

Mr Tim Halley  
London City Airport, Hartmann Road  
Silvertown  
LONDON  
E16 2PX

**Date:** 11<sup>th</sup> July 2017

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

Dear Mr Halley

**Application No:** 17/01000/AOD

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

**Proposal:** Approval of details pursuant to Conditions 85(b) (Construction 1), 90 (Night Time Construction Sound Insulation) and 91 (Day Time Construction Noise Mitigation) attached to planning consent 13/01228/FUL, dated 26<sup>th</sup> 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 22<sup>nd</sup> March 2017.

Conditions 85(b), 90 and 91 are **APPROVED** 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:**



**Deirdra Armsby**  
Director of Regeneration & Planning  
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:	Dave Whittaker	Valid Date:	22nd March 2017
Application Number:	17/01000/AOD	8-Week Date:	16 <sup>th</sup> May 2017
Deemed Discharge Notice:	No	PEA Date:	N/A
Address:	London City Airport Hartmann Road Silvertown London		
Proposal:	Approval of details pursuant to conditions 85(b) (Construction 1), 90 (Night Time Construction Sound Insulation) and 91 (Day Time Construction Noise Mitigation) attached to planning permission 13/01228/FUL, dated 26 <sup>th</sup> July 2016		

#### Assessment:

Conditions 85(b), 90 and 91	<b>85(b): Construction 1</b> <b>90: Night Time Construction Sound Insulation</b> <b>91: Day Time Construction Noise Mitigation</b>
<b>85 Construction 1</b> No construction works shall be carried out until: a) <del>the Airport has secured consent under Section 61 Control of Pollution Act 1974 which restricts the development to the Noise Levels Assessed in the UES (September 2015); and</del> <u>Compliance with Condition 85a) not required by this submission</u> b) written evidence has been submitted to and approved in writing by the local planning authority demonstrating the operation of the Construction Sound Insulation Scheme approved under Condition 89 in accordance with Conditions 90 and 91 and the Phasing Plan contained in the Construction Environmental Management Plan (CEMP) approved under Condition 88. <b>Reason:</b> To ensure a satisfactory standard of development and to safeguard amenities of the surrounding area.  <b>90 Night time Construction Sound Insulation</b> Prior to Commencement of Development of the relevant Phase approved under Condition 4, any works required in accordance with the Construction Sound Insulation Scheme approved under Condition 89 shall be offered to Sensitive Receptors, predicted or measured to be exposed to construction noise levels between 2300 hours and 0700 hours the following day 39 above 50dB LAeq 15min at 1 metre from the façade as a result of the Construction of the Development: <ul style="list-style-type: none"> <li>• for at least 10 days in any 15 consecutive working days; or</li> <li>• for at least 20 days in any consecutive 6 months;</li> </ul> unless sound insulation of equivalent acoustic performance to that set out in the Construction Sound Insulation Scheme has already been installed under the Airport's existing sound insulation schemes. Where such an offer is accepted and access provided to the relevant dwelling the Airport shall implement the insulation works required under the approved Construction Sound Insulation Scheme in accordance with the Phasing Plan forming part of the CEMP approved under Condition 88. <b>Reason:</b> To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.  <b>91 Day time Construction Noise Mitigation</b> Prior to the Commencement of Development of the relevant Phase approved under Condition 4, any works required in accordance with the Construction Sound Insulation Scheme approved under Condition 89 shall be offered to Sensitive Receptors predicted or measured to be exposed to	

construction noise levels as a result of the Construction of the Development at 1 metre from the façade in excess of those set out in the table below either:

- for at least 10 days in any 15 consecutive working days; or
  - for at least 20 days in any consecutive 6 months;
- unless sound insulation of equivalent acoustic performance to that set out in the Construction Sound Insulation Scheme has already been installed under the Airport's existing sound insulation schemes.


Day	Time (hours)	Averaging period, T (hours)	Noise insulation trigger level LAeq,T (façade)
Monday to Friday	0800 to 1800	10	75
	0700 to 0800 and 1800 to 2300	1	65
Saturday	0800 to 1300	5	75
Saturday	0700 to 0800 and 1300 to 2300	1	65
Sunday	0800 to 2300	1	55

Where such offer is accepted and access provided to the relevant dwelling the Airport shall implement the insulation works required under the approved Construction Sound Insulation Scheme in accordance with the Phasing Plan forming part of the CEMP approved under Condition 88.

**Reason:** To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.

<b>Details Submitted and APPROVED:</b>	Covering Letter: 'City Airport Development Programme (CADP1). Application for approval of details reserved by conditions 85 (b); 90 and 91 - reference 13/01228/FUL. Town and Country Planning Act 1990' – London City Airport – 20 <sup>th</sup> March 2017
<b>Details submitted for information (Not approved):</b>	<ul style="list-style-type: none"> <li>• Site Location Plan</li> </ul>
<b>Officer Assessment:</b>	<p>As set out in the Construction Phasing Plan submitted under Condition 4 of the Planning Permission, it is proposed to build the development over a continuous period of 5 years in two stages: the Interim Works and the Completed Works. This Condition covers both stages.</p> <p>In response to the specific requirements of the three Conditions:</p> <p><b><u>85 b)</u></b></p> <p>The submitted covering letter includes 'Annex 2, copy of CSIS [Construction Sound Insulation Scheme] Offer Letter 24/08/16', demonstrating that the operation of the Scheme has commenced.</p> <p><b><u>90</u></b></p> <p>As stated in the applicant's covering letter, the CSIS has been offered to all sensitive receptors in relation to night time construction noise, already listed in the approved UES.</p> <p>No additional eligible properties have been identified as a part of the AoD</p>

	<p>process.</p> <p><b>91</b></p> <p>As stated in the applicant's covering letter, the CSIS has been offered to all sensitive receptors in relation to day time construction noise, already listed in the approved UES.</p> <p>No additional eligible properties have been identified as a part of the AoD process.</p> <p><u>Consultation:</u></p> <p>External Consultation, as listed in Appendix 2, comprised no response.</p> <p>Internal consultation, as listed in Appendix 2, comprised 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 Conditions 85b), 90 and 91 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>85 (b) Reason:</b> To ensure a satisfactory standard of development and to safeguard amenities of the surrounding area.</p> <p><b>90 Reason:</b> To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.</p> <p><b>91 Reason:</b> To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.</p>

<b>Officer Recommendation:</b>	Approve the details identified as Submitted and APPROVED listed above, pursuant to Conditions 85(b), 90 and 91 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>	11th July 2017

## 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>	
<p><i>National Planning Policy Framework (DCLG, March 2012)</i></p>	
<p><i>The London Plan: Spatial Development Strategy for London (GLA, consolidated with alterations since 2011, published March 2016)</i></p>	<p>At the date of assessment of original application:</p> <p>Policy 6.6 – Aviation</p>
<p><i>London Borough of Newham Local Plan: Core Strategy (adopted January 2012)</i></p>	<p>Policy S1 – Spatial Strategy Policy S3 – Royal Docks Policy INF1 – Strategic Transport Policy SP2 – Healthy Neighbourhoods</p>
<p><i>London Borough of Newham Local Plan: Detailed Sites and Policies Development Plan Document (adopted 20 October 2016)</i></p>	<p>Not applicable at the date of original application.</p> <p>Updated by Policy SP8 - Ensuring Neighbourly Development</p>
<p><i>EIA Approved UES</i></p>	<p>Condition 3 of planning permission 13/01228/FUL states:</p> <p><b>3 Environmental Statement</b> 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>
L City Airport Consultative Committee	30th March 2017	No response
Greater London Authority	30th March 2017	No response
Civil Aviation Authority	30th March 2017	No response
LBN Environmental Health - Pollution General	30th March 2017	No objection
LBN Education	30th March 2017	No response
LBN Public Health	30th March 2017	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, the Council has 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 the applicant has been given every opportunity to submit an application which is likely to be considered favourably.