

Planning Committee: 19.07.2023

Briefing Notes

ITEM 03 - 239 Horn Lane, Acton, W3 9ED

Amended recommendation

The recommendation on the proposed development shall be as follows:

Grant Permission, subject to conditions, s106 legal agreement and Stage II referral to the GLA.

Officer Response: Members will note that the recommendation contained within the Committee Report mentions the need for a response from the Health and Safety Executive and subsequent referral back to the Chair following receipt of this response from the HSE. The response from the HSE has been received on 19/07/2023, with the following comments being provided:

Health and Safety Executive (HSE)	<p>It is noted from the information provided within the fire statement that the adopted fire standard for this application is BS 9999:2017 for industrial, storage and distribution and BS 9991:2015 for residential use. This application has been assessed accordingly.</p> <p>Following a review of the information provided in the planning application, HSE is content with the fire safety design as set out in the project description, to the extent it affects land use planning considerations.</p> <p>HSE acknowledges that the fire statement provided with this application is comprehensive. This is welcomed and has supported the HSE's assessment process.</p>
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As the HSE has not identified any matters that relate to land use planning, no amendments to the plans would be required to satisfy any Fire Safety requirements that relate to Building Regulations. The recommendation as revised through this Briefing Note shall therefore be taken to be the recommendation of Council Officers.

Amendment to conditions

Amended condition 18 - Environmental Health (Noise) – Sound Insulation of the Building Envelope – refer to Additional Representation section below.

Amendment to condition 28 – Network Rail – Phasing Plan – refer to Additional Representation section below.

Additional Representations

A representation in general support/neutral of the scheme from a resident of Acton House:

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This appears to be a good development with the exception of the ground and first floors builder's merchant inclusion.

Are the council aware that this whole site is subject to a compulsory purchase order TWAO by Network Rail, for the construction of a Logistics Depot to supply the HS2 construction at Old Oak Common?

Officer Response: Council is aware of the existing TWAO, which is outlined within the Committee Report and the conditions that have been recommended to facilitate Network Rail's TWAO if successful, including within this Briefing Note.

Amendment to condition 18 – Environmental Health (Noise) – Sound Insulation of the Building Envelope

Prior to commencement of the superstructure (excluding demolition, initial site clearance and ground works), details of the sound insulation for the non-glazed and glazed building envelope at various floors and facades shall be submitted for approval by the Council in writing, having regard to the Council's assessment standard in the SPG10 and noise limits specified by BS8233:2014, in conjunction with the measured external noise levels in the Noise and Vibration Impact Assessment Report by KP Acoustics ref.

23848.NVA.02 dated 05/06/2023. In addition, the maximum noise levels at night must not exceed 45 dB L_{Amax,f} more than 10 times at night as per the Noise and Vibration Impact Assessment Report by KP Acoustics ref. 23848.NVA.02 dated 05/06/2023.

The submitted details shall include calculations in octave bands from 63Hz to 4kHz to demonstrate that the external noise ingress via all elements of the building envelope meets the internal noise levels set out in BS 8233:2014 for living rooms, dining rooms and bedrooms during the day and in bedrooms at night, and the additional maximum noise levels requirement in bedrooms at night.

Details shall also include the sound reduction specifications of the glazing (including laboratory test results of the entire window system including frames, seals and any integral ventilators, approved in accordance with BS EN ISO 10140-2:2010), sound reduction specifications of the external walls (including laboratory test results) and of acoustically attenuated mechanical ventilation and cooling as necessary (with air intake from the cleanest aspect of the building and details of self-noise). Details of best practicable mitigation measures for external amenity spaces shall also be provided and implemented, as necessary. Details shall confirm that noise limits specified in BS8233:2014 will not be exceeded. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: In the interests of the living conditions of the future occupiers of the site and to safeguard the existing and future operation of the Goods Yard, in accordance with policy 7A of the Ealing Development Management DPD,

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Policy 2.4 of the Core Strategy DPD, Policy ACT6 of the Development Sites DPD and Policy D14 of the London Plan.

Based off agreement to this amended condition, Firstplan (acting on behalf of DB Cargo and Quattro) have withdrawn their objections to the proposed scheme.

Amendment to condition 28 – Network Rail – Phasing Plan

The developer shall not commence construction of the development (which excludes demolition, site clearance, site investigation, site remediation, and ground works) unless either:

(a) the developer has submitted to the Council for approval a phasing plan which demonstrates the phases of the development, and how the phases can be constructed to ensure that Network Rail's Old Oak Common Station works and its proposed construction and use of a temporary Road Rail Vehicle Access Point (RRAP) on the site are not impeded; For the avoidance of doubt, works phased on the footprint of the existing warehouse building will be assumed to provide no impediment to Network Rail's works. The phasing plan will demonstrate, in particular, how Network Rail's access to the site and turning of vehicles, storage requirements, parking requirements for RRVs and track plant, and access to the temporary RRAP will be accommodated and not impeded. Construction management measures may be included in the phasing plan to demonstrate lack of impediment to Network Rail's works. The phasing plan may include an early works phase, that may include setting out, and substructure works; or

(b) the Secretary of State has refused to make the proposed Network Rail (Old Oak Common Great Western Mainline Track Access) Order promoted by Network Rail and either Network Rail has confirmed in writing to the Council that it will not seek a statutory review of the refusal to make the Order, or the period of 6 weeks has expired from the Secretary of State's decision without a statutory review having been commenced against the Secretary of State's decision in which case the requirement in (a) shall no longer apply.

If a phasing plan is submitted to the Council for approval pursuant to (a) above, the developer will observe the phasing plan throughout the construction of the development. A phasing plan submitted pursuant to (a) above need not cover all phases of the development, and more than one phasing plan can be submitted for approval. Any phases that are planned to follow either the completion of Network Rail's Old Oak Common Station works or follow reinstatement of the land used for the temporary RRAP if earlier need not be the subject of a phasing plan.

Reason: To ensure that both the intentions of the developer and network rail for the application site can be delivered should the Secretary of State grant approval for Network Rail works.

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Based off agreement to amended condition 28 (and the above Condition 18), Network Rail (as an Interested Party) have withdrawn their objections to the proposed scheme, in particular the concerns relating to noise and the potential for phasing of the development should Network Rail's TWAO be successful.

Notes/Additional Clarifications

N/A