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Date: 4 December 2019

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

Dear Sir

Application No: 19/02620/AOD

Location: London City Airport
Hartmann Road
Silvertown
London
E16 2PX

Proposal: Approval of details pursuant to Conditions 6 (Noise Barrier Phasing), 75 (Cycle Parking), 76 (Delivery and Service Plan) and 79 (Transport Management Strategy) attached to planning permission 13/01228/FUL (Allowed on Appeal APP/G5750/W/15/3035673 dated 26th July 2016).

The London Borough of Newham hereby gives notice with respect to your submission of details pursuant to planning permission 13/01228/FUL validated on 25th September 2019.

Conditions 6, 75, 76 and 79 are **APPROVED** subject to the details submitted and approved, and subject to the conditions and reasons stated within the accompanying report.

Signed:



Amanda Reid
Director of Planning and Development, Chief Planning Officer
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 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.

Case Officer:	Dave Whittaker	Valid Date:	25th September 2019
Application Number:	19/02620/AOD	8-Week Date:	19.11.2019
Deemed Discharge Notice:	No	PEA Date:	N/A
Address:	London City Airport Hartmann Road Silvertown London		
Proposal:	Approval of details pursuant to Conditions 6 (Noise Barrier Phasing), 75 (Cycle Parking), 76 (Delivery and Service Plan) and 79 (Transport Management Strategy) attached to planning permission 13/01228/FUL (Allowed on Appeal APP/G5750/W/15/3035673 dated 26th July 2016).		

Assessment:

Condition 6	Noise Barrier Phasing
<p>No new or modified aircraft stands shall be brought into operation until a written scheme has been submitted to and approved in writing by the local planning authority indicating which one of the following mitigation options has been adopted:</p> <ul style="list-style-type: none"> • the external building envelope of the East Pier north elevation is substantially complete; or • the Eastern Noise Barrier is substantially complete; or • such other temporary noise barrier that has been approved in writing by the local planning authority is in place. <p>The applied temporary mitigation shall be installed prior to the operation of the new or modified stands as shown on Plan P1 and retained until replaced by the permanent noise mitigation measure which shall be retained thereafter.</p> <p>Reason: In line with the mitigation measures set out within the UES to protect the amenity of current and future occupants and neighbours with regard to saved policies EQ45, EQ47 and EQ48 of the London Borough of Newham 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 7.15 and 7.26 of the London Plan (consolidated with alterations since 2011 and published March 2015), and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).</p>	
Condition 75	Cycle Parking
<p>No part of the Eastern Terminal Extension shall be occupied until details of the type and location of a minimum of 70 secure and covered cycle parking facilities have been submitted to and approved in writing by the local planning authority.</p> <p>The secure and covered cycle parking facilities shall be installed and available for use prior to the first occupation of the Development.</p> <p>Such cycle parking facilities shall be retained thereafter.</p> <p>Reason: To ensure the provision of adequate cycle facilities to the standards adopted by policies 6.9 and 6.13 of the London Plan (consolidated with alterations Since 2011 and published March 2015), and policies SP2, SP3 and INF2 of the Newham Core Strategy (adopted 26 January 2012); and ensure that any alteration to the use of the proposed cycle spaces does not have an impact which has not been assessed by the Environmental Impact Assessment.</p>	
Condition 76	Delivery and Service Plan
<p>No part of the Development shall be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.</p> <p>The submitted Delivery and Servicing Plan shall:</p> <ul style="list-style-type: none"> • show clear vehicle sweep paths and be based on up-to-date information in relation to overall vehicle movements associated with all sites, and include servicing from new roads and service areas; 	

- show service vehicle movements as indicated within the Transport Assessment, which shall be the optimum numbers, and any additional movements shall only be permitted with the approval in writing by the local planning authority; and
- be prepared in accordance with Transport for London guidance, which encourages operators to be members of the Freight Operators Recognition Scheme or similar.

The Development shall only be implemented in accordance with the approved Delivery and Servicing Plan, which shall be retained thereafter.

Reason: To ensure that vehicle movements associated with the use hereby permitted remain consistent and that the use does not represent any unacceptable level of vehicle movements such that the safety of pedestrians and cyclists shall be unduly prejudiced.

Condition 79

Transport Management Strategy

Prior to use of the Eastern Terminal Extension, a Transport Management Strategy shall be submitted to the local planning authority for approval in writing. The Transport Management Strategy shall include details regarding:

- stewardship arrangements;
- signage;
- measures to promote and provide for sustainable transport;
- times/locations notification arrangements; and
- how to encourage increased* dwell time for vehicles, including hire vehicles, arriving to collect passengers.

The Airport shall only be used in accordance with the approved Transport Management Strategy thereafter.

Reason: In the interest of residential amenity, parking congestion and highway, pedestrian and visitor safety.

* This is an error in the Decision Letter and should read 'decreased'. The applicant is aware of this and has acknowledged it in the submitted report.

Details Submitted and APPROVED:

Condition 6:

- Drawings:
- A400-ATK-S-01-XXX-XX-DR-XX-247-991 Rev 01
- A400-ATK-S-01-XXX-XX-DR-XX-247-992 Rev 01

Condition 75:

- Report: London City Airport – City Airport Development Programme (CADP1) – Condition 75: Cycle Parking – Version 2 - November 2019

Condition 76:

- Report: London City Airport – City Airport Development Programme (CADP1) – Condition 76: Delivery and Servicing Plan – September 2019

Condition 79:

- Report: London City Airport – City Airport Development Programme (CADP1) – Condition 79: Transport Management Strategy – September 2019

Details submitted for information (Not approved):

- Covering Letter, including Appendix 2 – Ground Noise Assessment – 14th August 2019
- Site Plan

Officer Assessment:

Condition 6:

Option 3 – a temporary noise barrier - is proposed to comply with the requirements of the condition. Details are included in the two submitted drawings.

Condition 75:

As required by Condition 75, a minimum of 70 secure and covered cycle

	<p>parking places are proposed in the submitted report (Version 2).</p> <p><u>Condition 76:</u> The measures required by Condition 76 are proposed in the submitted report.</p> <p><u>Condition 79:</u> The measures required by Condition 79 are proposed in the submitted report.</p> <p>External consultation, as listed in Appendix 2 – either no comment or no response.</p> <p>Internal consultation, as listed in Appendix 2 – either no objection, no comment or no response.</p> <p>Discussions between the applicant and LBN officers on this matter took place prior to the submission of the application.</p> <p>The submission is consistent with all relevant Development Plan policies, as listed in Appendix 1. It should be noted that the list of policies referred to in a number of the Reasons for Conditions has been superseded and therefore updated.</p> <p>The submitted details comply with the requirements of Conditions 6, 75, 76 and 79 of permission 13/01228/FUL.</p>
Officer Recommendation:	Approve
Conditions and Reasons:	<p>The development shall be implemented in accordance with the Details Submitted and APPROVED listed above only.</p> <p><u>Condition 6:</u> Reason: In line with the mitigation measures set out within the UES to protect the amenity of current and future occupants and neighbours with regard to saved policies EQ45, EQ47 and EQ48 of the London Borough of Newham 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 7.15 and 7.26 of the London Plan (consolidated with alterations since 2011 and published March 2015), and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).</p> <p><u>Condition 75:</u> Reason: To ensure the provision of adequate cycle facilities to the standards adopted by policies 6.9 and 6.13 of the London Plan (consolidated with alterations Since 2011 and published March 2015), and policies SP2, SP3 and INF2 of the Newham Core Strategy (adopted 26 January 2012); and ensure that any alteration to the use of the proposed cycle spaces does not have an impact which has not been assessed by the Environmental Impact Assessment.</p> <p><u>Condition 76:</u> Reason: To ensure that vehicle movements associated with the use hereby permitted remain consistent and that the use does not represent any unacceptable level of vehicle movements such that the safety of pedestrians and cyclists shall be unduly prejudiced.</p> <p><u>Condition 79:</u> Reason: In the interest of residential amenity, parking congestion and</p>

	highway, pedestrian and visitor safety.
Officer Recommendation:	To approve the details identified as Submitted and APPROVED listed above, pursuant to conditions 6, 75, 76 and 79, attached to planning permission 13/01228/FUL dated 26 th July 2016.
Authorising officer Signature:	
Authorising officer	James Bolt, Senior Development Manager
Date:	4 December 2019

Appendix 1:

<p>The Council's decision 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 Updated Environmental Statement.</p> <p>Of particular relevance to this decision were the following Framework and Development Plan policies and UES documents:</p>	
National Planning Policy Framework (NPPF) (MHCLG, Feb 2019)	
The London Plan: Spatial Development Strategy for London (GLA, consolidated with alterations since 2011, published March 2016)	Policy 6.6 - Aviation
<p>The Mayor of London's Draft London Plan: The Spatial Development Strategy for Greater London (Consolidated changes version July 2019 incorporating Minor Suggested Changes – published in August 2018 and inclusive of Further Suggested Changes and Post Session Changes) 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.</p>	
Draft London Plan - consolidated changes version July 2019	Policy T8 - Aviation
Joint Waste Development Plan for the East London Waste Authority Boroughs (adopted February 2012)	Not applicable
London Borough of Newham Local Plan 2018	<p>Policy S3 – Royal Docks</p> <p>Policy SP8 – Ensuring Neighbourly Development</p> <p>Policy INF2 – Sustainable Transport</p>
EIA Approved Updated Environmental Statement	<p>The submitted covering letter includes Appendix 3 – UES Conformity Statement. This is a requirement of Condition 3 of the planning permission 13/01228/FUL:</p> <p>3 Environmental Statement</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>Reason: To ensure that the Development is carried out in accordance with the UES, dated September 2015*, and the mitigation measures proposed therein.</p> <p>*NB – this is an error in the Decision Letter and should read 'dated February 2016'.</p>

Appendix 2:

Consultations:		
<i>Consultee:</i>	<i>Date Consulted:</i>	<i>Summary of response:</i>
LBN Environmental Health - Pollution General	25th September 2019	No objection to Condition 6. No comment on Conditions 75, 76 and 79
LBN Transportation	25th September 2019	No objection to Conditions 75, 76 and 79. No comment on Condition 6.
Highways Team	25th September 2019	No response
Charles Mapundu	25th September 2019	No response
London City Airport	25th September 2019	No response
Environment Agency	25th September 2019	No comment
London City Airport Consultative Committee	25th September 2019	No response
R O D M A	25th September 2019	No response

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.