

Development Control Committee 4 August 2021

Planning Application DC/21/1366/FUL – West Suffolk House, Western Way, Bury St Edmunds

Date registered: 30 June 2021 **Expiry date:** 25 August 2021

Case officer: Connor Vince **Recommendation:** Approve application

Parish: Bury St Edmunds **Ward:** Minden
Town Council

Proposal: Planning application - Installation of battery container, and associated foundations and fencing

Site: West Suffolk House, Western Way, Bury St Edmunds

Applicant: Oliver Ingwall-King

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and associated matters.

Recommendation:

It is recommended that the committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

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Background:

The application is referred to Development Control Committee as West Suffolk Council is the applicant.

The provision of a battery container, associated foundations and fencing was previously considered as part of the application for a certificate of lawfulness for proposed development at the site, reference DC/21/0946/CLP – it was withdrawn from that application as it was considered to need planning permission and could not be carried out as permitted development under the regulations. This amended application DC/21/0946/CLP for the extension to the substation was considered at Development Control Committee on 7 July 2021 and was granted.

Proposal:

1. The application seeks planning permission for the installation of a battery container measuring 12.592 metres in length, 3.263 metres in width and 3.742 metres in height.
2. As per the supporting statement, the proposal is intended to complement the future plans for the Western Way Development, reduce the demand for imported and support West Suffolk Council's commitment to providing sustainable energy sources.
3. The system would reduce the imported grid energy by shifting excess generation from the solar array at West Suffolk House during the day to offset imported energy use during the evening, enabling generated energy to be stored during periods of low demand in order to be utilised when required. The system equipment will be containerised within a weatherproof enclosure.
4. The battery container is estimated to remain on site for approximately four years. Once the main Western Way Development is complete, the battery will be moved across to the new Energy Centre building, the site made good, and the six parking spaces that would be occupied by the battery container would be reinstated.

Application supporting material:

- Application Form
- Location Plan
- Existing Block Plan
- Existing Site Plan
- Proposed Block Plan
- Proposed Site Plan
- Proposed Sections
- Proposed Elevations
- Proposed General Arrangement Plans
- Supporting Statement
- Fire Safety Supporting Statement

Site details:

5. The application site is situated at Western Way, within the settlement boundary for Bury St. Edmunds. The application site comprises of a section of vehicular parking spaces. The wider site comprises of West Suffolk House and includes associated vehicular, motorcycle and cycle parking, as well as other associated buildings used by West Suffolk Council.

Planning history:

Reference	Proposal	Status	Decision date
DC/21/0946/CLP	Application for lawful development certificate for proposed use or development - a. extension to the existing sub-station building, reconfiguration of associated footpath and motorbike parking spaces b. installation of new battery container and associated foundations and fencing	Application Granted	7 July 2021

Consultations:

Town Council:

No objections based on information received.

Ward Member:

No comments received.

SCC Highways:

Notice is hereby given that the County Council as Highways Authority does not wish to restrict the grant of permission.

We note the car park in question is under subscribed and, given the changes to the office structure from pre-Covid to now, this is unlikely to change.

Ramblers' Association: No comments received.

Suffolk Fire and Rescue Service:

Having read through the supplied documentation it is my understanding that the BESS is to be combined in a container, which is to be positioned away from the main building, and includes the power conversion itself, the batteries, voltage transformer and switch-gear, and all auxiliary components, as well as the energy management system, which includes a means of shutting down the unit in an emergency. It is also noted that a fire detection system is included and linked to internal safety systems to operate an emergency shut down, and operation of an internal suppression system as necessary.

I have the following comments to make:-

- I am not able to determine if the Fire Alarm for the BESS is linked in any way to the main building Fire alarm, and although it may be considered a stand alone unit, consideration should be given to having the unit fire alarm interfaced with the main fire alarm panel, to give early warning of fire within the unit.
- It is also recommended that the unit can be shut down by the use of an external isolation switch in an emergency. This is normal and may already be part of the control system, but I was not able to confirm.

Arboricultural Officer:

The siting of the container, as shown on the proposed block plan, has the potential to affect the two Hornbeam which are positioned immediately adjacent to the indicated location. They are marked on the plan although no supporting information has been submitted to be able to determine if the position or crown spreads of the trees are accurate. Both trees are important features of the soft landscaping of the car park, and are particularly prominent owing to their location near the entrance way. They are fastigate varieties which possess an upright growing habit and conical crown form. If pruning is required to facilitate the position of the container then this is likely to significantly adversely impact their visual amenity. Similarly, if any direct damage occurs during the installation/delivery of the container then this will also have a significant impact on the long term amenity afforded by the trees. It would be strongly recommended that sufficient measures are put in place to prevent unintended damage, and that the container is positioned so that no pruning is required.

Representations:

6. No comments received from any adjoining occupiers

Policy:

7. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

NPPF 2021

Core Strategy Policy CS3 - Design and Local Distinctiveness

Vision Policy BV1 - Presumption in Favour of Sustainable Development

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM8 Low and Zero Carbon Energy Generation

Policy DM13 Landscape Features

Policy DM46 Parking Standards

Other planning policy:

8. National Planning Policy Framework (NPPF)

The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given.

Officer comment:

The issues to be considered in the determination of the application are:

- Principle of Development
- Scale, Layout & Design
- Impact on Amenity
- Highway/Parking Impacts
- Other Matters

Principle of Development

9. The proposed development has been assessed against policy DM2 and is considered generally to be acceptable provided that the proposal respects the character and appearance of the immediate and surrounding area, and providing that there is not an adverse impact upon residential amenity and highway safety. Along with CS3, DM2 requires development to conserve and where possible enhance the character and local distinctiveness of the area.
10. Policy DM8 confirms that all proposals for the generation or recovery of low carbon or renewable energy will be encouraged subject to the proposal being able to demonstrate its low carbon or renewable energy credentials and, to the satisfaction of the LPA, that due regard has been given to the impact of off-site and on-site power generation infrastructure including achieving underground connections.
11. West Suffolk House, and the wider site, provides office space for West Suffolk Council and other local authority occupiers. The application proposes the provision of a battery container, as well as block foundations sited on top of the existing surface and boundary fencing, to complement the future plans for the Western Way Development, reduce the demand for imported energy and support West Suffolk Council's commitment to providing sustainable energy sources.
12. The proposed works are therefore considered acceptable in principle given their support from policy DM8. However, further consideration must be

given in relation to policy DM2, regarding the appearance and location of the battery container in relation to services and amenity.

Scale, Layout & Design

13. The provision of a battery container to the south west of the main West Suffolk House building, will occupy six car parking spaces and measure 12.592 metres in length, 3.263 metres in width and 3.742 metres in height. The metal battery container will be placed on above ground concrete block foundations, with chainlink fencing and metal bollards added to segregate the container from the wider car park.
14. The proposed battery container will be visible from the wider site area, as well as from Western Way to the north and Beetons Way to the east. Given the openness of the wider site, views would be readily achievable of the container. The structure itself and its form, materials, and siting make it a somewhat utilitarian proposal. This, plus its positioning within and across existing car parking spaces, will to some degree erode the well laid out car parking and setting to the building, inevitably causing some harm to the character and appearance of the area. This harm will however be limited by the position of the battery back from the highway, and by the fact that views will be filtered if not screened by the existing car park and boundary landscaping. Furthermore, when appreciated in the likely main view from Western Way the container will be seen against the backdrop of the adjacent off site building, which is materially taller and itself industrial in character. This will significantly limit the degree to which this structure is harmful in this context. Nonetheless, the only conclusion that can be drawn is that the proposal will have a minor negative impact upon both the setting of West Suffolk House and upon the wider area and this is a factor that weighs against the scheme.

Impact on Amenity

15. Whilst the site is considered open, there are no residential dwellings within close proximity. Office buildings border the site to the south, west and north east, with soft landscaping further bordering the site to the north, beyond which is the Olding Road depot building. Given the minor scale of the proposal and the fact that the nearest residential dwellings are not only some distance away but that any intervisibility will be obscured by existing off site buildings, and by the natural topography of the land, it is not considered that the proposal would have an unacceptable impact on residential amenity, therefore, the development is considered to comply with policy DM2.

Highway/Parking Impacts

16. Given the nature of the proposed works, the battery container will occupy six car parking spaces of the West Suffolk House car park for the duration the battery container is in situ. As per the supporting statement, the container has been positioned close to the kerb line to maximise the number of spaces retained.
17. Consideration must also be given in this respect to the profound change in working patterns as a consequence of the pandemic, and of the way office space is now used. Even allowing for the return to the office of some staff,

and for the repurposing of some space for other users, the fact remains that demand for car parking is likely to be significantly reduced, and that in this context the loss of six spaces in this location is not considered to raise any issues of highway safety that would justify a refusal, particularly noting the temporary nature of this proposal. This is a notion further supported by Suffolk County Council as highway authority, which raises no objection to the proposed development.

Other Matters

18. The submitted details indicate that the proposal will be sited on concrete foundations sitting at the current car parking level, with no intrusive below ground works. On this basis officers are satisfied that there will be no material harm to the existing soft landscaping within the car park. Consultation with the Arboricultural Officer has confirmed this position, subject to the inclusion of an informative note on the decision notice which highlights the measures advised to be undertaken in relation to the potential pruning of the two adjacent hornbeam trees, if required, incorporating the necessary measures to prevent unnecessary damage to the trees.
19. A consultation has been undertaken with the Suffolk Fire and Rescue Service. The provision of a battery container will be positioned away from the main building of West Suffolk House and includes the power conversion unit, the batteries, voltage transformer and switch-gear, and all auxiliary components, as well as the energy management system, which includes a means of shutting down the unit in an emergency. It is also noted that a fire detection system is included and linked to internal safety systems to operate an emergency shut down, and operation of an internal suppression system as necessary.
20. As confirmed by Suffolk Fire and Rescue, consideration should be given by the operator to having the unit fire alarm interfaced with the main fire alarm panel integrated into the main West Suffolk House building to give early warning of fire within the unit. It is also recommended that the unit can be shut down by the use of an external isolation switch in an emergency.
21. Noting the comments received from Suffolk Fire and Rescue, the points raised will be added as informative notes to the decision notice as none of the points raised would be land use planning matters that could otherwise be controlled by a condition.

Planning Balance

22. Were this proposal for the permanent siting of the structure then it is considered likely that the harm identified to the character and appearance of the area would be sufficient to justify a refusal of planning permission. However, noting that this proposal is sought for a period of up to four years, noting this can be conditioned, and noting the very obvious benefits as articulated above in relation to the provision of an energy capture system to store energy generated by the solar panels at West Suffolk House and which is not otherwise able to be immediately used, this does inevitably make this a balanced matter.

23. Reflecting carefully on this balance, Officers are of the opinion that the benefits of this proposal outweigh the harm, not least given the time limited nature of any harm. Support is also offered in this respect by the reduced demand for car parking at West Suffolk House as a result in the profound shifts in working patterns caused by the pandemic, which further supports the loss of a modest number of spaces. A conclusion that this proposal is acceptable is dependent upon the imposition of a condition requiring the battery container to be removed and the land restored to its former condition, within four years from the date of the permission.

Conclusion:

24. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

25. It is recommended that planning permission be **APPROVED** subject to the following conditions

1. The development hereby permitted shall be begun not later than three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents, unless otherwise stated below:

Reason: To define the scope and extent of this permission.

Reference number	Plan type	Date received
(-)	Application Form	29 June 2021
WES051-PEV-XX-XX-DR-A-9100 P01	Location Plan	29 June 2021
WES051-PEV-XX-XX-DR-A-9110 P01	Existing Site Plan	29 June 2021
WES051-PEV-XX-XX-DR-A-9120 P01	Proposed Site Plan	29 June 2021
WES051-PEV-XX-XX-DR-A-9101 P01	Existing Block Plan	29 June 2021
WES051-PEV-XX-XX-DR-A-9102 P01	Proposed Block Plan	29 June 2021
WES051 PEV XX ZZ DR A 9410 P01	Proposed Sections	29 June 2021
WES051-PEV-XX-ZZ-DR-A-9310 P01	Proposed Elevations	29 June 2021
WES051-PEV-XX-ZZ-DR-A-9205 P01	Proposed General Arrangement Plans	29 June 2021
(-)	Supporting Statement	15 July 2021
(-)	Fire Safety Supporting	21 July 2021

Statement

3. On or before the (insert) day of (insert) 2025 the building hereby permitted shall be removed and the land shall be restored to its condition immediately prior to the development authorised by this permission commencing.

Reason: In the interests of visual amenity given that the building is not considered suitable as a permanent form of development.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/21/1366/FUL](#)