

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

**Date:** 13<sup>th</sup> July 2018

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

Dear Sir

**Application No:** 18/01029/AOD

**Location:** City Aviation House  
Hartmann Road  
Silvertown  
London  
E16 2PB

**Proposal:** Approval of details pursuant to Condition 41 (External Lighting) attached to planning permission 13/01228/FUL dated 26th July 2016 (Second 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 16<sup>th</sup> April 2018.

Condition 41 is **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.

Please note that a number of inter-related submissions have been made in relation to planning permission 13/01228/FUL. In order to ensure consistency, the Council has issued Decision Notices simultaneously on the following:

Applications for Approvals of Details:

- 18/01391/AOD
- 18/00557/AOD
- 18/00576/AOD
- 18/00578/AOD
- 18/00671/AOD
- 18/00741/AOD
- 18/00761/AOD

- 18/00846/AOD
- 18/00994/AOD
- 18/01029/AOD
- 18/01290/AOD
- 18/01312/AOD

Application for a Non-Material Amendment:

- 18/01001/NONMAT

Application for Deed of Variation to S106 Agreement Attached to 13/01228/FUL

- 18/01637/S106

In relation to the Approvals of Details that are second submissions 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:**

A handwritten signature in black ink, appearing to read 'Amanda Reid'.

**Amanda Reid**

Head of Planning and Development  
London Borough of Newham

# 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 [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk) 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.

<b>Delegated Report</b>			
<b>Application for approval of details reserved by condition.</b>			
<b>Case Officer:</b>	Mr David Whittaker	<b>Valid Date:</b>	16th April 2018
<b>Application Number:</b>	18/01029/AOD	<b>8-Week Date:</b>	10.06.2018
<b>Deemed Discharge Notice:</b>	No	<b>PEA Date:</b>	N/A
<b>Address:</b>	City Aviation House Hartmann Road Silvertown London E16 2PB		
<b>Proposal:</b>	Approval of details pursuant to Condition 41 (External Lighting) attached to planning permission 13/01228/FUL dated 26th July 2016 (Second Submission)		

**Assessment:**

<b>Condition 41</b>	<b>External Lighting</b>
<b>41 External Lighting</b>	
<p>No Phase of the Development shall Commence until full details of any proposed external lighting (the external lighting scheme) for the relevant Phase have been submitted to and approved in writing by the local planning authority.</p> <p>Each external lighting scheme shall in respect of the relevant Phase:</p> <ul style="list-style-type: none"> <li>• state the minimum luminance reasonably required to perform the relevant lighting task;</li> <li>• minimise glare, light spillage and pollution;</li> <li>• include landscaping/screening measures to screen illuminated areas in environmentally sensitive areas;</li> <li>• avoid dazzle or distraction to drivers on nearby highways;</li> <li>• include the location, type, number, mounting height and alignment of the luminaires;</li> <li>• include the beam angles and upward waste light ratio for each light;</li> <li>• include details of screening and other mitigation;</li> <li>• include an isolux diagram showing the predicted illuminance levels at critical locations on the Airport Boundary of the Phase and where the Phase abuts residential properties or the public highway; and</li> <li>• set out where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.</li> </ul> <p>The approved lighting scheme(s) shall be implemented prior to occupation of the relevant Phase of the Development and shall be permanently retained thereafter.</p> <p><b>Reasons:</b> <i>To ensure that safety is not compromised with regard to the principles/practices of Secured by Design; to minimise adverse impacts of light pollution on the highway network; to minimise adverse impacts on the safeguarded area around London City Airport; to ensure that it does not cause a hazard to navigation of the Royal Albert Dock, and with regard to saved policy EQ45 of the London Borough of Newham adopted Unitary Development Plan (adopted June 2001 and 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 7.3, 7.5, 7.6 of the London Plan (consolidated with alterations Since 2011 and published March 2015), and policies SP3 and SP4 of the Newham Core Strategy (adopted 26 January 2012).</i></p>	
<b>Details Submitted and APPROVED:</b>	<ul style="list-style-type: none"> <li>• <b>Report:</b></li> <li>• <b>Condition 41 – External Lighting – April 2018 - Version 2</b></li> <li>• <b>Drawings:</b></li> <li>• <b>A400-ATK-E-40-XXX-01-DR-GA-827-001 - DOCKSIDE LIGHTING LAYOUT SHEET 1</b></li> <li>• <b>A400-ATK-E-40-XXX-02-DR-GA-827-002 - DOCKSIDE LIGHTING LAYOUT SHEET 2</b></li> <li>• <b>A400-ATK-E-40-XXX-03-DR-GA-827-003 - DOCKSIDE LIGHTING LAYOUT SHEET 3</b></li> <li>• <b>A400-ATK-E-40-XXX-04-DR-GA-827-004 - DOCKSIDE LIGHTING LAYOUT SHEET 4</b></li> <li>• <b>A400-ATK-E-40-XXX-05-DR-GA-827-005 - DOCKSIDE LIGHTING LAYOUT SHEET 5</b></li> </ul>

	<ul style="list-style-type: none"> <li>• A400-ATK-E-40-XXX-06-DR-GA-827-006 - DOCKSIDE LIGHTING LAYOUT SHEET 6</li> <li>• A400-ATK-E-40-XXX-07-DR-GA-827-007 - DOCKSIDE LIGHTING LAYOUT SHEET 7</li> <li>• A400-ATK-E-40-XXX-08-DR-GA-827-008 - DOCKSIDE LIGHTING LAYOUT SHEET 8</li> <li>• A400-ATK-E-40-XXX-09-DR-GA-827-009 - DOCKSIDE LIGHTING LAYOUT SHEET 9</li> <li>• A400-ATK-E-40-XXX-10-DR-GA-827-010- DOCKSIDE LIGHTING LAYOUT SHEET 10</li> <li>• A400-ATK-E-32-L00-01-DR-GA-827-001 - DECKED CAR PARK GRADE LEVEL LIGHTING LAYOUT SHEET 1</li> <li>• A400-ATK-E-32-L00-02-DR-GA-827-002 - DECKED CAR PARK GRADE LEVEL LIGHTING LAYOUT SHEET 2</li> <li>• A400-ATK-E-32-L00-03-DR-GA-827-003 - DECKED CAR PARK GRADE LEVEL LIGHTING LAYOUT SHEET 3</li> <li>• A400-ATK-E-32-L10-01-DR-GA-827-001 - DECKED CAR PARK LEVEL 10 LIGHTING LAYOUT SHEET 1</li> <li>• A400-ATK-E-32-L10-02-DR-GA-827-002 - DECKED CAR PARK LEVEL 10 LIGHTING LAYOUT SHEET 2</li> <li>• A400-ATK-E-32-L10-03-DR-GA-827-003 - DECKED CAR PARK LEVEL 10 LIGHTING LAYOUT SHEET 3</li> <li>• A400-ATK-E-36-XXX-01-DR-GA-827-001 - FORECOURT LIGHTING LAYOUT SHEET 1</li> <li>• A400-ATK-E-36-XXX-02-DR-GA-827-002 - FORECOURT LIGHTING LAYOUT SHEET 2</li> <li>• A400-ATK-E-36-XXX-03-DR-GA-827-003 - FORECOURT LIGHTING LAYOUT SHEET 3</li> <li>• A400-ATK-E-30-XXX-XX-DR-GA-827-001 - WESTERN SERVICE YARD LIGHTING LAYOUT SHEET 1</li> </ul>
<b>Details submitted for information (Not approved):</b>	<ul style="list-style-type: none"> <li>• Site Location Plan</li> <li>• Cover Letter</li> </ul>
<b>Officer Assessment:</b>	<p>This is one of a number of second submissions of Approval of Details; Condition 41 was previously submitted and approved as 17/00626/AOD.</p> <p>The resubmissions are primarily a consequence of the applicant's proposed revised timetable for CADP1, which includes the removal of the Interim and Completion phases and their replacement with a single phase. The proposed revised timetable has been submitted separately as the Construction Phasing Plan (Condition 4).</p> <p>An approval by the Council in relation to minor changes to permission 13/01228/FUL has been given since permission 17/00626/AOD, namely 17/02865/NONMAT, which have been incorporated where relevant into the submission under consideration.</p> <p>The aim of this condition is to minimise light pollution from the development and its adverse effect on airport operations, residential amenity, road safety and river navigation. The report lists measures to achieve this, and includes standards for luminance and positioning and design of light sources.</p> <p>A list of 'sensitive receptors' (primarily residential units within the vicinity of the Airport) has been compiled, and an assessment of the estimated effect of lighting on each. Results indicate that for each, the ratings are a combination of 'Minimal change, no mitigation' and 'No change in current baseline'.</p> <p>A second period of consultation took place following the applicant's</p>

	<p>resubmission of the report with correction of material errors in the original.</p> <p>External consultation, as listed in Appendix 2 – either: no response or no comment.</p> <p>Internal consultation, as listed in Appendix 2 – either: no objection, no response or no comment.</p> <p>The submission is consistent with all relevant Development Plan policies, as listed in Appendix 1.</p> <p>The submitted details comply with the requirements of Condition 41 of the permission.</p>
<b>Officer Recommendation:</b>	<b>Approve</b>
<b>Conditions and Reasons:</b>	<p>The development shall be implemented in accordance with the <b>Details Submitted and APPROVED</b> listed above only.</p> <p><i><b>Reasons:</b> To ensure that safety is not compromised with regard to the principles/practices of Secured by Design; to minimise adverse impacts of light pollution on the highway network; to minimise adverse impacts on the safeguarded area around London City Airport; to ensure that it does not cause a hazard to navigation of the Royal Albert Dock, and with regard to saved policy EQ45 of the London Borough of Newham adopted Unitary Development Plan (adopted June 2001 and 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 7.3, 7.5, 7.6 of the London Plan (consolidated with alterations Since 2011 and published March 2015), and policies SP3 and SP4 of the Newham Core Strategy (adopted 26 January 2012).</i></p>

<b>Officer Recommendation:</b>	To approve the details identified as Submitted and APPROVED listed above, pursuant to condition 41 attached to permission 13/01228/AOD.
<b>Authorising officer Signature:</b>	
<b>Authorising officer</b>	James Bolt, Senior Development Manager
<b>Date:</b>	13 <sup>th</sup> July 2018

## Appendix 1:

<p>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.</p> <p>Of particular relevance to this decision were the following Framework and Development Plan policies and ES documents:</p>	
National Planning Policy Framework (DCLG, March 2012)	
The London Plan: Spatial Development Strategy for London (GLA, consolidated with alterations since 2011, published March 2016)	At the date of assessment of original application:  Policy 6.6 – Aviation
<p>The Mayor of London's Draft London Plan: The Spatial Development Strategy for Greater London (Draft for public consultation DECEMBER 2017) is at an "early" stage of preparation. Having regard to NPPF paragraph 216 the emerging document is now a material consideration and <u>limited</u> weight will be given to the emerging document in decision-making, unless other material considerations indicate that it would not be reasonable to do so.</p>	
The London Plan: The Spatial Development Strategy for Greater London (Draft for public consultation DECEMBER 2017)	Not applicable
Joint Waste Development Plan for the East London Waste Authority Boroughs (adopted February 2012)	Not applicable
<p>The Submission Draft Local Plan is now at an "advanced" stage of preparation, having regard to NPPF paragraph 216, following submission to the Secretary of State for independent examination. As a result, the document is now a material consideration and substantial weight will be given to the Plan in decision-making, unless other material considerations indicate that it would not be reasonable to do so. The Plan will not gain full weight until it is adopted by the Council, however it is not anticipated that there will be further material amendments to the document.</p>	
Local Plan (February 2018) Secretary of State Submission Version	Not applicable
London Borough of Newham Local Plan: Core Strategy (adopted January 2012)	Policy INF1 – Strategic Transport Policy SP2 – Healthy Neighbourhoods Policy SP3 - Quality Urban Design within Places
London Borough of Newham Local Plan: Detailed Sites and Policies Development Plan Document (adopted 20 October 2016)	Not applicable
EIA Approved Updated Environmental Strategy	<p>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:</p> <p><b>3 Environmental Statement</b></p> <p>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.</p> <p><b>Reason:</b> To ensure that the Development is carried out in accordance with the UES, dated September 2015, and the mitigation measures proposed therein.</p>

## Appendix 2:

<b>Consultations:</b>		
<i>Consultee:</i>	<i>Date Consulted:</i>	<i>Summary of response:</i>
LBN Environmental Health - Pollution General	16th April 2018	No comment
LBN Airport Monitoring Officer (AMO)	16th April 2018	Not applicable – AMO is case officer
Civil Aviation Authority	16th April 2018	No response
Greater London Authority	16th April 2018	No response
London City Airport	16th April 2018	No objection
Transport For London	16th April 2018	No objection
L City Airport Consultative Committee	16th April 2018	No response
Transport for London – London Underground	16 <sup>th</sup> April 2018	No comment
LBN Urban Design & Conservation	16th April 2018	No objection
LBN Environmental Health - Pollution General	26th April 2018	No response
LBN Airport Monitoring Officer (AMO)	26th April 2018	Not applicable – AMO is case officer
Civil Aviation Authority	26th April 2018	No response
Greater London Authority	26th April 2018	No response
London City Airport	26th April 2018	No response
Transport For London	26th April 2018	No response
L City Airport Consultative Committee	26th April 2018	No response
LBN Urban Design & Conservation	26th April 2018	No response
Crossrail Ltd	26th April 2018	No response
DLR - Robert Niven	26th April 2018	No response
Natural England	26th April 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.