

Elaine Elkington
Interim Director of Regeneration and Planning

Newham Dockside 1st Floor, West Wing Dockside Road London, E16 2QU

Date: 23rd January 2019

Mr Tim Halley City Aviation House, Hartmann Road Silvertown London E16 2PB

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England)
Order 2015 (as amended)

Dear Sir

**Application No:** 18/03472/AOD

**Location:** City Aviation House

Hartmann Road

Silvertown London E16 2PB

**Proposal:** Approval of details pursuant to Conditions 36 (Landscape) and 38

(Details of Screening of Plant) attached to planning permission

13/01228/FUL dated 26th July 2016 (Third Submission)

The London Borough of Newham hereby gives notice with respect to your submission of details pursuant to planning permission 13/01228/FUL validated on 11<sup>th</sup> December 2018.

Conditions 36 and 38 are **APPROVED** subject to the details submitted and approved, and subject to the conditions and reasons stated within the accompanying report.

The Council has considered the provisions of the approved Updated Environmental Statement and does not consider this application to warrant the need for further Environmental Impact Assessment.

As this is a third submission under 13/01228/FUL, to ensure effective monitoring, I would be grateful if you could inform the Airport Monitoring Officer which of the permissions are to be implemented.

Signed:

**Amanda Reid** 

Head of Planning and Development London Borough of Newham

Amondo Per

#### **TOWN AND COUNTRY PLANNING ACT 1990**

Applicant's Rights following the Grant or Refusal of permission

## 1. Appeals to the Secretary of State

Should you (an applicant/agent) feel aggrieved by the decision of the council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Section 78 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning from the date of the decision notice (unless an extended period has been agreed in writing with the council):

- **Six months:** Full (excluding Householder and Minor Commercial applications), listed building, conservation area consent, Section 73 'variation/removal', Section 73 'minor-material amendment', extension of time, and prior approval applications.
- 12 weeks: Householder planning, Householder prior approval and Minor Commercial applications.
- 8 weeks: Advertisement consent applications.
- No timescale: Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued the appeal period may be significantly reduced, subject to the following criteria:

- The development proposed by your application is the same or substantially the same as development that is currently the subject of an enforcement notice: **28 days of the date of the application decision**.
- An enforcement notice is served after the decision on your application relating to the same or substantially the same land and development as in your application and if you want to appeal against the council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective Date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from <a href="https://www.planning-inspectorate.gov.uk">www.planning-inspectorate.gov.uk</a> or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the council (attn: Planning Appeals Officer).

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are exceptional/special circumstances.

The Secretary of State can refuse to consider an appeal if the council could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements and provisions of the Development Order and to any direction given under the Order. In practice, it is uncommon for the Secretary of State to refuse to consider appeals solely because the council based its decision on a 'direction given by the Secretary of State'.

#### 2. Subsequent Application Fees

No planning fee would be payable should a revised planning application be submitted within 12 months of the decision. This 'fee waiver' is permitted only where the new application meets the following criteria:

- the applicant is the same as the applicant of the original application
- site boundary is the same as the site boundary of the original application
- the nature of development remains the same.

## 3. Purchase Notices

Should either the council or the Secretary of State refuse permission or to grant permission subject to conditions, the owner may claim that the land cannot be put to a reasonably beneficial use in its existing state nor through carrying out of any development which has been or could be permitted. In such a case, the owner may serve a purchase notice on the council.

This notice will require the council to purchase the owner's interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990 and Section 32 of the Planning (Listed Buildings Conservation Areas) Act 1990.

#### 4. Compensation

In certain circumstances compensation may be claimed from the council if permission is refused or granted subject to condition(s) by the Secretary of State on appeal or on reference to the Secretary of State. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Delegated Report  Application for approval of details reserved by condition.		Newham London	
Case Officer:	Dave Whittaker	Valid Date:	11th December 2018
Application Number:	18/03472/AOD	8-Week Date:	4th February 2019
Deemed Discharge Notice:	No	PEA Date:	N/A
Address:	City Aviation House Hartmann Road Silvertown London E16 2PB		
Proposal:	Approval of details pursuant to Conditions 36 (Landscape) and 38 (Details of Screening of Plant) attached to planning permission 13/01228/FUL dated 26th July 2016 (Third Submission)		

#### Assessment:

Conditions 26 and 20	Condition 36 – Landscape
Conditions 36 and 38	Condition 38 – Details of Screening of Plant

#### 36 Landscape

Prior to the relevant Phase of Development Commencing full details of a landscape scheme to include all hard surfaces, grassed areas, tree and shrub planting and the proposed times of planting, relating to that approved Phase, shall be submitted to the local planning authority for approval in writing.

Each submitted landscape scheme shall be in accordance with the Landscape Drawings.

All landscaping schemes and all planting shall make such planting unattractive to birds so as not to have an adverse effect on the safety of operations at London City Airport by encouraging bird roosting and creating sources of food for birds, and thereby preventing a bird strike threat to aircraft operating at the Airport.

Within one month of the completion of the landscaping scheme for a relevant Phase written confirmation of the completion date shall be submitted to the local planning authority.

The scheme as approved shall be implemented in full within the first planting season following completion of each of the agreed Phases within the Construction Programme.

If any tree or shrub is removed, uprooted or destroyed or dies, or becomes in the opinion of the local planning authority, damaged, diseased or defective, another tree or shrub of the same species and size as that originally planted shall be replanted in the same location or as otherwise detailed in the scheme.

**Reason**: To ensure a satisfactory standard of external appearance of the development and in the interest of the safe operation of London City Airport; with regard to policy OS8 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policies 3.5, 7.1, 7.2, 7.3, 7.5, 7.6, 7.8 and 7.21 of the London Plan (consolidated with alterations Since 2011 and published March 2015), and policies SP2, SP3, SP5 and INF1 of the Newham Core Strategy (adopted 26 January 2012).

# 38 Details of Screening of Plant

Prior to the relevant Phase Commencing a plant screening strategy shall be submitted to and approved in writing by the local planning authority. No part of a relevant Phase shall be brought into use until the plant screening strategy for that Phase as approved has been implemented. The approved plant screening strategy for that Phase shall be retained thereafter.

**Reason**: To ensure a satisfactory form of external appearance and in the interest of the amenity of neighbouring properties and the area

	Condition 36:
Details Submitted and APPROVED:	Report:  CADP 1 – Condition 36: Landscape – December 2018 Version 2

## Drawings:

Western Energy Centre & Service Yard Indicative Hardscaping Details Western Energy Centre & Service Yard Planting Plan Western Energy Centre & Service Yard Schedule of Planting Types Terminal Forecourt Indicative Hardscaping Details Terminal Forecourt Planting Plan -Sheet 1 of 2 Terminal Forecourt Planting Plan -Sheet 2 of 2 Terminal Forecourt Schedule of Planting Types – Sheet 1 of 2 Terminal Forecourt Schedule of Planting Types – Sheet 2 of 2

Dockside Hardscaping & Landscaping Details - Sheet 1 of 10 Dockside Hardscaping & Landscaping Details - Sheet 2 of 10 Dockside Hardscaping & Landscaping Details - Sheet 3 of 10 Dockside Hardscaping & Landscaping Details - Sheet 4 of 10 Dockside Hardscaping & Landscaping Details - Sheet 5 of 10 Dockside Hardscaping & Landscaping Details - Sheet 6 of 10 Dockside Hardscaping & Landscaping Details - Sheet 7 of 10 Dockside Hardscaping & Landscaping Details - Sheet 8 of 10 Dockside Hardscaping & Landscaping Details - Sheet 9 of 10 Dockside Hardscaping & Landscaping Details - Sheet 10 of 10 Dockside Hardscaping & Landscaping Details - Surfaces Schedule Dockside Hardscaping & Landscaping Details - Planting Schedule

A400-PAW-A-14-L00-XX-DR-DE-735-001-D-S3 A400-LDA-A-14-L00-XX-DR-GA-735-001-S3 A400-LDA-A-14-XXX-XX-DR-DE-735-001-S3

A400-PAW-A-14-L00-XX-DR-DE-735-002-B-S3 A400-LDA-A-14-L00-XX-DR-GA-735-002-G-S3 A400-LDA-A-14-L00-XX-DR-GA-735-003-F-S3 A400-LDA-A-14-L00-XX-DR-DE-735-002-B-S3 A400-LDA-A-14-XXX-XX-DR-DE-735-003-B-S3

A400-ATK-L-16-XXX-DR-GA-200-002-02-S2 A400-ATK-L-16-XXX-DR-GA-200-003-02-S2 A400-ATK-L-16-XXX-DR-GA-200-004-02-S2 A400-ATK-L-16-XXX-DR-GA-200-005-02-S2 A400-ATK-L-16-XXX-DR-GA-200-006-02-S2 A400-ATK-L-16-XXX-DR-GA-200-007-02-S2 A400-ATK-L-16-XXX-DR-GA-200-008-02-S2 A400-ATK-L-16-XXX-DR-GA-200-009-02-S2 A400-ATK-L-16-XXX-DR-GA-200-010-02-S2 A400-ATK-L-16-XXX-DR-GA-200-011-02-S2 A400-ATK-L-16-XXX-DR-SC-200-001-02-S2 A400-ATK-L-16-XXX-DR-SC-200-002-02-S2

## **Condition 38:**

# Report:

CADP1 – Condition 38: Plant Screening – December 2018 Version 2

## Drawings:

Western Terminal Extension (WTE) Plant
Screening

A400-PAW-A-14-XXXXX-DR-DE-948-001-CS3

Main Terminal Building (MTB) & Eastern
Terminal Extension (ETE) Plant Screening –

XX-DR-DE-948-003-D-

Details submitted for information (Not approved):	Sheet 1 Main Terminal Building (MTB) & Eastern Terminal Extension (ETE) Plant Screening – Sheet 2 New East Pier (NEP) Plant Screening  Output  Output  S3 A400-PAW-A-14-XXX-XX-DR-DE-948-005-B-S3 A400-PAW-A-14-XXX-XX-DR-DE-948-004-B-S3  Output  Out	
	This is a third submission for Approval of Details: Condition 36 was previously submitted and approved separately as 17/00523/AOD and Condition 38 as 17/00527/AOD. Both conditions were resubmitted as one application and approved as 18/00576/AOD.  This resubmission relating to Condition 36 is made by the applicant to incorporate a number of subsequent minor design changes, approved as 18/02611/NONMAT. A number of amended drawings are also submitted for approval, as listed above.  The applicant was requested by the case officer to resubmit the report relating to Condition 36 to correct a small number of errors in drawing	
Officer Assessment:	references; this was done as Version 2.  This resubmission relating to Condition 38 is made by the applicant to incorporate design changes to mitigate the appearance of rooftop plant. A number of amended drawings are also submitted for approval, as listed above.  The applicant was requested by the case officer to resubmit the report relating to Condition 38 to correct a minor issue; this was done as Version	
	2. Re-consultation on the amended reports was not considered to be necessary.  External consultation, as listed in Appendix 2 – either no response or no objection.  Internal consultation, as listed in Appendix 2 – either no response, no	
	comment, or no objection.  The submission is consistent with all relevant Development Plan policies, as listed in Appendix 1. It should be noted that the list of LBN Local Plan policies in the Reason for Condition 36 has been superseded by the LBN Local Plan adopted in December 2018.  The submitted details comply with the requirements of Conditions 36 and 38 of permission 13/01228/FUL.	
Officer Recommendation:	Approve	
Conditions and Reasons:	The development shall be implemented in accordance with the <b>Details Submitted and APPROVED</b> listed above only. <b>Condition 36: Reason</b> : To ensure a satisfactory standard of external appearance of the development and in the interest of the safe operation of London City Airport; with regard to policy OS8 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption	

7.6, 7.8 and 7.21 of the London Plan (consolidated with alterations Since 2011 and published March 2015), and policies SP2, SP3, SP5 and INF1 of the Newham Core Strategy (adopted 26 January 2012).
Condition 38:  Reason: To ensure a satisfactory form of external appearance and in the interest of the amenity of neighbouring properties and the area

Officer Recommendation:	To approve the details identified as Submitted and APPROVED listed above, pursuant to Conditions 36 and 38 attached to permission 13/01228/FUL approved on 26 <sup>th</sup> July 2016.	
Authorising officer Signature:	#3A	
Authorising officer	James Bolt, Senior Development Manager	
Date:	23rd January 2019	

## Appendix 1:

The Council's decision to approve the submitted details in this instance arose following careful consideration of the relevant provisions of the Council's adopted development plan and of all other relevant material considerations, including the approved Environmental Statement.

Of particular relevance to this decision were the following Framework and Development Plan policies and ES documents:

National Planning Policy Framework (NPPF) (MHCLG, July 2018)

The London Plan: Spatial Development Strategy for London (GLA, consolidated with alterations since 2011, published March 2016)

Policy 6.6 – Aviation

Policy 7.4 - Local Character

The Mayor of London's Draft London Plan: The Spatial Development Strategy for Greater London (Draft for public consultation December 2017 with minor suggested changes July 2018) is under Examination. Having regard to NPPF paragraph 48 the emerging document is a material consideration and appropriate weight will be given to its policies and suggested changes in decision-making, unless other material considerations indicate that it would not be reasonable to do so.

Draft London Plan: The Spatial Development	
Strategy for Greater London (Draft for	
Consultation December 2017 with minor	
suggested changes July 2018)	
Joint Waste Development Plan for the East	
Landon Marka Authorita Donounte de dente d	

D1 - London's form and characteristics

London Waste Authority Boroughs (adopted February 2012)

Not Applicable

London Borough of Newham Local Plan 2018

INF 1 – Strategic Transport SP3 – Quality Urban Design Within Places

The covering letter includes Appendix 2 – Statement of Conformity with the Updated Environmental Statement for Planning Permission 13/01228/FUL dated 26<sup>th</sup> July 2017. This is a requirement of Condition 3 of the Permission:

# **EIA Approved Updated Environmental** Statement

#### 3 Environmental Statement

The Development shall be carried out in accordance with the environmental standards, mitigation measures, requirements, recommendations and methods of implementing the Development contained in the Updated Environmental Statement (UES) and revisions, February 2016.

**Reason**: To ensure that the Development is carried out in accordance with the UES, dated September 2015, and the mitigation measures proposed therein.

# Appendix 2:

Consultations:		
Consultee:	Date Consulted:	Summary of response:
LBN Environmental Health - Pollution General	12th December 2018	No comment
LBN Airport Monitoring Officer	12th December 2018	Not applicable – Airport Monitoring Officer is case officer
Civil Aviation Authority	12th December 2018	No response
London City Airport	12th December 2018	No response
Transport For London	12th December 2018	No objection
L City Airport Consultative Committee	12th December 2018	No response
LBN Urban Design & Conservation	12th December 2018	No objection
Greater London Authority	12th December 2018	No comment
LBN Landscape Architects	12th December 2018	No comment

## Informative:

In dealing with this application, Newham Council has implemented the requirements of the National Planning Policy Framework and of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with the applicant in a positive and proactive manner. As with all applicants, we have made available detailed advice in the form of our statutory policies in the relevant constituent parts of the Local Plan and London Plan, Supplementary Planning documents, and all other Council guidance, as well as offering a full pre-application advice service, so as to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably.