

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

Date: 20th April 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: 18/00802/AOD

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

Proposal: Approval of details pursuant to Condition 63 (BREEAM) 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 26th March 2018.

Condition 63 is **PARTIALLY 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.

The applicant shall be considered to be fully compliant with when the Condition, when, prior to occupation of the relevant Phase of the Development a Building Research Establishment certificate confirming that the development design for the relevant part of that building/buildings in that Phase achieves a minimum BREEAM rating of Very Good, has been submitted to and approved by the Council in writing.

Signed:



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:	Mr David Whittaker	Valid Date:	26th March 2018
Application Number:	18/00802/AOD	8-Week Date:	20 th May 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 Condition 63 (BREEAM) attached to planning permission 13/01228/FUL dated 26th July 2016 (Second Submission)		

Assessment:

Condition 63	BREEAM
<p>63 BREEAM</p> <p>No Phase of the Development shall take place until evidence that the relevant Phase of the Development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted to the local planning authority indicating that the relevant Phase of the Development can achieve the stipulated final BREEAM level. Prior to occupation of the relevant Phase of the Development a Building Research Establishment certificate confirming that the development design for the relevant part of that building/buildings in that Phase achieves a minimum BREEAM rating of Very Good shall be submitted to the local planning authority for approval in writing.</p> <p>Reason: In the interest of energy efficiency and sustainability and with regard to policies 5.1, 5.2 and 5.3 of the London Plan (consolidated with alterations Since 2011 and published March 2015), and policy SC1 of the Newham Core Strategy (adopted 26 January 2012).</p>	
Details Submitted and APPROVED:	<ul style="list-style-type: none"> Report: London City Airport City Airport Development Programme (CADP1). Condition 63: BREEAM – March 2018
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 63 was previously submitted and approved as 17/00958/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 applicant has stated that the proposed revised timetable will be submitted separately as the Construction Phasing Plan (Condition 4).</p> <p>Condition 63 does not require phased approvals, but has been resubmitted due to a number of changes that are proposed to the 17/00958/AOD approval, as approved by the Council in September 2017 as 17/02865/NONMAT.</p> <p>A Building Research Establishment (BRE) Certificate confirming that the required standard has been met cannot be issued to the applicant until works are completed; once this occurs the applicant will forward a copy of the Certificate to the Council, prior to occupation. The submitted report therefore comprises a preliminary assessment, which states that the</p>

	<p>proposed development has been registered with the BRE, and lists the measures that will be taken in order to achieve the BREEAM 'Very Good' rating. Only partial compliance is therefore possible at this stage.</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>The submission is consistent with all relevant Development Plan policies, as listed in Appendix 1.</p> <p>The submitted application is partially compliant with the following with of Condition 63 of the permission, as follows:</p> <p><i>No Phase of the Development shall take place until evidence that the relevant Phase of the Development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted to the local planning authority indicating that the relevant Phase of the Development can achieve the stipulated final BREEAM level.</i></p> <p>For the avoidance of doubt, the submitted application does not comply with the following part of the requirement of Condition 63 of the permission:</p> <p><i>Prior to occupation of the relevant Phase of the Development a Building Research Establishment certificate confirming that the development design for the relevant part of that building/buildings in that Phase achieves a minimum BREEAM rating of Very Good shall be submitted to the local planning authority for approval in writing.</i></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>Reason: In the interest of energy efficiency and sustainability and with regard to policies 5.1, 5.2 and 5.3 of the London Plan (consolidated with alterations Since 2011 and published March 2015), and policy SC1 of the Newham Core Strategy (adopted 26 January 2012).</p>

Officer Recommendation:	To approve the details identified as Submitted and APPROVED listed above, pursuant to Condition 63 attached to 13/01228/AOD dated 26 th July 2016.
Authorising officer Signature:	
Authorising officer	James Bolt, Senior Development Manager
Date:	20 th April 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 time of approval of the application (13/01228/FUL): Policies 5.1, 5.2, and 5.3</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 SC1: Climate Change</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 UES</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: <i>To ensure that the Development is carried out in accordance with the UES, dated September 2015, and the mitigation measures proposed therein.</i></p>

Appendix 2:

Consultations:		
<i>Consultee:</i>	<i>Date Consulted:</i>	<i>Summary of response:</i>
LBN Environmental Health - Pollution General	27th March 2018	No comment
LBN Urban Design & Conservation	27th March 2018	No response
LBN Airport Monitoring Officer (AMO)	27th March 2018	Not applicable – AMO is case officer
Civil Aviation Authority	27th March 2018	No response
Greater London Authority	27th March 2018	No response
London City Airport	27th March 2018	No response
L City Airport Consultative Committee	27th March 2018	No response
Transport For London - London Underground	27th March 2018	No comment

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.

2. The applicant shall be considered to be fully compliant with when the Condition, when, prior to occupation of the relevant Phase of the Development a Building Research Establishment certificate confirming that the development design for the relevant part of that building/buildings in that Phase achieves a minimum BREEAM rating of Very Good, has been submitted to and approved by the Council in writing.