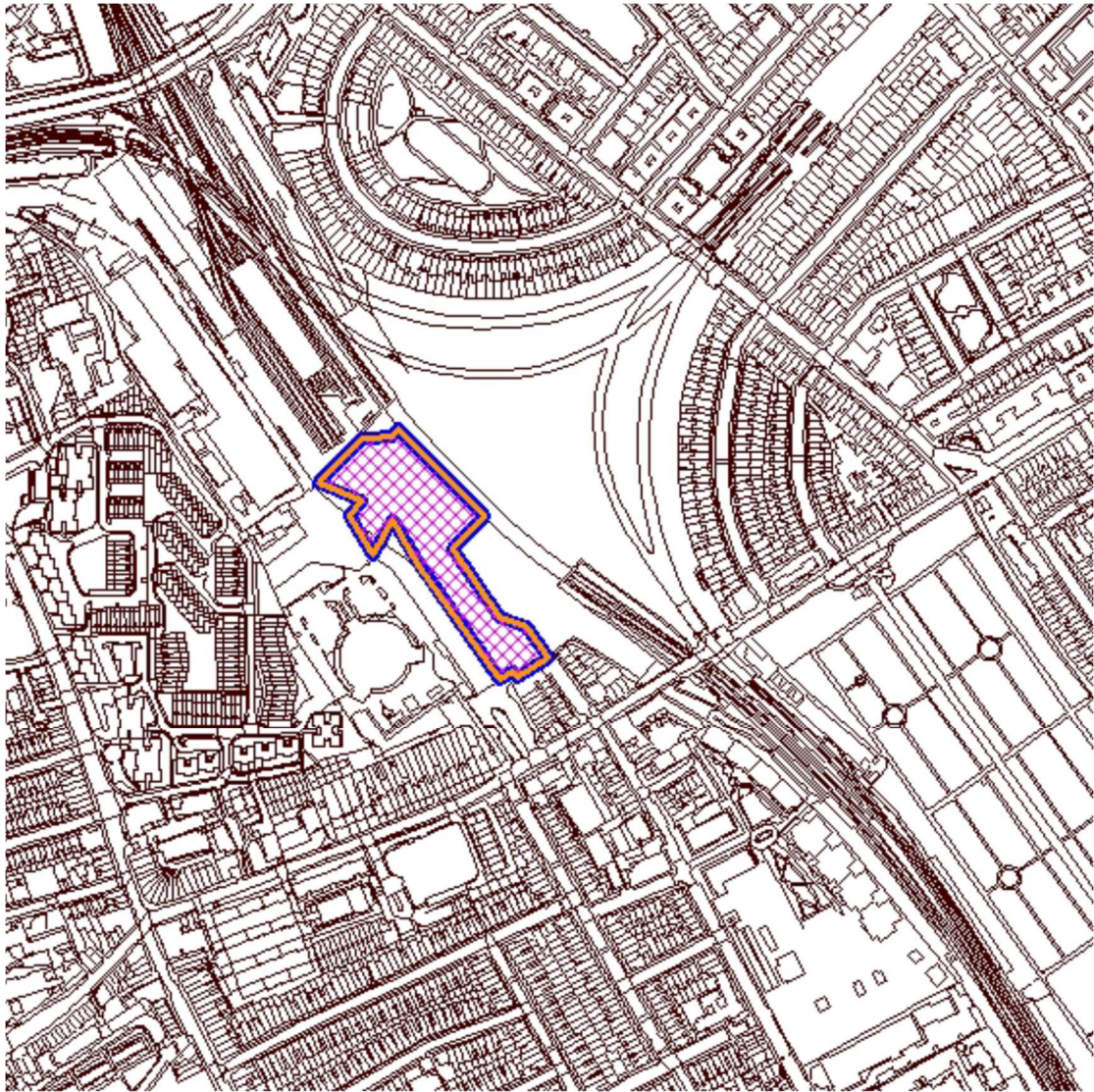

Ward:

West Kensington

Site Address:

Former Earls Court 2 Exhibition Centre Land, Empress Place SW6 1TW



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Reg. No:

2022/02045/FUL

Case Officer:

Violet Dixon

Date Valid:

19.07.2022

Conservation Area

N/A

Committee Date:

11.10.2022

Applicant:

Live Nation (Music) UK Ltd

c/o Agent: DP9 Ltd, 100 Pall Mall London SW1Y 5NQ

Description:

Installation of a temporary building for the purposes of a BBC exhibition for a 2 year period (excluding installation de-installation) and together with other associated and enabling works to include a gift shop, back of house and support facilities, external landscaping, boundary fencing, plant and vehicle servicing access and cycle parking arrangements.

Application Type:

Full Detailed Planning Application

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 development hereby approved shall be for a limited period only, carried out between the 12/10/2022 to 15/04/2025 (inclusive of installation and de-installation). All buildings, structures or associated equipment carried out under this permission shall be removed from the site by no later than the 15/04/2025 and the site shall be restored to its former condition.

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

2. Approved Drawings/Documents

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

- 2203-WOO-ZZ-XX-DR-A-0001
- 2203-WOO-ZZ-00-DR-A-0010
- 2203-WOO-ZZ-00-DR-A-0011
- 2203-WOO-ZZ-00-DR-A-0100
- 2203-WOO-ZZ-00-DR-A-0101
- 2203-WOO-ZZ-00-DR-A-0102
- 2203-WOO-ZZ-00-DR-A-0201
- 2203-WOO-ZZ-00-DR-A-0202
- 2203-WOO-ZZ-00-DR-A-0301
- 2203-WOO-ZZ-00-DR-A-0302
- 2203-WOO-ZZ-00-DR-A-0303
- 2203-WOO-ZZ-00-DR-A-1100
- 2203-WOO-ZZ-00-DR-A-1200
- 2203-WOO-ZZ-01-DR-A-1301
- 2203-WOO-ZZ-00-DR-A-1300
- Cover Letter prepared by DP9 dated 14 July 2022
- Planning Statement prepared by DP9 dated July 2022
- Geo-Environmental Preliminary Risk Assessment prepared by WSP dated May 2022
- Generic Quantitative Risk Assessment prepared by WSP dated September 2022
- Transport Assessment (prepared by Live Nation/Momentum) and Addendum dated 30 September 2022 (prepared by Momentum)
- Delivery and Servicing Plan prepared by Live Nation dated 23 May 2022
- Framework Staff Travel Plan prepared by Live Nation dated May 2022
- Framework Visitor Travel Plan prepared by Live Nation dated May 2022
- Construction Management Plan Version 4 prepared by ES Global Solutions dated 29 September 2022
- Design and Access Statement prepared by WOO Architects dated May 2022
- Lighting Planning Submission prepared by Michael Grubb Studio dated 19 May 2022
- Fire Statement Rev 4 prepared by Design Fire Consultants dated 4 July 2022

- Noise Assessment Rev P03 prepared by Max Fordham dated 24 May 2022
- Venue Operational Management Plan Version 5 prepared by Live Nation dated 30 September 2022
- Foul and Surface Water Drainage Strategy Rev 03 prepared by 7 Engineering Consultancy dated May 2022
- Sustainability Charter prepared by Moon Eye Productions
- Building Regulations Part L2A Calculation Rev 2.0 prepared by Griffiths Evans dated 21 September 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 hereby permitted shall be carried out in accordance with the Venue Operational Management Plan Version 5 prepared by Live Nation dated 30 September 2022 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

Members of the public shall not be on the site in connection with the use hereby permitted other than between the hours of 09:00 to 22:00 hours on Sunday – Wednesday (including Public/Bank Holidays) and 09:00 to 23:00 hours on Thursday - 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. Maximum Capacity

The maximum capacity of the use hereby permitted shall not exceed 650 guests / visitors in total at any one time.

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

6. Noise from Use and Activities

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

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

7. External Noise - Plant

The external sound level emitted from plant/ machinery/ equipment at the development hereby approved shall be lower than the lowest existing background sound level by at least 10dBA in order to prevent any adverse impact. 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.

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

8. Artificial Lighting

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

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

9. Cycle Storage Facilities

Prior to the first use of the development hereby permitted, the cycle storage facilities, shown on approved drawing no. 2203-WOO-ZZ-00-DR-A-1100 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).

10. NRMM and On Road Vehicle Emission compliance

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

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

11. Ultra-Low Emission Zone (ULEZ)

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

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

12. Zero Emission Heating compliance

Prior to occupation of the development hereby permitted, details of the installation/commissioning reports of the Zero Emission MCS certified Air Source Heat Pumps to be provided for space heating and hot water shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use 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).

13. Delivery and Servicing Plan

Delivery and Servicing relating to the development hereby permitted shall be carried out in accordance with the submitted Delivery and Servicing Plan prepared by Live Nation dated 23 May 2022.

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

14. Deliveries and collections/loading/unloading

At the development hereby permitted no deliveries nor collections/ loading nor unloading shall occur other than between the hours of 10:00 to 16:00 and 19:00-22:00 on Monday to Friday, 10:00 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).

15. Refuse

Prior to the first use of the development hereby permitted, the refuse and recyclable storage enclosures, shown on approved drawing no. 2203-WOO-ZZ-00-DR-A-1200 shall be installed in full accordance with the approved details. 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).

16. 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).

17. Flood Risk Assessment

The development shall be carried out in full accordance with the details contained within the approved Foul and Surface Water Drainage Strategy Rev 03 prepared by 7 Engineering Consultancy dated May 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, 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).

18. Level Access

The thresholds of public entrance doors to the development 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).

19. 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).

20. 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).

21. Construction Management/Logistics Plan

The development shall be carried out in accordance with the submitted Construction Management Plan V4 prepared by ES Global Solutions dated 29 September 2022.

To ensure that appropriate steps are taken to limit the impact of the proposed construction works on the operation of the public highway, the amenities of local residents and the area generally, in accordance with Policies DC1, T1, T2, DC2, CC6, CC10, CC8 and CC12 of Local Plan 2018.

22. Illuminated signs and advertisements

Notwithstanding the details shown on the approved drawings, prior to the display of any illuminated sign(s)/advertisement(s), details shall be submitted to and approved in writing by the Local Planning Authority. Details shall demonstrate that the recommendations of the Institution of Lighting Professionals in the 'Guidance Note 01/20: Guidance Notes for the Reduction of Obtrusive Light'. will be met, particularly with regard to the 'Professional Lighting Guide No 5, 2014 - Brightness of Illuminated Advertisements'. Approved details shall be implemented prior to use/ display of the sign/ advertisement and thereafter be permanently retained.

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

23. Construction/ Dismantling Works

Construction / Dismantling works shall be carried out in accordance with Transport for London requirements. Deliveries to and dispatches from the site will be between 10:00 and 16:00 (i.e. outside of the network peak periods) Mondays to Fridays and between 10:00 and 13:00 on Saturdays and at no other times, including Sundays and Public/Bank Holidays. Construction / Dismantling Works and associated activities audible beyond the site boundary for the development hereby permitted shall be between 0800-1800hrs Mondays to Fridays and 0800-1300hrs on Saturdays; and no working on Sundays or Public Holidays unless agreed by the Council in advance. No reversing shall take place onto the public highway and all vehicles will enter and exit the site in forward gear. Contact details including accessible phone contact to persons responsible for the site works shall be on public display for the duration of the works. The approved details shall be implemented throughout the project period.

To ensure that construction / dismantling works do not adversely impact on the operation of the public highway, and the amenities of local residents and the area.

24. Planning Fire Safety Strategy

The development shall be carried out in accordance with the submitted Fire Statement Rev 4 prepared by Design Fire Consultants dated 4 July 2022.

To ensure that the development incorporates the necessary fire safety measures in accordance with Policy D12 of the London Plan 2021.

25. Staff Travel Plan

The development shall be carried out in accordance with the submitted Framework Staff Travel Plan prepared by Live Nation dated May 2022.

To ensure the development provides ease of access for all users, in accordance with Policies D5 and T5 of the London Plan 2021, Policy DC1 of the Local Plan 2018 and Principles DA1, DA4, DA5, DA6, DA7 and DA11 of the Planning Guidance SPD 2018.

26. Visitor Travel Plan

The development shall be carried out in accordance with the submitted Framework Visitor Travel Plan prepared by Live Nation dated May 2022.

To ensure the development provides ease of access for all users, in accordance with Policies D5 and T5 of the London Plan 2021, Policy DC1 of the Local Plan 2018 and Principles DA1, DA4, DA5, DA6, DA7 and DA11 of the Planning Guidance SPD 2018.

Justification for Approving the Application:

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

2) Design: The proposed temporary structures are considered a high-quality of design which respects and responds appropriately to the surrounding area and townscape at its edges and is consistent with the Council's wider regeneration objectives. It is not considered that the development would negatively impact surrounding heritage assets. It is considered that the development would therefore be acceptable in accordance with the NPPF (2019), and Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is therefore considered acceptable, in accordance with Policy HC1 of the London Plan 2021, Policies DC1, DC2, DC8 and DC9 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

3) Transport: Impact on traffic generation in terms of congestion of the road network or local parking conditions is considered acceptable. Conditions

would secure satisfactory construction / dismantling works and on site cycle parking provision. Adequate provision for storage and collection of refuse and recyclables would be provided. The accessibility level of the site is very good and is well served by public transport. The proposed development therefore accords with Policies T2, T4, T5, T6, T7, T9 of the London Plan (2021) and Policies CC6, CC7, T1, T2, T3 and T7 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

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

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

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

7) 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).

8). 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.

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

All Background Papers held by Andrew Marshall (Ext: 4841):
Application form received: 18th July 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:	Dated:
Transport for London	12.08.22
Thames Water - Development Control	09.08.22
Metropolitan Police	16.08.22
Disability Forum	26.09.22

Neighbour Comments:

Letters from:	Dated:
37 Beaufort Court SW6	20.08.22

1.0 SITE AND SURROUNDINGS

- 1.1 The Application Site ('the site') covers an area of approximately 0.47 hectares. The site is vacant and was formerly occupied by the Earls Court Exhibition Centre 2 building ('EC2'). The site is located on northern part of the former exhibition land. The site is relatively flat and comprises an area of largely concrete hardstanding, following the demolition of the former Exhibition Centre in 2016.
- 1.2 The site is located on the northside of Lillie Road, accessed from Empress Place and the bus layover off Lillie Road, adjacent to the Empress State Building entrance. The area surrounding the application site is largely residential in character, mixed with commercial uses on Lillie Road. Empress Place is a short cul de sac, opposite the junction with Seagrave Road and contains a row of terraced dwelling houses. The site is bounded to the east by the West London line, over which is a retained concrete podium and the borough boundary with the Royal Borough of Kensington and Chelsea. Beyond the railway tracks is the open triangular area of land of the former Earls Court Exhibition Centre 1 building ('EC1') which was also demolished and cleared. Beyond are the rear gardens of residential properties in Eardley Crescent and Philbeach Gardens. On Lillie Road there are two short parades (nos. 2-14 and 16-26) which contain a mix of temporary retail and food and drink premises (including) the Prince Public House. To the west, is the Empress State Building, occupied by the Metropolitan Police. Beyond are the residential properties of the West Kensington and Gibbs Green housing estates and North End Road. To the north is the Transport for London (TfL) Lillie Road depot.

- 1.3 The site forms part of the larger, former Earl's Court Exhibition site, which straddles the administrative boundaries between Hammersmith and Fulham (H&F) and the Royal Borough of Kensington and Chelsea (RBKC). The borough boundary runs through the railway line adjacent to the east of the site.



c/o Google Earth

Designations

- 1.4 The site is included in the Earls Court and West Kensington Opportunity Area (WCOA), as designated in the London Plan (2021). In the Local Plan, the site is included within the Fulham Regeneration Area (Strategic Policy FRA) and more specifically located within Strategic Site Policy (FRA 1): Earl's Court and West Kensington Opportunity Area. The site is largely within Flood Zone 1 (very low flood risk). A small section along the western boundary is in Flood Zone 2 (medium flood risk).
- 1.5 The site is not in a conservation area. The closest conservation area in the borough is the Sedlescombe Road Conservation Area to the south. The Philbeach Conservation Area (located to the north) and the Brompton Cemetery, Nevern Square, Earl's Court Square and Boltons Conservation Areas are located nearby in the Royal Borough of Kensington and Chelsea. The closest listed heritage asset is the Grade II listed West Brompton Station and St Cuthbert's Church, Philbeach Gardens (Grade II*) within the jurisdiction of the Royal Borough of Kensington and Chelsea. Beyond that to the east and is the Grade I listed Brompton Cemetery, which itself contains numerous Grade II and Grade II* listed assets. Nos. 60-68 Lillie Road are Grade II listed properties located in the borough to the southwest and approximately 200m from the site. The Empress State Building, Lillie Langtry PH, and nos. 30-60 (even) Lillie Road are locally registered Buildings of Merit (BOM) located in close proximity to the site.

Transport

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

Planning History

- 1.7 The site lies within the wider proposed Earl's Court and West Kensington Opportunity Area.
- 1.8 On 14 November 2013, outline planning permission was granted by both H&F 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 H&F and ref: PP/11/01937 in the case of RBKC).
- 1.9 In April 2014, both boroughs approved Reserved Matters applications for the first phase of the development (referred to by the previous developer as "Earls Court Village"), which essentially comprises the land occupied by the former 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.
- 1.10 The Outline Planning Permission dated 14 November 2013 was subject to a number of "prior to commencement" conditions. This included details contained in a Demolition Waste Management Plan (DWMP). This condition was discharged in two stages, on 30 September 2014 and 13 September 2016 (ref: 2014/03232/DET & 2016/02676/DET). The Earls Court Exhibition Centres were subsequently demolished by the previous owners in 2015 and the site has since remained vacant.
- 1.11 On 13 October 2020, planning and advertisement consent were granted for the continued temporary change of use/works of some of the existing commercial units on the Lillie Road frontage (nos. 2-14 and 16-26). The temporary permissions were extended for a further three years (expiring 13 October 2023).

- 1.12 On 16 June 2021, planning permission and advertisement consent were granted for the use of the former Earls Court Exhibition Centre 2 site for a period from 1 July to 10 October 2021, for the temporary erection (including installation and de-installation) of two main event structures - a big top tent and theatre, a box office, food and drink units, amusement rides, a beach area, toilets, storage, outdoor seating areas and fencing, in conjunction with Underbelly 'London Wonderground Event 2021' (Planning Application ref: 2021/01443/FUL and associated Advertisement Consent Application ref: 2021/01444/ADV).
- 1.13 On 25 February 2022, planning consent was granted for the change of use of nos. 9-17 Empress Place from residential use to artistic and creative studios (Class E(g)) and no.7 Empress Place from residential to joint live/work units (a combined Class C3/E(g) use) for a temporary period of 5 years and associated cycle parking/storage facilities in Empress Place.
- 1.14 On 13 April 2022, planning and advertisement consent were granted for a further Underbelly temporary use of the former 'Earls Court Exhibition Centre 2 site', for an operational period from 5 May 2022 until 16 July 2022 and for the temporary erection (not including installation and de-installation) of two event structures - a studio and theatre 'Udderbelly', with two outdoor bars, four food concessions, toilets, storage, outdoor seating areas and fencing, in conjunction with 'Underbelly' Earls Court' Event 2022 (Planning Application ref: 2022/00520/FUL and associated Advertisement Consent Application ref: 2022/00521/ADV).
- 1.15 On 25 August 2022, a non-material amendment application (ref: 2022/02061/NMAT) extended the operational period until 18 September 2022, (not including the Udderbelly theatre and the Studio venue), comprising alterations to site layout and seating areas, involving the installation of outdoor cinema, beach and boules, together with the two outdoor bars, four food concessions, toilets, storage and fencing, in conjunction with 'Underbelly' Earls Court' Event 2022.
- 1.16 The Earls Court Development Company (ECDC) 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 indoor exhibition space, referred to as the 'BBC Earth Experience' (BEE) based on the BBC Earth TV series. The proposed structure would be in use for approximately 2 years then demounted and moved to another site. The site would incorporate a mix of arts, culture and leisure uses, creating a

unique visitor attraction. The event space would provide an immersive experience, through the use of visuals, sound, and technology.

- 2.2 The proposal is only proposed for a temporary period whilst long term regeneration proposals for the wider Earls Court site come forward. Permission is sought for the venue to be open to the public from March 2023 to April 2025. This period does not include the installation and de-installation periods. The site would be returned to its former state at the end of this period.
- 2.3 The proposal would be operated by Live Nation (Music) UK Ltd ('the applicant').

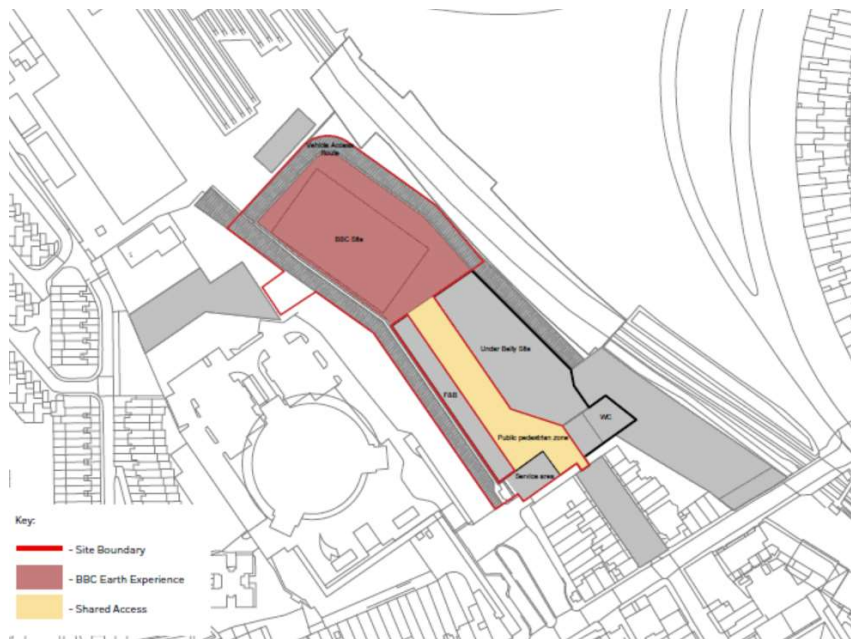


Fig 3. Venue massing of proposed submission

- 2.4 The proposed building comprises 2 parts both raised platform structures. A main exhibition hall and a front of house space. There would be a 1.2m gap between the two parts with pedestrian linkages. The main exhibition space is a 40m by 60m 'black box' aluminium framed structure which would house the immersive experience. This would feature large ground-supported sculptural walls that have the imagery projected on them. Visitors are invited to navigate through a series of zones in the main hall, free to roam, discovering different areas and experiences on two levels. The upper level is accessed via stairs and a lift from the main space. Various seating areas are located within the main space for visitors to utilise. The main expo hall is 17.6m high and sits behind the 11.5m high front of house block.
- 2.5 The front of house would be 40m by 15m and would facilitate the running of the exhibition space. This would be a multi-functional link, serving as the arrival space, containing the cloakroom/lockers, restrooms, a shop, and office space which would be accessible by only members of staff. On the first floor, two adjoining classrooms would be provided which are able to open up into a single room, with a capacity of 80 people, available for school groups or functions. The upper levels within the front of house block are accessed via stairs and a lift.
- 2.6 Public access to the site would be via Empress Place through a new proposed shared public space connecting the site. This shared pedestrian route (shaded in yellow above in the plan above) for visitor access would be managed by the landowners (ECDC). Spaces either side of the pedestrian route on the remaining former EC2 land, would be managed by a third party contracted by ECDC and potentially comprise of communal food and beverage outlets and other leisure and cultural meanwhile use activities. These uses would be the subject of a separate planning application(s) in due course.
- 2.7 Visitor numbers are expected to vary across each day of the week. Time slots are every 15 minutes, with a maximum of 150 visitors per slot. The capacity of the site is estimated at 650 people at any one time, with the main hall supporting 500 people per hour. The average duration of the visit is approximately 1 hour with school groups at 2 hours. Access would be ticketed. These would be sold online through the website, as well as in person. A box office would be located within the front of house building primarily for ticket collections and information.
- 2.8 The use would be operational on a daily basis. The proposed opening times would be between 09.00 – 22.00hrs Sunday to Wednesday (with the last entry timeslot 20.45-21.00hrs) and between 09.00 – 23.00hrs (last entry timeslot 21.45-22.00hrs) on Thursday – Saturday. Outside the times listed, the site would be locked, and the public would not be able to access the site. Security would be deployed 24 hours per day in and around the site, and a CCTV system would be in place for the duration of the use.

- 2.9 The building would be lifted off the ground on a raised deck to enable servicing beneath and ease construction. The entrances are ramped to meet this level. The front elevation of the building has been designed to reflect the content of the show and would be made of sustainably sourced UK timber, making up the upper fins, lower textured area, and the canopy, with the logo fully integrated into the timber fins. Advertisements are to be finalised and would be the subject of a separate advertisement consent application. The main entrance façade would be composed of the following elements: FSC Certified Solid timber base with textured finish, Slender metal columns to support canopy, FSC Certified Timber fin screen (above) to provide transparency and shading to glazed curtain walling, with reflective graphic decals to enhance signage, FSC Certified Timber canopy, ribbed to match timber fin module, with timber infill. In comparison the side and rear facades are composed of neutral metal panels.



Illustrative sketch - View of building on the approach

- 2.10 A landscaped area is proposed to the front forecourt of the site. This would feature planting and seating areas, alongside the creation of a defined route in and out of the experience to ease pedestrian conflict and allow for queuing. As part of the proposed landscaping, a central amphitheatre is proposed and two main planting themed areas to illustrate plants colonising and also thriving. Cycle parking is proposed to the eastern elevation of the building and accessed through the front forecourt. There is no car parking associated with the proposed development. The development would be serviced via a new service route that tracks around the site to the south and around the back of the proposed exhibition building.
- 2.11 A detailed Operational Management Plan (OMP) has been submitted with the application. It sets of the management protocols in terms of access, servicing, visitor management, emergency procedures and the operations of the site. The applicant would employ a Venue and Community Manager. The OMP would be a comprehensive 'live'

document, and a condition is recommended requiring the use to operate in accordance with the OMP.

Submitted Documents

2.12 The applicant has submitted the following documents in support of the application proposals:

- Drawings (Existing/Proposed)
- Cover Letter (prepared by DP9)
- Planning Statement (prepared by DP9)
- Geo-Environmental Preliminary Risk Assessment (prepared by WSP)
- Generic Quantitative Risk Assessment (prepared by WSP)
- Delivery and Servicing Plan (prepared by Live Nation)
- Framework Staff Travel Plan (prepared by Live Nation)
- Framework Visitor Travel Plan (prepared by Live Nation)
- Transport Assessment (prepared by Live Nation/Momentum) and Addendum dated 30 September 2022 (prepared by Momentum)
- Construction Management Plan (prepared by ES Global Solutions)
- Design and Access Statement (prepared by WOO Architects)
- Lighting Planning Submission (prepared by Michael Grubb Studio)
- Fire Statement (prepared by Design Fire Consultants)
- Noise Assessment (prepared by Max Fordham)
- Venue Operational Management Plan (prepared by Live Nation)
- Foul and Surface Water Drainage Strategy (prepared by 7 Engineering)
- Sustainability Charter (prepared by Moon Eye Productions)
- Building Regulations Part L2A Calculation (prepared by Griffiths Evans)

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 on 15th June 2022.

Formal Consultation

3.2 The application was publicised by mean of a site notice displayed outside the site and a press notice. In addition, 2,120 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 One representation has been received from a local resident. The content of the representation received is summarised below:
- There is already too much late night noise from the Prince and Lillie pubs, plus the added road noise caused after closing by taxis.
 - Limited detail of the type of exhibition and operating hours provided within the consultation letter.

External & Statutory Consultees

- 3.4 Transport for London (TfL):
TfL has no objection in principle to the proposed temporary use. Recommends that the Council secures a delivery and servicing plan and event management plan to mitigate the impacts of the proposals on surrounding streets and bus layover and a travel plan should be secured.
- 3.5 Thames Water:
No objection/comments raised to the proposed development.
- 3.6 Metropolitan Police:
No objection raised to the development, subject to various security and safety measure recommendations.
- 3.7 Disability Forum
Requested further detail including regarding step free access and fire evacuation.

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 DC2 (Design of New Build)
- Policy DC8 (Heritage and Conservation)
- Policy DC9 (Advertisements)
- 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), H&F Local Plan (2018) and the H&F 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 using the site for a temporary exhibition space in land use terms.
 - The impact of the temporary structures on the townscape, the character and appearance of the surrounding conservation areas and the setting of the neighbouring listed buildings.
 - Accessibility.
 - Residential Amenity of neighbouring occupiers (principally noise & disturbance and light pollution).
 - Highways impacts.
 - Environmental Considerations.

Land Use

- 5.7 The application proposes a temporary exhibition space on land that forms part of the wider masterplan for Earls Court. In the interim, the proposed exhibition space and its associated facilities would form part of a new 'visitor' attraction alongside other potential meanwhile use operations and will support its diversity and growth as a destination and location for creative, social and employment opportunities.

- 5.8 The application site forms part of the wider Earls Court and West Kensington Opportunity Area (EC&WKOA) as designated in the London Plan which includes land within H&F and RBKC. In the Local Plan, the site forms part of the Fulham Regeneration Area (Strategic Policy FRA) and more specifically, the Earl's Court and West Kensington Opportunity Area (Strategic Site Policy FRA 1). Policy FRA 1 supports a phased mixed use, residential led redevelopment of the Earl's Court and West Kensington Opportunity Area, including the provision of housing, employment, hotels, leisure, retail, and cultural facilities. Together with London Plan policies GG5, E10, HC5 and SD1, Policy FRA1 of the Local Plan supports arts, cultural and leisure events in the Earls Court and West Kensington Opportunity Area, in recognition that the site was a cultural destination for a significant period of time.
- 5.9 London Plan (Policy HC5) supports the use of vacant land for pop-ups and meanwhile / temporary uses for cultural and creative activities, during the day and at night, in order to stimulate vibrancy and viability. Local Plan Policy CF1 (Supporting Community Facilities and Services) states that the council will work with its strategic partners to provide borough-wide high quality accessible and inclusive facilities and services for the community by improving the range of leisure, recreation, sports, arts, cultural and entertainment facilities by also seeking new or enhanced facilities where appropriate and viable in particular major new leisure, arts, sports and recreation facilities in the Earls Court and West Kensington Opportunity Area. Policy CF3: (Enhance and Retention of Arts, Culture, Entertainment, Leisure, Recreation and Sport Uses) supports both existing and new venues, subject to them being "accessible and inclusive and to be supported by evidence of how impacts such as noise, traffic, parking and opening hours have been assessed, minimised and mitigated." The Policy also specifically supports the use of vacant buildings for performance and creative work.
- 5.10 The site is considered a suitable location for leisure, recreation, cultural and entertainment facilities. The proposal would provide an opportunity to use this vacant site for temporary uses whilst the preparation for the wider redevelopment proposals continues. The proposals would activate this vacant space and support local businesses that are still seeking to recover from the impacts of COVID-19. The proposal would stimulate visitor numbers into the area which would contribute to the local economy (albeit on a temporary basis). The temporary nature of the use is such that its impact would be limited and would not undermine the long term objectives to regenerate the area, in accordance with both London Plan and Local Plan policies. A condition is attached to ensure that all structures associated with the application will be removed within the time limit period and the site reinstated once the temporary use ceases.

- 5.11 The site's history as a major cultural destination has been taken into consideration. The site was previously part of the Earls Court 2 Exhibition Centre and therefore a legacy exists for cultural, and entertainment uses on the site. Despite the loss of the exhibition buildings, the Council is supportive of development proposals that assist the area's cultural legacy. An interim use for arts, culture, entertainment, and leisure uses are considered to be appropriate with the site's historical past and other cultural uses in the vicinity and as such considered beneficial to the area in accordance with London Plan Policies GG5, HC5 and SD1 and policies FRA1, CF1 and CF3 of the Local Plan.
- 5.12 In economic and employment terms, the applicant has produced a note (Venue Operational Management Plan) in order to document and capture the potential benefits that could be secured by the proposal. The proposed development is expected to generate temporary jobs during the operational phase, through a mix of full and part-time positions. As such, the development would have a residual moderate beneficial effect on the local economy. The document summarises that the applicant would support employing local workers wherever possible and work with ECDC and London Borough of Hammersmith and Fulham to identify employment opportunities and maximise benefits for the local community. The applicant are also seeking to coordinate 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. The applicant aims to employ 25% of our show staff from the local area across roles such as front of house stewarding, cleaning, security, garden maintenance and retail operations.
- 5.13 The application confirms the provision of an estimated 10,000 free tickets available to the local community. The intention is that the free tickets would be made available by the applicant and landowners for distribution to immediate local residents and businesses in H&F and RBKC. Tickets would be provided via a code booking mechanism when entering details on the applicant's website. The tickets would be distributed amongst various groups within the borough including local businesses, charities, residents, and youth groups.
- 5.14 The application proposes an education programme provided for children between Key Stage 1-3 and SEND children. There are two classrooms proposed on site with necessary facilities, each with capacity for 40 people. Schools would liaise with an appointed Schools and Community Liaison Officer. In addition, the applicant proposes inviting a mixture of up to 15 primary and secondary schools from Hammersmith and Fulham and the Royal Borough of Kensington and Chelsea to preview the experience and workshops for free prior to opening up to paid school groups.

- 5.15 The impact of the activities would be subject to licensing restrictions and would operate in accordance with the submitted Operational Management Plan (OMP), which sets controls on the hours of operation to no later than 22:00 hours, Sunday to Wednesday, and 23:00 hours Thursday to Saturday.
- 5.16 In summary, the provision of a unique temporary attraction on this vacant site is strongly supported. The public and economic benefits associated with scheme are welcomed and considered to outweigh any temporary harm to the surrounding townscape or amenity. The provision of the proposed economic, employment and community benefits would be secured by a legal agreement.

Design and Heritage

- 5.17 **The NPPF** seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The NPPF also requires that proposals should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 5.18 **The NPPF** states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Part 12 of the NPPF outlines the requirement for good design and Paragraph 127 sets out that planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 5.19 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the principal statutory duties which must be considered in the

determination of any application affecting listed buildings or conservation areas.

- 5.20 Paragraph 195 of the NPPF states: Local Planning Authorities should identify and assess the significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 5.21 Paragraph 197 of the NPPF states: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Paragraph 199 of the NPPF states: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 5.22 Paragraph 203 of the NPPF states: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 5.23 Case law indicates that following the approach set out in the NPPF will normally be enough to satisfy the statutory tests. However, when carrying out the balancing exercise in paragraphs 195 and 197, it is important to recognise that the statutory provisions require the decision maker to give great weight to the desirability of preserving designated heritage assets and/or their setting.
- 5.24 Together with London Plan policy HC1, Local Plan policies require development proposals to incorporate exemplary standards of sustainable and inclusive design. Policy DC1(Built Environment) requires all development proposals within the borough to create a high-quality urban environment that respects and enhances its townscape context and heritage assets. Policy DC2 (Design of New Build) sets out to ensure that new build development will be of a high standard of design and compatible with the scale and character of existing development and its setting. Policy DC8 (Heritage and Conservation) states that the council will conserve the significance of the Borough's historic environment by protecting, restoring, or

enhancing its heritage assets, including the borough's conservation areas. Policy DC9 (Advertisements) requires a high standard of design of advertisements, which should be in a scale and in keeping with the character of their location and should not have an unacceptable impact on road safety.

Design considerations

- 5.25 Whilst the building is temporary in its nature and use, the design would sit comfortably within its context both in terms of the scale and massing of proposals. The massing of the building steps up from 11.5m for the front of house to 17.6m for the main exhibition space.
- 5.26 In terms of its appearance, the building comprises a simple flat roofed form with metal panel façades, solid timber base, textured timber canopy supported by slender metal columns and a main entrance composed of timber fins incorporating the exhibition logo. The building has been designed to be demountable and capable of transport and re-use at other locations.
- 5.27 Access to the experience will be via Empress Place within a zoned landscaped area to the front of the site, incorporating gathering areas and a rain garden linked to the building's drainage.
- 5.28 Given the temporary nature of the proposals, the event structures and advertising would be removed at the end of the defined period and would not permanently impact the built environment. Officers consider that the temporary proposals would complement the former artistic and cultural use of this part of the Earls Court site. The proposal would bring forward a temporary use of a vacant site which would encourage activity and facilitate use of the site by the public. The proposals are therefore considered to represent a good quality of design.

Heritage Considerations

- 5.29 The site is not within a conservation area but the Empress State building to the west is a locally listed building of merit and there are other locally listed buildings of merit to the south at 30-60 Lillie Road. The site is also located in close proximity to two designated heritage assets in the adjoining Royal Borough of Kensington & Chelsea, the Grade II statutory listed West Brompton Station and Brompton Cemetery.
- 5.30 Given the scale, appearance and temporary nature of the proposals, the developments would have a degree of inter-visibility within the setting of these designated, and non-designated heritage assets, namely the Empress State Building. For other assets, the extent of intervisibility would be negligible. However, the intervisibility of the proposal scheme, coupled with its good quality of design and temporary nature, is not considered to detract from the character, appearance, or significance of each these assets when considered individually. The significance and special interest of each asset would

be preserved. As such, the development is not considered to result in any harm to the setting of these heritage assets.

- 5.31 Officers have assessed the impact of the proposal on the heritage assets and consider that it is compliant with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is also in line with national guidance in the NPPF, Policy HC1 of the London Plan and Policies DC1, DC2, and DC8 of the Local Plan (2018).
- 5.32 The associated signage is proportional to the event proposed and the principle of a cultural attraction in this location accords with the heritage and historical uses of the area in accordance with Policy DC9 of the Local Plan (2018). This would be the subject of a separate advertisement consent application.

Inclusive Access

- 5.33 London Plan Policy D5 requires new development to achieve the highest standards of inclusive and accessible design. Local Plan Policy DC1 of the Local Plan require new development to be designed to be accessible and inclusive to all who may use or visit the proposed buildings. Policy DC2 requires developments to be assessed in relation to the convenience and safety of pedestrians, people with disabilities and wheelchair users.
- 5.34 The design and access statement sets out that outdoors spaces and theatre uses would be wheelchair accessible and DDA compliant. The majority of the exhibition is on a single level. At the rear of the exhibition there is a stair with an adjacent Part M compliant lift which leads to the upper levels. The building includes a changing places facility, and a unisex wheelchair accessible toilet at ground and at first floor. There is also a wheelchair accessible shower room at level 1 for staff. The site is relatively flat and level access both to, around and within the venue would be made available. The slopes of the plaza ramps are no greater than 1:25.
- 5.35 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.

Secure by Design

- 5.36 Local Plan Policy DC2 requires developments to be designed in line with the principles of Secured by Design. The Design and Access Statement sets out how the scheme is designed with safety and crime prevention in mind. The site would be secured by an overall fencing and gate strategy with the other meanwhile uses on the former EC2 site. CCTV would be provided for both the internal and external areas of the building.

- 5.37 The Crime Prevention Officer is satisfied with the security and safety measures outlined in the Design and Access Statement and the Operational Management document. Recommendations are made relating to additional perimeter fencing and vehicle gate to be security rated products that are UKAS third party certified. Gates / fencing to be at least 1.8 metres high and designed not to be easily climbable. Recommendations are also made that cycle stores be secured by 3 locking points on the stands and the store and storage lockers be covered by the CCTV.
- 5.38 Officers consider that the Proposed Development accords with the London Plan and Local Plan in respect of safety and resilience to emergencies.

Residential Amenity

- 5.39 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.
- 5.40 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.
- 5.41 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.
- 5.42 There are no residential properties in close proximity to the site (within 20m), the closest being approximately 80m away. Officers consider that the proposal would not result in detrimental impacts in terms of loss of daylight or sunlight nor result in harm from overshadowing.
- 5.43 The residential dwellings located on Empress Place, adjacent to the site entrance, have been refurbished and those on the east side converted into artists' studios with one converted to a live/work studio. The closest residential properties to the site located on Lillie Road (south-west) and Seagrave Road to the south, are situated approximately 130m away from the site boundary. To the west, the nearest neighbouring residential properties are on Aisgill Avenue, approximately 80m away. To the east of the site, the closest neighbouring properties in the Royal Borough of Kensington &

Chelsea are located in Philbeach Gardens (approximately 120m away).

- 5.44 Potential impacts in terms of noise and disturbance generated by visitors to the site have been taken into consideration. Full details of how the event would be managed to minimise impacts on amenity are set out in the Operational Management Plan and a Construction Method Statement. Both of these set out the approach to minimise the impact of both the construction and operation of the proposed development on adjoining neighbourhoods. In addition, a Noise Assessment and Lighting report have been submitted in support of the application.
- 5.45 The proposed events venue is designed to create a family orientated attraction and is of a temporary nature only. Hours of operation would be controlled. In advance of the commencement of the use, local residents and businesses would be provided with contact details to communicate with the site manager with respect to any noise complaints that may arise and any other concerns relating to the operation of the site. The nature of the ticketed exhibition would allow for a graded dispersal over the course of the day. The number of visitor numbers would be controlled so as not to impact on local amenities.
- 5.46 Hours of operation of the spaces would be generally restricted (09:00 to 22:00/23:00 daily). Installation / de-installation works would only take place between the hours of 8:00am and 8:00pm.

Noise

- 5.47 Policy CC11 of the Local Plan advises that noise and vibration impacts would be controlled by locating noise sensitive development in appropriate locations and protected against existing and proposed sources of noise through design, layout, and materials. Noise generating development would not be permitted if it would materially increase the noise experienced by occupants/users of existing or proposed noise sensitive areas in the vicinity. Policy CC13 seeks to control pollution, including noise, and requires proposed developments to show that there would be 'no undue detriment to the general amenities enjoyed by existing surrounding occupiers of their properties'.
- 5.48 The supporting Noise Assessment and Construction Management Plan documents set out that the potential noise sources from the site would be from entertainment noise, plant, and machinery, and during the build (set-up) and strike (de-installation) periods.
- 5.49 The exhibition space would result in a level of entertainment noise with the maximum entertainment noise levels within the venue to be capped at 85dBA Leq,15min. The level of entertainment noise expected from the venue is expected to be less than the proposed

criteria at the existing nearest noise sensitive receptors and therefore not expected to be audible. The envelope of the proposed venue would be designed to achieve a sound reduction of at least 30dB Rw+Ctr, including walls, roof, doors and glazing. The noise sensitive receptor on Aisgill Avenue approximately 100m to the west is predicted to be 18dB less than the 35db ambient noise level criteria.

- 5.50 Plant equipment would be used to regulate the temperature within the venue. This is not expected to be audible at the closest noise sensitive receptor. Plant included within the proposed design consists of 4 air handling units with integrated heat pumps. 2 units will be located externally on the East side of the building and 2 units will be located externally on the West side of the building. All 4 HVAC units will be selected to achieve a sound power level of no more than 69dBA and will only operate during the day. There is a transformer within a substation located to the East side of the proposed building. The transformer is expected to have a rated power of 1500kVA. Experience of other transformers with the same rated power suggests that the sound power level is likely to be no higher than 58dBA.
- 5.51 In terms of site control and people management, the ticketed event would allow for a graded dispersal throughout the day. Signs would be placed at the exits to encourage audiences and other customers to be aware of and considerate to local residents.
- 5.52 No objection is raised by the Council's Noise and Nuisance officers to the proposed development subject to compliance with conditions relating to noise levels and monitoring to control any possible sound impact outside the site. The proposal is therefore considered to accord with Policy CC11 of the Local Plan 2018.

Lighting

- 5.53 Policy CC12 of the Local Plan seeks to control the adverse impacts of lighting arrangements including that from signage and other sources of illumination.
- 5.54 A Lighting Strategy is included as part of the application. Consideration has been given to the layout of lighting taking into account the requirements, its proximity to local residents and businesses and to minimise any light pollution. The site would be illuminated by way of structure lighting, effect lighting, working lights and decorative lighting. Lighting on the front facade would emphasise the signage as well as the key imagery of the building. The façade lighting would only operate until 22:00 (Sunday to Wednesday) and 23:00 (Thursday to Saturday) with the exception of security lighting. Illumination would commence at pre-agreed times (dusk onwards) in order to provide safe and appropriate lighting for staff and visitors. The level of ambient light levels would drop in order to present an appropriate and welcoming atmosphere to the event. Officers have given consideration to the level of luminescence required and are

satisfied they would be managed around the site in order not to disturb local residents and businesses. All event light sources would be continually monitored and controlled by the Site Management team.

- 5.55 A condition is attached to ensure that illumination of neighbouring premises from all external artificial lighting relating to the development shall be in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Notes for The Reduction Of Light Pollution 2020'. As such officers consider that the proposal accords with the requirements of Policies CC12 of the Local Plan 2018.
- 5.56 In conclusion, the supporting information addresses the issues of noise and light management and other operational issues relating to the proposed use and these are recommended to be approved by way of conditions to ensure that the event operates in accordance with these documents. As such, it is considered that the proposed development accords with policies CC11 and CC12 of the Local Plan 2018.
- 5.57 The Applicant has submitted an Operational Management Plan (OMP). The OMP deals with how the venue would be managed with regards to operational hours, deliveries, and visitor management. In terms of site control and people management, 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.
- 5.58 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.
- 5.59 In terms of the objection received from adjoining occupiers, officers consider that appropriate noise controls and measures would be put in place to prevent negative impact on residential amenity. Conditions would be sought to secure the hours of operation 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 and Transport

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

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

Travel Plan

5.62 Travel Plans (visitors and staff) have been submitted in support of this application. The Travel Plans provide a framework for delivering the vision for sustainable travel in and around the site. The principal objective of the Travel Plans is to facilitate and encourage sustainable travel methods to and from the site and to actively discourage the use of private vehicles. In this case, the proposal would not provide any off street, car parking. Instead, the use of sustainable transport modes (walking and cycling) and use of public transport modes (Tube, Buses, Trains) are encouraged. A range of public transport facilities are available within a short walk, including bus, underground and rail services. The site also enjoys good accessibility by walking and cycling and is located within close distance of a range of everyday amenities. Given the site's location and good public transport links the expectation is that a large proportion of persons visiting the site would not arrive by private vehicles. Prior information about transport routes to and from the site would be communicated via the applicant's website, promotional materials, ticket confirmations, social channels and on site messaging.

5.63 There are a number of Santander Cycle Hire docking stations located a short walk from the entrance on Empress Place, located at Halford Road, West Kensington and Trebovir Road, and Earls Court. Cycle parking for visitors and staff will be provided on the basis of 35 secure spaces and 4 long stay cycle spaces. Despite this, the applicant has agreed to install 30 cycle spaces within the site to encourage patrons to cycle to the event. The quantity of secured on site cycle parking is in excess of the number recommended in the London Transport chapter 6 minimum standards and would be secured by condition in line with Local Plan Policy T3 (Increasing and promoting Opportunities for Cycling and Walking).

5.64 The roads surrounding the site to the south of Lillie Road are located in Controlled Parking Zone (CPZ F), with parking restrictions in place Monday to Saturday from 9am to 8pm Monday to Saturday with additional restrictions in place on match days. There is a further CPZ's located to the west of the site. Controlled Parking Zone (CPZ D) controls parking on Monday to Friday 0900-1700. These CPZ are dual use, offering pay and display parking as well as permit holder only. Due to this they offer short parking opportunities for those visiting the proposed site.

5.65 The public would only access/egress the site from Empress Place. The proposal would increase pedestrian flows along Empress Place and Lillie Road. 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

5.66 Information on trip modes for the proposed use has been generated using survey information from the previous Underbelly use on the site. The Underbelly event is comparable in terms of content and the anticipated audience profile of the proposed use and therefore is a good basis for the projections submitted. The data has been modified to reflect the proposed site conditions. In the case of the proposed development, the projected mode share for the site would be as follows:

Mode	Mode Share
Underground	79.4%
Train	4.9%
Bus	5.7%
Taxi	0.9%
Motorbike	0.9%
E-Scooter	0.0%
Car	0.0%
Bicycle	2.3%
Walk	5.0%
Other	0.9%
	100%

5.67 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.

5.68 Whilst the peak demand would be circa 600 people at any one time, people would not all arrive/depart at the same time given the nature of the event, and the timed ticketed entry. It is expected that persons would come and go throughout the course of the day and there would not be significant surges in the flow.

Car Parking

5.69 No visitor car parking is proposed on site. Blue badge holders can park in any shared-use pay and display bays, resident parking bays or Blue Badge bays for free and without time limit. Blue Badge parking would be able to park on Empress Place. The landowner is seeking to secure a Traffic Regulation Order (TRO) for Empress Place which would enable the provision of dedicated accessible parking provision for

visitors with blue badges on Empress Place. Alternatively two pre-booked accessible parking bays could be provided managed by the applicants.

Cycle Parking

- 5.70 Cycle parking for visitors and staff would be provided on the basis of 35 secure spaces and 4 long stay cycle spaces. The layouts are London Cycle Design Standards (LCDS) compliant, with 5% of spaces being accessible. A shower and staff lockers will be provided in line with the London Plan (2021) requirements.

Coach Parking

- 5.71 The proposal would cater for school groups and organised group trips. It is therefore anticipated that a proportion of the visitors will come via coach. A coach pick-up and drop-off area is proposed to utilise the existing TfL bus terminal arrangements accessed from Lillie Road. Parties will then disembark from the coach adjacent to the side entrance on the western side of the site. Four designated coach parking spaces are provided.

Active Travel Zone (ATZ)

- 5.72 A night-time assessment has been carried out for the route assessed in the Active Travel Zone (ATZ) Key Routes assessment which is included within the Transport Assessment. The day-time ATZ Key Routes Assessment concluded that the route to the Site from Earl's Court Station generally provides a good pedestrian environment with pavements of adequate widths and pedestrian crossings where required. Similarly the routes from Earl's Court and West Brompton Stations to the site feels safe during hours of darkness due to a good level of street lighting and high levels of pedestrian flows in the area. Pedestrians are able to cross safely at night using signalised crossings on Warwick Road and Old Brompton Road. Informal crossings were observed on Lillie Road to the east of Empress Place. A potential improvement to the route in terms of pedestrian safety at night would be to reduce the speed limit on Lillie Road from 30mph to 20mph. This would be a minor extension of the 20mph speed limit in place on Old Brompton Road to the east. This was also recommended as part of the day-time ATZ Key Routes Assessment. Additionally, Empress Place would benefit from additional street lighting as the existing streetlights on the western footway are partially blocked by trees, leading to the street being dimly lit.

Construction Management Plan

- 5.73 An updated Construction Management Plan has been submitted with the application. The temporary nature of the proposal and the modular form of the buildings means that the construction works will be completed much more quickly and quietly than traditional forms of construction. There is no piling and no mechanical intrusion into the

ground. It is estimated that the event structure would be constructed over a four month period and deconstructed over a one month period.

- 5.74 The schedule of deliveries, the type of vehicles, the entrance gate, and the expected turnaround for each of the deliveries in this period is set out in the Construction Management Plan and Delivery and Servicing Plan. All deliveries to site during this period would be scheduled by the applicant and delivery slots would be staggered and to ensure that deliveries are strictly controlled. There is sufficient space for vehicles to be turned on site, enabling them to exit in forward gear, and as such, it would not be necessary for these vehicles to reverse onto or off Lillie Road. The Council aims to take steps to ensure that disruption and noise/disturbance are minimised as far as possible. The programme of works will be discussed and coordinated with TfL Buses in respect to access and management of Empress Approach. A condition is attached regularising the Construction Management Plan including the proposed hours of works during this period.

Waste Management

- 5.75 Policies CC6 and CC7 of the Local Plan seeks to ensure that the Council pursue waste management facilities within new development, notably through means of ensuring that all developments proposed suitable waste and recycling storage facilities.
- 5.76 Due to the nature of the event, waste generate is expected to be minimal and of a routine quantity. Bins stations are proposed within the site and bins would also be provided at the exits for use by customers. Segregation of waste would be achieved through clearly labelled public bins. The onsite cleaning contractor would be responsible for emptying bins from public areas at regular intervals and disposing of them in the correct refuse bins ready for collection. 1100 litre Euro Waste Bins would be kept in an enclosure within the site and emptied on a daily basis and removed on a daily basis.

Delivery and Servicing

- 5.77 The applicant has submitted a comprehensive Operational Event Management Plan which covers all aspects of how the site would operate during the event period and also a standalone Delivery and Servicing Plan which sets out how the site would be serviced. Deliveries and servicing would take place via Lillie Road into the site through the bus stand adjacent to the entrance to Empress State building.
- 5.78 The development is forecast to generate 6 trips per day, which will all be managed to avoid peak hours. All deliveries during the operational period would normally take place between 7am and 10pm. The majority of delivery vehicles would be scheduled by the applicant in pre-arrange delivery slots with 3rd party suppliers and contractors. A condition would ensure that no deliveries nor collections / loading nor unloading associated with the use shall occur at the development between

Monday to Friday other than between the hours of 7am and 11pm. A condition is recommended to ensure that the site is operated in accordance with these plans.

- 5.79 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. The proposal is therefore considered to accord with policies of the London Plan 2021 and Policies CC6, CC7, T1, T2, T3, T4 and T5 of the Local Plan 2018.

Flood Risk and Drainage

- 5.80 The NPPF seeks to meet the challenge of climate change, flooding, and coastal change by supporting the transition to a low carbon future in a changing climate taking account of flood risk and coastal change.
- 5.81 London Plan Policies SI 12 (Flood risk management) and SI 13 (Sustainable drainage) outline strategic objectives in relation to flood risk management and sustainable drainage. Local Plan Policy CC2 requires major developments to implement sustainable design and construction measures, including making the most efficient use of water. Local Plan Policies CC3 (Minimising Flood Risk and Reducing Water Use) and CC4 Minimising Surface Water Run-Off with Sustainable Drainage Systems) contain similar requirements designed to assess and mitigate against the risk of flooding and integrate surface water drainage measures into development proposals.
- 5.82 The site is located in Environment Agency Flood Zone 1 with part of the site to the south including the remaining part of the former EC2 site falling within Zone 2. It is considered to have a low to medium risk of river flooding. However, flood protection measures are in place to reduce the risk of the River Thames flooding within central London, and regardless of this, the proposed development would only be for a temporary period. As such, the application is not considered to result in an unacceptable risk of flooding.
- 5.83 A Foul and Surface Water Drainage Strategy has been developed and submitted with this application. The options set out include measures for rainwater harvesting and permeable infiltration. The suds drainage elements on the site will require periodic maintenance to maintain their effectiveness.
- 5.84 There are existing private combined and foul water drains that serve the site and connect to the Thames Water sewers in Lillie Road. Environmental Policy have raised no objection to the proposal, in accordance with Local Plan policy CC3.
- 5.85 Officers consider that the proposed development would be acceptable and in accordance with policies of the London Plan and policy requiring

flood risk assessment and development to mitigate flood risk, Policies CC3 and CC4 of the Local Plan which requires development to minimise future flood risk.

Energy and Sustainability

- 5.86 The goal of the proposal is to achieve net zero emissions through the venue's operations. The intention is that the proposed building will be demountable at the end of the two year operation period and will then travel on a world tour where it will be erected on a running programme for a similar time frame in each country. This 100% re-use accords with the key principles of the circular economy and maintains a continuous lifecycle of materials. Additionally, the applicant states that the proposed landscaping in front of the building will be designed in such a way as to be entirely recyclable and the flora and fauna reused within the Borough.
- 5.87 A temporary building with an expected life of less than 2 years, is except from the energy efficiency requirements of Part L2A (2013). The proposed main hall would utilise a central AHU's with heat recovery and Air Sourced Heat pumps to supply tempered cool/warm air. The Front of House would utilise the Central AHU's with heat recovery to provide ventilation and VRF FCU's to provide heating and cooling. For this temporary building, with a 2-year planned life, the total CO2 emission for the life of the building are 462.4 tonnes of CO2. This is 291 tonnes of CO2 above the GLA target. With a carbon off setting payment at £95/tonnes CO2, the total payment would be £43,890.

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 A Preliminary Risk Assessment and Quantitative Risk Assessment has been submitted in support of the application and considers the impacts of the proposed development. Given the limited timespan for the operation of the building and the way in which it will be constructed, it is not envisaged that there will be any implications as a result of the existing ground conditions across the site.
- 5.90 The proposed construction is a lightweight pre-fabricated process, with limited impact. There is no piling and no mechanical intrusion into the ground. Although potentially contaminative land uses (past) are

understood to occur at, or near to, this site, the proposed development would not break ground. No objections has been raised by the Council's Contamination Team given the temporary nature of the application.

Air Quality

- 5.91 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 would reduce levels of local air pollution and improve air quality in line with the national air quality objectives.
- 5.92 The site is located within an Air Quality Management Area. There is negligible impact on air quality through the construction phases given the modular form of construction. It is expected that the majority of visitors to the site would use public transport, which would assist in offsetting negative air quality impacts from the development. Furthermore, should permission be granted then a condition is recommended to be attached the decision notice to ensure that no non-road mobile machinery (NRMM) would be used on the site, unless it is compliant with the Stage IV NOx and PM10 emission criteria. A further condition is recommended to ensure that vehicles used for the construction and operational phases of the development meet London Ultra Low Emission Zone (ULEZ) compliance. This would ensure that all machinery/vehicles to be used on site would be non-polluting to improve air quality.
- 5.93 Subject to the inclusion of conditions, officers consider that the proposed development can accord with Policy SI 1 of the London Plan 2021 and Policy CC10 of the Local Plan 2018.

Fire Strategy

- 5.94 A Fire Statement has been prepared in support of the planning application. Within the London Plan fire safety is addressed within Policy D12. Consideration to the requirements of fire evacuation are included in Policy D5(B5). The Fire Statement states the proposed development is to be constructed with an aluminium framed structure and composite mineral wool panel cladding. The Front of House has four ground floor exit routes and a controlled staff access. Two routes are to the Main Hall and two failsafe 1800mm wide revolving final exit doors at the main entrance. The Main Hall is provided with 4 exits distributed around the perimeter. The rear boundary exit is a single leaf

door of 1200mm clear width. Each of the other 3 exits is approx. 1800mm. All ground floor escape routes exit directly to outside via ramps or steps. The fire safety design of the proposed development, and the fire safety information contained within this Fire Statement, satisfies the requirements of London Plan Policy D12 and D5.

Community and Infrastructure Levy (CIL)

5.95 Mayoral CIL (Community Infrastructure Levy) came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. The Council has also set a CIL charge levied on the net increase in floorspace arising from development in order to fund infrastructure that is needed to support development.

5.96 A planning application for change of use of an existing building would not be liable to CIL unless it involves an extension/new build which provides 100 square metres or more of additional floorspace. Exemptions from CIL liability however include temporary buildings. This development is therefore not liable for London-wide community infrastructure levy or Borough CIL.

Legal Planning Obligations

5.97 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 would 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).

5.98 As part of the planning process, officers consider that the Applicant would 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 would 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 been discussed and agreed with the Applicant:

- **Employment and Skills**

- All reasonable endeavours to employ 25% of the show/operational staff from the local area across roles such as front of house stewarding, cleaning, security, garden maintenance and retail operations. A minimum of 12.5% of LBHF residents will be targeted.

- Commitment to engage with LBHF and Work Zone or such other contact details that are provided from time to time by the Council regarding the advertisement of job opportunities.

- Commitment to report evidence to LBHF on a quarterly basis in respect to the employment targets set and the quantum of LBHF residents employed across the site.
- When selecting suppliers to quote for services including catering, maintenance and security for example, preference should be given to local suppliers for all contracts where appropriate and competitive. Commitment to reporting evidence to LBHF on a quarterly basis.
- **Education Programme**
Provide Education Programmes/visits to primary, secondary and specialist school groups, as set out in the Operational Management Plan, including the invitation of up to 15 primary and secondary schools to preview the experience and workshops (for free) prior to opening up to paid school groups.
- **Local Community Engagement**
Provision of 10,000 complimentary tickets during the two year duration to the local community.
- **Carbon Offset Contribution**
Within 30 days on the commencement of the development, a contribution of £43,890 to be paid by the developer to the Council in accordance with the London Plan and applied by the Council towards carbon mitigation measures within the Borough.
- **Highway Improvements**
All reasonable endeavours to liaise with the landowner and LBHF to facilitate a Traffic Regulation Order (TRO) for Empress Place prior to the occupation of the development.
All reasonable endeavours to work with LBHF Highways to provide tactile paving to the existing crossings facilities at the Empress Approach / Lillie Road junction.

6.0 RECOMMENDATION

- 6.1 The proposal would comply with the development plan. The proposed structures and associated activities represent an acceptable temporary use for this site in this instance. The proposal is consistent with the Council's policies for the area, in relation to arts, cultural and entertainment uses. The use is considered to be compatible with other cultural uses in the vicinity. This activation of the vacant derelict space would be beneficial to the wider regeneration area. It is considered that the proposed use would contribute to the overall area until the regeneration of the wider Earls Court site comes forward. On this basis it is considered that the proposal is consistent with the requirements of the policies CF3, FRA and FRA1 with regard to employment generation in the area and provision of leisure/cultural facilities.

- 6.2 Regard has been had to the setting of neighbouring Conservation Areas and special interest of listed buildings. It is considered that there would not be any harm caused to the special interest or character of any heritage assets. Any temporary minor impacts are considered to be outweighed by the social and economic public benefits that the proposal would deliver.
- 6.3 The supporting information addresses the issues of visitor management and other operational issues pertaining to the proposed use in terms of delivery/servicing, noise management and luminescence management and these are recommended to be approved by way of conditions to ensure that the event operates in accordance with the documents. Subject to appropriate conditions including requiring the use be operated in accordance with the Operational Management Plan (OMP) the temporary scheme is considered acceptable. A condition is also recommended to ensure that all structures associated with the application(s) would be removed and the site reinstated once the use ceases.
- 6.4 As such, it is considered that the proposed development accords with relevant policies in the Local Plan (2018) and the London Plan (2021).
- 6.5 Accordingly, it is recommended that the proposed development be granted planning permission subject to the conditions listed above and a legal agreement.