

Development Control Committee 6 October 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 13 October 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:	West Suffolk Council		

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 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 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 Woking Paper 1.

The applicant has advised that works towards the setting up of the site compound for the works to the substation, which have been confirmed as permitted development, will commence in late September 2021. These works do not relate to this application under consideration at committee.

Proposal:

1. See Working Paper 1.

Application supporting material:

2. The applicant has provided further supporting information following the deferral, as included below.
3. A battery energy storage system (BESS) of 1WM / 1MWh is proposed to provide electrical supply resilience combined with efficient use of existing electrical energy generation systems. The battery system would provide seamless power resilience to West Suffolk House (1MVA output in one hour), as well as providing a storage facility for excess energy generated by existing 85kw and additional future photo-voltaic systems.
4. The system would reduce the imported grid energy by shifting excess generation to offset imported energy during the evening, enabling energy stored during periods of low demand to be utilised when required. The system equipment will be containerised within a weatherproof enclosure.
5. The new installation will complement the future plans for the Western Way Development, reduce the demand for imported energy in addition to minimising abortive works during this project and support West Suffolk Council's commitment to providing sustainable energy sources.
6. The existing 1MVA transformer will be connected to the new switchgear panel, located within the extended substation, through new LV cables mounted on cable ladders. New power cables will be provided between the switchgear panel and external BESS system, laid in underground ducts. The output of the BESS system will then be connected to the existing LV switchboard in West Suffolk House following a similar route underground, to supply existing loads. The existing power connection between the existing transformer and existing LV switchboard will be disconnected and decommissioned.

7. Whilst a number of alternative locations around the site were analysed, namely the existing loading bay (1), the parking bays situated to the front of West Suffolk House (2), the parking bays adjacent to Western Way (3) and the parking bays opposite the proposed site (5) – see Figure 4 below, the proposed location (4) was considered optimal by all parties for the following reasons:
- It is situated away from the existing building to minimise any fire risk
 - It is positioned away from the boundary to obscure any direct views from Western Way
 - It is less visible when looking down from the upper storeys of West Suffolk House
 - Good access for installation and removal of the container
 - Provides a shorter cable route to the substation to minimise temporary disruption
 - Minimises the loss of car parking spaces
 - No impact on existing buried services
 - Minimal disruption for car park users
8. Location 5 (the one suggested by August committee) was carefully considered by the Client and design team during the design process, however following a review of the existing topographical survey (see figure 3 below) it was determined that this location would have significant implications on existing buried services and drainage with clashes between the cable trenching. The substantial costs of re-routing the existing services and disruption that would be caused to the car park users were deemed to be disproportionate to the relatively short time the battery unit would be in position.

Figure 3 – Existing Topographical Survey (area highlighted in yellow)

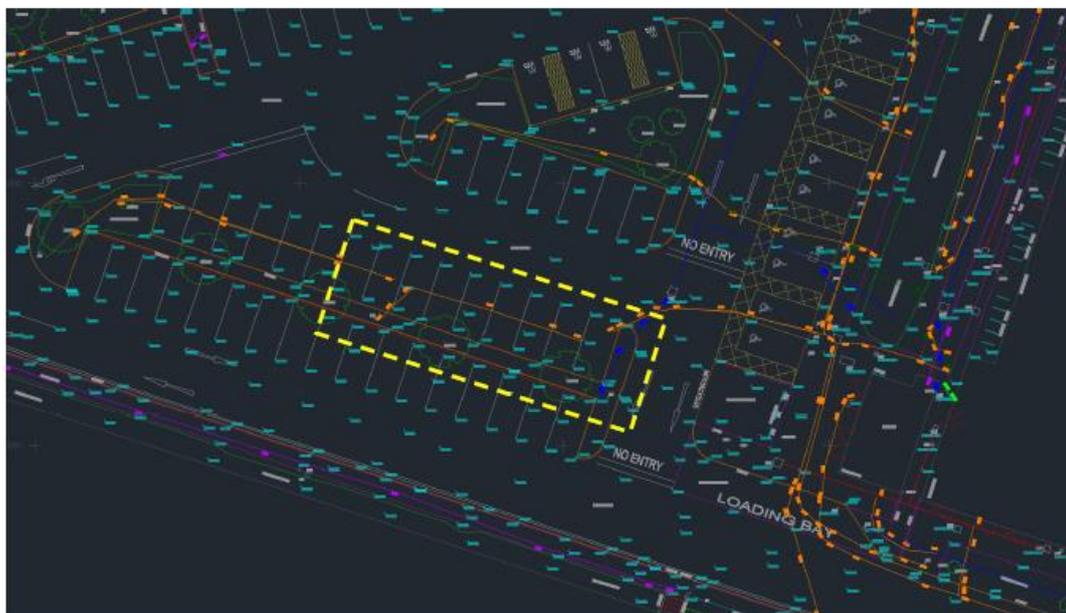


Figure 3 – Existing Topographical Survey (area highlighted in yellow)

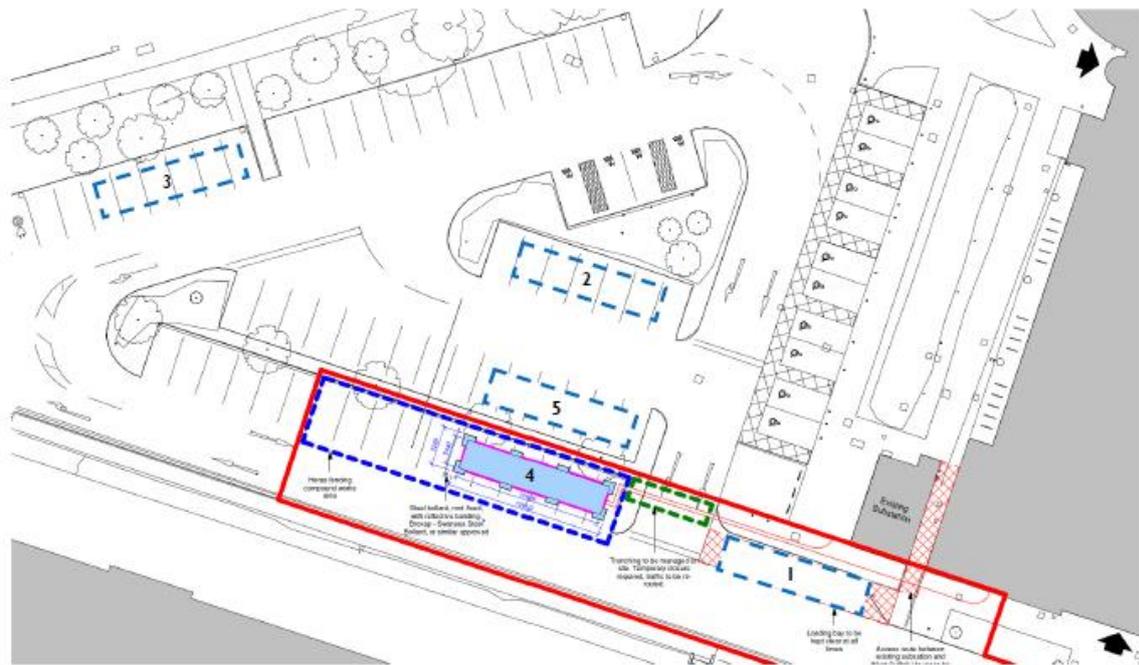


Figure 4 – Alternative Locations

Site details:

9. See Working Paper 1.

Planning history:

10. See Working Paper 1.

Consultations:

11. See Working Paper 1.

Representations:

12. No comments received.

Policy:

13. 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.

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:

14. 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 covered in Working Paper 1 and the update below since the last consideration at 4 August Development Control Committee.

15. Officers relayed the concerns of the committee to the applicant in terms of an alternative location for the container. The applicant has provided a detailed explanation as to why the proposed container can not be relocated to the area suggested by the committee. 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 in situ. 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. In any event, as detailed in Working Paper 1, officers remain of the view that the proposed location of the container is considered to be acceptable in planning terms.

16. The applicant has explained the importance of this proposal to its overall plans for green energy at the West Suffolk site and the links to obtaining significant government grants towards the project linking in to the climate change agenda. Support for proposals such as this is also offered in the NPPF, which was updated in July 2021. Paragraph 158 requires Local Planning Authorities to 'recognise that even small-scale projects provide a

valuable contribution to cutting greenhouse emissions' and that 'authorities should approve the application if its impacts are (or can be made) acceptable'.

17. Since the last Development Control Committee meeting, further information has also been received from the agent regarding the installation of the container. The concrete blocks form foundations, which extend 750mm above ground and penetrate 1150mm below the existing car park surface. The agent advises this is necessary as the existing car park surface is not strong enough to support the weight of the container. This is further referenced as a reason justifying the position of the battery container, to avoid any additional disruption and works that will be caused by the need to reroute all existing services underneath the container unit.
18. Policy DM13 states development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife, or amenity value. On this point further discussions have taken place with the applicant and the Arboricultural Officer since the August DCC meeting.
19. The two Hornbeam closest to the siting of the container are an important component of the soft landscaping of West Suffolk House. Whilst both trees are young (approximately 10-15 years), they are established, healthy and attractive specimens. They are visually prominent when entering the car park due to their position and the high level of footfall/traffic through the car park elevates their public amenity value.
20. The Arboricultural Officer has assessed the potential impact of these foundations in the absence of a Tree Survey. The two aforementioned Hornbeam trees have the potential to be negatively impacted by root damage through the excavations required for foundations and service trenches and arising from any pruning needed to accommodate the position of the container, plus the possibility of any unintended damage through construction related activities.
21. Ordinarily, it is estimated that the RPA (Root Protection Area) of both trees is circular with a radius of approximately 2 metres (as per the guidance in BS 5837:2012). The proposed site plan appears to show two of the concrete piers to be within the RPAs of these trees. Typically, encroachment into the RPA should be avoided, however, given the young age of the trees and the nature of their environment within a hard surfaced car park, it is likely that the priority rooting area will extend further along the tree pit rather than extending significantly into the parking area. This makes the circular RPA somewhat misleading although this is an estimation of likely root presence and appropriate precautions should be put in place to ensure no significant root damage is caused.
22. The crown form of both trees (fastigate) means that any lateral pruning could detract from their visual amenity. Whether or not this will be necessary is unclear from the submitted plans. It is recommended that information in this regard is submitted to the LPA from an arboricultural consultant prior to the commencement of development.
23. It is expected that plant/machinery will be operated in close proximity to the two trees during the installation of the container. This presents the risk of

direct damage to parts of the trees both above and below ground. A tree protection plan compliant with BS 5837:2012 is therefore recommended.

24. In summary, the Arboricultural Officer considers that the implementation of the proposal can be achieved without significant detriment to both trees subject to specialist input. The Arboricultural Officer therefore has no objection to the proposed development in relation to the impact on the two adjacent Hornbeam trees, subject to the submission of an Arboricultural Method Statement and Tree Protection Plan. These documents can be secured via pre-commencement conditions, although at the time of writing this report the agent has indicated that they are commissioning these reports to be considered as part of this application. Whilst these documents have not yet been assessed by the Arboricultural Officer, should the details of these documents be acceptable, compliance conditions, as opposed to pre-commencement conditions, will be applied accordingly in the event the application is granted planning permission.

25. This specific matter will be updated in the late papers or at the meeting, as appropriate. Nonetheless, and subject to conditions as appropriate, the arboricultural related impacts of the proposal are considered satisfactory.

26. 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.

Conclusion

27. This proposal remains the same as the application previously presented to Members, the Committee is therefore directed to the previous report, included as Working Paper 1, for an overall assessment of the proposals. 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, the comments received from the Arboricultural Officer in relation to the two Hornbeam trees, the lack of any objections from statutory consultees or third parties and the support offered generally within the development plan and the updated 2021 NPPF in relation to projects to reduce greenhouse emissions, that recommendation remains, as repeated below.

Recommendation:

28. 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.

- 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 P02	Amended - Location Plan	31 August 2021
WES051-PEV-XX-XX-DR-A-9110 P02	Amended - Existing Site Plan	31 August 2021
WES051-PEV-XX-XX-DR-A-9120 P02	Amended - Proposed Site Plan	31 August 2021
WES051-PEV-XX-XX-DR-A-9101 P02	Amended - Existing Block Plan	31 August 2021
WES051-PEV-XX-XX-DR-A-9102 P02	Amended - Proposed Block Plan	31 August 2021
WES051 PEV XX ZZ DR A 9410 P02	Amended - Proposed Sections	31 August 2021
WES051-PEV-XX-ZZ-DR-A-9310 P01	Proposed Elevations	29 June 2021
WES051-PEV-XX-XX-DR-A-9150	Existing and Proposed Sections	17 August 2021
WES051-PEV-XX-ZZ-DR-A-9205 P01	Proposed General Arrangement Plans	29 June 2021
N001 - 210248	Battery Location	17 August 2021
N002 - 210248	Fire Safety	17 August 2021
(-)	Supporting Statement	15 July 2021
(-)	Fire Safety Supporting Statement	21 July 2021

- 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.

- Arboricultural condition(s) depending on applicant response, in the form of a Arboricultural Method Statement and Tree Protection Plan.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online <DC/21/1366/FUL>