

**Christopher Kendall
Town Planning Consultant**

61 Langdale Road, Market Weighton, York YO43 3DG
Tel 01430 873408 Mobile 07773 658708
Email ckendall150@gmail.com

Application by Mrs S Fanthorpe

For outline permission for residential development

At

**Land North Of Newton Garth Church Lane Catwick East
Riding Of Yorkshire
HU17 5PW**

Approval of Submissions Required by

**Conditions imposed on Planning Permission 20/00095/VAR
dated 26 June 2020.**

And

Approval of Reserved Matters

**Erection of 3 dwellings and a detached garage/ car port
following outline permission 15/02103/0UT (all matters to be
considered)**

Application Ref;

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1.0 Introduction

- 1.1 Planning permission for (outline) residential development was granted on the 25 July 2016. The permission has subsequently been renewed and varied, the most recent permission being 20/00095/VAR dated 26 June 2020.
- 1.2 Conditions were imposed as follows;

Cond	Requirement	Required to be submitted before work starts	Submitted	Approved	Comment
1	The layout, scale, appearance, access and landscaping of the development (hereinafter called 'the reserved matters') shall be in accordance with the details approved under application reference 18/02754/REM except in respect of the road widening indicated on drawing 18/025/101/C which must be dealt with separately under condition 3.	Yes		26/10/2018	DC/ 18/02754/ REM/EASTNE
2	Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of planning permission 15/02103/OUT.				No longer relevant – see 1 above
2	The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved (which is 26th October 2020)..				
3	No development shall take place above damp proof course level of any dwelling until details showing improvements to the adjoining carriageway along the application site frontage to provide a minimum effective width of 4.1 metres have been submitted to and agreed in writing by the local planning authority and no dwelling on the site shall be occupied until the works have been completed in accordance with the approved details.	Yes – pre DPC			
4	No dwelling on the site shall be occupied until the vehicular access to it and the parking facilities serving it have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority before such works commence. The vehicle parking facilities shall thereafter be so retained.	Yes		20/30263/CO NDET 16 October 2020	
5	Prior to the commencement of the development details shall be submitted to and approved in writing by the Planning Authority	Yes	03 August 2020	20/30263/CO NDET 16 October	

	showing the provision of the temporary vehicle parking, loading, off-loading and manoeuvring facilities for the contractors carrying out building and construction works on the development and no other building or construction works shall be commenced until the temporary vehicle parking, loading, off-loading and manoeuvring facilities have been provided in accordance with the approved details. The approved vehicle parking, loading, off-loading and manoeuvring facilities shall be retained during the construction of the buildings on the development.			2020	
6	No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.	Yes	03 August 2020	20/30263/CO NDET 16 October 2020	
7	The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan - received 20 July 2015				

"We can't comply if you don't reply" (S V-B 2006)

1.3 An application for the approval of reserved matters was approved on the 26 October 2018. (DC/ 18/02754/ REM/EASTNE) Although the decision letter gave the outline permission number as 15/02103/OUT, this is incorrect. The application forms specifically, and correctly, identified the outline permission as DC/16/01885/VAR/EASTNE dated 25 July 2016.

1.4 Conditions were imposed on the reserved matters approval as follows;

Cond	Requirement	Required to be submitted before work	Submitted	Approved	Comment
1	The windows to be created in the first floor of the south elevations of plots 2 and 3 shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres measured from the internal finished floor level before the development hereby approved is first brought into use, and shall not thereafter				

Christopher Kendall, Dip T.P. M.R.T.P.I. Chartered Town Planner

	be altered without the prior express consent in writing of the Local Planning Authority. (Replacement of the glass with glass of an identical type would not necessitate the Council being notified.)				
2	Notwithstanding any details shown on the submitted plans and forms, no development shall take place above damp proof course until details of the materials to be used in the construction of the external surfaces of the walls and roof hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.	Yes – no work above DPC.			
3	The development hereby permitted shall be carried out in accordance with the following approved plans:				

1.3 The conditions which require prior approval are,

3	No development shall take place above damp proof course level of any dwelling until details showing improvements to the adjoining carriageway along the application site frontage to provide a minimum effective width of 4.1 metres have been submitted to and agreed in writing by the local planning authority and no dwelling on the site shall be occupied until the works have been completed in accordance with the approved details..
4	No dwelling on the site shall be occupied until the vehicular access to it and the parking facilities serving it have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority before such works commence. The vehicle parking facilities shall thereafter be so retained.
5	Prior to the commencement of the development details shall be submitted to and approved in writing by the Planning Authority showing the provision of the temporary vehicle parking, loading, off-loading and manoeuvring facilities for the contractors carrying out building and construction works on the development and no other building or construction works shall be commenced until the temporary vehicle parking, loading, off-loading and manoeuvring facilities have been provided in accordance with the approved details. The approved vehicle parking, loading, off-loading and manoeuvring facilities shall be retained during the construction of the buildings on the development.
6	No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Res Mat 2	Notwithstanding any details shown on the submitted plans and forms, no development shall take place above damp proof course until details of the materials to be used in the construction of the external surfaces of the walls and roof hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

2.0 Formal Submissions

2.1


Condition 2	<p>The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved (which is 26th October 2020).</p> <p>The Business and Planning Act 2020 modifies S93A of the Town and Country Planning Act 1990, so that unimplemented planning permissions with time limits for implementation which were due to lapse between 19 August 2020 (when the provisions came into force) and 31 December 2020 are extended to 1 May 2021. This happens automatically, with no requirement to obtain Additional Environmental Approval.</p> <p>This permission is one to which the new provisions apply and accordingly, the latest date for commencement is the 30th April 2021.</p>
Submission	<p>S56 of the Act states;</p> <p>Time when development begun</p> <p>(1) Subject to the following provisions of this section, for the purposes of this Act development of land shall be taken to be initiated –</p> <p>(a) if the development consists of the carrying out of operations, at the time when those operations are begun;</p> <p>(b)</p> <p>(c)</p> <p>(2) For the purposes of the provisions of this Part mentioned in subsection (3) development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out.</p> <p>(4) In subsection (2) "material operation" means - (a) any work of construction in the course of the erection of a building;[(aa) any work of demolition of a building;](b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;(c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b); (d) any operation in the course of laying out or constructing a road or part of a road;(e) any change in the use of any land which constitutes material development.</p> <p>The applicant has dug a trench to contain the foundations of the garage to Plot 1. Although it is not necessary for the purposes of S56 to pour concrete, it was decided to pour concrete in order to protect the foundations.</p> <p>The development has commenced before the expiry of the permission and the Council is asked to confirm that this is the case.</p>




	
Submitted	19 August 2020 (This was submitted as an amendment to 20/30263/CONDET but this appears not to have been picked up by the Case Officer)
	<p>“The Business and Planning Act 2020 temporarily modifies the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 to enable certain planning permissions and listed building consents in England which have lapsed or are due to lapse during 2020 to be extended.</p> <p>“Under section 93A of the Town and Country Planning Act 1990, unimplemented planning permissions with time limits for implementation which were due to lapse between 19 August 2020 (when the provisions came into force) and 31 December 2020 are extended to 1 May 2021. This happens automatically, with no requirement to obtain Additional Environmental Approval.”</p> <p>The permission has to be begun by the end of 30 April 2021. The application statement was amended in August 2020 and was posted in that form on the Council website on the 03 September 2020. The development was, therefore, begun before the expiration of the permission.</p>
Approved	

Condition 3	No development shall take place above damp proof course level of any dwelling until details showing improvements to the adjoining carriageway along the application site frontage to provide a minimum effective width of 4.1 metres have been submitted to and agreed in writing by the local planning authority and no dwelling on the site shall be occupied until the works have been completed in accordance with the approved details..
Submission	Not a pre-commencement condition
Submitted	Not submitted at this stage
Approved	

Condition 4	No dwelling on the site shall be occupied until the vehicular access to it and the parking facilities serving it have been provided in accordance with
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	details to be submitted to and approved in writing by the Local Planning Authority before such works commence. The vehicle parking facilities shall thereafter be so retained.
Submission	<p>The parking facilities and access were shown on the drawings approved at Reserved matters stage. Drawing 18/025/101/C</p> 
Submitted	03 August 2020
Approved	20/30263/CONDET 16 October 2020

Condition 5	<p>Prior to the commencement of the development details shall be submitted to and approved in writing by the Planning Authority showing the provision of the temporary vehicle parking, loading, off-loading and manoeuvring facilities for the contractors carrying out building and construction works on the development and no other building or construction works shall be commenced until the temporary vehicle parking, loading, off-loading and manoeuvring facilities have been provided in accordance with the approved details. The approved vehicle parking, loading, off-loading and manoeuvring facilities shall be retained during the construction of the buildings on the development.</p>
Submission	<p>The applicant owns the paddock at the rear of the site.</p> <p>Part of this will be used as a compound so that vehicles, materials etc can access the plots from the paddock rather than the road.</p>

	 <p>Plot 3 will be the last to be developed. When Plot 3 has progressed to a point where rear access is no longer practical, the turning area in front will be used as a temporary compound.</p>
Submitted	03 August 2020
Approved	20/30263/CONDET 16 October 2020

Condition 6	<p>No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.</p>
Submission	<p>Scheme attached</p> <p>As part of the work to dig the foundation trench, Humber Field Archaeology inspected the foundations. A report is attached.</p>
	<p>Amendment 04 October</p> <p>The condition has two requirements; to submit a scheme of archaeological work, and to do it.</p> <p>The applicant cannot carry out the archaeological work until the Council, as planning authority, has approved it. The Whitely case establishes that approval can be given retrospectively. This application specifically seeks the formal approval of the Council to that scheme.</p> <p>Once the scheme has been implemented, a report has to be submitted to the Council, but there is no requirement for it to be approved.</p> <p>The application does not seek the “discharge” of the condition (a term used by the Case Officer) but the approval of the intended scheme.</p> <p>The key part of the scheme is;</p> <p>5.1 The proposed scheme of works shall comprise the monitoring of any stripped topsoil, and the digging of foundations and service trenches etc.: these should be undertaken under archaeological supervision, or provision should be made for an archaeologist to view the open trenches after machining but before they are infilled. This is to enable the identification and recording of any archaeological material that might be uncovered.</p>

	<p>That is to say, as a trench is being dug, an archaeologist has to be on-site to monitor and record. The condition can only be regarded as “discharged” (which is not what this application seeks) until all the trenches have been dug and a report, or a series of reports, submitted.</p> <p>Therefore, for the avoidance of any doubt, the Council is asked to confirm, by approval of the condition 6 submission, that the scheme required by condition 6 is acceptable. The application does not seek approval of the report dealing with that work.</p>
Submitted	03 August 2020, amended 19 August 2020, amended 04 October
Approved	20/30263/CONDET 16 October 2020

Condition Res Matters 2	Notwithstanding any details shown on the submitted plans and forms, no development shall take place above damp proof course until details of the materials to be used in the construction of the external surfaces of the walls and roof hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Submission	Not a pre-commencement condition
Submitted	Not submitted at this stage
Approved	

Christopher C Kendall
Dip TP MRTPI

19 April 2021

Appendix

List of Submitted Documents

Number	Description	Date Submitted	Comment
20210419	Application statement	19 April 2021	