

Development Control Committee 1 September 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 EOT 03 September 2021
Case officer:	Connor Vince	Recommendation:	Approve application
Parish:	Bury St Edmunds Town Council	Ward:	Minden

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:

Connor Vince

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Background:

The application was deferred at the Development Control Committee on 4 August 2021. It had been referred to the Development Control Committee as West Suffolk Council is the applicant.

The matter was deferred at Committee on 4 August in order to allow Officers additional time in which to explore an alternative location for the container.

The August Development Control Committee Report is included at Working Paper 1.

Proposal:

1. See Working Paper 1.

Application supporting material:

2. See Working Paper 1.

Site details:

3. See Working Paper 1.

Planning history:

4. See Working Paper 1.

Consultations:

5. See Working Paper 1.

Representations:

6. No comments received.

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:

- Update since the last meeting.

Update Since the Last Meeting

9. The reason for deferral was explained to the applicant, and a response invited. The applicant has declined to make any change to the location of the container, citing the position of underground services as precluding such a location. The applicant has explained that siting it in this alternative location would have significant implications on existing buried services and drainage, with clashes between the cable trenching. The substantial costs of re-routing existing services and disruption that would be caused to the car park was deemed by the applicant to be disproportionate to the relatively short time the battery unit would be insitu. A plan has been provided showing the location of underground services and this response is noted and accepted by Officers as being a reasonable explanation for the reasoning behind the decision not to consider an alternative location.

10. To further support the reconsideration of this matter the applicant has provided further supporting information, as follows –

- A further response to the Suffolk Fire and Rescue comments, confirming that the battery will be connected to the existing West Suffolk House alarm system, and that the system will contain an 'emergency stop' button.
- Details of the temporary 'heras' fencing to surround the site during the construction phase, as well as details of the chain link fence proposed between the foundations.

11. Noting therefore the lack of any amendment to this proposal since it was last before Members, the Committee is directed to the previous report, included at Working Paper 1. That report sets out the Officer considerations, as well as the planning balance, and makes a recommendation of approval, subject to conditions. Noting the explanation offered by the applicant as to the proposed preferred siting that recommendation remains, as repeated below.

Recommendation:

12. 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 Statement	21 July 2021

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](#)