RICHMOND (Yorks) CONSTITUENCY AREA PLANNING COMMITTEE SUPPLEMENTARY TO COMMITTEE REPORTS 12th December 2024

Agenda Item	Application number and Division	Respondent	
1	Ref: ZB23/01580/MRC	Amended Recommendation	The recommendation in Section 12.0 of the Officer Report is 'minded to grant' subject to:
	Officer: Ian Nesbit		(1) No additional material planning issues having been raised following the expiry of the 10 day reconsultation undertaken in relation to the amended Proposed Layout Plan and
	Parish: Great Ayton		Habitat Management and Maintenance Plan. (2) Receiving confirmation from Natural England that they consider the proposals to be
	Division: Great Ayton		'nutrient neutral' and that the Council's Habitats Regulations Assessment has demonstrated that they would be no significant impact on the Teesmouth and Cleveland Coast SPA/Ramsar site. (3) Receiving a positive recommendation from the Lead local Flood Authority (LLFA) and Northumbrian Water Limited (NWL) regarding flood risk and surface water & foul
			drainage. (4) The completion of a Deed of Variation to make specific reference to the current Section application/reference number. (5) The completion of a Unilateral Undertaking to secure the implementation, retention, monitoring and management of the land to be used for nutrient neutrality off-setting. (6) The imposition of the recommended planning conditions below as well as any highway and/or drainage-related conditions recommended within any subsequent positive NWL and LLFA recommendations:
			It is recommended that the Richmond (Yorks) Area Planning Committee defer making a decision on the application at this Committee Meeting. This is to allow Officers time to consider the implications of recent correspondence received from the Council Solicitor (for Planning & Environment) regarding concerns expressed in relation to the appropriateness of a 'Section 73' (variation/removal of condition(s)) application to amend the original planning permission (ref. 16/02048/FUL) as is currently proposed.

F	Additional Representation – Parish Council	Great Ayton Parish Council submitted the following comments following the publication of the Committee agenda in relation to the recent reconsultation: The Parish Council have lodged their objection to the application (as amended), 'due to the overdevelopment, the changes to the nature of the site and the proposals not being appropriate for the location.'
	Additional Representation – NYC Ecology	The Council's Principal Ecologist submitted the following comments following the publication of the Committee agenda in relation to the recent reconsultation: "With regards to the ecological impact of the proposals themselves upon local habitats and species, I do not have any concerns to raise. The works are largely retrospective and have been undertaken within the main amenity areas of the site. I would expect to see control measures in place with regards to lighting, particularly where this falls within close proximity to the site boundaries and existing semi natural habitat. The site should utilise the landscaping scheme to incorporate native species planting that will enhance the value of the site for biodiversity providing corridors across the site and connecting with habitats offsite. With regards to nutrient neutrality and the associated HMMP, whilst the HMMP appears to contain habitat creation, establishment and management prescriptions that are appropriate to the habitats proposed. We would defer to Natural England with regards to the accuracy of the applicants nutrient budget calculator and how this impacts on the proposed size and type of habitat proposed to allow the scheme to be nutrient neutral. Natural England would also need to approve the associated Habitat Regulations Assessment that relies on the nutrient offsetting land to ensure no adverse effects on the Teesmouth and Cleveland Special Protection Area (SPA) & Ramsar. Once Natural England are satisfied with the proposals for nutrient offsetting, I would recommend that the area of offset land and the works set out within the HMMP are secured via a legal agreement for the lifetime of the development" The EHS have submitted the following comments following the publication of the Committee agenda in relation to the recent reconsultation:

Additional Representation – Environmental Health Service (EHS)

"This service has considered the potential impact on amenity and likelihood of the development to cause a nuisance, and consider that there will be no negative impact. Therefore the Environmental Health Service has no objections to the application."

The following Informative Note ('Advice for the applicant') has been attached to the aforementioned representation:

"The applicant will need to ensure the proposed site layout for the increase in statics will meet all spacing requirements as per the conditions that will be issued as part of a new licence being granted for the site. The proposed site layout will be required to meet all minimum separation distances in between each unit and also meet the minimum distance from site boundaries. Further advice can be sought from our Regulatory Support Team. If planning approval is granted, the occupier of the land will be required to obtain a new Caravan Site Licence under the provisions of the Caravan Sites and Control of Development Act 1960. This will be issued subject to certain conditions being met. The applicant will need to contact our Regulatory Support Team on Regsupport@northyorks.gov.uk to obtain the necessary advice and guidance. Further information can also be found on our website: www.northyorks.gov.uk"

Two additional representations raising concerns regarding the application have been submitted by a Mr Lee Freer of The Grange, Coach House since the publication of the Committee Agenda:

Representation received by the Council on 4 December:

Additional
Representation(s) –
Members of the Public

"I have reviewed the revised Site Layout and Proposed HMMP with respect to the 2.35ha of meadow land and still object to the development as the application again does not mention the additional 35 Lodges proposed. The applicant has embedded this into the HMMP Section 1.1 "The proposals are for the construction of an additional 35 holiday pitches. As part of the Nutrient mitigation for the site it is proposed that 2.35 of arable land is to be converted into a meadow area." The discharge of Condition 9 & 20 should not allow for the further lodges to be approved. I believe the additional 35 lodges should be subject to a new application completely separate to the discharge of Conditions 9&20. Specifically Condition 20 " Occupancy" - again the applicant is being very clever in trying to have this condition signed off to allow all year round occupancy which

in turn will lead to occupants of the lodges residing in them as a permanent dwellings. It is quite clear that the site is slowly evolving into what was originally submitted under returned application 15/02420/FUL as per attached. I would like to confirm that my original objections are still valid in light of the revised submissions."

Representation received by the Council on 11 December:

"Please see attached Court of Appeal Case Law CA-2023-001910 issued 12/10/24 with respect to the alteration of an extant permission - essentially saying what my objections relate to with respect to adding 35 additional Lodges under a discharge of condition 20 - "fundamental" change to the extant permission.

- '12. So far as is material, s.73 provides: "73 Determination of applications to develop land without compliance with conditions previously attached:
- (1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.
- (2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—
 (a) if they decide that planning permission should be granted subject to conditions
- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.'

I appreciate that this is somewhat the 11th Hr but in my humble layperson opinion this application should be refused in line with the above paragraph cited in the most relevant Case Law to date."

Additional/Supplemen tary Information:

The following information on the economic benefits (including employment creation) has been submitted by the agent (email dated 10 December) since the publication of the Planning Committee Agenda (full version is available via Public Access):

"In terms of economic benefits, I refer to "Pitching the Value - 2019 Economic Benefit Report: Holiday Parks and Campsites England" by the UK Caravan and Camping Alliance. This report provides a breakdown of onsite and offsite visitor expenditure and the estimated number of jobs crated/supported per pitch on a regional basis. For Yorkshire on site expenditure suggests that each pitch supports 0.15 FTE roles, irrespective of whether or not the pitch is privately owned or hire fleet. In terms of off site expenditure a privately owned pitch is estimated to support 0.11 FTE jobs and a hire fleet pitch will support 0.13 FTE jobs. The GVA generated by the off site expenditure will support more jobs in the local area. An analysis of the figures provided within he report suggest that 35 privately owned pitches would likely generate annual visitor expenditure of circa £713,000 and a further £400,000 is likely to generated annually by way of the GVA generated by the development, supporting in the region of 13 FTE roles both on and off site. In terms of the development itself and the expected impact for Leisure Resorts would enable them to employ new staff on site for the following roles:

- 2 x Housekeepers
- 2 x Maintenance Staff
- Receptionist/ Administrative Assistant
- Additional restaurant staff

Existing roles within the wider Leisure Resorts remit will be extended across the company, these roles include:

- Sales Manager
- Ownership Manager

The development process will enable Leisure Resorts to engage local contractors and businesses for construction, utilities installation and marketing whilst building on the visitor capacity of the site will generate footfall for a range of local businesses as Angrove Visitors use local restaurants (not just the G & T House), local pubs, local leisure and recreational businesses (golf, horse riding) as well as local services (shops, supermarkets, butchers greengrocers etc, taxis)."

