

## **Committee Report**

**Item No:** 7A

**Reference:** DC/23/01506  
**Case Officer:** Averil Goudy

**Ward:** Bacton.

**Ward Member/s:** Cllr Andrew Mellen.

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## **RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS**

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### **Description of Development**

Full Planning Application - Change of use of land from agricultural to use for the storage of containers, portable cabins and similar items, and equipment used for the maintenance and conversion of such items, construction of an earth bund and landscaping (part retention of).

### **Location**

Red House Farm, Rectory Road, Bacton, Stowmarket Suffolk IP14 4LE

**Expiry Date:** 20/03/2024

**Application Type:** FUL - Full Planning Application

**Development Type:** Major Small Scale - Manu/Ind/Storg/Wareh

**Applicant:** David Black and Son

**Agent:** Evolution Town Planning Ltd

**Parish:** Bacton

**Site Area:** 2.75ha

**Details of Previous Committee / Resolutions and any member site visit:** None

**Has a Committee Call In request been received from a Council Member (Appendix 1):** No

**Has the application been subject to Pre-Application Advice:** Yes (DC/22/05187), however assessed against previous Development Plan (comprising Core Strategy and Local Plan).

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to committee for the following reason:

The Chief Planning Officer considers the application to be of a controversial nature having regard to the number and content of the public representations received.

The application has been the subject of a committee site visit and the question of HGV routeing associated with the use is considered to be controversial having regard to the location of the site outside the Strategic Transport Corridor defined in the JLP.

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **SUMMARY OF POLICIES**

#### **Development Plan**

The following policies are considered the most relevant and important to the determination of this proposal. The policies are all contained within the adopted development plan for Mid Suffolk which for the purposes of determining this application is the Babergh and Mid Suffolk Joint Local Plan (2023).

#### **Babergh and Mid Suffolk Joint Local Plan (JLP) (2023)**

Policy SP03 - The sustainable location of new development  
Policy SP05 - Employment Land  
Policy SP09 - Enhancement and Management of the Environment  
Policy SP10 - Climate Change  
Policy LP09 - Supporting A Prosperous Economy  
Policy LP15 - Environmental Protection and Conservation  
Policy LP16 - Biodiversity & Geodiversity  
Policy LP17 - Landscape  
Policy LP19 - The Historic Environment  
Policy LP23 - Sustainable Construction and Design  
Policy LP24 - Design and Residential Amenity  
Policy LP26 - Water resources and infrastructure  
Policy LP27 - Flood risk and vulnerability  
Policy LP29 - Safe, Sustainable and Active Transport

All policies are afforded full weight in the determination process as they are considered consistent with the policies of the NPPF in accordance with paragraph 225 of that document.

#### **Neighbourhood Plan Status**

This application site is within the Bacton Neighbourhood Plan Area. The area designation was made in July 2022 and to date no significant progress has been made. The Neighbourhood Plan presently has no weight.

#### **The National Planning Policy Framework (NPPF)**

The NPPF (December, 2023) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-taking purposes.

#### **Other Considerations**

- Suffolk County Council - Suffolk's Guidance for Parking (2014, most recently updated in 2023)
- The national Planning Practice Guidance (PPG) provides guidance and advice on procedure rather than policy.

## SUMMARY OF CONSULTATIONS

During the course of the application consultation from third parties have been received. These are summarised below.

Any updates to consultee responses in light of late information shall be reported to Members in Tabled Papers or verbally at the meeting.

[Link to view Consultee Comments online](#)

### **Town/Parish Council (Appendix 3)**

#### **Bacton Parish Council**

“The Council met last night and wishes to support the above application, subject to hours of operation being imposed similar to those for other parts of the site (i.e. 6am to 7pm on weekdays and Saturday mornings only); this is to protect the nearby residents from noise generated from within the site.”

#### **Great Ashfield Parish Council [Objection]**

Five separate consultation responses from Great Ashfield Parish Council have been received, their comments have been summarised as follows:

- Not adverse to the consolidation of Portable Space operations, welcome step to regularisation
- Discrepancies with visibility splay measures given
- Limited visibility splays
- Inaccurate vehicle numbers reported
- Surrounding local roads are not suitable for HGVs
- Restrictions needed on access to and from the site
- Access limited to The Walk and Rectory Road
- Protection of surrounding amenity for local residents
- Misleading and/or incorrect information provided
- Welcomes condition for a Deliveries Management Plan
- Restriction on working hours (similar to DC/22/03042)
- Business has outgrown the location
- Request for accurate data to be provided
- Severe impact on the local road network
- Recent accidents

#### **Wyverstone Parish Council [Objection]**

“Wyverstone Parish Council objects to this application. An expansion of storage space for containers will inevitably result in more traffic of HGV vehicles. There is already a well documented problem with operating hours and HGV traffic from Portable Space using unsuitable roads in villages surrounding the site. Please refer to the response given by Great Ashfield Parish Council. In another relevant planning application - DC/22/05268 for the development of a pig farm at Jackson's farm - a condition that only the main entrance in Rectory Road should be used for traffic entering and exiting the site. If application DC/23/01560 Wyverstone Parish Council requests that the same condition should be applied ie that only the Rectory Road entrance should be used.”

#### **Cllr Andrew Mellen - Bacton**

No formal comment received to date.

#### **Cllr Richard Winch - Walsham Le Willows [Objection]**

“Portable Space is a successful company employing a local workforce. However, if planning permission was being granted today for a new business of this nature it should be located on a Strategic Employment

Site or along a Strategic Transport Corridor. Its current location is already resulting in HGV traffic along roads many of which are unsuitable for HGVs (as stated by Suffolk Highways). Organic piecemeal expansion is going to aggravate these issues.

Over time there will undoubtedly be an increase in Portable Space lorries using the unclassified Wetherden Road and School Road. These roads are narrow, passing places are limited and traffic regularly has to pull into narrow verges. The Wetherden Road / School Road route is basically a rat run to access Elmswell Road, Elmswell and the A14.

Despite the (false) claims of good visibility the junctions at College Lane with Wetherden Road and the junction of School Road with Elmswell Road are of concern. The junction from School Road onto Elmswell Road is particularly worrying as Elmswell Road is a busy road with cars often breaking the speed limit. There have recently been two serious accidents and there is a likelihood of further accidents.

The residents of Great Ashfield are very concerned about traffic generally and the fact that their concerns about traffic volumes and safety are being ignored.

If permission is granted, lorries should be banned from using School Road / Wetherden Road and forced to use wider and safer carriageways to and from the site.

If this is not possible a Deliveries Management Plan as recommended by Highways should be imposed restricting the number of HGV trips allowed onto unsuitable roads i.e. Wetherden Road and School Road. This plan should have specific targets that must be followed and must not allow more lorries than currently use the route.”

#### **National Consultee (Appendix 4)**

##### **Natural England**

No comment.

#### **County Council Responses (Appendix 5)**

##### **SCC - Archaeological Service**

No objection, subject to conditions.

##### **SCC - Highways**

No objection, subject to a condition securing a deliveries management plan.

##### **SCC - Flood & Water Management**

No objection, subject to condition.

##### **SCC - Rights of Way Team**

No response received to date.

##### **SCC - Fire & Rescue**

Access to buildings for fire appliances and firefighters must be met with requirements to specified in building regulations. Recommend automatic sprinkler system.

#### **Internal Consultee Responses (Appendix 6)**

##### **Economic Development & Tourism**

“Economic development supports this application. This enables consolidation of the operation of a successful business at its main location providing improved efficiencies for that business, and an expansion of an established wider successful rural commercial site that supports commercial opportunity and extensive local employment in our rural district.”

**Environmental Health - Noise/Odour/Light/Smoke**

No objection, subject to conditions to control dust and prevent burning.

**Environmental Health - Land Contamination**

No objection, subject to informative.

**Ecology - Place Services**

No objection, subject to securing biodiversity mitigation and enhancement measures by condition.

**Landscape - Place Services**

No objection, subject to conditions to secure landscape details and management plan.

**Arboricultural Officer**

“I have no objection to this application subject to it being undertaken in accordance with the protection measures outlined in the accompanying arboricultural report, an appropriate condition should be used for this purpose.”

**SUMMARY OF REPRESENTATIONS**

At the time of writing this report 9 letters/emails/online comments have been received. It is the officer opinion that this represents 9 objections (1 of which includes neutral comments). An update shall be provided as necessary either via Tabled Papers or verbally at the meeting.

**Objection comments summarised as follows:**

- Misleading/false information about visibility splays
- Highway safety concerns
- Unsuitable highway network used by HGVs
- Noise and disturbance from HGVs
- Damage to highway network
- Impact on heritage
- Impact on wildlife
- Consideration on banning HGV using some routes
- Conflict with policy
- Vehicular accidents on local roads

**Neutral comments summarised as follows:**

- Bund and landscaping will help obscure views
- Regularises the use of land

*Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.*

## RELEVANT PLANNING HISTORY

<b>REF:</b> DC/22/03042	Application for a Lawful Development Certificate for an Existing Use, Operation or Activity including those in breach of a planning condition. Town and Country Planning Act 1990 - Use of the land and premises for the refurbishment of portable accommodation units, without compliance with Condition 3 of Planning Permission 1066/02	<b>DECISION:</b> LU 15.09.2022
<b>REF:</b> DC/22/05189	Application for a Lawful Development Certificate for Existing use or development. Town and Country Planning Act 1990: Section 191 as amended by Section 10 of the Planning and Compensation Act 1991. Town and Country Planning (Development Management Procedure) (England) Order 2015 - Use of land for Storage and Distribution (B8) and creation of bund to the North and West	<b>DECISION:</b> LU 13.01.2023
<b>REF:</b> DC/20/04074	Planning Application. Erection of three buildings for E (B1) and B8 use with associated parking and ancillary areas.	<b>DECISION:</b> GTD 18.12.2020
<b>REF:</b> DC/21/01298	Discharge of Conditions Application for DC/20/04074 - Condition 4 (Archaeological Recording)	<b>DECISION:</b> GTD 29.03.2021
<b>REF:</b> DC/21/02570	Discharge of Conditions Application for DC/20/04074- Condition 4 (Archaeological Recording) (Discharge for points B to G), Condition 5 (Archaeological Works), Condition 7 (Construction Environmental Management Plan), Condition 8 (Biodiversity Enhancement Strategy) and Condition 9 (Wildlife Sensitive Lighting Design Scheme)	<b>DECISION:</b> GTD 16.06.2021
<b>REF:</b> 4311/16	Erection of a 3,000 tonne agricultural grain storage building with associated open lean to, agricultural workshop, chemical store and LPG tanks	<b>DECISION:</b> GTD 18.01.2017
<b>REF:</b> 4001/16	Erection of extension to existing office	<b>DECISION:</b> GTD 24.11.2016
<b>REF:</b> 1298/11	Erection of 2 no. single storey office units with associated facilities (Application for a	<b>DECISION:</b> GTD 07.06.2011

new planning permission to replace extant planning permission 1794/06 in order to extend the time limit for implementation).

<b>REF:</b> 2676/07	Continued use of land and buildings as utilities contractors depot.	<b>DECISION:</b> WDN 12.06.2008
<b>REF:</b> 1337/07	Improvement to vehicular access onto Rectory Road	<b>DECISION:</b> GTD 13.08.2007
<b>REF:</b> 1794/06	Two single storey office units with associated facilities.	<b>DECISION:</b> GTD 15.08.2008
<b>REF:</b> 0616/04/	CHANGE OF USE FROM AGRICULTURE TO B1/B2 (OFFICES, LIGHT INDUSTRIAL, GENERAL INDUSTRIAL).	<b>DECISION:</b> GTD 21.09.2004
<b>REF:</b> 1335/04/	CHANGE OF USE OF LAND AND EXISTING DWELLING FROM AGRICULTURE (AND CLASS C3 RESIDENTIAL) TO USE FOR CLASS B1/B2 PURPOSES.	<b>DECISION:</b> GTD 31.12.2004
<b>REF:</b> 0209/03/	CHANGE OF USE OF REDUNDANT FARM BUILDINGS TO STORAGE OF CARAVANS.	<b>DECISION:</b> GTD 07.04.2003
<b>REF:</b> 1066/02/	CHANGE OF USE OF AGRICULTURAL BUILDING TO FORM WORKSHOP FOR THE REFURBISHMENT OF PORTABLE ACCOMMODATION UNITS, OUTSIDE STORAGE/DISPLAY AREA, CAR PARKING, DRAINAGE.	<b>DECISION:</b> GTD 04.02.2003

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1.0 The Site and Surroundings**

- 1.1 Bacton Business Park is located some 1.3km to the southwest of the village of Bacton. The site is accessed from The Walk, and two other unnamed accesses (one to the east and one to the west). The Business Park comprises a number of units used for class B2, B1 (now class E), and agricultural purposes.
- 1.2 The application site relates to a parcel of agricultural land measuring approximately 2.6ha to the north-west of the Business Park. The site is immediately adjacent to land used for the storage of containers, which the applicant, Portable Space, also operate. To the northern boundary, the track is also a Public Right of Way (PROW) (Footpath W-115 004/0).
- 1.3 The site itself is in the Parish of Bacton, but its access and egress routes pass into the Parishes of Wyverstone and Great Ashfield. The site is not within any settlement boundary.

- 1.4 There are residential properties to the south along Rectory Road, to the east in Earls Green and to the north along the road between Earls Green and Wyverstone Green and Wyverstone Street.
- 1.5 The site is not constrained by any landscape or heritage designations. The site is not at risk of flooding from any sources.
- 1.6 For the record the Council is presently investigating the storage of containers on part of the application land under reference EN/22/00476 and also land at Jacksons Farm under reference EN/22/00675. Whilst that investigation is not the subject of this report, it is understood that the containers there would be relocated to the application site. An enforcement investigation is, of itself, not material to the planning merits of an application.

## **2.0 The Proposal**

- 2.1 The proposal seeks planning permission for the change of use of land for agricultural to use for the storage of containers, portable cabins and similar items, and equipment used for the maintenance and conversion of such items, and the construction of an earth bund and landscaping (part retention of). The site would be surfaced using crushed stone set on a permeable membrane.
- 2.2 The proposal would serve Portable Space (a company which refurbish and repurpose shipping containers to buy or hire around the UK), who already occupy a significant portion of Bacton Business Park. The site would be used purely for storage, rather than the maintenance and conversion works which take place elsewhere on the Business Park.
- 2.3 The southern portion of the application site is already being used for storage purposes as noted above in relation to investigation EN/22/00476 (Figure 1). Retrospective change of use is being sought for this land.



*Figure 1: Aerial view of the application site illustrating current unlawful storage use in blue*

- 2.4 The excess storage containers awaiting works are currently being stored at Jacksons Farm unlawfully (approximately 570m, in a straight line, to the northwest of Bacton Business Park), as



well as other locations at the Business Park. Upon granting of this permission, the containers would be relocated to the application site (within a reasonable timescale secured by a Section 106 (S106) Agreement).

- 2.5 The application seeks the storage of items up to a maximum height of 5.5m (i.e., approximate height of two standard ISO shipping containers). This is the same height as permitted at the storage area to the south.
- 2.6 The proposal also includes the construction of a bund to the western, northern, and eastern boundaries of the site. The bund is already in existence to the western boundary, albeit the proposal seeks to increase its height. All bunds would be built to a height of 2.5m and would be planted with native hedgerow and scrub thicket.
- 2.7 The application is accompanied by an agreed Heads of Terms (HoTs) proposal for a S106 to secure a community liaison group. It is also recommended that a deliveries management plan and the requirement to remove and relocate the unauthorised containers is secured by a S106.

### **3.0 The Principle Of Development**

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, then that determination must be made in accordance with the Plan unless material considerations indicate otherwise.
- 3.2 The Development Plan, which in this instance consists of the JLP, is therefore the starting point for the Council when determining such applications and so we must first consider the application in the light of the relevant Development Plan policies. Of the most relevance and importance to the principle of this development are policies SP03 The sustainable location of new development and SP05 Employment Land.
- 3.3 The application site is located in the countryside, outside any settlement boundary, where development is not supported by Policy SP03. It is also important to acknowledge the policy background and aims of SP03, which is to recognise and protect the intrinsic character of the countryside (paragraph 08.03 of the JLP). As detailed in the relevant landscape section below, there would be a noticeable adverse visual change resulting from the incongruent development within the wider landscape setting. There is considered to be a low-level of landscape and visual harm (albeit predominately limited to the users of the PROW). There is a strict policy conflict by virtue of the location of the development and its impacts on the character of the countryside.
- 3.4 Table 5 of Policy SP03 lists other policies within the Plan which permit development outside of the settlement boundaries, of which SP05 (1, 2 and 5) is included.
- 3.5 Policy SP05 seeks to protect designated strategic employment sites and employment uses within them are supported in principle. Bacton Business Park is not a strategic employment site (as set out in Table 6 and the Policies Map). The policy also supports new land for employment uses (other than designated strategic employment sites) along the strategic transport corridors (i.e., 2km from the A12, A14 and A140) in principle. This site is some 5km (in a straight line) from the A14 (and further to the A12 and A140) and therefore does not satisfy the strategic transport corridor test. The proposal does not therefore comply with the requirements of SP05.
- 3.6 Whilst the Development Plan does not explicitly prevent new commercial development in the countryside, the aforementioned strategic transport corridor test seeks to ensure the requirement

to deliver sustainable development is achieved. This is consistent with the approach applied by the NPPF (2023) at paragraphs 88 and 89, “...*decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport...*” [paragraph 89]. Notwithstanding need, paragraph 85 goes not to state that “...*it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport)*”.

- 3.7 Policy LP09, whilst not explicitly relevant to the principle of development in this location, does recognise that “*The economic base of the Districts comprise a wide range of employment sites and units ranging from the large strategic employment sites to small sites, often occupied with small and medium sized enterprises (SMEs), located across the Districts and sometimes outside settlement boundaries. Many sites have grown organically over time responding to changes in demand and new opportunities. The aim of the Plan is to maintain a suitable diversity of employment sites to meet current and future economic needs in a sustainable way.*” (paragraph 14.02).
- 3.8 The Development Plan does not offer differentiation where new development represents an expansion of an existing business, as proposed here. It is however recognised that the NPPF prescribes that policies should “...*enable the sustainable growth and expansion of all types of businesses in rural areas...*” [paragraph 88]. The policy background and explanation of LP10 (paragraph 14.02) follows the same narrative, “*The Councils consider that maintaining economic opportunities, particularly in the countryside, is fundamental to ensuring the sustainability of communities*”. On this basis, the Council can give significant weight on the need to support economic growth and productivity, taking into account local business needs [paragraph 85, NPPF].
- 3.9 During the course of consideration, a HoTs has been drafted to secure a community liaison group (to include District Councillors, Parish Councillors, representative of the landlord/owner, and a representative of Portable Space and any other on-site business subject of query) by a S106 agreement. The working group would undertake constructive reporting, review HGV traffic issues arising from the site and to receive reports on appropriate mitigation. This is considered necessary to achieve confidence and certainty for the community in regard to HGV movement to and from the site, but relating predominately to Portable Space operations.
- 3.10 Your Officers are also recommending that a deliveries management plan, as recommended by the Highways Authority, is secured by a S106. It is considered that the conditional approach would not deliver a co-ordinated Plan to respond to all of Portable Space’s operations on Bacton Business Park. It would only be reasonable to condition a Plan to cover the application site, which is a proportion but not the totality of the land within their operations. A condition could therefore not reasonably cover the existing vehicle movements taking place by Portable Space. A deliveries management plan could manage all lorry deliveries (defined as any medium or heavy goods vehicle) to and from Portable Space. It is envisaged that this would include some prescribed usage percentages of each access point. The plan should include measures for reporting any breaches of the plan to the community liaison group and include a measure of accountability by the business to take account of any comments received from that group. The management plan covering all such movements not just those associated with the application site, in combination with the liaison group, represents an opportunity to secure a credible benefit for the community and these are favourable material considerations relevant to the determination of this application.
- 3.11 To conclude, the principle of this change of use proposal is not supported by the policies of the Development Plan. However, there is some support from the overall aims of the JLP and NPPF and

there are material considerations which do indicate that a departure from the plan is reasonable in this instance.

#### **4.0 Design And Layout**

- 4.1 Policies SP09, SP10, LP09, LP23 and LP24 of the JLP and paragraphs 131, 135 and 139 of the NPPF work inter alia to ensure development is appropriate and sympathetic within its surroundings and is environmentally sustainable, paying particular attention to the design, layout and construction of development.
- 4.2 The proposal relates to a change of use of land and therefore is not accompanied by a proposed site plan. There is no built development proposed on the site and the extent of engineering operations is the permeable hardstanding, conveyance ditch and the landscaping bund to the western, northern, and eastern boundaries of the site.
- 4.3 The proposal is appropriate for the nature of the development in respect of design and layout considerations. There is no conflict with the aforementioned policies.

#### **5.0 Landscape**

- 5.1 Policies SP09, LP09 and LP17 of the JLP and paragraphs 136 and 180 of the NPPF seek to conserve and enhance the natural environment, specifically the landscape and its key characteristics, both within the confines of the site and within the wider locality.
- 5.2 The proposed landscape strategy includes:
  - Retention of all existing trees and hedgerows (protected appropriately)
  - Rough grass seed mix
  - Native thicket 5m wide
  - Native hedgerow mix
  - 2.5m high bund
- 5.3 The site is within the Plateau Claylands area of the Suffolk Landscape Character Assessment. This area is characterised [inter alia] by a plateau of heavy clay soils with a very gently undulating or flat landform, an ancient organic pattern of fields (some co-axial), substantial hedges of hawthorn blackthorn and elm with oak and ash predominant hedgerow trees, extensive areas of hedgerow loss creating “arable prairies” and a working landscape on which suburbanisation is only beginning to make an impact compared with other parts of the county.
- 5.4 The public visual effects of the development are predominately limited to the users of the PROW, which runs directly to the north of the site. There would be a noticeable adverse visual change created as a result of the development, however the proposed bund and planting will in time mitigate most of the negative visual effects.
- 5.5 There will undoubtedly be a change in the land use, including the surfacing of a greenfield site and introduction of additional bunding, which would be incongruent within the wider landscape setting. Taking into account the nature of the proposed surfacing, proximity of the existing development to the south, existing section of bunding, and height restrictions imposed, Place Services Landscape consider that the harm to the landscape would be low.
- 5.6 Amendments to the landscaping strategy have been made in accordance with Place Services Landscape advice. Having regard to this advice there are not considered to be any unacceptable

landscape or visual impacts arising from the development such as would warrant refusal of the application.

## **6.0 Site Access, Parking And Highway Safety Considerations**

- 6.1 Policies LP09 and LP29 of the JLP and paragraphs 104, 109, 114, 115 and 117 of the NPPF seek to ensure development does not severely affect the highway network, including the safety of all its users, by securing safe access and egress, connectivity, parking, and visibility.
- 6.2 Portable Space utilise three main routes from the site to access the highway: Great Ashfield Route B (via College Lane and Wetherden Road), Bacton/Rectory Road Route A (via The Walk and Rectory Road), and Earls Green Route C (via the eastern access point onto an unnamed road and then heading north to Wyverstone or south through Earls Green). These routes are illustrated on Figure 2 below.



*Figure 2: Access and egress routes utilised by Portable Space*

- 6.3 Portable Space has a Goods Vehicle Operator's Licence which allows them to operate up to 16 goods vehicles and up to 16 trailers from Bacton Business Park. It is understood that Portable Space currently operate 13 goods vehicles and trailers. This Licence limits the use of the Rectory Road access (Route A) to the hours of 0700 and 1900 Monday to Saturday. Due to the nature of the use and uncontrolled hours of operation across the majority of the site, this restriction precludes Portable Space from solely utilising the Rectory Road route. This Licence does not restrict the use of the other accesses. It should be recognised that this Licence is issued by the Traffic Commissioner and the relevant licencing Regulations sit outside the remit of planning.
- 6.4 The nature of Portable Space's use is such that their associated vehicles include cars, vans, and HGVs. The application is accompanied by a Transport Statement, a Highways Note, and traffic survey data.

- 6.5 The Council recognise the longstanding local concerns pertaining to Portable Space’s fleet of HGVs use of the local road network, which is predominately narrow single-track roads with limited passing opportunities. The Highways Authority acknowledge that the access routes are not suitable for HGV use. Objections on this basis have been received from Wyverstone Parish Council, Great Ashfield Parish Council, and local residents.
- 6.6 It should be noted that it is not within scope of this application, of itself, to rectify past or current issues with HGV movements. The considerations of this application would normally be limited to any resultant increase in vehicle movements associated with the proposed storage area. It should also be recognised that once vehicles are in the highway network, they are no longer subject to planning control. As mentioned above the use of a S106 is an available planning tool which could secure some measure of future control over the totality.
- 6.7 As noted above, approval of the application would allow Portable Space to consolidate all of their storage requirements on site. Alternatively, off-site storage would need to be arranged, although this is presently taking place unlawfully, an alternative lawful use is possible. This would almost undoubtedly result in greater vehicle movements given the requirement to transfer the containers between a “remote” storage site and Portable Space workshops on the Business Park. With this in mind, there is a clear benefit and an economic efficiency arising from the consolidation which should minimise incidental vehicle movements from yard to/from workshop.
- 6.8 Portable Space schedule their vehicles to travel during working hours as this suits their operations and staff working hours. It is however recognised that movements do occur outside of the standard working hours where required to respond to customer requirements, emergencies, and delays. They also utilise the most efficient route for the deliveries, whilst also being pragmatic and responding to the local context (for example, avoiding Haughley at school pick up times).
- 6.9 Monitoring of Portable Space’s HGV movements has taken place between the periods of August 2022 – January 2023 and February 2023 – June 2023. Further 3-week monitoring of the whole Bacton Business Park traffic movements took place between 27<sup>th</sup> May 2023 and 16<sup>th</sup> June 2023. Between August 2022 and January 2023, it was found that 3.8 Portable Space lorry movements were made per day from Bacton Business Park (excluding weekends and bank holidays). The following tables summarise the results from the monitoring periods. To note, a trip is counted as a single vehicle leaving or entering the site, thus a return journey would be counted as two trips.

*Table 1: Summary of Portable Space’s HGV movements between August 2022 and January 2023*

<b>Entrance</b>	<b>Total HGV August 2022 to January 2023</b>	<b>Average Daily HGV Trips August 2022 to January 2023</b>
Great Ashfield Entrance	185	1.46
Earls Green	52	0.41
Rectory Road	248	1.95
<b>Total</b>	<b>485</b>	<b>3.82</b>

*Table 2: Summary of Portable Space’s HGV movements combined from August 2022 and June 2023*

	All Accesses	Access A - Rectory Road	Access B - Great Ashfield	Access C - Earls Green
Average Daily Trips	4.89	2.97	1.46	0.46

Table 3: Summary of all Bacton Business Park lorry movements between 27<sup>th</sup> May 2023 and 16<sup>th</sup> June 2023

	All Accesses	Access A - Rectory Road	Access B - Great Ashfield	Access C - Earls Green
Average Daily Trips	16.90	11.70	2.67	2.53

- 6.10 The figures above evidence that Portable Space HGVs do prioritise use of Rectory Road, albeit do also routinely utilise all access routes. As the figures within Tables 2 and 3 demonstrate, Portable Space’s vehicles represent a modest proportion of lorry movements to and from the site (at approximately a third of all movements). It is important to note that lorries and agricultural machinery also operate from the site from both the farm and other businesses on the Park and utilise all accesses.
- 6.11 It is recognised that there is some dispute surrounding the achievable visibility from the access points, most notably with regards to the Great Ashfield entrance (onto Wetherden Road). It is considered, based on the site visit and photographs provided, that the visibility is substandard. The Highways Authority have taken the opportunity to visit the surrounding junctions and drive the HGV routes. Their comments are as follows:

*College Lane onto Wetherden Road: It is noted that visibility to the southeast is restricted to a level that is below what we would accept for a new junction or access in this location. According to our records, there have not been any recorded injury accidents in or around this junction in the last 5 years.*

*School Road onto Elmswell Road: It is noted that visibility to the south is severely restricted to a level that is below what we would accept for a new junction or access in this location. The concerns over large vehicles entering the path of oncoming traffic are also noted and are exacerbated by the presence of a kerbed edge to the northbound carriageway on Elmswell Road, potentially forcing oncoming vehicles to stop suddenly and/or mount the footway. Regarding the visibility at this junction, HGVs on the above route would be turning left (southbound) from School Road so the issue of visibility is less of an issue than would be the case if they were turning right (northbound) and this would be improved by the use of the northern side of the junction layout. According to our records, there have not been any recorded injury accidents in or around this junction in the last 5 years.*

*Whole Route: The use of single-track roads (including Quiet Lanes) by HGVs with limited forward visibility and few passing places is not recommended or supported by the Highway Authority.*

- 6.12 To reiterate, the use of these routes by traffic from Portable Space, as well as agricultural vehicles, is an existing issue, and the Councils ability to remove or reduce this is to some degree beyond what can be reasonably achieved in association with this application. The considerations here are whether the proposed development would result in an unacceptable intensification of HGV movements detrimental to local amenity, and if so, whether it would have a significant or severe impact on highway safety.
- 6.13 In respect of the predicted additional vehicle movements arising from this proposal, the supporting information states:

*...Portable Space already uses permitted storage areas at the Bacton Business Park of over 1.85 hectares, as well as indoor workshops and other premises. The storage proposed in this application is 1.6 hectares (excluding the access track and landscape bunds) and so represents less than half of Portable Space's existing storage capacity.*

*Based on these figures, the lorry traffic which this planning application is likely to directly relate to is less than 2.5 lorry trips to or from the Bacton Business Park...*

- 6.14 From the outset the Highways Authority have recognised that the access routes are not suitable for HGV use. In their response dated 18<sup>th</sup> April 2023, they confirmed that they were satisfied that the proposal will not result in a significant impact in HGV movements [and subsequent additional information has not altered their position].
- 6.15 The Highways Authority have recommended a deliveries management plan. It would require all deliveries to and from Portable Space to be managed in accordance with the agreed Plan. It would also require the Plan to include measures to ensure it is maintained and complied with at all times the site is in use. As noted above, the recommendation to Members is to secure this by way of S106, thus it could encapsulate the whole of Portable Spaces operations, as opposed to just those associated with the application which would be difficult to monitor, differentiate and enforce against. It is recognised that the nature of Portable Space's operations is such that the Plan requires a degree of fluidity to respond to delivery times, locations, and other local circumstances. Human error cannot also be excluded as a factor from time to time. It is therefore recommended that the Plan includes measures to report any breaches to the community liaison group and an expectation on the business to take account of any comments received from that group and respond. It is however envisaged that it will include some prescribed usage percentages of each access point; this will offer a degree of accountability and enforceability and may offer an improvement over the existing circumstances.
- 6.16 Recognising the pre-existing concerns, lack of confidence within the community, and currently unrestricted nature of the use, a community liaison group is considered necessary. It will secure the co-operation of the owner of the site and applicant to undertake constructive reporting, review HGV traffic issues and to receive reports on appropriate mitigation. The surrounding affected Parish Councils would also be invited to participate in the group to represent their communities. It is hoped that the group would resolve and mitigate some of the pre-existing issues and prevent issues from recurring. In other planning matters, such as aerodromes, such groups can prove a useful way to achieve managed and constructive communication.
- 6.17 It would be neither reasonable nor enforceable to preclude Portable Space HGVs coming and going to this site from using the Great Ashfield or Earls Green routes. There are no existing restrictions on their existing lawful use of the Business Park. The comments in respect of the condition on planning permission reference DC/21/02068 are acknowledged. The 2021 application was for replacement livestock units c.500m from Bacton Business Park [this site is also known as Jacksons Farm, the current location of the unlawful container storage]. The condition in question secures a traffic management plan and for all vehicles associated with the use to utilise the Rectory Road access. This condition was not recommended by the Highways Authority but was imposed by planning committee as part of their deliberations. There are different considerations at play here and such restriction would not be reasonable nor enforceable given the proposed development seeks only to expand the storage capacity of Portable Space – it is not a new business or use and cannot be assessed or controlled in isolation.
- 6.18 The additional HGV movements associated with the proposed development would not be significant. The deliveries management plan, in combination with the community liaison group,

would achieve confidence and certainty for the community. There would not be severe impact on highway safety arising from the proposed development.

## **7.0 Flood Risk and Drainage**

- 7.1 Policies SP10 and LP27 of the JLP and paragraphs 165 and 175 of the NPPF seek to ensure development is not at risk of flooding now or in the future and is designed to accommodate sufficient sustainable drainage systems.
- 7.2 The application site is not at risk of flooding from any sources (very low risk). The application is however accompanied by a Surface Water Drainage Maintenance and Management Plan and Flood Risk and Surface Water Drainage Assessment.
- 7.3 The submitted information states that the application site is currently drained via a series of land drains. The existing drainage promotes infiltration where possible prior to discharge into the piped infrastructure and wider watercourse network.
- 7.4 In order for the site to be suitable for its intended purpose, a permeable pavement is proposed to be laid over the existing land drainage infrastructure. Surface water runoff will drain directly to the subbase of the permeable pavement, which has been designed to store the 100 year + and climate change storm event. The subbase will then discharge via a newly formed conveyance ditch to the existing network (restricted to greenfield run off rates). An operation and maintenance schedule is also provided to ensure it is maintained throughout the lifetime of the development.
- 7.5 Suffolk County Council, as Lead Local Flood Authority, recommend approval of the application subject to conditions. The proposed development provides a suitable sustainable drainage system which satisfied the four pillars of SuDs design and is not considered to increase flood risk elsewhere.

## **8.0 Heritage Issues**

- 8.1 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest which it possesses.
- 8.2 Alongside the Council's statutory duties as outlined above, policies SP09 and LP19 of the JLP and paragraphs 203 and 205 of the NPPF seek to conserve and enhance the historic environment (listed buildings, conservation areas, archaeological assets, non-designated heritage assets and historic landscapes).
- 8.3 There are no listed buildings on Bacton Business Park itself and the site is not within a designated Conversation Area. The nearest listed buildings are Grade II listed Town Farmhouse c.230m to the north of the site and Grade II listed West House adjacent to The Walk. There are other listed buildings along Rectory Road, but these are afforded over 700m from the application site.
- 8.4 The heritage concern relates to the potential impact on the setting and significance of the listed buildings. By virtue of the proximity between the application site and aforementioned listed buildings, the proposed development is likely to have the greatest impact on the setting of Town Farmhouse.
- 8.5 The outlook of Town Farmhouse is southwest towards the application site. The setting of the Farmhouse comprises the surrounding open agrarian landscape, which contributes positively to the



appreciation of its historic function and close association with the land. The application site does not form part of the open rural setting of the Farmhouse given the mature vegetation to the boundaries of the site. The layout of the highway and PROW network is such that the appreciation of the heritage asset and views would not be adversely affected by the proposed development. The proposed development would maintain and enhance the vegetative screening and the height restrictions imposed ensures the visibility of the storage items is limited.

- 8.6 For these reasons, the development is not considered to result in less than substantial harm to the designated heritage assets. The Councils statutory duties are met, and the proposal complies with policies SP09 and LP19 and Section 16 of the NPPF.
- 8.7 Turning to below-ground assets, the site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER), adjacent to the known site of Bacton Old Hall (BAC 003). There is another medieval moated enclosure within the adjacent Redhouse Farm (BAC 057). In addition, a number of artefacts of Roman and Medieval date have been found in the vicinity. Suffolk County Council Archaeological Service consider there to be a high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist. SCC initially requested conditions for a programme of archaeological work and site investigation, analysis, and publication. Subsequent discussions have concluded that the proposed groundworks will not be sufficiently deep so as to cause damage to any below-ground heritage assets, and there is evidence to suggest there has been some previous disturbance on the site. On this basis, SCC have confirmed that the conditions are no longer required and the risk to the below-ground assets is negligible.

## **9.0 Residential Amenity**

- 9.1 Policy LP24 of the JLP and paragraph 135 of the NPPF seek to ensure development does not detrimentally affect the residential amenity of neighbouring residents to achieve and maintain well-designed places and the health and wellbeing of communities.
- 9.2 The nearest residential properties are those to the south along Rectory Road, to the east in Earls Green and to the north along the unnamed road between Earls Green and Wyverstone Green and Wyverstone Street. The closest being approximately 130m from the site. It is recognised that several of the closest properties are currently within the ownership of the landowner.
- 9.3 Given the distances afforded, existing vegetation and proposed landscaping scheme, it is considered that there would not be a detrimental visual impact. The use also dictates that there would not be a loss of privacy or overlooking arising from the site.
- 9.4 The nature of the use is such that it has the potential to impact local amenity by virtue of the increased HGV movements on the local road network and the moving of containers within the site. The proposed use does not include any industrial or manufacturing processes.
- 9.5 Operations on Bacton Business Park are not restricted in terms of hours of operation, except for a storage area to the south (see Figure 3 below). The area shown in green in Figure 3 is only permitted to be used between 0700 and 1900 Monday to Friday and 0700 and 1800 Saturdays. The reason specified for this condition (which was imposed on a 2003 planning permission reference 1066/02/ for the change of use of an agricultural building for the refurbishment of portable units and outside storage area) is stated to be: *"in the interests of the amenity of properties that are adjacent to the access road to the site as a result of traffic generated by the use"*.



*Figure 3: Area of Bacton Business Park which has restricted hours of operation*

- 9.6 For information a Lawful Development Certificate (reference DC/22/03042) was granted for the site shown in Figure 3 pursuant to 1066/02/ allowing operations to take place between 0600-0700 Monday to Friday, excluding public holidays, in addition to the conditioned hours.
- 9.7 The storage area immediately adjacent to the application site, also used by Portable Space, is not subject to any operating hour restrictions. Portable Space's operation is such that they require unrestricted working as they operate a customer call-out service and need to be able to collect parts and supplies from the storage area as required. Noting that the proposed development would be an expansion of this storage provision and would not result in a significant increase in HGV movements, it would be unreasonable to impose such restrictions.
- 9.8 The application is accompanied by a noise assessment which has assessed the impact of noise from the proposed use on any nearby noise-sensitive premises, such as dwellinghouses. The report reasonably concludes that the predicted noise levels would not result in an adverse impact on local amenity.
- 9.9 BMSDC's Environmental Protection Officer has raised no objection to the proposal, subject to conditions to secure dust control measures and a prohibition on burning.
- 9.10 For these reasons, and in combination with the mitigation achieved through both the community liaison scheme and deliveries management plan, it is considered that residential amenity should not be unacceptably affected to an extent to warrant refusal of the application.

## **10.0 Biodiversity and Ecology**

- 10.1 Policies SP09 and LP16 of the JLP and paragraph 186 of the NPPF require development to protect and improve designated sites, habitats and species.

- 10.2 The application is accompanied by an Ecology Report, including pond eDNA analysis, relating to the likely impacts of development on designated sites, protected & Priority habitats and species and identification of proportionate mitigation.
- 10.3 The assessment finds that the following protected and priority species may be affected, along with the Place Services Ecology recommendations to mitigate any potential impact:

#### Bats

- The two oak trees on the eastern boundary and ash tree on the northern boundary have a high bat roost potential; and
- As no trees will be removed there is no considered to be no impact on bats and no further bat surveys are required.

#### Great Crested Newts

- Water bodies returned negative eDNA results; and
- Condition required to secure the implementation of the Precautionary Non-licensed GCN Method Statement within the Report.

#### Reptiles

- Some suitable habitat on site; and
- Condition required to secure the implementation of the Precautionary Non-licensed GCN Method Statement within the Report.

#### Badgers

- Badger sett within proximity of the site; and
- The badger sett would not be affected and no Badger licence is required.

10.4 Policy LP16 specifically requires that development must identify and pursue opportunities providing a minimum of 10% biodiversity net gain. In addition, the need for developments to deliver biodiversity net gains is outlined in paragraph 180d & 186d of the NPPF.

10.5 A completed Biodiversity Net Gain (Statutory Metric) Design Stage Report has been provided and demonstrates that the proposal would provide an increase of 10.24% in habitat units and an increase of 75.05% increase in linear hedgerow units. A bioswale is to be created within a strip of rough grassland immediately east of the arable field for water treatment/drainage and wildlife benefit. To the south, an area of grassland is to be enhanced (reseeded with a native wildflower mix).

10.6 The proposed development therefore complies with policies SP09 and LP16 and enables the Council's statutory duties to be discharged.

### **11.0 Land Contamination, Air Quality, Waste Management and Minerals**

11.1 Policies SP09, SP10, LP15 and LP16 of the JLP and paragraph 180 of the NPPF seek to ensure development does not adversely affect, nor is affected by, pollution, waste and mineral deposits.

- 11.2 The application site is currently agricultural land, and the use is considered to raise no concerns regarding past contamination on the site. The Councils Environmental Protection Officer has raised no objection subject to an informative regarding unexpected ground conditions during construction.
- 11.3 The proposed storage use also raises no concerns in respect of other forms of pollution.

## **12.0 Parish Council Comments**

- 12.1 Responses to the application have been received from Bacton Parish Council, Great Ashfield Parish Council and Wyverstone Parish Council. Of these, two Parish Councils raise explicit objections, whilst the other comments on hours of use/operation. The concerns raised in respect of highway safety and hours of operation have been considered in the above report under the highways section (6.0) and residential amenity section (9.0) respectively.

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## **PART FOUR – CONCLUSION**

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### **13.0 Planning Balance and Conclusion**

- 13.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The consideration is, therefore, whether the development accords with the development plan and, if not, whether there are material considerations that would indicate a decision should be taken contrary to the development plan.
- 13.2 The development plan consists of the Joint Local Plan. The material considerations include the 2023 NPPF and other current national policy documents.
- 13.3 Policy SP03 seeks to ensure the sustainable location of new development by restricting development in the countryside, outside of any settlement boundary. Further, Policy SP05 supports land for employment uses (other than designated strategic employment sites) along the strategic transport corridors (i.e., 2km from the A12, A14 and A140) in principle. The site is neither within a settlement boundary, within a strategic employment site nor does it satisfy the strategic transport corridor test. The principle of this development is not supported by policies SP03 and SP05.
- 13.4 The JLP recognises that maintaining economic opportunities is fundamental to ensuring the sustainability of communities. Its aim is to maintain a suitable diversity of employment sites to meet current and future economic needs in a sustainable way. Significant weight is given to the need to support economic growth and productivity, taking into account local business needs. The recommended skills and training package represents a further social benefit through upskilling the local workforce.
- 13.5 The proposed development would result in a noticeable adverse visual change, albeit the negative visual effects would in time be mitigated. A low level of landscape harm is identified.
- 13.6 There are existing highway safety issues pertaining to the use of HGVs in the local highway network. The Highways Authority acknowledge that the access routes are not suitable for HGV use. It is not within scope of this application, of itself, to rectify past or current issues with HGV movements. The additional HGV movements associated with the proposed development would not be significant.

- 13.7 A deliveries management plan could manage all lorry deliveries to and from Portable Space, and it is envisaged that this will include some prescribed usage percentages of each access point. This Plan represents an opportunity to secure a credible benefit for the community in terms of creating a betterment to the existing lawful conditions.
- 13.8 The recommended community liaison group would secure the co-operation of the owner of the site and applicant to undertake constructive reporting, review HGV traffic issues and to receive reports on appropriate mitigation.
- 13.9 A S106 is recommended to secure both the deliveries management plan and community liaison group, as well as securing the removal of and relocation of unauthorised containers from Jacksons Farm within a suitable timeframe. This S106 would achieve confidence and certainty for the community, and these are favourable material considerations relevant to the determination of this application.
- 13.10 The proposal is not considered to cause any unacceptable harm to flood risk, heritage assets, and ecology.
- 13.11 To conclude, the proposal is not supported in principle by the policies of Development Plan. There is however support from the aims of the Plan and the NPPF recognising the need to enable the sustainable growth and expansion of all types of businesses in rural areas. On balance, the benefit of supporting an existing established business and the provision of a community liaison group and deliveries management plan securing a benefit to the community is considered to sufficiently outweigh the moderate harm arising from the policy conflict and low-level of landscape and visual harm. Therefore, in this instance, in accordance with Section 36(6) of the Planning and Compulsory Purchase Act 2004, there are material considerations that indicate that decision should be made contrary to Development Plan. The recommendation is for approval.

## RECOMMENDATION

That Members resolve to delegate authority to the Chief Planning Officer to GRANT planning permission subject to the following obligations, conditions and informatives and others as may be deemed necessary:

- (1) **Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Chief Planning Officer as summarised below and those as may be deemed necessary by the Chief Planning Officer to secure:**
- Community Liaison Group
  - Deliveries Management Plan
  - Removal and relocation of unauthorised containers from Jacksons Farm within 6 months of grant of planning permission
- (2) **That the Chief Planning Officer be authorised to GRANT Outline Planning Permission upon completion of the legal agreement subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:**
- Approved Plans and Documents
  - Skills and Training Package
  - No Stacking or Storage Above 5.5m
  - No adaptation or alteration of containers on application site area

- Ecology: Compliance with Ecological Appraisal Recommendations
- Ecology: Biodiversity Enhancement Layout
- Ecology: Compliance with Biodiversity Metric (Habitat Management and Monitoring Plan)
- Ecology: Lighting Restriction/Wildlife Sensitive Lighting Design Scheme
- LLFA: Implementation of Surface Water Strategy and FRA
- Environmental Health: Dust Control Scheme
- Environmental Health: No Burning
- Landscape: Hard and Soft Landscaping Details
- Landscape: Landscape Management Plan
- Arboriculture: Compliance with Arboricultural Report

**(3) And the following informative notes as summarised and those as may be deemed necessary:**

- Proactive Working
- LLFA: Other consents and permits
- Environmental Health: Unexpected Ground Conditions

**(4) That in the event of the Planning obligations or requirements referred to in Resolution (1) above not being secured and/or not secured within a timely manner that the Chief Planning Officer be authorised to refuse the application on appropriate grounds.**