

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

Agenda Item	Application number and Division	Respondent	
1	<p>Ref: ZB23/01580/MRC</p> <p>Officer: Ian Nesbit</p> <p>Parish: Great Ayton</p> <p>Division: Great Ayton</p>	Amended Recommendation	<p>The recommendation in Section 12.0 of the Officer Report is ' minded to grant ' subject to:</p> <p>(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 Habitat Management and Maintenance Plan.</p> <p>(2) Receiving confirmation from Natural England that they consider the proposals to be '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.</p> <p>(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.</p> <p>(4) The completion of a Deed of Variation to make specific reference to the current Section application/reference number.</p> <p>(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.</p> <p>(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:</p> <p>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.</p>

		<p>Additional/Supplementary Information:</p>	<p><i>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.”</i></p> <p><u>Representation received by the Council on 11 December:</u></p> <p><i>“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.</i></p> <p><i>‘12. So far as is material, s.73 provides: “73 Determination of applications to develop land without compliance with conditions previously attached :</i></p> <p><i>(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.</i></p> <p><i>(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—</i></p> <p><i>(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</i></p> <p><i>(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></p> <p><i>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.”</i></p> <p>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):</p>
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NB – full versions of all representations (including the case law) referred to are available to view via Public Access using the application reference number (ZB23/01580/MRC)