

## **Application for Determination**

<b>Parish</b>	Acle
<b>Reference:</b>	BA/2013/0392/FUL <b>Expiry Date:</b> 13 March 2014
<b>Location:</b>	BAM Nuttall Site Office, Old Road, Acle
<b>Proposal:</b>	Continued use of the site for offices and site compound with replacement of existing offices with new energy efficient cabins to 2021.
<b>Applicant:</b>	Environment Agency
<b>Reason for referral:</b>	Objections received Departure application
<b>Recommendation:</b>	Approve with conditions

### **1 Description of Site and Proposals**

- 1.1 The application site is situated on the southern side of the A1064, on the eastern edge of Acle. The Acle Boat Dyke runs east/west to the south of the site and the private access road serving these moorings runs along the western boundary of the site. The site is a flat site covering an area of approximately 4,774 m<sup>2</sup>. The site originally formed part of the grazing marsh. However since 2007 the site has accommodated the main BAM Nuttall compound for the BESL Flood Defence Works which includes a storage area, 351m<sup>2</sup> of site offices provided in a number of portacabin type structures and a carparking area. Access to the site is off the A1064 utilising a short spur from the private access track to Acle Boat Dyke.
- 1.2 The site adjoins grazing marsh to the east. To the west of the site there are a number of residential properties with frontages onto the A1064. Bure Cottage is situated to the rear of these residential properties at the southern end of the private access to Acle Boat Dyke. A residential housing estate, known as Hermitage Close, is located to the north west of the site on the opposite side of the A1064.
- 1.3 A Permissive Footpath runs along the southern side of the A1064, terminating at its junction with the entrance to the private access track to Acle Boat Dyke.
- 1.4 The site is situated within Flood Risk Zone 3 on the Environment Agency's Flood Risk Maps.

- 1.5 Planning permission is being sought for the continued use of this site as the main BAM Nuttall compound for the BESL Flood Defence Works to 2021. The nature of the BESL Flood Defence Works is in the process of changing as the main improvement works programme draws to a close and the maintenance phase of the programme begins. The Project requires a site compound to provide office accommodation and storage facilities through to 2021. The proposal would result in the footprint of the existing compound being reduced by having a smaller area devoted to storage, and re-arranging the layout of the site offices. Approximately 2155m<sup>2</sup> of the original site will be restored to grazing marsh at the southern end but there will be an increase in the site along the eastern boundary of 568m<sup>2</sup>, resulting in a net reduction in plan area of 1587m<sup>2</sup>.
- 1.6 The existing and proposed floor area of the office accommodation is 351m<sup>2</sup>. The result of this proposal would be a change in the shape of the office floor plan to a square rather than a rectangular shape rather than any change in total office floor area. The proposal would see the existing site offices replaced with more energy efficient units, which would be single storey and have a maximum height of 3m. It is proposed to paint the office units green. Vehicular access arrangements to the site would remain the same as existing. The tarmacked car parking area in front of the offices would remain the same although the number of parking spaces provided would decrease from 23 to 21. The security fencing around the perimeter of the site would be retained.
- 1.7 Peak numbers of existing staff based at the Acle compound are 20-25. From 2015 to 2021 the number of staff would be reduced to 10-15 people. Overall the number and characteristic of vehicle movements will remain similar during 2014 and reduce from 2015 onwards as the nature of the operations change.
- 1.8 Following completion of the BESL Flood Defence Project in 2021 the whole site would be restored to grazing marsh.

## **2 Site History**

- 2.1 The existing site compound was originally approved on a temporary basis under planning consent BA/2007/0293/FUL which related to a 3 year programme of earthworks along the River Bure between Acle and Great Yarmouth (Compartment 11B). This consent required the use of the compound to cease within three months of the completion of the flood defence works. The compound has been shown on plans for four other consented schemes since then:
- Compartment 37 – Acle Dyke to Upton Dyke (BA/2008/0089/FUL)
  - Compartment 9 – Stokesby to Oby Farm (BA/ 2010/0391/FUL)
  - Compartment 11B piling removal – Acle Dyke to Great Yarmouth (BA/2011/0262/FUL); and
  - Compartment 9 Phase 2 – Acle Bridge (BA/2012/0033/FUL)

### 3 Consultation

- 3.1 Highway Authority – No objection.  
Recommend a Condition covering the layout and formation of the car park.
- 3.2 Broads Society – No objection to the proposal.
- 3.3 Acle Parish Council – The Parish Council objected to the plans.

The councillors accepted the need for these buildings to be on this site while they were working on the nearby flood defence scheme.

However, this is an environmentally sensitive area, in the Broads Authority area, close to rivers and wildlife-rich marshes. Planning permission was given in 2007 for four years. The scheme now appears to be to formalise an office for Bam Nuttall, until 2021. The councillors felt that no other business would be permitted to put down large car parks and erect office buildings in this area.

It was also felt that local residents have coped with the noise and inconvenience since 2007, expecting it to cease by 2011. It would seem unfair to subject them to this for another 7 years.

Additional comments following applicant's response to queries raised:

I don't think the reply reduces the councillors' concerns that an office block and significant hardstanding for commercial vehicles will continue to be based in a location so close to the Broads, after the immediate need for that location has ended, and where no other development would be permitted. The original development was explained to local residents as being for the duration of the essential works to the immediate area. This is no longer the case.

- 3.4 District Member – I have the following concerns regarding the planning application on the BAM Nuttall site in Acle.
- (1) The original planning permission was given for operational use directly related to flood defence works in the area. This phase of works is now over in this area of the Broads, the remainder of the contract is for monitoring and maintenance and I can't see a justification for continued use of a grazing marsh for these purposes.
  - (2) If the applicant feels that Acle is the most suitable central site for co-ordination of their business on the Broads, can I suggest, that there are several other sites allocated for light industrial use in Acle, which have the specific purpose of accommodating such use.
  - (3) The access to this temporary site is very wide and does not relate sympathetically with the BA footpath running alongside the A1064. The Acle PC and BA are joining forces to improve pedestrian access to the Broads (Integrated Access Strategy) and the PC is hoping to

commission a highways assessment in the summer months to find a suitable location for a pedestrian crossing. Granting planning permission for use contrary to policy won't help move this project along, in fact will delay it by another 7 years.

I hope you can explore some of my concerns with the applicant.

Additional comments following applicant's response to queries raised:

My concerns regarding the application have not been addressed, however I do not wish to log them as a formal objection. The application is contrary to policy and officers are quite entitled to refuse permission under delegated powers, this only needs to be brought to committee if you intend to recommend it for approval. I would like you to make that very clear in the report.

Secondly, if members were minded to approve this application, I would like the following conditions to be added:

- (i) immediate removal of the flag posts
- (ii) a colour scheme to be approved by officers to help the site blend in with the surroundings better.
- (iii) an evacuation protocol be submitted with details of emergency back-up location in the event of flooding
- (iv) and finally, the following condition to be brought to committee no later than 28 August 2014
- (v) a detailed decommissioning plan to be completed no later than 28 February 2021.

3.5 Environment Agency – No objection.  
Recommend a Flood Emergency Plan is developed and secured by condition.

#### **4 Representations**

4.1 Three submissions have been received opposing the proposed development on the basis that they assumed that the noise and disturbance caused by this site would cease in 2011. The site can be noisy at times and visually it is unattractive. There is concern about the traffic generated by the proposal and the effect on the A1064. Whilst they appreciate that the flood defence work is essential they feel it is unfair to subject them to more noise and inconvenience for another seven years. There is concern that this site will become established as an area for industrial use in perpetuity.

#### **5 Policy**

5.1 The following Policies have been assessed for consistency with the NPPF and have been found to be fully consistent with the direction of the NPPF so can be accorded full weight.

### **Adopted Core Strategy 2007- 2021**

[Core Strategy \(Adopted Sept 2007\).pdf](#)

CS1 – Landscape Protection and Enhancement  
CS2 – Historic and Cultural Environment  
CS4 – Creation of New Resources  
CS8 – Response to Climate Change

### **Adopted Broads Development Management DPD (2011)**

[DMP DPD - Adoption version.pdf](#)

DP1 – Natural Environment  
DP2 – Landscape and Trees  
DP4 – Design  
DP11 – Access on Land  
DP29 – Development on Sites with a High Probability of Flooding

- 5.2 The following Policies have been assessed for consistency with the NPPF and have been found to be mostly consistent with the direction of the NPPF; any divergence from the NPPF is considered within Section 6 of this report.

### **Adopted Core Strategy 2007- 2021**

[Core Strategy \(Adopted Sept 2007\).pdf](#)

CS18 – Rural Sustainability  
CS20 – Rural Sustainability

### **Adopted Broads Development Management DPD (2011)**

[DMP DPD - Adoption version.pdf](#)

DP7 – Energy Generation and Efficiency  
DP28 - Amenity

- 5.3 Material Considerations

[NPPF](#)

## **6 Assessment**

- 6.1 In terms of the assessment of this proposal the main issues to be considered are the principle of the development; landscape impact; highway safety; amenity and flood risk.

### *Principle of the development*

- 6.2 The principle of using this site as the main compound for the BAM Nuttall Flood Defence Project work was established in 2007 when the original planning consent was granted (BA/2007/0293/FUL). However it is acknowledged that this consent was granted on the basis that the compound would only be used while the flood defence works were carried out and that

the site would be fully restored to grazing marsh within 3 months of the completion of the works. Since the original planning permission was granted the retention of the compound in this location has been permitted as an integral part of subsequent applications for number of additional Compartments. Now the construction phase of the project is nearing completion and the project is entering the maintenance phase it is necessary to re-evaluate the principle for the continued existence of the compound in its current location.

- 6.3 The application states that the intention is to continue to use the Acle compound as the main operational base for the contractor's engineers, foremen and gangers who are involved in undertaking work throughout the project area. The temporary site compounds located at or close to actual work sites will still be used for the remaining improvement works (scheduled to be completed in 2014) and all maintenance schemes, as has been done for the previous twelve years. However, by their very nature these temporary 'compounds' are small-scale and usually only comprise welfare facilities and a small office; there is still a need to have a central location for suitable office accommodation to provide a combined office base for the core management, design and environmental staff as well as the support and operational staff and to have a dedicated storage space where materials and work vehicles can be securely stored. Although it is proposed that some of the staff currently based in Norwich would relocate to Acle it would still predominantly operate as a contractor's compound. The site at Acle is considered by the applicant to be ideal for this purpose as it is fairly central within the Flood Alleviation Project Area and it has good transport links to the various Compartments.
- 6.4 It is accepted that there is a justified need for a compound area/office base for the maintenance phase of this Project and that given the unique nature of the BESL Flood Alleviation Project and the location of the subject works a site within the Project area is required. The question is then whether the site of the current compound at Acle is an appropriate site for the compound for the next seven years. Relevant Development Plan Policies require sites for employment and commercial use to be located within settlements, in sustainable locations. The Policies also seek to protect rural land from inappropriate development. The National Planning Policy Framework is also underpinned by the presumption for sustainable development. On this basis the applicant has been asked to carry out a sequential test exercise to determine whether there is an alternative site within the Project area or within the settlement of Acle that could be used which would be in accordance with Development Plan Policy.
- 6.5 The Environment Agency's depot at Haddiscoe, which was used in the early years of the Project when most of the schemes were being undertaken in the Waveney Valley, was considered as an alternative site. However it was discounted as access to the northern rivers is poor and there is an un-manned railway crossing that has to be negotiated. There are two sites within Acle which have been designated by Broadland District Council, in both existing and emerging Policy, for employment use. One of the sites is land at the

former station yard, west of the A47 and the other site is land to the south of Acle Railway Station. The applicant has looked at both of these sites but has concluded that the principal constraint on either of these sites being used is the vehicular access. When approaching the sites from the west along the A47 or wanting to travel westbound towards Norwich or south to Reedham there is no problem. However, many of the journeys to and from Acle involve going along the A1064 and the Acle straight. From the allocated sites this would involve vehicles, including delivery lorries and low loaders, having to drive through the centre of Acle as well as negotiate the low railway bridge that crosses the road. The other consideration is the cost of relocating the compound to an alternative site, which the applicant has confirmed, would run into tens of thousands of pounds.

- 6.6 Whilst it is accepted that planning permission would not usually be granted for an employment or commercial use on the subject site as it would be contrary to Development Plan Policy it is concluded that there are material considerations which justify a departure from Development Plan Policy in this instance. This site meets all the operational needs of the applicant to ensure the satisfactory completion of the Flood Alleviation Project; the other sites available are constrained and therefore unsuitable; the unique character of the BESL Flood Alleviation Project dictates where the compound needs to be located; the proposal is for a temporary period only and the site would be completely restored to grazing marsh once the site is no longer required; the use on the site is already established. A Condition requiring the restoration of the site within 3 months of the completion of the Flood Alleviation Project would be included on any consent that may be granted.

*Landscape Impact*

- 6.7 The site is situated on the edge of the grazing marsh and it is acknowledged that the development has an impact on the landscape, if only for a temporary period. The applicant has endeavoured to minimise the impact on the landscape by keeping the offices as single storey with a maximum height of 3m and by proposing to paint the office units green. The scheme would also reduce the overall site area for the compound with the area no longer required being restored to grazing land.
- 6.8 If this proposal was for a permanent development a full landscaping scheme would have been required. However as the compound would only be on the site for seven years and it is proposed that it be fully restored to grazing marsh at the end of this period it is not appropriate to require any permanent planting around the site. In order to minimise further any landscape impact it is recommended that the office units are painted an olive green instead of the bright green used on the current office units. Further additional filtering of views into the site should be achieved through affixing an appropriate product to the existing metal security fencing. These details would be required via Conditions. The District Member has requested that, if planning permission is granted a Condition be imposed requiring that the flag poles on the site be removed immediately as this would reduce the visual prominence of the site within the landscape.

- 6.9 It is concluded that as this proposal is only seeking a temporary consent and if the recommended Conditions are included on any consent, the proposal would not be contrary to either Policy CS 1 of the Core Strategy or DP2 of the Development Management Policies DPD.

*Highway Safety*

- 6.10 The application states that the existing vehicular access arrangements into the site would be retained as a result of this proposal. The existing onsite car parking area would be retained, although the number of onsite parking spaces would be reduced by two. The application states that as the Flood Alleviation Project nears its completion the number of vehicle movements into and out of the site would reduce. The Highway Authority has confirmed that it has no objection to the scheme. The Authority recommends that a Condition be included on any consent that may be granted requiring the formation of the car parking and compound area. It is therefore concluded that this proposal is in accordance with Policy DP11 of the Development Management Policies DPD.

*Amenity*

- 6.11 To the east of the site there are a number of residential properties that front the A1064 and Bure Cottage is situated adjacent to the Acle Mooring Basin and to the south west of the site. The private access track to the Acle Mooring Basin separates these residential properties from the site. The Hermitage Close housing estate is situated to the north west of the site on the opposite side of the A1064. Objections to the retention of the compound in its current location have been received on the grounds of the noise and disturbance caused by the vehicle movements on and off the site and also the unsightly appearance of the site.
- 6.12 Whilst it is appreciated that the activity on this site would generate some local disturbance it is considered that any effect on the residential properties closest to the site would not be unacceptable. The houses are separated from the site either by the private access track to the Acle Mooring Basin or the A1064. Further, a Condition could be imposed restricting the hours of operation on the site. In terms of the appearance of the site, the existing office units are to be replaced with modern, more energy efficient units and would be painted an olive green, which would be less visually intrusive than the current bright green colour. Also the area of the storage compound on the site is to be reduced in size. The area of the existing site closest to Bure Cottage is currently being restored to grazing, thereby increasing the distance of the working part of this site from this residential property.
- 6.13 If the compound was to be relocated to one of the designated employment sites within Acle there would be a greater effect on the amenity of the residents of Acle as all the associated traffic would need to travel through the centre of Acle to access the various Compartments.
- 6.14 Whilst the concerns of the residents closest to this site are acknowledged it is considered that the adverse effect on their residential amenity is not unacceptable and that it can be mitigated with the imposition of Conditions.



Furthermore the site will be fully restored to grazing in 2021. It is therefore concluded that this proposal is not contrary to Policy DP28 of the Development Management Policies DPD.

#### *Flood Risk*

- 6.15 The site is situated in Flood Risk Zone 3 on the Environment Agency's Flood Risk Maps. The application is supported by a Flood Risk Assessment which concludes that although the site is in an area of flood risk, there is a low risk to persons using the compound from on-site flooding. There is an excellent evacuation route available directly adjacent to the site. There will be no negative flooding impact on the existing area, or any neighbouring area caused by the proposed compound.
- 6.16 The Environment Agency has confirmed that they have no objection to the proposed development. BESL are signed up to receive Flood Warnings and so would have time to evacuate the site in advance of a flood and breach flood event. It is recommended that a Condition be imposed on any consent that may be granted requiring the applicant to develop a Flood Emergency Plan. It is concluded that this proposal is in accordance with Policy CS 20 of the Core Strategy and Policy DP29 of the Development Management Policies DPD.

## **7 Conclusion**

- 7.1 It is concluded that whilst the proposed development is seeking consent to retain an employment/commercial use on a rural site for a further period of seven years, which is not provided for by the relevant Development Plan Policies, it is considered that there are Material Considerations that justify a Departure from Development Plan Policy. It is not considered that an unacceptable precedent would be set by approving this application.
- 7.2 On this basis it is considered that the proposal is acceptable and it is recommended that it be approved as a Departure application. If it is resolved to approve the application it will have to be re-advertised as a Departure.

## **8 Recommendation**

- 8.1 Delegate to Officers to approve the application subject to the following conditions, subject to no new issues being raised as a result of the re-advertisement:
- (i) Time limit
  - (ii) In accordance with approved plans
  - (iii) Materials and paint finish colour conditions
  - (iv) Restoration of site and access
  - (v) Hours of operation
  - (vi) Screening on site boundaries
  - (vii) Highway Condition requiring formation of access and car parking area
  - (viii) Flood Response Plan

Background papers: Application File BA/2013/0392/FUL

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Date of Report: 5 February 2014

List of Appendices: APPENDIX 1 – Location Plan

## APPENDIX 1

