

Report to:	Planning committee (Broadland District Council) Planning applications committee (Norwich City Council) 29 July 2013	Item
Joint report:	Head of planning services (Broadland District Council) Head of planning services (Norwich City Council)	Supplementary schedule (updates to report)
Subject:	Application Number Broadland District Council: 20130363 Application Number Norwich City Council: 13/00520/O Norwich Airport, Amsterdam Way, Norwich, NR6 6JA	

SUPPLEMENTARY SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Plan No	Application No	Location	Additional Comments	Page Nos
1	Broadland District Council: 20130363 / Norwich City Council: 13/00520/O	Norwich Airport, Amsterdam Way, Norwich, NR6 6JA	<p><u>Comments received from the applicant on 23rd July 2013 relating to draft planning conditions issued to the applicant, at their request, on the 17th July 2013. These were draft conditions given that at that time final and full responses from Norfolk County Council as the Strategic Highway authority and the County Ecologist were still outstanding.</u></p> <p><u>Further comments from the applicant 25th July 2013 are also incorporated.</u></p> <p>Condition 1. Time Limit, Detailed.</p> <p><i>Applicant comments:</i> is a full list all of the floorspace details in the conditions necessary. If the floorspace is changed by a small amount then a number of conditions would need to be updated by S73 and new ES ('Environmental Statement / Environmental Impact Assessment (EIA)'). Can we agree that an extended time period will be more suitable for this application.</p> <p><i>Officer Response:</i> This is a standard condition with the maximum period for commencement of development applied. Future amendments to this element of the application would not necessarily trigger the need for EIA (the need for EIA in the case of this current application was based on both the detailed and outline elements in combination and the potential significant environmental impacts that</p>	1 – 71

			<p>could arise from such proposals). Provided development was commenced within 3 years and all other planning conditions were complied with, the developer could continue to build out the site over a longer period. It is considered that no modification to the condition is required.</p> <p>Condition 2. Time Limit, Outline.</p> <p><i>Applicant comments:</i> This condition imposes unacceptable timescales on the applicant to identify and secure future occupiers of the outline element of the scheme. The ability of the applicant to find an occupier is market driven and therefore outside of their control. The condition needs to provide sufficient flexibility to allow the applicant to approach the market with the benefit of a planning consent, to market the site over the long term (accepting that the assembly of an aeropark is a long term strategy) and to secure all future agreements for lease or sale. Request that the time limit is extended to 10 years.</p> <p><i>Officer Response:</i> Given that the occupiers of the outline element of the application are as of yet unidentified and the development of this aspect of Aeropark is dependent upon market conditions, it is considered acceptable to amend the condition to allow for the application for approval of reserved matters to be made no later than 8 years from the date of the decision. The local planning authority has the option to request EIA at the reserved matters stage if it was considered that new environmental impacts needed to be assessed that had not been taken into account as part of this application.</p> <p><i>Proposed Change:</i> In first paragraph delete the word 'three' and replace with 'eight'.</p>	
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			<p>10. Phasing Plan.</p> <p><i>Applicant comments:</i> We request a specific condition that states that the development could be phased in line with the phasing plan. Comfort required that the phasing plan will be a work in progress and that there is an expectation that the council and applicant will keep it updated and under review. The phasing plan to be submitted prior to commencement of phase 1 / Unit 1 would identify Unit 1 as Phase 1 and the wider outline site as Phase 2 (whilst occupiers are being identified). Prior to commencement of Phase 2 of the development an updated Phasing Plan would be submitted to the LPA identifying Phase 1, Phase 2 and the remaining outline site as Phase 3, and so on. Can this condition allow for this phased approach to submitting phasing plans prior to commencement of development i.e. “prior to commencement of each phase of development, a phasing plan covering the whole site shall be submitted to and agreed in writing to by the local authority”.</p> <p><i>Officer Response:</i> The condition as written relates to both the detailed and outline element of the application and allows for the phasing plan to be varied at any time subject to the agreement of the local planning authority. Even if agreed and discharged the phasing plan can be subsequently revisited at a later date and therefore gives sufficient flexibility as the applicant suggests. It is considered that no modification to the condition is required.</p> <p>11. Interim Travel Plan.</p> <p><i>Applicant comments:</i> the applicant requests that the interim travel plan requirement is removed as this adds increased risk to the</p>	
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			<p>delivery of phase 1 by potentially delaying construction. Should an interim travel plan be required, it is requested that this can be submitted during the construction period and agreed 'prior to occupation'. We would query the extent of overlap between this condition and condition 12 and condition 9.</p> <p><i>Officer Response:</i> The applicant's concerns are noted and rewording of the condition requiring submission of an interim travel plan within 6 months of commencement of development of any phase of the development is recommended.</p> <p><i>Proposed change:</i></p> <p>'Within 6 months of commencement of development of any phase as agreed under Condition 10 above, an Interim Travel Plan for that phase shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority, such a Travel Plan shall accord with Norfolk County Council document `Guidance Notes for the Submission of Travel Plans` or be produced using the Workplace Travel Plan Generator Tool, www.worktravelplan.net'</p> <p>12. Full Travel Plan.</p> <p><i>Applicant comments:</i> see comments on condition 11.</p> <p><i>Officer Response:</i> This does not delay occupation of the development as it allows 12 months post occupation to submit and approve the full travel plan. It is considered that no modification to the condition is required.</p>	
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			<p>13. Provision of footway.</p> <p><i>Applicant comments:</i> This is in the control of Norfolk County. The applicant is only making the land available as required. The delivery of the design and the scheme is not in their control and the condition seems unenforceable. It has a potentially serious impact on the delivery of Phase 1 Air Livery.</p> <p>On this basis the condition should be removed or changed to say that the land for a footpath needs to be made available prior to occupation of the building. Can this be applied to future phases after Air Livery.</p> <p>Further comment received from applicant 25th July – seeking condition to be modified to require provision of footway prior to occupation of the outline element.</p> <p><i>Officer Response:</i> This condition is considered necessary to provide the opportunity, in combination with other recommended conditions, for more sustainable access to the airport and as part of a wider package of measures to mitigate the impact of traffic on the highway network that will arise as a consequence of this development proposal. Compliance with the condition will require the applicant to provide land and funding to deliver the footway working with Norfolk County Council who support imposition of such a condition. As such, the condition is enforceable. The requirement for delivery of the footway 6 months after occupation of the detailed element of the application is considered reasonable. It is considered that no modification to the condition is required.</p>	
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			<p>14. Provision of bus pick up / drop off.</p> <p><i>Applicant comments:</i> This is in the control of Norfolk County. The applicant is only making the land available as required. The delivery of the design and the scheme is not in their control and the condition seems unenforceable. It has a potentially serious impact on the delivery of Phase 1 Air Livery. Therefore can the condition be reworded to apply to the outline element of the scheme.</p> <p>As with the above the condition should only require the provision of land and approval of the bus shelter details on the basis that implementation is being done by others.</p> <p>Further comment received from applicant 25th July – seeking condition to be modified to require provision of bus drop off / pick up prior to occupation of the outline element.</p> <p><i>Officer Response:</i> This condition is considered necessary to provide the opportunity, in combination with other recommended conditions, for more sustainable access to the airport and as part of a wider package of measures to mitigate the impact of traffic on the highway network that will arise as a consequence of this development proposal. Compliance with the condition will require the applicant to provide land and funding to deliver the footway working with Norfolk County Council who support imposition of such a condition. As such, the condition is enforceable. The requirement for delivery of the bus pick up / drop off 6 months after occupation of the detailed element of the application is considered reasonable. It is considered that no modification to the condition is required.</p>	
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			<p>15. Provision of bus link / gate.</p> <p><i>Applicant comments:</i> This is in the control of Norfolk County. The applicant has previously indicated making the land available as required, however as no further details as to how this is to be developed has been provided by Norfolk County Council the delivery of the design and the scheme is not in their control and the condition seems unenforceable. Land should be made available prior to occupation.</p> <p><i>Officer Response:</i> This condition is considered necessary to provide the opportunity, in combination with other recommended conditions, for more sustainable access to the airport and as part of a wider package of measures to mitigate the impact of traffic on the highway network that will arise as a consequence of this development proposal. Although there are various possible design options, it is understood that a scheme is deliverable without the use of any third party land and therefore the condition is enforceable. It is considered that no modification to the condition is required.</p> <p>19. Construction Traffic Management and Routing.</p> <p><i>Applicant comments:</i> suggest that the text “and to ensure no other local roads are used by construction traffic” is deleted as this is already implied re the “Construction Traffic Access Route”. If it needs to remain then include the caveat of “unless approved in writing with the LPA.”</p> <p><i>Officer Response:</i> It is considered that the condition is worded flexibly and offers the applicant / developer the opportunity to vary and agree</p>	
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			<p>alternative construction traffic routes for any phases of the development. It is considered that no modification to the condition is required.</p> <p>20. Wheel Cleaning Facilities, Temporary for Construction Vehicles.</p> <p><i>Applicant comments:</i> Should this say prior to commencement of development.</p> <p><i>Officer Response:</i> This is a standard highway condition, however, to allow for flexibility of siting it is proposed to modify the condition to allow the applicant / developer to reposition facilities depending on requirements.</p> <p><i>Proposed Change:</i></p> <p>'No works shall commence on site until the details of wheel cleaning facilities for construction vehicles have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.</p> <p>For the duration of the construction period all traffic associated with the construction of the development hereby permitted shall use the approved wheel cleaning facilities.</p> <p>Any variation to the siting or location of the agreed facilities shall be submitted to and approved in writing by the Local Planning Authority.'</p>	
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			<p>21. Highway Improvements, A140 roundabout access. Notwithstanding the details indicated on the submitted drawings no works shall commence on site until a detailed scheme for the site access off-the A140 /Holt Road as indicated on Iconic Icen Projects drawing number 12-T05408 Rev A <u>Following comments from Norfolk County Council the next drawing number will be 12-T054 08 Rev E</u> has been submitted, approved and constructed to the written satisfaction of the Local Planning Authority in consultation with the Highway Authority. For the avoidance of doubt the new access will be used for all construction traffic unless an alternative access point onto any future northern distributor road has been provided.</p> <p><i>Applicant comments:</i> Underlined above.</p> <p><i>Officer Response:</i> This draft condition has been superseded in the Committee Report by the following condition:</p> <p><i>21. Highway Improvements, A140 roundabout access</i> <i>Notwithstanding the details indicated on the submitted drawings no works shall commence on site until a detailed scheme for the site access off-the A140 /Holt Road has been submitted, approved and constructed to the written satisfaction of the Local Planning Authority in consultation with the Highway Authority. For the avoidance of doubt the new access will be used for all construction traffic unless the NDR access point is provided.</i></p> <p>This condition has been sought by the Highway Authority (HA), the principle of the design solution is understood to be agreed between the applicant and the HA, however, the detail is required to be approved under this condition. It is considered that no modification to</p>	
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			<p>the condition is required.</p> <p>25. Flooding, Detailed. Prior to the commencement of development of Phase 1, the detailed designs of the surface water drainage scheme for the site [<u>can site be changed to "phase"</u>], based on infiltration drainage to permeable paving and infiltration basins as outlined in the amended Flood Risk Assessment by RMA Environmental Ltd dated 4th June 2013, Drainage and SUDS Report by Morgan Sindall dated 31st May 2013 and supplementary email and modelling calculations from Matthew Quinn of Morgan Sindall dated 3rd July 2013, shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:</p> <p>a) Infiltration testing in accordance with BRE365 in the location of the infiltration features, and the resulting infiltration rates used in the design of the scheme to ensure that the features will store and drain the volume of surface water generated in the 1 in 100 year rainfall event including climate change, with appropriate half drain times to allow subsequent rainfall events to be accommodated.</p> <p>b) Modelling of the conveyance network to demonstrate that there will be no above ground flooding in the 1 in 30 year rainfall event and that any volumes of flooding in the 1 in 100 year rainfall event are able to be contained within designated above ground areas without flooding buildings or flowing offsite.</p> <p><i>Applicant comments:</i> Underlined above.</p>	
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			<p><i>Officer Response:</i> Officers consider it appropriate to amend the first sentence of the condition to ensure it is clear that it applies to the detailed element of the application only.</p> <p><i>Proposed change:</i></p> <p>‘Prior to the commencement of the development approved in full, the detailed designs of the surface water drainage scheme for that part of the site, based on infiltration drainage to permeable paving and infiltration basins as outlined in the amended Flood Risk Assessment by RMA Environmental Ltd dated 4th June 2013, Drainage and SUDS Report by Morgan Sindall dated 31st May 2013 and supplementary email and modelling calculations from Matthew Quinn of Morgan Sindall dated 3rd July 2013, shall be submitted to and approved in writing by the local planning authority.....’ (Remainder of the condition to be unchanged).</p> <p>26. Maintenance, Surface Water Drainage. Prior to the occupation of <u>each phase of</u> the development a maintenance schedule for each aspect of the surface water drainage scheme and details of who will maintain the surface water drainage scheme for the lifetime of the development and shall be submitted to, and approved by, the Local Planning Authority.</p> <p>Applicant comments: approval of surface water drainage should be prior to occupation of each phase. The applicant is not able to approve a site wide drainage strategy at the outline stage.</p> <p><i>Applicant comments:</i> Underlined above.</p>	
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			<p><i>Officer Response:</i> Officers consider that the applicants suggestion is acceptable. Amend condition accordingly.</p> <p><i>Proposed Change:</i> ‘Prior to the occupation of each phase of the development a maintenance schedule for each aspect of the surface water drainage scheme and details of who will maintain the surface water drainage scheme for the lifetime of the development and shall be submitted to, and approved by, the Local Planning Authority.’</p> <p>27. Contamination. If, during development, contamination not previously identified is found to be present at the site [<u>can site be changed to “phase”</u>] then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.</p> <p><i>Applicant comments:</i> Underlined above.</p> <p><i>Officer Response:</i> This condition applies to any phase of the development and should be interpreted in that way. No modification is required.</p> <p>28. Surface Water Drainage. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site [<u>can site be changed to “phase”</u>] where it has been demonstrated that there is no resultant unacceptable risk to controlled</p>	
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			<p>waters. The development shall be carried out in accordance with the approval details.</p> <p><i>Applicant comments:</i> Underlined above.</p> <p><i>Officer Response:</i> This condition applies to any phase of the development and should be interpreted in that way. No modification is required.</p> <p>30. Environmental Management Plan. No works shall take place within the site in pursuance of this permission until an Environmental Management Plan setting out a programme of ecological mitigation during construction and operation has been submitted to and approved by the local planning authority. The Environmental Management Plan must have specific regard to impacts on protected species including Great Crested Newts, bats, reptiles and sandy stilt puffball. The programme of mitigation works shall be undertaken in accordance with the approved Environmental Management Plan.</p> <p><i>Applicant response:</i> We understand this condition is to be updated/replaced to take account of comments from Nick Bolton and subsequent e-mail to Ian Douglass from Lucy Wood (dated 18/97/13)</p> <p><i>Officer Response:</i> This draft condition has been superseded by Condition 30 as it appears in the committee report which identifies specific mitigation measures in relation to the species referred to in the draft condition to be carried out. No modification is required.</p>	
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			<p>31. Archaeology.</p> <p><i>Applicant comments:</i> This appears to be a standard worded condition and does not take account of the archaeological survey work completed to date. Request that it be reworded to reflect the agreed position with the County Archaeologist. The geophysical survey undertaken, supervised by the County Archaeologist and incorporated into the ES showed low archaeological potential. Our heritage consultant recommends that an archaeological watching brief during ground works should be all that is required and that this could be agreed through a WSI submitted to the County Archaeologist for approval.</p> <p><i>Officer Response:</i> Officers consider that the condition as recommended by the Norfolk Historic Environment Service (NHES) could be onerous. To comply with the NPPF, any archaeological investigation required by the Local Planning Authority should be proportionate to the impact on the heritage asset. In this case the site has been shown to be of low archaeological potential by the applicant. A watching brief may be an appropriate and reasonable solution. This is subject to on-going discussions with NHES.</p> <p><i>Proposed change:</i> It is recommended that Members grant approval to the application subject to resolution of this matter.</p> <p>33. Energy. No development of any phase as agreed under condition 10 shall take place in pursuance of this permission until a scheme for that phase for the generating of a minimum of 10% of the predicted energy requirement (kWh) of the development from decentralised renewable and/or low carbon sources (as defined in the glossary of</p>	
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			<p>Planning Policy Statement: Planning and Climate Change (December 2007) <u>[this policy statement is no longer applicable and has been superseded by NPPF – NPPF is not a subsequent version]</u> or any subsequent version) has been submitted to and approved in writing by the Local Planning Authority. No occupation of that phase shall take place until the approved scheme has been implemented and made operational and the approved scheme shall remain operational for the lifetime of the development.</p> <p><i>Applicant comments:</i> Underlined above.</p> <p><i>Officer Response:</i> Remove reference to PPS7 and amend to reference GNDP Joint Core Strategy, March 2011, Appendix 9 which provides a definition of decentralised renewable and/or low carbon sources.</p> <p>34. Engine Testing.</p> <p><i>Applicant comments:</i> Engine testing can only be contained within the proposed Engine Testing Facility from when it becomes operational. This would be operated in accordance with the planning permission for engine testing. Can this condition be removed or reworded to take account of this operational requirement at NIA.</p> <p>Further comment received from applicant 25th July - NAL cannot accept a condition that impacts upon its other operational activities and is unrelated to the development being applied for. I refer to the limitations being placed upon engine testing which is dealt with by way of a separate PP already granted by Norwich City. It is</p>	
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			<p>unreasonable to prevent its continuation in advance of construction of that facility and I am sure that this was not your intention.</p> <p><i>Officer Response:</i> Unauthorised engine testing currently takes place on the Northern apron and it is understood will do so until the new engine testing facility (as recently approved by Norwich City Council) is built. Having reviewed the planning permission and conditions relating to the recently approved engine testing facility (12/01172/F) it is considered that sufficient controls exist to ensure no engine testing will take place within the area subject of this application, once the development subject of that consent is operational.</p> <p><i>Proposed change:</i> The draft condition should be deleted.</p> <p>36. Development to operate in accordance with the Norwich Airport OFA.</p> <p><i>Applicant comments:</i> Query whether it necessary to have a planning condition for this as it would be enforced separately?</p> <p><i>Officer Response:</i> It is recommended that this is included as an Informative rather than a condition on any Decision Notice.</p> <p><i>Proposed change:</i> Delete condition and insert as Informative.</p> <p>37. Noise.</p> <p><i>Applicant comments:</i> should this be prior to the occupation of each phase of development?</p>	
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			<p><i>Officer Response:</i> The condition is relevant to any phase of the development. No modification is required.</p>	
2			<p><u>Comments Received from Norfolk County Council, the Strategic Highway Authority 25th July 2013.</u></p> <p>As discussed, I have liaised with my colleagues in Network Management/Casualty Reduction and have the following comments:</p> <p>a) At the moment we have not been presented with an agreed detailed scheme for the access off the A140 roundabout or the associated localised widening/lining works that is likely to be required. Provided all parties are clear of the need to secure & deliver such mitigation measures, the suggested 'Grampian style' condition which I suggested regarding 'a scheme' should be used (the A140 south of the roundabout could require minor widening works, together with a new lining scheme, etc.).</p> <p>b) In terms of a proposed traffic cap, I consider the simplest and clearest rationale is to relate this to the proposed phasing and not a precise traffic figure as this is proving extremely difficult. In the absence of agreed modelling or a mitigation scheme to tie this to a cap is not feasible (particularly as the second phase relates to a range of uses with disparate potential employee numbers/ range of car parking numbers and trip generation figures).</p> <p>Therefore it is suggested that conditions are used that facilitate a second TA to be submitted prior to Phase 2 (detailed application). At this point, the distribution of traffic using the site will be better known, there should be more information on the potential use/users of the</p>	

			<p>site and clarity on the level of parking . The suggested conditions are namely:-</p> <p>Requirement for Traffic Monitoring</p> <p>SHC 45: Prior to the commencement of the development a monitoring programme to assess the level of traffic generation from the development at the end of Phase 1 shall be submitted to and approved in writing by the Local Planning Authority in consultation with Norfolk County Council as the Local Highway Authority. The monitoring programme shall be implemented as agreed unless the Local Planning Authority gives written approval to any variation in consultation with Norfolk County Council, the Local Highway Authority.</p> <p>Reason: To ensure that agreed traffic levels are not breached and thus the highway network is adequate to cater for the development proposed.</p> <p>Requirement for an Additional Transport Assessment</p> <p>SHC 46: Prior to the commencement of Phase 2, a Transportation Assessment up-date, based upon the traffic generation rates demonstrated by the monitoring programme approved pursuant to Condition SHC 45 above and other local traffic monitoring, and including a package of revised mitigation measures as necessary, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Norfolk County Council as the Local Highway Authority. The further development over and above the phase permitted shall not take place until the revised mitigation</p>	
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			<p>measures are implemented as approved.</p> <p>Reason: To ensure that the highway network is adequate to cater for the development proposed.</p> <p><i>Officer Response:</i></p> <p>a) The 'Grampian' style condition referred to by the Highway Authority Officer is as worded in Condition 21 in the committee report.</p> <p>b) Given that an appropriate traffic cap cannot be identified for the development to be inserted into condition 23 as drafted, it is considered appropriate to impose the conditions suggested above with minor revisions in regard to timing of the submitted details (as re-drafted below). These will replace conditions 22 and 23 as currently drafted in the committee report.</p> <p><i>Proposed Change:</i> Delete conditions 22 and 23 and replace with the conditions below.</p> <p>Condition 22. Requirement for traffic monitoring. Within 6 months of the commencement of the development subject to full planning permission a monitoring programme to assess the level of traffic generation from the development shall be submitted to and approved in writing by the Local Planning Authority in consultation with Norfolk County Council as the Local Highway Authority. The monitoring programme shall be implemented as agreed unless the Local Planning Authority gives written approval to any variation in consultation with Norfolk County Council, the Local Highway Authority.</p>	
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			<p>Condition 23. Up dated Transport Assessment. Prior to the commencement of each further phase of the outline planning permission as agreed in Condition 10 above, a Transportation Assessment up-date based upon the traffic generation rates demonstrated by the monitoring programme approved pursuant to Condition 22 above and other local traffic monitoring, and including a package of revised mitigation measures as necessary, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Norfolk County Council as the Local Highway Authority. The mitigation measures will be implemented in accordance with the details as approved.</p>	
			<p><u>Revised Recommendation</u></p> <p>In light of the above the revised recommendation is as follows.</p> <p>To approve planning application 13/00520/O and authorise the Head of Planning to satisfactorily resolve Condition 31 relating to archaeology, deal with any new material planning issues raised, and to issue a permission subject to the conditions in the committee report and as amended above.</p> <p>To approve planning application 20130363 and authorise the Head of Planning to satisfactorily resolve Condition 31 relating to archaeology, deal with any new material planning issues raised, and to issue a permission subject to the conditions in the committee report and as amended above.</p>	