

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2198/OF1
2.	Proposed Development:	VARIATION OF CONDITIONS 22 AND 23 OF PLANNING APPROVAL 4/12/2407/OF1 NEW OFFICE ACCOMMODATION OF 3 AND 4 STOREYS WITH ASSOCIATED ACCESS WORKS, DISABLED PARKING PROVISION, LANDSCAPING AND SERVICING
3.	Location:	ALBION SQUARE ONE AND TWO, ALBION SQUARE, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Listed Building - Listed Building, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations & Policy	See Report
7.	<p>Report:</p> <p>Introduction</p> <p>A s73 application which seeks to vary the wording of conditions 22 and 23, of planning permission 4/12/2407/OF1 for new office accommodation and associated access, disabled parking provision, landscaping and servicing, land at Albion Street, Whitehaven.</p> <p>Site and Location</p> <p>The site the application refers to is known as Albion Square, and comprises two 3/4 storey office buildings with a total floor area of 9,900 square metres. The buildings are separated by a landscaped plaza and Albion Street, and house some 1200 Sellafield employees. They are situated to the immediate south west of Whitehaven town centre and are within the Conservation Area.</p> <p>Proposal</p> <p>It is proposed to vary the wording of conditions 22 and 23 of the planning permission as follows:</p>	

Condition 22 states:

Within 6 months of the development (or any part thereof) opening for business, the developer shall prepare and submit to the Local Planning Authority for their approval a Travel Plan which shall identify the measures that will be undertaken by the developer to implement the Interim Travel Plan. The measures identified in the Travel Plan shall be implemented by the developer within 12 months of the development (or any part thereof) being first occupied.

It is proposed that the wording be varied to read:

Within six months of the date of this planning permission a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, implementation and monitoring of the Plan as approved shall be undertaken thereafter.`

This will enable a new Travel Plan to be submitted, approved, implemented and monitored in accordance with the new condition.

Condition 23 currently states:

An annual report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the developer/occupier and submitted to the Local Planning Authority for approval.

It is now proposed that this be reworded to:

Within eighteen months of the Travel Plan being approved, and at twelve monthly intervals thereafter for a period of five years, a Report reviewing the effectiveness of the Travel Plan including any necessary amendments or measures shall be submitted to and approved in writing by the Local Planning Authority and implemented as approved.

This will alleviate the requirement for an annual report in perpetuity which is considered too onerous an ask and instead replace it with one being required for a timescale of 5 years, which is more reasonable and meets the condition requirement tests of Circular .../85.

Relevant Planning History

Planning permission was granted in 2013 for the Albion Square office development reference 4/12/2407/0F1 subject to conditions, 22 and 23 of which this application seeks to vary. The buildings were occupied when work was complete in 2017. It should be noted that all pre-commencement conditions were discharged in 2013 to enable work to commence. The discharge of these conditions became outstanding/were breached when the building had been occupied for a 6 months plus period in respect of condition 22 and post the first 12 months for condition 23. Negotiations have taken

place in the past two years to seek to regularise the situation / address the situation and a resolution agreed which has culminated in this application. This will then be followed by the submission of a Travel Plan in accordance with reworded condition 22 and then subsequently a review as required by the new condition 23.

Consultations

Whitehaven Town Council – no objection

Cumbria County Council LLFA & Highway Authority – no objection to changes proposed.

Whitehaven Harbour Commissioners - no response received.

Planning Policy

Copeland Local Plan 2013-2028

The following core strategy and development management policies are considered generally relevant to this application:

Policy ST1 Strategic Development Principles

Policy ER 7 Principal Town Centre etc. Roles and Function

Policy ER 8 Whitehaven Town Centre

Policy T1 Improving accessibility and transport

Policy DM10 Achieving Quality of Place

Policy DM 11 Sustainable Development Standards

Policy DM22 Accessible Developments.

Other Material Planning Considerations

National Planning Policy Framework (2021)

Paragraph 11

Paragraph 12

Paragraphs 55 and 56 – correct use of conditions.

Paragraphs 81 and 83

Planning Policy Guidance (NPPG)

Assessment/ Conclusion

The key material consideration this S73 application raises is whether the proposed condition variation is acceptable in planning terms.

The submission is accompanied by a Statement explaining why there has been such a delay in submitting the Travel Plan to comply with the outstanding conditions 22 and 23 as well as the reasoning behind seeking a variation of conditions.

The applicant is apologetic that these conditions remain to be discharged and recognises that they

	<p>are in breach of the planning permission. They inform that staffing changes; change planning consultants; online security issue – i.e. Copeland Council’s cyber attack; requirement to undertake updated traffic surveys; requirement to undertake updated personnel transport attitude surveys and COVID-19 travel and work restrictions have played a considerable part in this situation arising and prolonging.</p> <p>The applicants are now actively seeking to rectify this situation. To this end a Travel Plan has been prepared in consultation with ourselves and the County Council as the Local Highway Authority and is to be submitted as soon as a decision on the current variation application has been issued.</p> <p>As the conditions have already been breached there is no scope for compliance so to regularise the situation a variation of the wording of these conditions is sought via this application. This will then enable an application to discharge condition 22 to be submitted with an accompanying Travel Plan and then an application in due course to submit a Report in accordance with reworded condition 23.</p> <p>Whilst this situation cannot be condoned resolving it by agreement is the preferred way forward as opposed to taking formal enforcement action. It is considered that the proposed variation of the conditions will satisfactorily address this and enable a Travel Plan to be submitted in accordance with the new condition 22 and ultimately a report to be provided of its implementation for a period of 5 years hence in compliance with the new condition 23. The proposal is therefore considered acceptable in planning terms in accordance with the Copeland Local Plan and relevant national planning guidance.</p> <p>In accordance with the requirements of S73 of the Town and Country Planning Act 1990 a new S73 permission will now be issued for the Albion Square development 4/12/2407/0F1 and this will set out the conditions to be varied (22 and 23) and for clarity restate the conditions imposed on the original planning permission 4/12/2407 but excluding those that have already been discharged and continue to have an effect and should be read alongside the original permission which remains intact and un-amended.</p>
8.	<p>Recommendation: Approve</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. – 2. Permission shall relate to the following plans and documents and development shall be carried out in accordance with them:- <p>Original Planning Application 4/12/2407/0F1 Location plan, scale 1:1250, drawing number P(01)00 Site Layout and block plan, scale 1:500, drawing number P(01)02</p>

Proposed ground floor plan and indicative landscaping design, scale 1:200, drawing number P(02)00 Rev A

Proposed first floor plan, scale 1:200, drawing number P(02)01

Proposed second floor plan, scale 1:200, drawing number P(02)02

Proposed third floor plan, scale 1:200, drawing number P(02)03

Proposed roof plan, scale 1:200, drawing number P(02)04

North building proposed ground floor plan (level 00), scale 1:100, drawing number P(02)10 Rev A

North building proposed first floor plan (level 01), scale 1:100, drawing number P(02)11

North building proposed second floor plan (level 02), scale 1:100, drawing number P(02)12

North building proposed third floor plan (level 03), scale 1:100, drawing number P(02)13

North building proposed roof plan (level 04), scale 1:100, drawing number P(02)14

South building proposed ground floor plan (level 00), scale 1:100, drawing number P(02)20

South building proposed first floor plan (level 01), scale 1:100, drawing number P(02)21

South building proposed second floor plan (level 02), scale 1:100, drawing number P(02)22

South building proposed third floor plan (level 03), scale 1:100, drawing number P(02)23

South building proposed roof plan (level 04), scale 1:100, drawing number P(02)24

Context Elevations proposed east and west, scale 1:200, drawing number P(03)00

Context Elevations proposed north and south, scale 1:200, drawing number P(03)01

North building proposed east and west elevations, scale 1:100, drawing number P(03)10 Rev A

North building proposed north and south elevations, scale 1:100, drawing number P(03)11 Rev B

South building proposed east and west elevations, scale 1:100, drawing number P(03)20 Rev A

South building proposed north and south elevations, scale 1:100, drawing number P(03)21 Rev A

Proposed bike and refuse stores – south side, scale 1:50, drawing number P(03)35 Rev A

Proposed refuse store – north side, scale 1:50, drawing number P(03)36 Rev A

Proposed plant screen elevation, scale 1:50, drawing number P(03)40

Proposed section north building sections 1 and 2, scale 1:100, drawing number P(04)10

Proposed section south building sections 1 and 2, scale 1:100, drawing number P(04)11

Proposed facade section – typical east elevation, scale 1: , drawing number P(04)12
Proposed facade section details – north building east elevation, scale 1: , drawing number D(21)09
External wall/roof details, scale 1:5, drawing number D(21)09
Proposed landscape treatment – north site, scale 1:100, drawing number P(90)10
Proposed landscape treatment – south site, scale 1:100, drawing number P(90)20
Interim Travel Plan, reference A075056/GW2 compiled by White Young Green, dated August 2012
Transport Assessment, reference A07505/GW1 compiled by White Young Green, dated August 2012
Supplementary Ground Investigation Report, reference A075852 compiled by White Young Green, dated July 2012
Drainage Statement, reference4 A075056/DSR compiled by White Young Green, dated August 2012
Remediation and Mitigation Strategy, reference A075852 compiled by White Young Green, dated July 2012
Renewable Energy Feasibility Report, reference A075056 compiled by White Young Green, dated July 2012
Wildlife Survey, reference A50612Cc compiled by Thurston Watson Ecology Consulting Ltd dated June 2012
Flood Risk Assessment, reference A075056 compiled by White Young Green, dated August 2012
Planning Statement compiled by MJN Associates, dated August 2012
Design and Access Statement compiled by Hurd Rolland, dated 23 August 2012

S73 Application

S73 Application Covering Letter, by Amy Hordon, Senior Planner, Avison Young UK, dated 31 March 2021 (amended 22 April 2021), received 6 May 2021.
S73 Statement, letter by Amy Hordon, Senior Planner, Avison Young UK, dated 28 April 2021, received 6 May 2021.
Site Location Plan by Promap, scale 1:1250, received 6 May 2021.

Reason

To conform to the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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11. The development shall implement all of the mitigation and compensation measures set out in the Wildlife Survey, prepared by Thurston Watson Ecology Consultancy Ltd, June 2012 including the installation of two bat tube on the southern elevation of the south building at a minimum of 4 metres above ground level and the installation of a bat box on the western elevation stone chimney at a minimum of 5 metres above ground level. The approved compensation measures shall be maintained at all times thereafter.

Reasons

To protect the ecological interests evident on the site.

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22. Within six months of the date of this planning permission a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, implementation and monitoring of the Plan as approved shall be undertaken thereafter.

. Reason

To aid in the delivery of sustainable transport objectives.

23. Within eighteen months of the Travel Plan being approved, and at twelve monthly intervals thereafter for a period of five years, a Report reviewing the effectiveness of the Travel Plan including any necessary amendments or measures shall be submitted to and approved in writing by the Local Planning Authority and implemented as approved.

Reason

To aid in the delivery of sustainable transport objectives.

24. –

25. All off street car parking shall be in accordance with the provisions approved under planning application reference 4/12/2407/0F1. The approved parking shall be kept for those purposes Monday to Friday between the hours of 0700 and 1900 and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason

To ensure that adequate parking facilities are provided to serve the development in the interests of highway safety.

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: H.S. Morrison	Date : 09/08/2021
Authorising Officer: N.J. Hayhurst	Date : 09/08/2021
Dedicated responses to:- N/A	