

Supporting Statement

Application to vary Conditions 6, 8, 10, 14, 15, 16, 17 and 18 and to remove
Condition 13 of Application 4/16/2415/O01

Prepared on behalf of Thomas Armstrong (Construction) Ltd



Report Details

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| Issued by | Sam Greig Planning | Mob: 07533 400061 sam@samgreigplanning.co.uk |
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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 6, 8, 10, 13, 14, 15, 16, 17 and 18 as well as the proposed removal of Condition 13 of Application 4/16/2415/O01 in order that third parties can understand the proposed changes 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 6, 8, 10, 14, 15, 16, 17 and 18 and remove Condition 13 of Application 4/16/2415/O01.
- 2.1.2 The removal of Condition 13, which relates to the undertaking of an archaeological assessment, is proposed as the Council's Historic Environment Officer has advised that it is not necessary due to the historic mining activities that have taken place on site.
- 2.1.3 The variation of the other aforementioned conditions is to enable the site preparation 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.
- 2.1.4 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 4/24/2036/0B1 and 4/24/2035/0B1). 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.
- 2.1.5 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."***

- 2.1.6 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.
- 2.1.7 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.
- 2.1.8 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.
- 2.1.9 The purpose of this application 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.
- 2.1.10 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.
- 2.1.11 The suggested modification to the wording of the relevant conditions is described in the subsequent sections of this Statement.
- 2.1.12 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 6

3.1.1 Condition 6 currently states:

“The carriageway, footways, footpaths and cycleways associated with the development shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal cross sections, shall be submitted to the Local Planning Authority for approval prior to the commencement of the development. No work shall be commenced until a full specification has been approved in writing by the Local Planning Authority. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.

Reason

To ensure a minimum standard of construction in the interests of highway safety, in accordance with the National Planning Policy Framework and to support Local Transport Plan Policies LD5, LD7, LD8 and policies ST1, T1 and DM22 of the Copland 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 work shall be undertaken until a full specification of the carriageway, footways, footpaths and cycleways associated with the development has been submitted to and approved, in writing, by the Local Planning Authority.

The aforementioned details shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal cross sections, shall be submitted to the Local Planning Authority for approval. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.

Reason

To ensure a minimum standard of construction in the interests of highway safety, in accordance with the National Planning Policy Framework and to support Local Transport Plan Policies LD5, LD7, LD8 and policies ST1, T1 and DM22 of the Copland Local Plan.”

4 The Proposed Variation to Condition 8

4.1.1 Condition 8 currently states:

“Ramps shall be provided on each side of every junction to enable wheelchairs and pushchairs to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to, and approved in writing, by the Local Planning Authority prior to works commencing and implemented as approved.

Reason

To ensure that pedestrians and people with impaired mobility can negotiate road junctions safely in accordance with Policy DM22 of the Copland Local Plan.”

4.1.2 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 works shall commence until details of all such ramps have been submitted to, and approved in writing, by the Local Planning Authority.

Reason

To ensure that pedestrians and people with impaired mobility can negotiate road junctions safely in accordance with Policy DM22 of the Copland Local Plan.”

5 The Proposed Variation to Condition 10

5.1.1 Condition 10 currently states that:

“No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall include:

- The means of access for demolition and construction traffic*
- The loading and unloading of plant and materials*
- The storage of plant and materials used in construction including measures to prevent silt and other contaminants from entering surface water drains and a scheme for recycling / disposing of waste resulting from construction works.*

Reason

To protect neighbour amenity and to protect the environment from pollution in accordance with Policy ST1 of the Copeland Local Plan.”

5.1.2 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

To protect neighbour amenity and to protect the environment from pollution in accordance with Policy ST1 of the Copeland Local Plan.”

6 The Proposed Removal of Condition 13

6.1.1 Condition 13 currently states that:

“No development shall commence on site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the application and approved by the Local Planning Authority.

This written scheme will include the following components:

- An archaeological evaluation*
- An archaeological recording programme, the scope of which will be dependent upon the results of the evaluation:*
- Where significant archaeological remains are revealed by the programme of archaeological work, a post excavation assessment and analysis, preparation of a site achieve ready for deposition at a store approved by the Local Planning Authority, completion of an archive report and a submission of the results suitable for publication in a suitable journal.*

Reason

To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for examination and for the preservation, examination or recording of such remains.”

6.1.2 It is proposed to remove this condition as it is no longer necessary, as confirmed by Jeremy Parsons, Historic Environment Officer, in his letter dated 18th October 2019, which confirmed that the site was impacted upon by open cast mining in the 1980s and that the archaeological potential is negligible. The letter concludes by stating “... in light of this information, I no longer consider that archaeological work is necessary on the site and I consider the requirements of the archaeological condition have been fulfilled.”

7 The Proposed Variation to Condition 14

7.1.1 Condition 14 currently states that:

“The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- 1. The numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 25% of housing units unless otherwise agreed in writing by the Local Planning Authority;*
- 2. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;*
- 3. The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved;*
- 4. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing, and;*
- 5. The occupation criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.*

Reason

In the interests of ensuring that affordable housing is provided within the borough, in accordance with Policies ST1 and SS3 of the Copeland Local Plan.”

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

“No work shall commence on the dwellings hereby approved until a scheme for the provision of affordable housing as part of the development has been submitted to and approved, in writing, by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- 1. The numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 10% of housing units unless otherwise agreed in writing by the Local Planning Authority;*
- 2. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;*
- 3. The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved;*
- 4. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing, and;*
- 5. The occupation criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.*

Reason

In the interests of ensuring that affordable housing is provided within the borough, in accordance with Policies ST1 and SS3 of the Copeland Local Plan.”

7.1.3 The principal change relates to the timing that the affordable housing scheme has to be presented to the Council; however; it is also proposed that the percentage of affordable housing to be provided is amended from 25% to 10%.

- 7.1.4 The reason for the change in the level of affordable housing is to bring the wording of the condition in line with the emerging Local Plan Policy H8 which requires the 10% of housing to be affordable homes. The provision of 10% affordable homes also accords with Paragraph 66 of the National Planning Policy Framework (NPPF).
- 7.1.5 The proposed level of affordable housing equates to 10.5%. The Council's Housing Team has previously advised via Application 4/24/2035/0B1 that they are "...comfortable with the changes to the house type mix".
- 7.1.6 Via the previous applications the applicant has not highlighted the abnormal costs associated with bringing the site forward; however, there are certainly significant viability issues affecting site, including (but not limited to):
- Protection of existing water mains and associated limitations on both design and construction;
 - Ground investigation costs;
 - Abnormal geotechnical issues – foundations, floor slabs, road construction techniques – associated with former use as open cast mine;
 - Diverting and maintaining existing field drainage systems;
 - PRow matters;
 - Off-site foul sewerage connection(s);
 - Off-site surface water survey and rights;
 - S278 highway improvement works.
- 7.1.7 In light of the above, and the threshold set in the emerging Local Plan and the NPPF, the modification of 25% to 10% is justified.

8 The Proposed Variation to Condition 15

8.1.1 Condition 15 currently states that:

“The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority in relation to the development. The scheme shall be implemented as approved.

Reason

To protect the water environment and in accordance with Policy DM11 of the Copeland Local Plan.”

8.1.2 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 works shall be commenced until such time as a scheme to dispose of foul and surface water has been submitted to and approved, in writing, by the Local Planning Authority in relation to the development. The scheme shall be implemented as approved.

Reason

To protect the water environment and in accordance with Policy DM11 of the Copeland Local Plan.”

9 The Proposed Variation to Condition 16

9.1.1 Condition 16 currently states that:

“The development hereby permitted shall not begin until a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- Details of how the scheme shall be managed and maintained after completion.*
- Details of the design parameters used and confirmation that climate change has been incorporated into the design.*

Reason

To prevent increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the surface water drainage system in accordance with Policies DM10 and DM24 of the Copeland Local Plan.”

9.1.2 It is proposed that the condition be reworded as stated overleaf:

“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 works shall commence until a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological context of the development has been submitted to and approved, in writing, by the Local Planning Authority. The scheme shall then be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- Details of how the scheme shall be managed and maintained after completion.*
- Details of the design parameters used and confirmation that climate change has been incorporated into the design.*

Reason

To prevent increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the surface water drainage system in accordance with Policies DM10 and DM24 of the Copeland Local Plan.”

10 The Proposed Variation to Condition 17

10.1.1 Condition 17 currently states that:

“Before the development commences full details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall become operational before the development is brought into use and shall be so maintained thereafter.

Reason

To ensure the provision of a satisfactory drainage scheme and in accordance with Policy DM24 of the Copeland Local Plan.”

10.1.2 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 works shall take place until full details of the foul drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall become operational before the development is brought into use and shall be so maintained thereafter.

Reason

To ensure the provision of a satisfactory drainage scheme and in accordance with Policy DM24 of the Copeland Local Plan.”

11 The Proposed Variation to Condition 18

11.1.1 Condition 18 currently states that:

“Prior to the commencement of any development on site a condition survey of the existing connection into the ordinary watercourse shall be carried out. The results of this survey shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

Reason

To ensure the provision of a satisfactory drainage scheme and in accordance with Policy DM24 of the Copeland Local Plan.”

11.1.2 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), prior to the commencement of any further development on site, a condition survey of the existing connection into the ordinary watercourse shall be carried out. The results of this survey shall be submitted to and approved, in writing, by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

Reason

To ensure the provision of a satisfactory drainage scheme and in accordance with Policy DM24 of the Copeland Local Plan.”

12 Summary

12.1.1 The removal of Condition 13 is justified as the condition is unnecessary in light of the historical mining activities that took place on the site.

12.1.2 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.

12.1.3 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.