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**Date:** 20th 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:** 19/02559/AOD

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

**Proposal:** Approval of details pursuant to Conditions 36 (Landscape), (4th Submission) 38 (Details of Screening of Plant) (4th Submission), 39 (Contamination) (3rd Submission), 41 (External Lighting) (3rd Submission), 44 (Fixed Electrical Ground Power) (3rd Submission), 61 (Energy Assessment and Reduction in Carbon Dioxide Emissions) (3rd Submission), 62 (Archaeology Scheme of Investigation and List of Historic Buildings) (2nd Submission), 64 (Photovoltaic Panels) (3rd Submission), 65 (Crossrail Method Statement) (2nd Submission), 70 (Waste Management Strategy) (2nd Submission), 73 (Access Roads and Parking Areas) (3rd Submission), 77 (Traffic Management Plan) (3rd Submission), 78 (Taxi Management Plan) (3rd Submission), 87 (Construction Design and Method Strategy) (3rd Submission) and 92 (Construction Lighting) (3rd Submission) 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 19<sup>th</sup> September 2019.

Conditions 36, 38, 39, 41, 44, 61, 62, 64, 65, 70, 73, 77, 78, 87 and 92 are **APPROVED** subject to the details submitted and approved, and subject to the conditions and reasons stated within the accompanying report.

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:

- 19/02559/AOD
- 19/02619/AOD

Application for a Non-Material Amendment:

- 19/02621/NONMAT

In relation to the Approvals of Details that are second or third 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', with a stylized flourish at the end.

**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](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.

| Delegated Report   |   |              |  |
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| Application for approval of details reserved by condition. |   |              |   |
| Case Officer:  | Dave Whittaker  | Valid Date:  | 19th September 2019   |
| Application Number:  | 19/02559/AOD  | 8-Week Date: | 13.11.2019  |
| Deemed Discharge Notice:                                   | No  | PEA Date:    | N/A   |
| Address:   | London City Airport Hartmann Road Silvertown London   |              |   |
| Proposal:  | Approval of details pursuant to Conditions 36 (Landscape), (4th Submission) 38 (Details of Screening of Plant) (4th Submission), 39 (Contamination) (3rd Submission), 41 (External Lighting) (3rd Submission), 44 (Fixed Electrical Ground Power) (3rd Submission), 61 (Energy Assessment and Reduction in Carbon Dioxide Emissions) (3rd Submission), 62 (Archaeology Scheme of Investigation and List of Historic Buildings) (2nd Submission), 64 (Photovoltaic Panels) (3rd Submission), 65 (Crossrail Method Statement) (2nd Submission), 70 (Waste Management Strategy) (2nd Submission), 73 (Access Roads and Parking Areas) (3rd Submission), 77 (Traffic Management Plan) (3rd Submission), 78 (Taxi Management Plan) (3rd Submission), 87 (Construction Design and Method Strategy) (3rd Submission) and 92 (Construction Lighting) (3rd Submission) attached to planning permission 13/01228/FUL (Allowed on Appeal APP/G5750/W/15/3035673 dated 26th July 2016). |              |   |

#### Assessment:

| Condition 36  | Landscape                     |
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| <p><b>36 Landscape</b></p> <p>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.</p> <p><b>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 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).</p> |                               |
| Condition 38  | Details of Screening of Plant |
| <p><b>38 Details of Screening of Plant</b></p> <p>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.</p>   |                               |

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| <b>Reason:</b> To ensure a satisfactory form of external appearance and in the interest of the amenity of neighbouring properties and the area.  |                          |
| <b>Condition 39</b>  | <b>Contamination</b>     |
| <p><b>39 Contamination</b></p> <p>a) Prior to the Commencement of the relevant Phase, an investigation into ground conditions of that Phase shall be undertaken in accordance with the Model Procedures for the Management of Land Contamination, Environment Agency, Contaminated Land Report 11.</p> <p>b) The report of the investigation together with a detailed remediation strategy for dealing with any identified contamination in respect of that Phase shall be submitted to the local planning authority for approval in writing.</p> <p>c) Upon Commencement of the Phase the approved remediation strategy for that Phase shall be implemented.</p> <p>d) If, during the Development of a Phase, contamination not previously identified is found to be present within that Phase then no further Development in the areas where contamination is identified shall be carried out until a further remediation strategy has been submitted to the local planning authority for approval in writing, detailing how this unsuspected contamination shall be dealt with.</p> <p>e) The further remediation strategy shall be implemented as approved.</p> <p>f) As soon as reasonably practicable, and before the occupation of any remediated area forming part of a Phase, a validation report shall be submitted to the local planning authority for approval in writing, stating what works were undertaken and that the remedial scheme was completed in accordance with the approved remediation strategy for that Phase.</p> <p><b>Reasons:</b> To safeguard the public, the environment and surface and ground water, as this site may have or is known to have been used in the past for activities that are likely to have resulted in it being contaminated with material that is potentially harmful to humans or the environment.</p>   |                          |
| <b>Condition 41</b>  | <b>External Lighting</b> |
| <p><b>41 External Lighting</b></p> <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> 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).</p> |                          |

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| <b>Condition 44</b>   | <b>Fixed Electrical Ground Power (FEGP)</b>                               |
| <p><b>44 Fixed Electrical Ground Power (FEGP)</b><br/> No Phase of the Development shall Commence until a strategy setting out how existing and proposed aircraft stands will be upgraded to include FEGP has been submitted to and approved in writing by the local planning authority.<br/> Such approved strategy shall be implemented as approved and retained thereafter. No new or reconfigured Aircraft Stand shall be operational until the FEGP for that stand has been brought into operation.</p> <p><b>Reason:</b> In order to minimise noise and disturbance, in the interest of residential amenity, in the interest of protecting environmental amenity, and with regard to saved policies EQ45 and EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from the 27 of September 2007 in accordance with the direction from the Secretary of State) and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).</p>  |   |
| <b>Condition 61</b>   | <b>Energy Assessment and Reduction in Carbon Dioxide Emissions</b>        |
| <p><b>61 Energy Assessment and Reduction in Carbon Dioxide Emissions</b><br/> 1) No relevant Phase of the Development shall Commence until an Energy Assessment for that Phase has been submitted to and approved in writing by the local planning authority.<br/> 2) Each relevant Energy Assessment shall demonstrate how a minimum reduction in carbon dioxide emission of 25% over the Target Emission Rate outlined in the national Building Regulations.<br/> 3) The relevant Energy Assessment as approved pursuant to Part 1 of this condition shall be implemented prior to the relevant Phase of the Development being brought into use or operation and the recommendations of the approved assessment retained for the duration of the Phase.</p> <p><b>Reason:</b> To ensure the development makes the fullest contribution to minimising carbon dioxide emissions in accordance with the Mayor of London's energy hierarchy.</p>  |   |
| <b>Condition 62</b>   | <b>Archaeology Scheme of Investigation and List of Historic Buildings</b> |
| <p><b>62 Archaeology Scheme of Investigation and List of Historic Buildings</b><br/> No Phase of the Development shall Commence other than demolition to existing ground level unless and until there has been secured the implementation of a programme of archaeological evaluation in relation to that Phase in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the local planning authority.<br/> Such a submitted Scheme shall include details of a programme for investigating and recording archaeological assets, works and historic structures that might be found during Development of that Phase; and lists all historic buildings at the Airport.<br/> The Phase shall be implemented in accordance with the relevant approved Scheme.</p> <p><b>Reason:</b> To secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with recommendations given by the local planning authority, English Heritage and in the NPPF, as the site has archaeological potential in terms of heritage assets of archaeological interest.</p> |   |
| <b>Condition 64</b>   | <b>Photovoltaic Panels</b>  |
| <p><b>64 Photovoltaic Panels</b><br/> Prior to the Commencement of any Development on the terminal buildings details of any photovoltaic panels to be used shall be submitted to the local planning authority for approval in writing.<br/> The photovoltaic panels shall be installed and retained in accordance with the approved details.</p> <p><b>Reason:</b> To encourage and establish sustainable energy use.</p>   |   |


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| <b>Condition 65</b>  | <b>Crossrail Method Statement</b>     |
| <b>65 Crossrail Method Statement</b><br>No Phase of the Development shall take place until a method statement to demonstrate and ensure that Crossrail structures and tunnels are not impeded by the relevant Phase of Development has been submitted to and approved in writing by the local planning authority.<br>The approved method statement shall be implemented on Commencement of Development of the relevant Phase.<br><b>Reason:</b> To ensure there is no conflict in terms of safeguarding or safety with Crossrail.  |                                       |
| <b>Condition 70</b>  | <b>Waste Management Strategy</b>      |
| <b>70 Waste Management Strategy</b><br>No Phase of the Development shall Commence until a Waste Management Strategy for that Phase has been submitted to and approved in writing by the local planning authority. Each Waste Management Strategy shall seek to maximise the use of the River Thames and other waterways for the transport of waste materials from the Airport and shall be implemented on Commencement of the Development of the relevant Phase.<br><b>Reason:</b> To ensure that the development accords with the aims and objectives of promoting the use of sustainable transport.  |                                       |
| <b>Condition 73</b>  | <b>Access Roads and Parking Areas</b> |
| <b>73 Access Roads and Parking Areas</b><br>No part of the Eastern Terminal Extension hereby approved shall be occupied until the Access Roads and Parking Areas have been constructed in accordance with details that shall be submitted to and approved in writing by the local planning authority and the Access Roads and Parking Areas shall be retained thereafter.<br><b>Reason:</b> To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles likely to be associated with the approved use.   |                                       |
| <b>Condition 77</b>  | <b>Traffic Management Plan</b>        |
| <b>77 Traffic Management Plan</b><br>No relevant Phase of the Development shall be Commenced until a Traffic Management Plan has been submitted to and approved in writing by the local planning authority in respect of the relevant Phase. Each submitted Traffic Management Plan shall: <ul style="list-style-type: none"> <li>• set out the proposed management arrangements for vehicle movement within the Phase, including the internal shared access;</li> <li>• include details of appropriate road markings and signage internal to the site to regulate the movement of traffic, cyclists and pedestrians; and</li> <li>• ensure that the internal road network is designed, operated and retained in line with current practice on highway design for all road users, including buses, cyclists, and pedestrians.</li> </ul> The relevant Phases shall be operated in accordance with the approved Traffic Management Plans for those Phases thereafter.<br><b>Reason:</b> To prevent obstruction of the public highway surrounding the site and internal roads used by buses, taxis, delivery vehicles, cyclists and pedestrians and avoid accidents. |                                       |
| <b>Condition 78</b>  | <b>Taxi Management Plan</b>           |
| <b>78 Taxi Management Plan</b><br>No relevant Phase of the Development shall be Commenced until a detailed Taxi Management Plan has been submitted to and approved in writing by the local planning authority in respect of that Phase. The Taxi Management Plan shall be implemented as approved and retained thereafter.   |                                       |

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| <b>Reason:</b> To ensure that taxi facilities are operated safely and efficiently.   |  |
| <b>Condition 87</b>  | <b>Construction Design and Method Strategy</b>   |
| <p><b>87 Construction Design and Method Strategy</b></p> <p>Development of the relevant Phase of Development shall not Commence until there has been submitted to the local planning authority for approval in writing a detailed Construction, Design and Method Strategy for all of the foundations, basement and ground floor structures, and any structures below ground level including piling (temporary and permanent) for that Phase.</p> <p>Such a Strategy shall include (but not be limited to) details of the following in respect of each Phase:</p> <ul style="list-style-type: none"> <li>• specification and erection methodology for all façade treatments, roof sections and windows;</li> <li>• specification, construction methodology, calculations and lifting plan for any cranes proposed to be used;</li> <li>• the location of existing DLR structures and how the Phase of Development will accommodate these to demonstrate that there will be no potential security risk to DLR railway, property and structures; and</li> <li>• mitigation of the effects of noise and vibration arising from the adjoining operations within the structures.</li> </ul> <p>Each relevant Phase shall thereafter be carried out in accordance with the relevant approved Construction Design and Method Strategy.</p> <p><b>Reason:</b> To ensure a satisfactory standard of development and to safeguard amenities of the surrounding area.</p> |  |
| <b>Condition 92</b>  | <b>Construction Lighting</b>   |
| <p><b>92 Construction Lighting</b></p> <p>Before the Commencement of the relevant Phase of Development a Construction Lighting Scheme for that Phase shall be submitted to and approved in writing by the local planning authority. Details shall include appearance, siting, orientation and screening of the lights to be used during construction and the means of construction and laying out of cabling for such lights. The approved Construction Lighting Scheme shall be constructed/installed prior to Commencement of the relevant Phase and shall be removed following completion of the Phase of Development.</p> <p><b>Reasons:</b> To ensure that construction and community safety is not compromised.</p>  |  |
| <b>Details Submitted and APPROVED:</b>   | <p><u>Conditions 36, 38, 39, 41, 44, 61, 62, 64, 65, 70, 73, 77, 78, 87 and 92:</u></p> <ul style="list-style-type: none"> <li>• Appendix 2 – Schedule of Proposed Updates – of Covering Letter dated 17<sup>th</sup> September 2019</li> </ul> <p><u>Condition 36:</u></p> <ul style="list-style-type: none"> <li>• Drawing A400-ATK-L-16-XXX-DR-GA-200-004-06-S2 Rev 06</li> </ul> <p><u>Condition 64:</u></p> <ul style="list-style-type: none"> <li>• Report: London City Airport – City airport development Programme (CADP1) – Condition 64: Photovoltaic Panels – September 2019</li> <li>• Drawing A400-PAW-A-14-DR-GA-802-001-02-S3</li> <li>• Drawing A400-PAW-A-14-DR-GA-802-002-02-S3</li> <li>• Drawing A400-PAW-A-14-DR-GA-802-003-02-S3</li> </ul> <p><u>Condition 73:</u></p> <ul style="list-style-type: none"> <li>• Drawing A400-ATK-L-16-XXX-DR-GA-200-013-03-S2 Rev 03</li> <li>• Drawing A400-ATK-L-16-XXX-DR-GA-200-012-03-S2 Rev 03</li> </ul> |
| <b>Details submitted for information (Not approved):</b>   | <ul style="list-style-type: none"> <li>• Covering Letter dated 17<sup>th</sup> September 2019 and Appendix 1</li> </ul>  |

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| <p><b>Officer Assessment:</b></p> | <p>These are the second, third or fourth submissions of applications for Approvals of Detail for Conditions 36, 38, 39, 41, 44, 61, 62, 64, 65, 70, 73, 77, 78, 87 and 92. With the exception of Condition 64 – Photovoltaic Panels – these are to primarily to reflect the applicant’s proposal for the ‘re-sequencing’ of the London City Airport Development Programme (CADP), to be known as ‘the 2019 Revised Construction Phasing Plan’, in Condition 4, submitted for separate approval (with Condition 88) as 19/02619/AOD.</p> <p>All Conditions in this submission were previously approved separately, the most recent as follows:</p> <p>Condition 36 as 18/03472/AOD<br/> Condition 38 as 18/03472/AOD<br/> Condition 39 as 18/00671/AOD<br/> Condition 41 as 18/01029/AOD<br/> Condition 44 as 18/00846/AOD<br/> Condition 61 as 18/00994/AOD<br/> Condition 62 as 18/00671/AOD<br/> Condition 64 as 18/00994/AOD<br/> Condition 65 as 18/00577/AOD<br/> Condition 70 as 18/00671/AOD<br/> Condition 73 as 18/02102/AOD<br/> Condition 77 as 18/00741/AOD<br/> Condition 78 as 18/00741/AOD<br/> Condition 87 as 18/00578/AOD<br/> Condition 92 as 18/00761/AOD</p> <p>With the exception of Condition 64, considered below, the proposed changes are all amendments to wording and drawings that are considered to be minor.</p> <p>It is noted that the applicant proposes minor changes to the wording of Conditions 36 and 73, submitted separately as 19/02621/NONMAT.</p> <p>In response to a comment from GLAAS on 19/02621/NONMAT, the applicant was requested by the case officer for that application to make minor amendments to the 3 x drawings originally submitted under Conditions 36 and 73. This has been done and the submitted revised versions of the drawings are listed above.</p> <p><u>Condition 64 – Photovoltaic Panels</u></p> <p>The applicant states that the reason for resubmission of the application is that the type of panel approved as 18/00994/AOD is no longer available, but that the proposed replacements will achieve the same performance as stated in the Energy Assessment approved previously in accordance with Condition 61 as 18/00994/AOD.</p> <p><u>Consultation</u></p> <p>External consultation, as listed in Appendix 2 – No response, no comment or no objection.</p> <p>Internal consultation, as listed in Appendix 2 – No response or no objection.</p> <p>Discussions between the applicant and LBN officers on this matter took place prior to the submission of the application.</p> |
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|                                | <p><u>Conclusion</u></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 LBN Local Plan policies in a number of the Reasons for Conditions has been superseded by the LBN Local Plan adopted in December 2018.</p> <p>The submitted details comply with the requirements of Conditions 36, 38, 39, 41, 44, 61, 62, 64, 65, 70, 73, 77, 78, 87 and 92 of permission 13/01228/FUL.</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><u>Condition 36:</u><br/> <b>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 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).</p> <p><u>Condition 38:</u><br/> <b>Reason:</b> To ensure a satisfactory form of external appearance and in the interest of the amenity of neighbouring properties and the area.</p> <p><u>Condition 39:</u><br/> <b>Reasons:</b> To safeguard the public, the environment and surface and ground water, as this site may have or is known to have been used in the past for activities that are likely to have resulted in it being contaminated with material that is potentially harmful to humans or the environment.</p> <p><u>Condition 41:</u><br/> <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).</p> <p><u>Condition 44:</u><br/> <b>Reason:</b> In order to minimise noise and disturbance, in the interest of residential amenity, in the interest of protecting environmental amenity, and with regard to saved policies EQ45 and EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from the 27 of September 2007 in accordance with the direction from the Secretary of State) and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).</p> <p><u>Condition 61:</u></p> |

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|  | <p><b>Reason:</b> To ensure the development makes the fullest contribution to minimising carbon dioxide emissions in accordance with the Mayor of London's energy hierarchy.</p> <p><u>Condition 62:</u></p> <p><b>Reason:</b> To secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with recommendations given by the local planning authority, English Heritage and in the NPPF, as the site has archaeological potential in terms of heritage assets of archaeological interest.</p> <p><u>Condition 64:</u></p> <p><b>Reason:</b> To encourage and establish sustainable energy use.</p> <p><u>Condition 65:</u></p> <p><b>Reason:</b> To ensure there is no conflict in terms of safeguarding or safety with Crossrail.</p> <p><u>Condition 70:</u></p> <p><b>Reason:</b> To ensure that the development accords with the aims and objectives of promoting the use of sustainable transport.</p> <p><u>Condition 73:</u></p> <p><b>Reason:</b> To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles likely to be associated with the approved use.</p> <p><u>Condition 77:</u></p> <p><b>Reason:</b> To prevent obstruction of the public highway surrounding the site and internal roads used by buses, taxis, delivery vehicles, cyclists and pedestrians and avoid accidents.</p> <p><u>Condition 78:</u></p> <p><b>Reason:</b> To ensure that taxi facilities are operated safely and efficiently.</p> <p><u>Condition 87:</u></p> <p><b>Reason:</b> To ensure a satisfactory standard of development and to safeguard amenities of the surrounding area.</p> <p><u>Condition 92:</u></p> <p><b>Reasons:</b> To ensure that construction and community safety is not compromised.</p> |
|--|---|

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|---------------------------------------|--|
| <b>Officer Recommendation:</b>        | To approve the details identified as Submitted and APPROVED listed above, pursuant to conditions 36, 38, 39, 41, 44, 61, 62, 64, 65, 70, 73, 77, 78, 87 and 92, attached to planning permission 13/01228/FUL dated 26 <sup>th</sup> July 2016. |
| <b>Authorising officer Signature:</b> |   |
| <b>Authorising officer</b>            | James Bolt, Senior Development Manager   |
| <b>Date:</b>                          | 20 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 relevant  |
| London Borough of Newham Local Plan 2018  | <p>Policy S3 – Royal Docks</p> <p>Policy SP3 – Quality Urban design within Places</p> <p>Policy SP5 – Heritage and other Successful Place-Making Assets</p> <p>Policy SP8 – Ensuring Neighbourly Development</p> <p>Policy SC1 – Environmental Resilience</p> <p>Policy SC2 – Energy and Zero Carbon</p> <p>Policy SC5 – Air Quality</p> <p>Policy INF2 – Sustainable Transport</p> <p>Policy INF3 – Waste and Recycling</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 planning permission 13/01228/FUL:</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> <p>*NB – this is an error in the Decision Letter and should read 'dated February 2016'.</p> |

## Appendix 2:

| <b>Consultations:</b>                        |                        |  |
|--|------------------------|--|
| <i>Consultee:</i>                            | <i>Date Consulted:</i> | <i>Summary of response:</i>  |
| Highways England                             | 20th September 2019    | No objection   |
| Transport For London                         | 20th September 2019    | No objection   |
| LBN Environmental Health - Pollution General | 20th September 2019    | No objection to Conditions 38, 39, 41, 44 and 92. No comment on the remainder. |
| LBN Landscape Architects                     | 20th September 2019    | No response  |
| LBN Tree Officer                             | 20th September 2019    | No response  |
| LBN Urban Design & Conservation              | 20th September 2019    | No objection to Condition 36. No comment on remainder.                         |
| UK Power Networks (EDF)                      | 20th September 2019    | No response  |
| Adam Single- Historic England - GLASS        | 20th September 2019    | No comment   |
| Historic England                             | 20th September 2019    | No comment   |
| Crossrail Ltd                                | 20th September 2019    | No objection   |
| LBN Waste Management                         | 20th September 2019    | No response  |
| LBN Transportation                           | 20th September 2019    | No response  |
| Highways Team                                | 20th September 2019    | No response  |
| London City Airport Consultative Committee   | 20th September 2019    | No response  |
| Greater London Authority                     | 20th September 2019    | No comment   |
| Civil Aviation Authority                     | 20th September 2019    | No response  |
| Environment Agency                           | 20th September 2019    | No objection to Condition 39. No comment on the remainder.                     |
| Marine Management Organisation               | 20th September 2019    | No objection. Informative recommended.   |
| R O D M A                                    | 20th September 2019    | No response  |
| Natural England                              | 20th September 2019    | No objection   |
| Port Of London Authority                     | 20th September 2019    | No comment   |
| Highways Agency For A13 And A406             | 20th September 2019    | No response  |
| DLR Planning Consultation                    | 20th September 2019    | No response  |
| Thames Water Authority                       | 20th September 2019    | No objection   |

## **Informative 1:**

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.

## **Informative 2:**

### Marine Management Organisation:

#### Marine Licensing

Activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009. Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence. You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in England and parts of Wales. The MMO is also the authority responsible for processing and determining harbour orders in England, and for some ports in Wales, and for granting consent under various local Acts and orders regarding harbours. A wildlife licence is also required for activities that that would affect a UK or European protected marine species.

#### Environmental Impact Assessment

With respect to projects that require a marine licence the EIA Directive (codified in Directive 2011/92/EU) is transposed into UK law by the Marine Works (Environmental Impact Assessment) Regulations 2007 (the MWR), as amended. Before a marine licence can be granted for projects that require EIA, MMO must ensure that applications for a marine licence are compliant with these regulations.

In cases where a project requires both a marine licence and terrestrial planning permission, both the MWR and The Town and Country Planning (Environmental Impact Assessment) Regulations <http://www.legislation.gov.uk/ukxi/2017/571/contents/made> may be applicable.

If this consultation request relates to a project capable of falling within either set of EIA regulations then it is advised that the applicant submit a request directly to the MMO to ensure any requirements under the MWR are considered adequately.

#### Marine Planning

As the marine planning authority for England the MMO is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark. Marine plans will inform and guide decision makers on development in marine and coastal areas. On 2 April 2014 the East Inshore and Offshore marine plans were published, becoming a material consideration for public authorities with decision making functions. The East Inshore and East Offshore Marine Plans cover the coast and seas from Flamborough Head to Felixstowe. For further information on how to apply the East Inshore and Offshore Plans please visit our Marine Information System. The MMO is currently in the process of developing marine plans for the South Inshore and Offshore Plan Areas and has a requirement to develop plans for the remaining 7 marine plan areas by 2021.

Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. For marine and coastal areas where a marine plan is not currently in place, we advise local authorities to refer to the Marine Policy Statement for guidance on any planning activity that includes a section of coastline or

tidal river. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access Act and the UK Marine Policy Statement unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our online guidance and the Planning Advisory Service soundness self-assessment checklist.

If you require further guidance on the Marine Licencing process please follow the link  
<https://www.gov.uk/topic/planning-development/marine-licences>