

Planning Committee: 13/12/2022

Briefing Notes

ITEM 02 - East Acton Arcade, 93 Old Oak Common Lane, Acton, London, W3 7DJ (220178FUL)

Amended Recommendation

Additional Heads of Terms

Disabled Bay

Financial contribution of £3,000 for a disabled parking bay on Old Oak Common Lane/ Brassie Avenue.

Coach Parking

Clause in S106: bookings arriving by coach will be completely restricted.

Travel Plan

The Travel Plan should include provisions so that people would be prevented from arriving in coaches.

Additional Informatives

Thames Water

12. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

13. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Additional Representations

External Consultees

Consultee	Comments	Officer Response
Designing Out Crime Officer	The proposed plans have the potential to achieve secure by design accreditation but we strongly recommend the applicant/architect keep in regular contact with our office in order they meet SBD compliance. This should help to remove any potential	All noted. The following informative is recommended: <i>The applicant must seek the advice of the Metropolitan Police Service Designing Out Crime Officers (DOCOs). The services of MPS DOCOs are available free of</i>

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<p>issues further along the design and construction process.</p> <p>The proposal to incorporate a separate business use within the basement where patrons and staff are able to access lifts and stair cores serving the hotel are a serious cause for concern. Such permeability between different uses increases the risk of conflict, theft and burglary offences.</p> <p>The increased permeability afforded by the secondary entrance within the front elevation undermines staff ability to screen visitors on entry as it provides a means of bypassing reception. This is a concern as it reduces the ability of staff to ensure safeguarding requirements and exercise appropriate control of access. Preventing violence against women and girls (VAWG) is a priority for the Metropolitan Police and is therefore an important area to consider for this application. We must ensure that the design does not facilitate such offences.</p> <p>The number of hotel rooms within the development dictates the need for compartmentation for security to be included. The method by which this is achieved can be discussed further as the project progresses but would require a comprehensive access control system to be implemented.</p> <p>The inclusion of long benches across the front elevation is a concern as this provides a sheltered space where loitering cannot be dissuaded and may generate issues with ASB, street drinking, drugs use/dealing and rough sleeping, all of which are issues of concern in the area.</p> <p>The loading bay to the rear should be robustly secured against misuse such as fly tipping, graffiti, rough sleeping, ASB, unauthorised entry to the building, drugs use/dealing, and the storage of illicit items such as weapons or drugs. The low levels of natural surveillance in this area and the shelter provided will</p>	<p><i>charge and can be contacted via docomailbox.nw@met.police.uk or 0208 7333703.</i></p> <p>Furthermore, a condition requiring the development to achieve Secured by Design Accreditation is recommended (Condition 26)</p> <p>A final condition requiring details of the vehicle access gate located adjacent to Brassie Avenue is recommended (Condition 28)</p>
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	render this space particularly vulnerable.	
Thames Water	Conditions recommended, including Piling Method Statement and a Development and Infrastructure Phasing Plan. Additional Informatives recommended.	The Piling Method Statement (Condition 17) and a Development and Infrastructure Phasing Plan (condition 18) conditions recommended in the Committee Report.

Internal Consultees

Consultee	Comment	Officer Response
Leisure Services	<p>It is encouraging to see that there is an option to include the snooker and pool facilities in the new build, unfortunately it's not quite a straight replacement, 21 tables down to 14 (8 snooker and 6 pool) but more concerning is that the space identified for the new snooker and pool facility isn't confirmed but referenced only as an option for that space – see wording below:</p> <p><i>Demolition of existing building to enable construction of multi-storey hotel (Use Class C1) including flexible space within basement for hotel (Use Class C1) or snooker hall (Use Class E(d)) use description used to describe the space to potentially be used for snooker/pool or the hotel.</i></p> <p>Leisure would request that as a priority this space be considered as a new snooker and pool facility first not just as an option to be used for this purpose; Leisure would also request the following to ensure as far as possible the existing membership base be catered for in the new facility:</p> <ul style="list-style-type: none"> • The new snooker and pool facilities built to adhere to or follow the principles of Sport England and/or National Governing Body design guidelines • First refusal to operate the proposed new facility to the existing operator of the snooker and pool facility on site 	<p>These comments are noted.</p> <p>The LPA cannot dictate the length of the lease agreement. These are private civil matters between the property owner and snooker operator. Any discussions relating to the length of a lease would be out of the Councils control.</p> <p>The Flexible Basement Floorspace shall be marketed at market rates which will be determined by a qualified RICS surveyor. This is fair and reasonable.</p> <p>If planning conditions and agreements are not being adhered to, this will be investigated as a matter of priority by the Planning Enforcement Team. The applicant is required by the Heads of Terms to notify the Council upon commencement of the Negotiating Period and shall document all correspondence with the snooker operator and submit this to the Council to review.</p> <p>The snooker hall is not a protected sporting facility. Building out the snooker hall to adhere to or follow the principles of Sport England and/or National Governing Body design guidelines would be unreasonable. The -2 basement</p>

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	<ul style="list-style-type: none"> • The existing and any other future operator to have security of tenure of at least 25 years with potentially an option to extend this agreement post the initial term • A sustainable and reasonable rent for the proposed facility space that won't price the operator out of existence and will retain the existing member base • Annual review meetings and/or regular dialogue between the hotel operator and/or owner and the snooker and pool facility operator involving a neutral external party (A Councillor or Council Officer) to ensure any planning conditions and consequent agreements are being adhered to • NGB and/or Sport England to be involved in the development of an operator agreement between the hotel operator and the snooker and pool facility operator – maybe using headings/clauses contained in the Sport England Community Use Agreement template Community Use Agreements Sport England 	<p>level has been designed to be flexible so that it can be put to hotel use if a snooker use ceases.</p>
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Neighbour/Public Comments:

6 additional comments raising objection from members of the public between 05/12/2023 - 13/13/2023. The material planning considerations in these comments are addressed below:

Comment	Officer Response
Local businesses would be lost	The existing businesses/uses on site are not protected uses/facilities. All these uses could be transformed to an alternative retail use without the express consent of the LPA.
Tables are fully utilised in the evenings during peak times	The third-party Snooker Needs Assessment Review (SNAR) conducted by Continuum Sport & Leisure Limited (CSLL) concluded that the snooker hall was not surplus to needs. However, it did identify capacity at the existing snooker hall and all similar quality facilities within the local and sub-regional levels. The SNAR does not conclude that the

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	snooker club would be at capacity, even during the peak winter months.
London Snooker Acton has applied to be considered a community asset	The Asset of Community Value (ACV) application has not yet been determined and is not a material planning consideration. The planning application should therefore be considered on its merits and in isolation from any other applications relating to the site.
Inadequate parking provision	The site is car-free. This is supported by Policy T6.4 of the London Plan. Providing parking provision would be contrary to planning policy.
The transport needs methodology was incorrect	The methodology surveyed parking stress during peak parking hours (i.e. during evenings and every 15 minutes during the AM/PM peak.) This is acceptable.
Increase in traffic	<p>The development is projected to result in a reduction of private vehicle trips and car/taxi trips. Rail use does increase with 15 additional trips in the AM peak and 19 in the PM peak which will have a negligible impact on the rail network.</p> <p>If the snooker hall use does not come forward, the impact on the highway network is even more positive, with a further reduction of private vehicle trips, car/taxi trips.</p> <p>There is also an overall reduction in delivery and service movements for both outcomes.</p>
Safety and increase in crime	The proposed plans have the potential to achieve secure by design accreditation. A condition requiring the development to achieve Secured by Design Accreditation is imposed and a condition is imposed requiring details of the vehicle access gate to the rear. With this in place, the development is considered to have a positive impact on the area.

Objection from Andy Slaughter - MP for Hammersmith

I am writing to object to the above planning application, which would see the East Acton Arcade demolished for a hotel. I previously objected to this application last year, on the 18th December 2022 and I note the local authority for my constituency, Hammersmith & Fulham Council, have objected to this application too (see my former objection below).

As mentioned in my previous objection, the arcade was built in the 1930s and is currently home to London Snooker Hall, opticians and a butcher. I understand the Snooker Hall has over 1000 members, many of which reside in Hammersmith, and the accessible opticians supports 3000 customers, many who are vulnerable. Many of my constituents in Hammersmith have publicly objected to the application and are users of the arcade, showing the Hall's importance not just in Ealing, but across London.

I am objecting because I am concerned about the high rent for the small businesses (who have objected to the application themselves), congestion from the hotel use and the impact on the conservation area opposite - the Old Oak and Wormholt Conservation area, the

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proposals are too dense, the site is not appropriate for a hotel and will essentially displace local businesses.

Officer Comment:

The above concerns are noted. The LPA has no control over rent, which is not a material planning consideration. However, regarding the snooker hall, rent would be marketed at market rates determined by a qualified RICS surveyor if this came forward. This is acceptable, and the s106 terms are robust and fit for purpose in this regard.

The building would not impact the significance of the Old Oak and Wormholt Conservation Area. The existing building on the site does not contribute to the significance of the conservation area. The proposed development would not have a direct impact on the conservation area as it is located outside of the conservation area boundary. It would have limited visibility from some parts of the conservation area, and the building, at its proposed height and scale, would be less intrusive and less visible than the existing tall buildings, which are visible from across the entire conservation area.

The location is well suited for a hotel and complies with policy in this regard. Hotels should be delivered in town centre locations or with good public transport accessibility. The host site is located within a neighbourhood centre with a PTAL rating of 6a (excellent public transport accessibility).

Other Matters

Unilateral Agreement

Although not able to be secured via S106 agreement given the following would not meet the relevant planning obligations tests, the applicant has reaffirmed to Planning Officers that he is committed to entering into a pre-commencement Unilateral Agreement between himself and the existing Snooker Operator to provide a £15,000 contribution towards relocation assistance during any forthcoming construction phase. The £15,000 contribution would be earmarked for any reasonable costs associated with relocation to alternative premises, securing storage facilities, or any fit-out related costs.