western end of the site. Details of the design of the cycle storage are considered satisfactory and would be secured by condition. The structure is of a temporary nature, and it is therefore considered appropriate. In summary it is considered that the change of use proposals would not cause harm to the adjoining conservation area, in compliance with the NPPF and Local Plan Policies DC1, DC4 and DC8 of the Local Plan (2018).

Inclusive Access

- 5.32 The planning statement sets out that both the theatre and church venue would be accessible from street level via the primary doorways and space used by the general public does not feature any stairs. Visitors to the theatrical shows would enter the building through the main lobby and travel through corridor spaces to the main performance space at the west of the site. Disabled toilets would be provided in close proximity to the performance space and an existing single disabled parking space would be maintained on site.
- 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.

Residential Amenity

- 5.34 **London Plan Policy D14** seeks to reduce noise, manage, and mitigate noise to improve health and quality of life, residential and other non-aviation development proposals through mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development.

- 5.35 **Local Plan Policy DC1 and DC2** 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.
- 5.36 **Policy CC11** requires noise and vibration sensitive development to be located in the most appropriate locations and protected against existing and proposed sources of noise and vibration through careful design, layout, and use of materials. The policy goes on to state that noise generating development will not be permitted, if it would be liable to materially increase the noise experienced by the occupants/users of existing or proposed noise sensitive uses in the vicinity.
- 5.37 Residential properties are located in close proximity to the site. Bounded to the west by Kensington Hall Gardens and to the south by the Gibbs Green Estate. Properties in Kensington Hall Gardens consist of windows either facing directly onto the boundary of the site or on the northern elevation facing Beaumont Avenue.
- 5.38 The lawful use of the application site is for general industrial use and there are no restrictive planning conditions relating to noise or hours of operation.
- 5.39 The proposed change of use does not involve any physical alterations or changes to the existing external appearance of the building that might impact on the amenity of adjoining occupiers in terms of overlooking, privacy, or daylight.
- 5.40 The main consideration relates to potential impact of noise and disturbance associated with the proposed uses in respect to activities inside the building, by visitors arriving or leaving the site and associated plant use. Full details of how events would be managed to minimise impacts on residential amenity are set out in the Applicant's Operational Management Plan and Noise Impact/Acoustic Assessment.
- 5.41 The proposed uses would be for temporary period only. The applicant, has experience of running theatre shows at similarly constrained urban premises and will look to work alongside the local community to ensure there is no negligible impact on amenity. Even so hours of operation would be controlled, and staff monitoring would be to be in place at all times to regulate any disturbance associated with the theatre/church uses. CCTV would be installed, and signs would be placed around the site for visitors to be considerate to local residents when at events or leaving the site and staff monitoring would be provided to regularise this. In advance of the commencement of the use, a telephone number for the venue and community manager will be displayed and visible from the public highway to allow members of the public 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.

Noise

- 5.42 The proposal would lead to an intensification of the use on the site which will in turn result in an increase in noise levels without mitigating sound proofing being carried out to the existing building. It should be noted that the existing premises operated formerly as a general industrial use and, whilst currently mainly vacant, the lawful use class remains for this purpose. Different short term uses have subsequently been carried out at the site, with the recent school and church uses. In comparison, the proposal would include a range of cultural/community functions, including theatre, performance space and bar areas together with the continued church use. Although the proposed theatre venue is not a public house or club use, the source of the noise – amplified music and speech – is not dissimilar and should be taken into consideration.
- 5.43 The applicant has submitted a Noise Impact Assessment and supplementary Acoustic Report. The supporting documents set out that the potential noise sources from the site would be primarily from live amplified music and voice sound from patrons and audience members entering/leaving the premises and the use of plant.
- 5.44 A noise survey of noise emissions/predicted noise levels for the proposed theatre/church venues has been carried out and a sound mitigation scheme to the main performance space is proposed to ensure that the amenity of nearby noise-sensitive properties are not compromised. Background noise level surveys and sound insulation tests of the existing building envelope for the main theatre space and relocated church space have been carried out. Details of the predicted performance of a new insulated wall are also provided.
- 5.45 Unlike the former industrial and school uses, the proposed theatre use would operate within an improved insulated building. Local residents have highlighted noise outbreak issues associated with amplified sound associated with the existing church use which generates noise on Sundays and that the proposed theatre use would take place every day. The existing noise breakout from the church use is primarily due to the current state of the building which has not been updated for a number of years. The southern façade of the main performance hall is considered to be the dominant source of sound egress, due to it being mostly glazed with three fire escape doors. The fire escape doors themselves are considered to be poorly fitted with large gaps around them. This is considered to be the primary reason for the poor sound insulation performance of the existing building. It is proposed that the doors are repaired or replaced in addition to acoustic insulation works to be carried out to mitigate noise breakout. The remainder of the main hall is considered to be well insulated with internalised, interconnecting doors to storage/ green rooms to remain closed during performances.

- 5.46 Noise mitigation measures would be incorporated including the construction of a new 300mm acoustic wall inside the front of the glazed southern façade of the main performance space. The noise assessment states the proposed acoustic wall lining would provide internal levels of 93dBA without having an adverse effect. The amplified sound levels within the church use, would be limited to 83dBA. The church use would relocate from the existing main performance hall space to the eastern end of the site. Noise measurements of existing externally located machinery and equipment have also been carried.
- 5.47 To ensure a cumulative sound level (plant + operational noise) does not exceed 34dBA, the operational noise criteria must be limited to 33dBA. Details provided demonstrate that the combined external noise level at maximum capacity, emitted by the uses together with plant, machinery, or equipment, will be at least 10dBA lower than the typically lowest existing representative background noise level. The amended Noise Impact Assessment demonstrates that the relevant criteria is met at all the receptors with the mitigation measures proposed included. Measures proposed will be secured by condition prior to the first operation use of the theatre venue.
- 5.48 The theatre use would operate between the hours of 08:00am to 12am on Sunday to Thursday and 08:00am to 12.30am on Friday and Saturdays. Performances would however finish at 10.30pm and amplified sound would be limited to the time of the programmed performances. The core of the management strategy is based on the shows ending around 90 minutes before the bar closes and the applicant operating an audience dispersal plan which would minimise the potential for noise disturbance from customers leaving the premises. The Applicant states this dramatically reduces the chances of a sudden surge of exiting patrons leaving the premises as a show ends and a much more staggered exit onto Beaumont Avenue. Staff would be present on the doors to remind customers to leave in an orderly fashion and will remove any drinks as they leave the premises.
- 5.49 Concerns have been raised from local residents regarding neighbourhood security, and that the proposed theatre use would result in an increase in vandalism, crime, and drugs.
- 5.50 The Applicant has submitted an Operational Management Plan (OMP). The OMP is based on a long-established strategy employed by the theatre group on numerous comparable sites and covers the operation of both the theatre and church uses. The Applicant has set out that the theatre use is for an immersive theatre experience with a high-end food and drink offering and is not a typical bar or club use associated with some of the concerns expressed by local residents. Instead the Applicant set out that there is a strong emphasis on culture and the arts.

- 5.51 The OMP deals with how the venue would be managed with regards to operational hours, deliveries, performance timings and a dispersal strategy for visitors. In terms of site control and people management, staff monitoring would operate to ensure that visitors leave the event as quickly and quietly as possible. Signs are proposed to be placed at the exits to encourage audiences and other customers to be aware of and be considerate to local residents. No drinks will be permitted outside the premises. In order to minimise large volumes of patrons arriving or departing at once, the theatre would be open to visitors an hour before and after the theatre performances which will allow customers to arrive and disperse over a longer period of time. This 'soft closure' approach would allow a gradual flow of customers arriving and leaving throughout the evening reducing the potential for noise or disturbance. The applicant has proposed contacting Uber and other major app-based private hire taxi companies to set an advised pick-up point away from the premises, in order to avoid taxis picking up guests outside residential properties further up Beaumont Avenue.
- 5.52 No objection has been 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 sound impact outside the site. The proposal is therefore considered to accord with Policy CC11 of the Local Plan 2018.
- 5.53 In terms of the objections received from adjoining occupiers, the proposed relocation of the church use and the inclusion of an acoustic wall to the main performance area would contribute to minimising noise levels and concerns expressed. Officers consider that appropriate noise controls and measures would be put in place to prevent negative impact on amenity. Conditions would be sought to secure the hours of operation of both the theatre and church uses, and compliance with the Operational Management Plan. Officers consider the proposal is acceptable in this location and would not result in greater harm to the adjoining occupiers in terms of noise disturbance and amenity.

Highways

- 5.54 In determining this application, consideration has been given to the requirements of **Policies T1, T2, T4, T5, T6, T6.5 and T7 of the London Plan**, as well as the Healthy Streets for London strategy, published by TfL in 2017, in assessing the effects on the local highway network along with the proposed car parking, cycling parking and servicing requirements. London Plan Policy T6 and T6.5 state that proposals should encourage the reduction in the need to travel, especially by car.
- 5.55 **Policies T1, T2, T3, T4, T5 and T7 of the Local Plan** which relate to traffic impact/transport assessments, car parking standards, cycle parking, encouraging walking have been considered. **Policy CC7** sets

out the requirements for all new developments to provide suitable facilities for the management of waste.

- 5.56 The site is very well connected to all modes of travel including public transport options, and pedestrian and cycle network facilities, with a Public Transport Accessibility Level (PTAL) of 5, one of the highest possible levels. A range of public transport facilities are available within a short walk, including bus and underground services. The site is located within close distance of a range of everyday amenities. Staff and visitors accessing the site will therefore benefit from excellent access to public transport. A Transport Assessment and Travel Plans have been prepared by the applicant for the theatre and church uses to support the planning application.
- 5.57 A number of concerns have been raised by local residents regarding car parking, and specifically there is insufficient capacity in Beaumont Avenue for existing residents and proposed visitor parking. Beaumont Avenue is located in Controlled Parking Zone (CPZ Zone D), with controlled parking in place on Monday to Friday (0900-1700). The CPZ's are dual use, offering pay and display parking as well as permit holder only. Due to this they would offer short parking opportunities for those visiting the proposed site.
- 5.58 Officers acknowledge the potential impact of the proposed uses to on-street parking capacity in the vicinity of the site. Parking stress surveys have been carried out on behalf of the Applicant to determine the existing parking capacity in the vicinity of the site, and to assess the impact of any overspill parking generated by the proposal. The parking survey results confirm there is some parking capacity within 500m walk distance of the site which could accommodate the parking demand generated by the proposal. However, the parking survey also identified significant levels of parking stress within the immediate vicinity of the application site which could be exacerbated by the proposed development, particularly on Beaumont Avenue, outside of the operational hours of the Controlled Parking Zone (CPZ). As such, visitors to the proposed uses would be able to arrive to the premises by private car and park their vehicle for the length of their stay outside the current CPZ controls. No restrictions are place on blue badge holders and will be able to park in the existing bays along Beaumont Avenue.
- 5.59 To mitigate the impact of the proposal, a planning obligation is required to review and secure amendments to the existing parking controls in the vicinity of the site. The mitigation measure could include extending the hours of operation of the CPZ beyond the existing 9am – 5pm Monday – Friday hours. The parking survey data also observed vehicles parked on double yellow lines on Beaumont Avenue could impede service vehicle movement within Beaumont Avenue. Any amendments to parking controls (in the CPZ obligation) would therefore include a review of waiting / loading restricting on Beaumont

Avenue, particularly during times when service vehicle access is required.

- 5.60 The proposal would generate taxi drop off / pick up activity in the vicinity of the site. The details within the Transport Assessment suggest taxi pick up / drop off could be managed to minimise the impact of such activities on Beaumont Avenue. A s106 obligation will be sought to review this.

Car Parking

- 5.61 It is proposed to retain the existing vehicular access to the site off Beaumont Avenue. There is a hard standing area within the site boundary which is currently occupied by a substation and used for parking/servicing of vehicles. It is proposed the existing hardstanding area would be limited to two operational parking spaces, servicing vehicles needing a longer dwell time off Beaumont Avenue plus the provision of one blue badge parking space. In order to minimise conflict between vehicles manoeuvring and guests accessing the site on foot and via bicycle, on-site parking shall not occur during event periods. All off-street parking provision shall include EV charging facilities in accordance with the policies / standards in the London Plan, with at least one active charging facility and the remaining provided with passive provision. The details of this provision will be secured by way of a condition.
- 5.62 Staff would be encouraged to travel to the site using sustainable transport modes. The close proximity of the site to West Kensington Underground Station and bus services on North End Road makes this a reasonable statement. A planning obligation removing access to business parking permits is also recommended.

Cycle Parking

- 5.63 **London Plan Policy T5 and Local Plan Policy T3** set out cycle parking standards and aim to help remove barriers to cycling and create a healthy environment in which people choose to cycle. **Policy T3** seeks to increase and promote opportunities for cycling through the provision of convenient, accessible, and safe secure cycle parking within the boundary of the site. The cycle provision should meet the requirements of the London Cycle Design standards where possible, including 5% of stands being able to accommodate larger cycles.
- 5.64 Currently there are no dedicated cycle parking facilities available on site. Officers consider there are opportunities for the development to provide cycle parking facilities within the site boundary on existing hardstanding space. There are two Santander Cycle Hire docking stations close to the site, one on the A4, close to West Kensington Station and one on Gwendwr Road (400m from the premises).
- 5.65 The application would provide 7 long-stay and 14 short-stay bicycle spaces (21 spaces in total). The provision would be shared between

the church and theatre uses. The church use state they have 10 full-time staff, so 2 long stay cycle parking spaces are proposed, together with 7 short-stay visitor cycle parking spaces (based on circa 650sqm floorspace). The theatre use would employ between 35-40 staff members, depending on the theatrical performance. So 5 long-stay cycle parking spaces are proposed for the staff associated with this land use. The theatre use would have a maximum visitor capacity of 250 persons so 7 short-stay cycle parking spaces will be provided for visitors. Based on these figures, the 21 secured on site cycle parking spaces proposed would meet the minimum standards. Further details have been provided and a secure cycle parking facility would be provided in accordance with London Cycle Design Standards (LCDS). The cycle spaces are therefore considered acceptable and would be secured by condition in line with Local Plan Policy T3.

Pedestrian Access

- 5.66 The public would access/egress the site from Beaumont Avenue and the proposal would lead to an increase in pedestrian flows along this road. Beaumont Avenue has parking restrictions on both its north and south sides. The parking bays on the south side of Beaumont are within the carriageway, whereas the parking bays on the north side are partially on the footway. As a result, the width of the footway on the northern side of Beaumont Avenue is limited / constrained. Given the existing parking pressures and service vehicle access requirements along Beaumont Avenue, it is not possible to remove or alter these footway parking bays.
- 5.67 The Transport Assessment submitted with the application undertook a Healthy Streets style review / audit of the pedestrian environment between the application site and nearby public transport facilities. The healthy streets audit identified a number of issues in the pedestrian environment that would be a barrier or impact on pedestrian access to the site. The northern footpath on Beaumont Avenue was highlighted due to its reduced width which makes it difficult for wheelchair and mobility scooter users to comfortably use' the footway. The review also identified a number of other issues in Beaumont Avenue that would impact on pedestrian accessibility to the site. These included 'a lack of tactile paving at various crossing points over Beaumont Avenue,' and 'Beaumont Avenue could benefit from street lighting as the road may be quite dark at night-time.' To improve pedestrian accessibility to the site, a planning obligation is required to secure improvements to the footway on Beaumont Avenue. These works relate to improvements to the footway on the site frontage, and the installation of tactile paving to provide a crossing point near the eastern extent of Beaumont Avenue. To ensure people feel safe at night, an assessment of the lighting along Beaumont Avenue will also be required and if required the applicant would be expected to meet the cost of installing additional street lighting (one lamp column) on Beaumont Avenue. Given the predicted pedestrian trips generated by the proposed application, these improvements are necessary to mitigate the impact of the proposal.

5.68 Further details of measures to minimise the cumulative impact of the proposal are included in the Operational Management Plan. The measure should include (but not be limited to) staggering the start / finish times of theatre / church events to minimise the impact on Beaumont Avenue. The supporting information 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

5.69 The site is located within an area of good public transport accessibility, located close to West Kensington London Underground Station. Given the location of the site and good public transport links it is expected that few people would 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 subject to the measures outlined above.

5.70 The church use is predicted to generate (including church members and 10 full-time staff) an average of 925 two-way trips per week. Sundays would generate the most daily trips, with 320 two-way trips being made by staff and church members. It is estimated that 780 of the 925 weekly trips (84.3%) to the site are formed by sustainable methods of transport, with 688 (74.37%) consisting of public transport and 92 (9.93%) consisting of active transport methods.

5.71 The theatre use would have a capacity for 250 guests and would primarily consist of one show per evening on weekdays and two shows on Saturday and Sunday. In addition, an estimated 35-40 staff members would work on site at varying times. The proposed theatre use is expected to generate a total of 1,894 two-way trips to the site in an average week.

5.72 Combined, the trips for the church and the theatre use would generate 2,819 two-way trips per week, with 2805 of these trips associated with visitors to the site (remainder generated by staff). This equates to an average daily trip rate of 401. The busiest day of the week is expected to be Sunday, with the site generating 790 total two-way trips throughout the day.

Travel Plans

5.73 To promote / encourage sustainable travel to / from the site, a Travel Plan for the church use and theatre use have been submitted with the application sets out objectives and targets for sustainable travel to and from the site. Prior information about public transport routes to and from the site would be communicated via the applicant's website, explaining taxi pick up arrangements, highlighting cycle parking options and encourage use of sustainable modes to travel to the site. Staff

would be provided with a welcome pack containing suitable travel information. Whilst the principles of the travel plans are acceptable, final travel plans will need to be submitted prior to the occupation of the theatre use in order to ensure that the targets remain relevant and achievable. Final travel plans will be secured through the planning obligation, along with a monitoring fee in order to assess the performance of the travel plans.

- 5.74 The Applicant has also liaised with TfL to discuss the proposals and confirmed that TfL have voiced no concern with the proposals and concluded that the access to their site would not be hindered, due to the infrequency of servicing trips that would be made to the site, and the fact that the deliveries will most likely be using the hard standing within the site to make their stop, which is located completely off the public highway.

Installation/De installation works for the theatre use

- 5.75 The applicant states that there would be between 2-4 show changes per year for the theatre use. Each of the shows involves changing the theatrical 'set dressing' in the main performance space and would last for approximately one week. There would typically be between 4-8 deliveries during this period.
- 5.76 Details of the expected deliveries, and the type of vehicles, are set out in the Delivery and Servicing Management Plan. All deliveries to site during this period would be scheduled by the applicant and delivery slots would be staggered and ensure that deliveries are strictly controlled. 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 and delivery times.

Waste Management

- 5.77 Local Plan Policy CC7 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.
- 5.78 Waste from the premises is sorted into general waste and recycling on site, and then disposed in 1100L bins. All the bins for the proposed development will be housed on site in an existing bin store within the ground floor courtyard to the west of the site, off of Beaumont Avenue. Refuse bins will be left within the site. Refuse operatives will have to wheel the bins a maximum of 9 metres to the waiting refuse vehicle. A swept path analysis has been provided demonstrating that a refuse vehicle can service the site from Beaumont Avenue.

Delivery and Servicing

- 5.79 The applicant has submitted a comprehensive Operational Management Plan which covers all aspects of how the site would

operate during the event period and also a Transport Assessment. Deliveries and servicing would take place via Beaumont Avenue. A Delivery and Servicing Management Plan also sets out the management of deliveries and servicing trips to the site, in order to reduce emissions (e.g. noise, air pollution), congestion/disruption to the local highway network and improving road safety issues.

- 5.80 The application site benefits from designated areas for delivery and servicing, including on-site loading bays and an area of hardstanding which is intended to be used for parking for essential servicing.
- 5.81 The Delivery and Servicing Management Plan sets out the following measures will be implemented to reduce the impact of servicing on the local highway network:
1. Encouraging deliveries to take place outside of the network peak periods (i.e. 0700-1000 and 1600-1900), and not at all between 1800-0800 hours.
 2. All deliveries shall be coordinated in advance with suppliers so that they do not take place during theatre performances or during church services.
 3. All deliveries shall be coordinated in advance with suppliers so that the number and size of vehicles accessing the site is minimised. This would include through a consolidation/reduction of suppliers as well as advance communication with suppliers to ensure that the size delivery of vehicles are minimised.
 4. All deliveries, will be managed and timed (where possible) to ensure only one delivery at a time and to avoid clashes with other deliveries.
 5. All deliveries will be supervised by a member of staff who will ensure deliveries are met and to aid loading/ unloading. Staff will ensure that deliveries do not clash with pedestrians congregating at the entrance to the site.
 6. Where possible, contractors will be appointed where they can demonstrate a commitment to using smaller, greener (i.e. electric) vehicles; and
 7. All suppliers will be provided within a copy of this DSP and informed of the delivery and loading/unloading arrangements.
- 5.82 A condition is attached to ensure that no deliveries nor collections / loading nor unloading associated with the uses shall occur at the development other than between the hours of 08:00 to 18:00 on Monday to Friday, 09:00 to 18:00 on Saturdays and at no time on Sundays and Public/Bank Holidays.
- 5.83 Due to the limited construction works proposed at the site, it is anticipated that any impacts associated with construction phase of the development would be minimal. A small works method statement & risk assessment have been provided by the applicant which include the scope for delivery and parking arrangements. A construction method statement submitted with the application is secured by condition.

5.84 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 and the mitigation measures proposed secured by planning obligations or conditions. The proposal is therefore considered to accord with policies of the London Plan 2021 and Policies CC7, T1, T2, T3, T4 and T5 of the Local Plan 2018.

Flood Risk and Drainage

5.85 **London Plan Policy SI12** sets out that proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. **Local Plan Policy CC3** requires a site-specific Flood Risk Assessment (FRA) for developments in Flood Zones 2 and 3. In accordance with Policy CC3, a FRA has been prepared in support of this change of use application. The FRA evaluates the risk from all relevant sources of flooding such as river and coastal, groundwater, sewer, reservoir, and surface water flooding.

5.86 The site is located in Environment Agency Flood Zone 3, with a high residual risk of flooding. The site is however well protected by flood defences such as the Thames Barrier and local river walls. The site is not in a surface water flooding hotspot, and there is no basement level, so groundwater and sewer flood risks are also low. The FRA has assessed the risk from a breach in the Thames tidal flood defences using the latest modelled tidal breach data. If these were breached or over-topped, the site would not be impacted by flood water, although flood water could reach areas adjacent to the site on the railway land.

5.87 The proposal is a change of use application and does not include any significant physical alterations to the existing building or associated external areas that would impact on the risk of flood. The proposal does not include any sleeping accommodation and a safe means of access and/or egress is provided in the event of flooding. Accordingly, the report concludes that the overall flood risk at the site is low and that the change use proposal is acceptable/policy compliant. There appears to be little scope to include additional permeable surfaces etc. A FRA condition would be secured and include requirement to implement water efficiency measures as the change of use will result in new fixtures/fittings/appliances being installed. As such, the application is not considered to result in an unacceptable risk of flooding in accordance with Policy CC3 of the Local Plan.

Land Contamination

5.88 **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.

- 5.89 The council's Land Contamination Officers have advised that potentially contaminative land uses are understood to have occurred at, or near to the site given the former industrial uses. An assessment of contamination in line with Policy CC9 has been submitted. A Phase 1 Land Contamination Assessment, comprising a desk study and a preliminary risk assessment have been undertaken and the findings have been included as part of this application. The assessments conclude that in terms of existing data and more recent investigations undertaken, including additional VOC monitoring conducted, no contamination-related issues have been identified on the site at this stage. Proposals presented for a scheme of monitoring and land contamination assessment/technical review also meet the requirements requested by the Council's Land Contamination team. The initial assessments therefore identify findings that constitute a limited risk to the safety of staff, performers, and audiences, sufficient to allow the application to be determined. No objection are raised at this stage to proposals subject to conditions being attached to ensure that no unacceptable risks are caused to humans, controlled waters, or the wider environment with respect to additional investigation and assessment work to be conducted.

Air Quality

- 5.90 **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.
- 5.91 The site is located within an Air Quality Management Area which covers the whole borough due to the exceedance of the annual mean nitrogen dioxide (NO₂) in the area. Given the proximity of West Kensington Station and local bus routes, it is anticipated the majority of visitors to the site would use public transport or other sustainable modes of transport which will help minimise negative air quality impacts from the development. No objection has been raised by the Council's Air Quality Team subject to conditions being attached.

CIL

- 5.92 A planning application for change of use of an existing building will not be liable to CIL unless it involves an extension which provides 100 square metres or more of additional floorspace. In this case the proposed development would not be liable for CIL as no additional floorspace is proposed to the existing buildings.

Planning Obligations

- 5.93 **London Plan Policy DF1** recognises the role of planning obligations in mitigating the effects of development and provides guidance of the priorities for obligations in the context of overall scheme viability. **Local Plan Policy INFRA1** (Planning Contributions and Infrastructure Planning) advises that the Council will seek planning contributions to ensure the necessary infrastructure to support the Local Plan is delivered using two main mechanisms 'Community Infrastructure Levy (CIL) and Section 106 Agreements (s106).

- 5.94 As part of the planning process, officers consider that the Applicant will be required to enter into a legal agreement in the event that planning permission were to be granted. A Unilateral Undertaking is proposed by the Applicant which is a simplified version of a standard planning agreement where the Applicant will agree to enter the covenants to perform the planning obligations as set out below. The unilateral undertaking would come into effect when planning permission to which it is linked is granted. The following obligations have discussed and agreed with the Applicant:

- Commitment to review the Operational Management Plan in response to any matters that may arise during the lifetime of the permission, including a commitment to conduct regular Community Liaison meetings and provide on-site numbers/contact details in the event of any noise/disturbance issues that may arise from the premises.
- Commitment to conduct highway improvements to the footway on the site frontage, involving the installation of tactile paving to provide a crossing point near the eastern extent of Beaumont Avenue and an assessment of the lighting along Beaumont Avenue.
- Obligation to pay a contribution towards review and amendment if required, of existing parking controls (in the Controlled Parking Zone) within the vicinity of the site and to review waiting / loading restrictions on Beaumont Avenue.
- Travel Plans for each land use to be monitored at years 1 and 3 at a monitoring fee of £3,000 per submission (£12,000 in total) No business car parking permits
- In order to minimise noise and disturbance to nearby neighbours in Beaumont Avenue, a commitment by the Applicant to review the controls relating to taxi and private hire pickup to/from the venue, to ensure they do not take place on Beaumont Avenue.
- No drinking outside the premises on Beaumont Avenue.

- Smokers (including staff) to be restricted to an area adjacent to the eastern boundary of the premises. Restriction on the number of smokers permitted outside the premises at any one time to be provided.
- The provision of 500 free tickets to local residents and businesses as set out in Social/community value programme.
- In accordance with details and procedures set out in Social/community value programme, a commitment to maximise the opportunities for local residents to access employment offered by the development.
- Engage with LBHF and Work zone regarding the advertisement of job opportunities.
- Engage with Connection Crew to maximise employment opportunities for the ex-homeless during the installation and de-installation phases
- Engage with The Felix Project to deliver excess food to the homeless and those in need
- Engage with Springboard to facilitate a placement scheme to provide hospitality industry training to vulnerable young people.
- Engage with Metre Squared to maximise opportunities for the provision of affordable artist spaces.

6.0 RECOMMENDATION

- 6.1 The proposal would comply with the development plan. The proposal would 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. The proposed use of the site will be beneficial to the wider regeneration area. It is considered that the proposed use would contribute to the overall activation of the area until the regeneration of the wider Earls Court site is implemented. 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 The supporting information addresses the issues of visitor management and other operational issues pertaining to the proposed use in terms of delivery/servicing, and noise management. These are recommended to be controlled by a number of conditions to ensure that the event operates in accordance with the documents. Subject to appropriate conditions and planning obligations the temporary use is considered acceptable.
- 6.3 As such, it is considered that the proposed development accords with relevant policies in the Local Plan (2018) and the London Plan (2021).

6.4 Accordingly, it is recommended that the proposed development be granted planning permission subject to the conditions and planning obligations listed above.