

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: 18/01391/AOD

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

Proposal: Approval of details pursuant to Conditions 66 (Non Return Water Valve and Sustainable Urban Drainage) and Condition 69 (Sustainable Drainage Systems) 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 validated on 17th May 2018.

Conditions 66 and 69 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:	17th May 2018
Application Number:	18/01391/AOD	8-Week Date:	11.07.2018
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 66 (Non Return Water Valve and Sustainable Urban Drainage) and Condition 69 (Sustainable Drainage Systems) attached to planning permission 13/01228/FUL dated 26th July 2016 (Second Submission).		

Assessment:

Conditions 66 and 69	<p>Condition 66: Non Return Water Valve and Sustainable Urban No Phase of the Development shall be Commenced until details of the following have been submitted to the local planning authority for approval in writing:</p> <ul style="list-style-type: none"> • how a non-return water valve or other sustainable device will be incorporated into the waste water system within the Phase of the Development; and • how storm flows will be attenuated or regulated into the receiving public network through on or off-site storage. <p>Each Phase of the Development shall be implemented in accordance with the approved details and the above waste and storm water measures shall be retained thereafter.</p> <p>Reason: <i>To sustainably safeguard the waste and storm water system.</i></p> <p>Condition 69: Sustainable drainage Systems</p> <p>1) No Phase of the Development shall be Commenced until a Surface Water Drainage Scheme for that Phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the Development, has been submitted to and approved in writing by the local planning authority.</p> <p>2) Each scheme as approved by Part 1 of this Condition shall be consistent with the approved Flood Risk Assessment and shall include details of run-off and surface water storage in the Phase as outlined in the Flood Risk Assessment.</p> <p>3) Each scheme as approved by Part 1 of this Condition shall be implemented before the relevant Phase is used or occupied.</p> <p>Reason: <i>To prevent the increased risk of flooding to third parties and to the site itself; to improve water quality; to enhance biodiversity; and to ensure future maintenance of the surface water drainage system.</i></p>
Details Submitted and APPROVED:	<p>Reports:</p> <ul style="list-style-type: none"> • Condition 66: Non Return Water Valve and Sustainable Urban Drainage – May 2018 • Condition 69: Sustainable Drainage Systems – Version 2 – May 2018 <p>Drawings:</p> <ul style="list-style-type: none"> • All Condition 69: • TPS Proposed Drainage Layout Sheet 1 A400-TPS-C-00-L00-DR-GA-864-206 • TPS Proposed Drainage Layout Sheet 2 A400-TPS-C-00-L00-DR-GA-864-207

	<ul style="list-style-type: none"> • TPS Proposed Drainage Layout Sheet 3 A400-TPS-C-00-L00-DR-GA-864-208 • TPS Proposed Drainage Layout Sheet 4 A400-TPS-C-00-L00-DR-GA-864-209 • Airfield Drainage Details – Sheet 1 A400-TPS-C-00-XXX-DR-DE-864-001 • Airfield Drainage Details – Sheet 2 A400-TPS-C-00-XXX-DR-DE-864-002 • Airfield Drainage Details – Sheet 3 A400-TPS-C-00-XXX-DR-DE-864-003 • Airfield Drainage Details – Sheet 4 A400-TPS-C-00-XXX-DR-DE-864-004 • Airfield Drainage Details – Sheet 5 A400-TPS-C-00-XXX-DR-DE-864-005 • Airfield Drainage Details – Sheet 6 A400-TPS-C-00-XXX-DR-DE-864-006 • Stage 3 Western Service Yard Proposed Surface Water Drainage Sheet 1 of 2 A400-ATK-C-30-XXX-XX-DRGA-864-101 • Stage 3 Western Service Yard Proposed Surface Water Drainage Sheet 2 of 2 A400-ATK-C-30-XXX-XX-DRGA-864-102 • Stage 3 Ultimate Forecourt Proposed Surface Water Drainage Sheet 1 of 4 A400-ATK-C-36-XXX-XX-DRGA-864-101 • Stage 3 Ultimate Forecourt Proposed Surface Water Drainage Sheet 2 of 4 A400-ATK-C-36-XXX-XX-DRGA-864-102 • Stage 3 Ultimate Forecourt Proposed Surface Water Drainage Sheet 3 of 4 A400-ATK-C-36-XXX-XX-DRGA-864-103 • Stage 3 Ultimate Forecourt Proposed Surface Water Drainage Sheet 4 of 4 A400-ATK-C-36-XXX-XX-DRGA-864-104 • Stage 3 Dockside Proposed Surface Water Drainage Layout (1 of 12) A400-ATK-C-40-XXX-XX-DRGA-864-101 • Stage 3 Dockside Proposed Surface Water Drainage Layout (2 of 12) A400-ATK-C-40-XXX-XX-DRGA-864-102 • Stage 3 Dockside Proposed Surface Water Drainage Layout (3 of 12) A400-ATK-C-40-XXX-XX-RGA-864-103 • Stage 3 Dockside Proposed Surface Water Drainage Layout (4 of 12) A400-ATK-C-40-XXX-XX-DRGA-864-104 • Stage 3 Dockside Proposed Surface Water Drainage Layout (5 of 12) A400-ATK-C-40-XXX-XX-DRGA-864-105 • Stage 3 Dockside Proposed Surface Water Drainage Layout (6 of 12) A400-ATK-C-40-XXX-XX-DRGA-864-106 • Stage 3 Dockside Proposed Surface Water Drainage Layout (7 of 12) A400-ATK-C-40-XXX-XX-DRGA-864-107 • Stage 3 Dockside Proposed Surface Water Drainage Layout (8 of 12) A400-ATK-C-40-XXX-XX-DRGA-864-108 • Stage 3 Dockside Proposed Surface Water Drainage Layout (9 of 12) A400-ATK-C-40-XXX-DR-XXGA-864-109 • Stage 3 Dockside Proposed Surface Water Drainage Layout (10 of 12) A400-ATK-C-40-XXX-XX-DRGA-864-110 • Stage 3 Dockside Proposed Surface Water Drainage Layout (11 of 12) A400-ATK-C-40-XXX-XX-DRGA-864-111 • Stage 3 Dockside Proposed Surface Water Drainage Layout (12 of 12) A400-ATK-C-40-XXX-XX-DRGA-864-112
Details submitted for information (Not approved):	<ul style="list-style-type: none"> • Cover Letter • Site Location Plan

<p>Officer Assessment:</p>	<p>This is one of a number of second submissions of Approval of Details; Conditions 66 and 69 were previously submitted and approved separately, as 17/00777/AOD and 17/00778/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. The proposed revised timetable has been submitted separately as the Construction Phasing Plan (Condition 4).</p> <p>An approval by the Council in relation to minor changes to permission 13/01228/FUL has been given since permissions 17/00777/AOD and 17/00778/AOD, namely 17/02865/NONMAT, which have been incorporated where relevant into the submission under consideration.</p> <p><u>Condition 66</u></p> <p>The submitted report comprises details of attenuation and regulation of storm water flows; there are no non-return water valves proposed as part of the scheme.</p> <p><u>Condition 69</u></p> <p>The original submitted report relating to Condition 69 included a number of material errors and on the advice of the case officer was corrected by the applicant and resubmitted as Version 2. No re-consultation was considered necessary in this case.</p> <p>The proposed Surface Water Drainage Strategy in the submitted report was included as an appendix in the approved Updated Environmental Strategy. The submitted report lists the sustainable drainage measures that will achieve a 44% reduction in in flow rates to the existing Thames Water network. The target in the UES is 63% - the reduction is accounted for by the existing drainage system which already incorporates some means of water attenuation.</p> <p>External consultation (Both Conditions), as listed in Appendix 2 – either: no response, no comment or no objection.</p> <p>Internal consultation (Both Conditions), as listed in Appendix 2 – either: no comment, no response or no objection.</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 66 and 69 of the permission.</p>
<p>Officer Recommendation:</p>	<p>Approve</p>
<p>Conditions and Reasons:</p>	<p>The development shall be implemented in accordance with the Details Submitted and APPROVED listed above only.</p> <p>Condition 66:</p> <p><i>Reason: To sustainably safeguard the waste and storm water system.</i></p> <p>Condition 69:</p> <p><i>Reason: To prevent the increased risk of flooding to third parties and to the site itself; to improve water quality; to enhance biodiversity; and to ensure future maintenance of the surface water drainage system.</i></p>

Officer Recommendation:	To approve the details identified as Submitted and APPROVED listed above, pursuant to conditions 66 and 69 attached to planning permission 13/01228/FUL dated 26 th July 2016.
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>	
National Planning Policy Framework (DCLG, March 2012)	
The London Plan: Spatial Development Strategy for London (GLA, consolidated with alterations since 2011, published March 2016)	At the date of assessment of original application: Policy 6.6 – Aviation
<p>The Mayor of London's Draft London Plan: The Spatial Development Strategy for Greater London (Draft for public consultation DECEMBER 2017) 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>	
The London Plan: The Spatial Development Strategy for Greater London (Draft for public consultation DECEMBER 2017)	Not applicable
Joint Waste Development Plan for the East London Waste Authority Boroughs (adopted February 2012)	Not applicable
<p>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.</p>	
Local Plan (February 2018) Secretary of State Submission Version	Not applicable
London Borough of Newham Local Plan: Core Strategy (adopted January 2012)	Policy INF1 – Strategic Transport Policy SC3 – Flood Risk
London Borough of Newham Local Plan: Detailed Sites and Policies Development Plan Document (adopted 20 October 2016)	Not applicable
EIA Approved Updated Environmental Statement	<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	21st May 2018	No comment
LBN Waste Management	21st May 2018	No response
Environment Agency	21st May 2018	No objection
Thames Water Authority	21st May 2018	No objection
London City Airport	21st May 2018	No objection
L City Airport Consultative Committee	21st May 2018	No response
Lead Local Flood Authority	21st May 2018	No objection

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.