

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

Date: 13th July 2018

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

Dear Sir

Application No: 18/00994/AOD

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

Proposal: Approval of details pursuant to Conditions 61 (Energy Assessment and Reduction in Carbon Dioxide Emissions) & 64 (Photovoltaic Panels) 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 12th April 2018.

Conditions 61 and 64 are **APPROVED** subject to the details submitted and approved, and subject to the conditions and reasons stated within the accompanying report.

The Council has considered the provisions of the approved Updated Environmental Statement and does not consider this application to warrant the need for further Environmental Impact Assessment.

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

Applications for Approvals of Details:

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

- 18/00761/AOD
- 18/00846/AOD
- 18/00994/AOD
- 18/01029/AOD
- 18/01290/AOD
- 18/01312/AOD

Application for a Non-Material Amendment:

- 18/01001/NONMAT

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

- 18/01637/S106

In relation to the Approvals of Details that are second submissions under 13/01228/FUL, to ensure effective monitoring, I would be grateful if you could inform the Airport Monitoring Officer which of the permissions are to be implemented.

Signed:

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

Amanda Reid

Head of Planning and Development
London Borough of Newham

TOWN AND COUNTRY PLANNING ACT 1990

Applicant's Rights following the Grant or Refusal of permission

1. Appeals to the Secretary of State

Should you (an applicant/agent) feel aggrieved by the decision of the council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Section 78 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning from the date of the decision notice (unless an extended period has been agreed in writing with the council):

- **Six months:** Full (excluding Householder and Minor Commercial applications), listed building, conservation area consent, Section 73 'variation/removal', Section 73 'minor-material amendment', extension of time, and prior approval applications.
- **12 weeks:** Householder planning, Householder prior approval and Minor Commercial applications.
- **8 weeks:** Advertisement consent applications.
- **No timescale:** Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued the appeal period may be significantly reduced, subject to the following criteria:

- The development proposed by your application is the same or substantially the same as development that is currently the subject of an enforcement notice: **28 days of the date of the application decision.**
- An enforcement notice is served **after the decision on your application** relating to the same or substantially the same land and development as in your application and if you want to appeal against the council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective Date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from www.planning-inspectorate.gov.uk 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:	12th April 2018
Application Number:	18/00994/AOD	8-Week Date:	06.06.2018
Deemed Discharge Notice:	No	PEA Date:	N/A
Address:	City Aviation House Hartmann Road Silvertown London E16 2PB		
Proposal:	Approval of details pursuant to Conditions 61 (Energy Assessment and Reduction in Carbon Dioxide Emissions) & 64 (Photovoltaic Panels) attached to planning permission 13/01228/FUL dated 26th July 2016 (Second Submission)		

Assessment:

Conditions 61 and 64	Condition 61: Energy Assessment and Reduction in Carbon Dioxide Emissions Condition 64: Photovoltaic Panels
61 Energy Assessment and Reduction in Carbon Dioxide Emissions 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. 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. 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. Reason: To ensure the development makes the fullest contribution to minimising carbon dioxide emissions in accordance with the Mayor of London's energy hierarchy.	
64 Photovoltaic Panels 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. The photovoltaic panels shall be installed and retained in accordance with the approved details. Reason: To encourage and establish sustainable energy use.	
Details Submitted and APPROVED:	<ul style="list-style-type: none"> • Report: • London City Airport City Airport Development Programme (CADP1). Condition 61: Energy Assessment – March 2018 • London City Airport City Airport Development Programme (CADP1). Condition 64: Photovoltaic Panels – (undated)
Details submitted for information (Not approved):	<ul style="list-style-type: none"> • Covering letter including Appendix 2 – Statement of Conformity with the Updated Environmental Statement for Planning Permission 13/01228/FUL dated 26th July 2016. This is a requirement of Condition 3 of the Permission • Site Location Plan
Officer Assessment:	<p>This is one of a number of second submissions of Approval of Details relating to planning permission 13/01228/FUL; Condition 61 was previously submitted and approved as 17/00533/AOD; Condition 64 was previously submitted and approved as 17/00948/AOD.</p> <p>The resubmissions are primarily a consequence of the applicant's proposed revised timetable for CADP1, which includes the removal of the</p>

	<p>Interim and Completion phases and their replacement with a single phase. The applicant has stated that the proposed revised timetable will be submitted separately as the Construction Phasing Plan (Condition 4).</p> <p>17/00533/AOD was approved for a single stage; 17/00948/AOD for both stages.</p> <p><u>Condition 61:</u></p> <p>The submitted report</p> <p><i>The report references earlier documentation to be taken into account in its assessment. It is noted that the report states that it also demonstrates compliance with the relevant provisions of Condition 2 of the Permission, (reproduced below for information); however, this assessment relates solely to Condition 61, which is the subject of this submission.</i></p> <p><i>In summary, the report lists measures to be taken to achieve a reduction in carbon dioxide emissions of 25% over the Target Emission Rate outlined in the national Building Regulations. This would be met by: energy demand reduction (13%); Combined Cooling Heat and Power (2%); and the installation of 380m2 of photovoltaic roof panels (10%).</i></p> <p><i>It is noted that the applicants have made a further assessment of the viability of connecting to an Interim District Heating Network as required (but not yet in force) by the S106 Agreement attached to permission 13/01228/FUL. The conclusion confirmed that no new heating network will be developed in the areas in time for connection to the proposed development.</i></p> <p><u>Condition 64:</u></p> <p><i>The submitted report adds detail to that submitted to cover Condition 61 (Energy Assessment and Reduction in Carbon Dioxide Emissions) in which the use of Photovoltaic Panels makes a significant contribution towards the reduction of carbon dioxide emissions. The submitted report includes written technical specifications of the panels and associated diagrams.</i></p> <p>External consultation, as listed in Appendix 2, elicited no objections.</p> <p>Internal consultation, as listed in Appendix 2, elicited no objections.</p> <p>Cadent Gas Ltd were not consulted directly, but have requested the addition of Informative 2 (see below) in relation to gas pipeline/s on the site.</p> <p>The submission is consistent with all relevant Development Plan policies, as listed in Appendix 1.</p> <p>The submitted application complies with the requirements of Condition 53 of the Permission.</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>Condition 61: Reason: 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>Condition 64: Reason: To encourage and establish sustainable energy use.</p>

Officer Recommendation:	To approve the details identified as Submitted and APPROVED listed above, pursuant to conditions 61 and 64 attached to permission 13/01228/FUL.
Authorising officer Signature:	
Authorising officer	James Bolt, Senior Development Manager
Date:	13 th July 2018

Appendix 1:

<p>The Council's decision to approve the submitted details in this instance arose following careful consideration of the relevant provisions of the Council's adopted development plan and of all other relevant material considerations, including the approved Environmental Statement.</p> <p>Of particular relevance to this decision were the following Framework and Development Plan policies and ES documents:</p>	
<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: Policy 6.6 – Aviation Policy 5.2 - Minimising carbon dioxide emissions</p>
<p>The Mayor of London's <i>Draft London Plan: The Spatial Development Strategy for Greater London (Draft for public consultation DECEMBER 2017)</i> is at an "early" stage of preparation. Having regard to NPPF paragraph 216 the emerging document is now a material consideration and <u>limited</u> weight will be given to the emerging document in decision-making, unless other material considerations indicate that it would not be reasonable to do so.</p>	
<p><i>The London Plan: The Spatial Development Strategy for Greater London (Draft for public consultation DECEMBER 2017)</i></p>	<p>Not applicable</p>
<p><i>Joint Waste Development Plan for the East London Waste Authority Boroughs (adopted February 2012)</i></p>	<p>Not applicable</p>
<p><i>The Submission Draft Local Plan is now at an "advanced" stage of preparation, having regard to NPPF paragraph 216, following submission to the Secretary of State for independent examination. As a result, the document is now a material consideration and substantial weight will be given to the Plan in decision-making, unless other material considerations indicate that it would not be reasonable to do so. The Plan will not gain full weight until it is adopted by the Council, however it is not anticipated that there will be further material amendments to the document.</i></p>	
<p><i>Local Plan (February 2018) Secretary of State Submission Version</i></p>	<p>Not applicable</p>
<p><i>London Borough of Newham Local Plan: Core Strategy (adopted January 2012)</i></p>	<p>Policy INF1 – Strategic Transport Policy SC1 - Climate Change Policy SC2 - Energy</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</p>
<p><i>EIA Approved Updated Environmental Statement</i></p>	<p>The covering letter includes Appendix 2 – Statement of Conformity with the Updated Environmental Statement for Planning Permission 13/01228/FUL dated 26th July 2017. This is a requirement of Condition 3 of the Permission:</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>

Appendix 2:

Consultations:		
<i>Consultee:</i>	<i>Date Consulted:</i>	<i>Summary of response:</i>
LBN Environmental Health - Pollution General	13th April 2018	No comment
LBN Airport Monitoring Officer (AMO)	13th April 2018	Not applicable – AMO is case officer
Civil Aviation Authority	13th April 2018	No response
Greater London Authority	13th April 2018	No response
London City Airport	13th April 2018	No objection
Transport For London - London Underground	13th April 2018	No response
L City Airport Consultative Committee	13th April 2018	No response
Environment Agency	13th April 2018	No response
EDF Energy (Network PLC)	13th April 2018	No response
National Grid Transco	13th April 2018	No response

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:

Considerations in relation to gas pipeline/s identified on site:

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588