

Supporting Statement

Application to vary Conditions 3 and 5 of Application 4/24/2035/0B1

Prepared on behalf of Thomas Armstrong (Construction) Ltd



Report Details

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1 Introduction

- 1.1.1 This Supporting Statement has been provided to explain the proposed change to the wording of Conditions 3 and 5 of Application 4/24/2035/0B1 in order that third parties can understand the proposed variation to the conditions in question.
- 1.1.2 It should be noted that a Supporting Statement is distinct from a Planning Statement; the latter of which seeks to provide a robust policy justification for the proposed development. A Planning Statement is not required to support the application due to the nature of the proposed changes to the conditions.

2 The Proposal

- 2.1.1 This application seeks to vary Conditions 3 and 5 attached to Application 4/24/2035/0B1 in order to enable the site preparation works outlined by Paragraph 2.5 of the approved Geotechnical Assessment, which was produced by Sword Geotechnical (Document Reference No. SG-Harras-001b), to be undertaken in advance of the discharge of the pre-commencement conditions. For the purpose of this Statement the aforementioned document is hereafter referred to as the Geotechnical Assessment.
- 2.1.2 The Geotechnical Assessment is listed as an approved document in Condition 2 of both Reserved Matters Applications that relate to the development of the site (Applications 4/24/2035/0B1 and 4/24/2036/0B1). As Outline and Reserved Matters Applications create the 'permission' to develop any site, reference to documents at the Reserved Matters Application stage are intrinsically linked with the associated Outline applications (Applications 4/16/2416/0O1 and 4/16/2415/0O1 respectively). As an approved document, the recommendations of the Geotechnical Assessment must be complied with.
- 2.1.3 Paragraph 2.5 of the Geotechnical Assessment relates to the area of the former open cast coal site that has since been backfilled. The Geotechnical Assessment states that the land in this area may still be settling. It specifies that to prevent future settlement of the ground ***"It is recommended that this area be surcharged with a stockpile at least 3m to 4m high for at least 8 months and an accurate set of surveys be done to determine if settlement is on-going, minimised or ceased."***
- 2.1.4 Under the current wording of the pre-commencement conditions attached to the Outline and Reserved Matters Applications the required stockpile cannot be brought onto the site until the pre-commencement conditions have been discharged.

- 2.1.5 As the stockpiled material has to be stored on site for a minimum of 8 months it is requested that all of the relevant pre-commencement conditions are varied to permit the formation of a temporary site access from Red Lonning and the stockpiling of the material as required by Paragraph 2.5 of the Geotechnical Assessment.
- 2.1.6 It should be noted that when the application was originally submitted it was proposed to use the approved vehicular access to the site; however, to minimise the potential impact upon the neighbouring residents the application has been amended to use the proposed temporary access from Red Lonning.
- 2.1.7 The purpose of varying the conditions is to speed up the timescale in which the consented dwellings can be delivered by enabling the stockpiled material to be brought to the site in the summer months, with a view to starting on site in June 2025.
- 2.1.8 The proposed change to the wording of the conditions is not proposing to alter the scheme that has already been approved. It is simply altering the timeframe in which the work can be carried out.
- 2.1.9 The suggested modification to the wording of the relevant conditions is described in the subsequent sections of this Statement.
- 2.1.10 It is submitted that the change in question is slight and that there will be no fundamental change to the overarching objective of the conditions being varied.

3 The Proposed Variation to Condition 3

3.1.1 Condition 3 currently states:

“Prior to the commencement of the development hereby approved, full details of the areas for highways adoption and those that will be maintained and managed by a management company must be submitted to and approved in writing by the local planning authority. Development must be undertaken in accordance with the approved plans and maintained as such at all times thereafter.

Reason

In order to ensure a well maintained and accessible development in accordance with Policy DM22 of the Copeland Local Plan.”

3.1.2 It is proposed that the condition be reworded as follows:

“With the exception of the formation of the temporary site access; associated haul roads and silt fences, as illustrated on Drawing Number 14, and the work specified in Paragraph 2.5 of the Geotechnical Assessment (Document Reference No. SG-Harras-001b), no further development shall be carried out until full details of the areas for highways adoption and those that will be maintained and managed by a management company must be submitted to and approved in writing by the local planning authority. Development must be undertaken in accordance with the approved plans and maintained as such at all times thereafter.

Reason

In order to ensure a well maintained and accessible development in accordance with Policy DM22 of the Copeland Local Plan.”

4 The Proposed Variation to Condition 5

4.1.1 Condition 5 currently states:

“No development must commence (including any earthworks) until details of the means of ensuring the water mains that are laid within the site boundary are protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details must include a survey of the exact location of the water mains (line and depth) and outline the potential impacts on the water mains from construction activities and the impacts post completion of the development and identify mitigation measures, including a timetable for implementation, to protect and prevent any damage to the water mains both during construction and post completion of the development. Any mitigation measures must be implemented in full in accordance with the approved details.

Reason

In the interest of public health and to ensure protection of the public water supply in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.”

4.1.2 It is proposed that the condition be reworded as follows:

“The development shall be undertaken in accordance with the Construction and Traffic Management Plan dated 29th July 2024. The mitigation measures must be implemented in full in accordance with the approved details.

Reason

In the interest of public health and to ensure protection of the public water supply in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.”

4.1.3 A copy of the Construction and Traffic Management Plan submitted to discharge Condition 5 of Application 4/24/2035/0B1 has been provided alongside this application.

5 Summary

- 5.1.1 For the reasons cited in Section 2 of this Statement the proposed change to the wording of the conditions is not proposing work that has not already been approved under the Outline and Reserved Matters Applications. It is simply a question of changing the timing of when those works can be carried out.
- 5.1.2 It is submitted that the change to the conditions in question is slight and that there will be no fundamental alteration to the overarching objective of the conditions being varied. As such, there is no justification to withhold consent for the proposed variations of the conditions in question.