

Miss Rebecca Burnhams  
Quod  
Quod, Ingeni Building  
17 Broadwick Street  
London  
W1F 0DE

**Date:** 29th August 2018

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

Dear Madam

**Application No:** 18/02102/AOD

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

**Proposal:** Approval of details pursuant to Condition 73 (Access Roads and Parking Areas) 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 20<sup>th</sup> July 2018.

Condition 73 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.

**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.

| Delegated Report   |  |              |  |
|--|--|--------------|---|
| Application for approval of details reserved by condition. |  |              |   |
| Case Officer:  | Mr David Whittaker   | Valid Date:  | 20th July 2018  |
| Application Number:  | 18/02102/AOD   | 8-Week Date: | 13.09.2018  |
| Deemed Discharge Notice:                                   | No   | PEA Date:    | N/A   |
| Address:   | London City Airport Hartmann Road Silvertown London E16 2PX  |              |   |
| Proposal:  | Approval of details pursuant to Condition 73 (Access Roads and Parking Areas) attached to planning permission 13/01228/FUL dated 26th July 2016) (Second Submission) |              |   |

#### Assessment:

| Condition 73   | Access Roads and Parking Areas  |
|--|---|
| <p>The Access Roads and Parking Areas shall be 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. No part of the Eastern Terminal Extension hereby approved shall be occupied until the following parts of the Access Roads and Parking Areas have been so constructed:</p> <p>a) The road giving access to the airport from the A117 Woolwich Manor Way; and</p> <p>b) The taxi feeder park.</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> |   |
| Details Submitted and APPROVED:  | <p><b>Drawings:</b></p> <ul style="list-style-type: none"> <li>• A400-ATK-L-16-XXX-DR-GA-200-001-02 S2</li> <li>• A400-ATK-L-16-XXX-DR-GA-200-001A-02 S2</li> <li>• A400-ATK-L-16-XXX-DR-GA-200-001B-02 S2</li> <li>• A400-ATK-L-16-XXX-DR-GA-200-002-02 S2</li> <li>• A400-ATK-L-16-XXX-DR-GA-200-003-02 S2</li> <li>• A400-ATK-L-16-XXX-DR-GA-200-004-02 S2</li> <li>• A400-ATK-L-16-XXX-DR-GA-200-005-01 S2</li> <li>• A400-ATK-L-16-XXX-DR-GA-200-006-01 S2</li> <li>• A400-ATK-L-16-XXX-DR-GA-200-007-01 S2</li> <li>• A400-ATK-L-16-XXX-DR-GA-200-008-01 S2</li> <li>• A400-ATK-L-16-XXX-DR-GA-200-009-01 S2</li> <li>• A400-ATK-L-16-XXX-DR-GA-200-010-01 S2</li> <li>• A400-ATK-L-16-XXX-DR-GA-200-011-01 S2</li> <li>• LCY-CADP-ATK-L-0012 B</li> <li>• LCY-CADP-ATK-L-0013 B</li> </ul> |

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| <b>Details submitted for information (Not approved):</b> | <ul style="list-style-type: none"> <li>• Cover Letter Version 3 – 16<sup>th</sup> August 2018</li> <li>• Updated Environmental Statement - Statement of Conformity - July 2018</li> <li>• London City Airport – City Airport Development Programme. Revisions to Decked Car Park – July 2018</li> </ul>  |
| <b>Officer Assessment:</b>                               | <p>This is one of a number of second submissions of Approval of Details; Condition 73 was previously submitted and approved as 17/02817/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, and a reduction in the length of the programme from approximately five to approximately four years.</p> <p>Permission 18/02865/NONMAT included an amendment to Condition 73. For the avoidance of doubt, the version of Condition 73 as approved under 18/02865/NONMAT is included above.</p> <p>Of the drawings submitted for approval, six comprise revised versions of those approved as part of 17/02817/AOD. For the avoidance of doubt, these are:</p> <ul style="list-style-type: none"> <li>• A400-ATK-L-16-XXX-DR-GA-200-001-02 S2</li> <li>• A400-ATK-L-16-XXX-DR-GA-200-001A-02 S2</li> <li>• A400-ATK-L-16-XXX-DR-GA-200-001B-02 S2</li> <li>• A400-ATK-L-16-XXX-DR-GA-200-002-02 S2</li> <li>• A400-ATK-L-16-XXX-DR-GA-200-003-02 S2</li> <li>• A400-ATK-L-16-XXX-DR-GA-200-004-02 S2</li> </ul> <p>The remainder of the submitted drawings were approved as a part of 17/02817/AOD and are unchanged.</p> <p>The applicant states that the submitted revised drawings are required to reflect minor changes to the design of the proposed decked car park, approved on 16<sup>th</sup> August 2018 under 18/01209/NONMAT. The number of parking places is not proposed for change.</p> <p>Due to factual errors in the submitted covering letter, the applicant was advised by the case officer to amend and resubmit the document; this was done – reconsultation was not considered to be required.</p> <p>External consultation, as listed in Appendix 2 – either: no response or no objection.</p> <p>Internal consultation, as listed in Appendix 2 – either: no comment or no response.</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 73 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><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>   |

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|---------------------------------------|---|
| <b>Officer Recommendation:</b>        | To approve the details identified as Submitted and APPROVED listed above, pursuant to condition 73 attached to permission 13/01228/FUL. |
| <b>Authorising officer Signature:</b> |    |
| <b>Authorising officer</b>            | James Bolt, Senior Development Manager  |
| <b>Date:</b>                          | 29 <sup>th</sup> August 2018  |

## Appendix 1:

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| <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>   |  |
| <p>National Planning Policy Framework (NPPF) (MHCLG, July 2018)</p>  |  |
| <p>The London Plan: Spatial Development Strategy for London (GLA, consolidated with alterations since 2011, published March 2016)</p>  | <p>Policy 1.1 Delivering the strategic vision and objectives for London<br/> Policy 6.10 Walking<br/> Policy 6.3 Assessing the effects of development on transport capacity<br/> Policy 6.1 Strategic approach<br/> Policy 6.11 Smoothing traffic flow and tackling congestion<br/> Policy 6.13 Parking<br/> Policy 7.1 Lifetime neighbourhoods<br/> Policy 7.5 Public realm</p> |
| <p><u>Draft London Plan: The Spatial Development Strategy for Greater London (Draft for Consultation December 2017 with minor suggested changes July 2018)</u></p> <p>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.</p>  |  |
| <p>The London Plan: The Spatial Development Strategy for Greater London (Draft for public consultation DECEMBER 2017)</p>  | <p>Not applicable</p>  |
| <p>Joint Waste Development Plan for the East London Waste Authority Boroughs (adopted February 2012)</p>   | <p>Not applicable</p>  |
| <p><u>Newham Local Plan Secretary of State Submission Version (February 2018) with proposed Main and Minor Modifications (July 2018)</u></p> <p>The Submission Draft Local Plan is now at an "advanced" stage of preparation, having regard to NPPF paragraph 48, following submission to the Secretary of State for independent examination, and examination hearings. As a result, the document is a material consideration and appropriate weight will be given to the Plan and proposed modifications 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. Currently the adopted Core Strategy (2012), Detailed Sites and Policies DPD (2016), the Policies Map (2016), the Joint Waste DPD for East London (2012) and the London Plan (2016) constitute the development plan for the Borough.</p> |  |
| <p>Local Plan (February 2018) Secretary of State Submission Version</p>  | <p>Not applicable</p>  |
| <p>London Borough of Newham Local Plan: Core Strategy (adopted January 2012)</p>   | <p>Policy S1 Spatial Strategy<br/> Policy S3 Royal Docks<br/> Policy SP1 Borough-wide Place-making<br/> Policy SP2 Healthy Neighbourhoods<br/> Policy SP3 Quality Urban Design within Places<br/> Policy SP7 Quality Movement Corridors and Linear Gateways<br/> Policy INF1 Strategic Transport<br/> Policy INF2 Sustainable Transport</p>                                      |

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| London Borough of Newham Local Plan:<br>Detailed Sites and Policies Development Plan<br>Document (adopted 20 October 2016) | Policy SP8 Ensuring Neighbourly Development  |
| EIA Approved Updated Environmental<br>Statement  | <p>A Statement of Conformity with the Updated Environmental Statement for Planning Permission 13/01228/FUL has been provided as described above. This relates to the 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:

| Consultations:                                  |                        |                             |
|---|------------------------|-----------------------------|
| <i>Consultee:</i>                               | <i>Date Consulted:</i> | <i>Summary of response:</i> |
| London City Airport                             | 23rd July 2018         | No objection                |
| Civil Aviation Authority                        | 23rd July 2018         | No response                 |
| Greater London Authority                        | 23rd July 2018         | No objection                |
| LBN Environmental Health -<br>Pollution General | 23rd July 2018         | No comment                  |
| Transport For London                            | 23rd July 2018         | No response                 |
| Highways Team                                   | 23rd July 2018         | No response                 |
| LBN Transportation                              | 23rd July 2018         | 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.