

Delegated Report

Planning Ref: 24/00838/CONDIT
Applicant: c/o Agent
Ward: Twycross, Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: Twycross Zoological Park, Burton Road,
Norton Juxta Twycross

Proposal: Application to vary conditions 2, 14 and 22 of planning permission 23/00948/FUL to amend the proposed layout and the design of buildings

1. Recommendations:

1.1. Grant planning permission for the variation of 23/00948/FUL subject to:

- Planning conditions detailed at the end of this report.

2. Planning Application Description:

- 2.1. Section 73 of the Town and Country Planning Act 1990 allows applications for planning permission to be sought for the development of land without complying with conditions that were imposed on a previous planning permission.
- 2.2. In this case, planning permission for application 23/00948/FUL granted full planning permission at Twycross Zoological Park, Burton Road, Norton Juxta Twycross ('Twycross Zoo') for the development of the National Science and Conservation Centre (NSCC) educational facility and an Orangutan Habitat and Visitor Centre ('Orangutan Habitat') following the demolition of the existing animal enclosures.
- 2.3. The NSCC comprised three linked buildings, including a lecture theatre, an education block, and an ancillary residential block with social space, as well as six residential lodges. The Orangutan Habitat included three orangutan habitats, a bird aviary, three additional animal habitats, an elevated boardwalk, and three outdoor classrooms.
- 2.4. To facilitate the development, the existing access to the southwest of the site via Orton Hill was enhanced and was proposed to be utilised as a dedicated access to the NSCC and its new 45-space car park. The primary access to the Zoo for visitors is still via Burton Road. The proposal is supported by the Government's Levelling Up Fund, which was secured via a bid by Hinckley and Bosworth Borough Council in partnership with Twycross Zoo in 2021.
- 2.5. This Section 73 Application seeks planning permission for the variation of Condition 2 (Approved Plans), Condition 14 (Parking and Turning Facilities), and Condition 22 (Hard and Soft Landscaping) of that planning permission.

2.6. The variations to the development include:

- NSCC Education Facility and Residential Block
 - Additional windows to the stair cores of the education facility and the residential block
 - The block façade has been rationalised
 - The height has been reduced by 1m
 - The brick banding has been reduced to two brickwork types to place an emphasis on the deep window/ door reveals
 - Removal of the entrance curtain walling recess has been removed and extension of the curtain walling
 - Removal of window and curtain walling bris solei (except glazed link entrance curtain walling)
 - Removal of residential gable parapet/offset wall
 - Removal of PV roof tiles
- NSCC Lecture Theatre
 - Replacement of equitone fibre cement 'wrap around' cladding and fins, with brickwork and localised features
 - Three louvres have been added to Elevation B
 - The window and louver/air bricks have been combined
 - Omission of double height curtain walling to the rear elevations C and D
- Orangutan Habitat
 - Amendments to the size, layout, siting, building form, orientation, and materiality of the orangutan habitat
 - An equitone façade is proposed to tie in with the NSCC
- Site amendments
 - Alterations to site levels
 - Amendments to the boundary treatment within the site
 - Relocation of the Indonesian village
 - The viewing structures have been located within the village
- Additional structures
 - The play area has increased in size from 80sqm to 200sqm
 - Relocation of the 'Market' area to the north of the site
 - Replacement of the Babirusa House with revised Annoa Habitat Stable and associated outdoor habitat space
 - Replacement of the otter house and split-level outdoor classroom with revised ground floor viewing shelter and Babirusa Habitat housing and associated outdoor habitat area
 - The aviary house has been removed
 - Removal of foul water pumping station
 - Removal of two residential lodges
 - Removal of retail unit
 - Removal of one themed shelter

- 2.7. Following concerns raised by the Local Planning Authority, the principal car-park-facing elevation of the NSCC structures now has a double soldier brick course header and projecting Flemish bond brick to the upper third of the elevation. All elevations now feature double soldier brick coursings to the head of the parapets.
- 2.8. The Applicant has stated that the amendments are in part required because the approved scheme is no longer viable in relation to the project budget, which is reliant on Government grants. The amendments also improve building energy efficiency and functionality, as well as optimising animal welfare and maximising visitor viewing opportunities.

3. Description of the Site and the Surrounding Area

- 3.1. The 1.64ha application site is located within, and towards the south-western boundary of, Twycross Zoo ('the Zoo'). The wider Zoo covers an area of 32ha and is located approximately 850m to the southwest of, and outside of the identified settlement boundary of the rural hamlet Norton Juxta Twycross and 2.4km to the northwest of the rural village Twycross, in the designated open countryside.
- 3.2. The site comprises existing animal enclosures (specifically the lemur enclosures), fields, an open area with a small section of hardstanding that accommodates vehicle parking, and various small shed-like structures that are associated with the Zoo. There is a tree line that runs east-to-west through the centre of the site that marks the extent of the licenced area of the Zoo.
- 3.3. The site is bounded to the north and east by land and building associated with Twycross Zoo. Approximately 480m east of the application site is Public Footpath T5. The south of the site is bounded by hedgerow, and beyond this boundary lies agricultural fields and Public Footpath T2, which runs east-to-west. The west of the site is bounded by Orton Hill, and beyond this highway lies further agricultural fields. The application site is also approximately 110m northeast of Orton House Farmhouse, which is a Grade II Listed Building.
- 3.4. Orton Hill is an adopted and classified 'C' road that is subject to a 30mph speed when adjacent to the application site. Orton Hill is bounded by dense mature vegetation on either side of the highway, which largely screens the Zoo from the road.
- 3.5. The application site is located within Landscape Character H (Twycross Open Farmland) within the Landscape Character Assessment (LCA) (2017) and Landscape Sensitivity Area 1 (Orton on the Hill to Twycross) within the Landscape Sensitivity Study (LSS) (2017). These areas are characterised by elevated plateau farmland, which provides distant panoramic views over the surrounding lowland landscape. The LSS highlights the existing built form of Twycross Zoo as an example of commercial development that is well integrated into the rural landscape setting but acknowledges that there is limited capacity for further development of this scale.

- 3.6. Twycross Zoo is identified within the adopted Core Strategy (2009) as a significant visitor attraction and major tourism facility. The Zoo is the largest conservation Zoo in the Midlands and is the only Zoo in the UK to feature all four great ape species. The Zoo is currently accessed from Burton Road (A444) to the north, which is an adopted and classified 'A' road that is subject to a 50mph speed limit.

4. Relevant Planning History

- 4.1 Twycross Zoo has an extensive planning history, however the most relevant planning history to this application includes:

4.2 **23/00948/FUL**

- Development of new animal enclosures and associated infrastructure, new lecture theatre, education block, educational facilities, substation, and associated residential block and lodges, new access from Orton Hill, new car park, landscaping, and other associated works (following the demolition of some existing buildings)
- Permitted
- 14.02.2024

5. Publicity

- 5.1. In accordance with Planning Practice Guidance (PPG), provisions relating to statutory consultation and publicity do not apply. However, local planning authorities have discretion to consider the scale or nature of the change warrants consultation. Therefore, the Local Planning Authority can choose how to inform interest parties.
- 5.2. In this instance, the application has been publicised by sending out letters to local residents, a site notice was posted within the vicinity of the site, and a notice was displayed in the local press.
- 5.3. No responses have been received.

6. Consultation

- 6.1 In accordance with Planning Practice Guidance (PPG), provisions relating to statutory consultation and publicity do not apply. However, local planning authorities have discretion to consider the scale or nature of the change warrants consultation. Therefore, the Local Planning Authority can choose how to inform interest parties.
- 6.2 In this instance, the Local Planning Authority have formally consulted statutory consultees. As a result, there have been no objections from the following consultants:
- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
 - HBBC's Pollution Officer
 - HBBC's S106 Officer

- HBBC's Waste Management Officer
 - Leicestershire County Council (LCC)'s Drainage Department
 - LCC's Ecology Unit
 - LCC's Minerals Department
 - Leicestershire Police
 - The Local Highway Authority (LHA)
- 6.3 Leicestershire Police recommended that the site was provided with more effective site security and highlighted 12 further points of general guidance.
- 6.4 The County Council's Archaeology Department, the Environment Agency, NHS England, and the Theatres Trust did not comment on the application.
- 6.5 The County Council's Children and Young People's Services and Developer Contributions and Tree Departments as well as Cadent Gas, Leicester CAMRA, North Warwickshire Borough Council, Severn Trent Water, the Council's Greenspaces Officer, Twycross Parish Council, and the Historic Buildings Panel did not respond to the application.
- 6.6 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 12: Rural Villages
- Policy 13: Rural Hamlets
- Policy 23: Tourism Development

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM24: Cultural and Tourism Facilities
- Policy DM25: Community Facilities

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Landscape Character Assessment (LCA) (2017)
- Landscape Sensitivity Study (LSS) (2017)
- Leicestershire Highway Design Guide (2022)
- Regulation 18 Draft Local Plan 2020 – 2041

7.5 The emerging Local Plan is only afforded limited weight at this stage because it has not been formally adopted by the Council, nor tested through examination.

8. **Appraisal**

8.1. In accordance with Planning Practice Guidance (NPPG), there is no statutory limit on the degree of change permissible to conditions under Section 73 applications, but the change must only relate to conditions and not to the operative part of the permission. The operative part of the planning permission being the description of the development.

8.2. The principle of development has already been established through the earlier grant of the planning permission on the site via 23/00948/FUL.

8.3. Therefore, the key issues in respect of this application are:

- Design and impact upon the character of the area
- Other Issues
- Conditions

Design and Impact upon the Character of the Area:

8.5 Paragraph 140 of the NPPF confirms that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion as a result of changes being made to the permitted scheme; for example, through changes to approved details such as the materials used.

8.6 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

- 8.7 The size, massing, layout and footprint of the three NSCC buildings are not affected by the proposed amendments. Whilst the scale of the structures is slightly reduced, this is not considered to result in any adverse impacts to the character of the area or diminish the quality of the scheme. The proposed amendments to the site levels in this area of the site are very minor and are not considered to have an adverse impact on the character or quality of the development.
- 8.8 There are also some internal amendments including the amendments to Prep Room on the first floor of the education facility and the relocation of the lift with the residential block, which are not considered to materially diminish the quality of the development or adversely impact the design of the scheme.
- 8.9 Although the proposed materials have been revised, the scheme still utilises two separate brickwork materials and architectural detailing such as Flemish bond projecting brick details and double course soldier brickwork to ensure that the quality of the approved development is not materially diminished between permission and completion in accordance with Paragraph 140 of the NPPF. The precise details of these materials are still secured via Condition 17 of the original planning permission to ensure that the development has a satisfactory external appearance.
- 8.10 The Orangutan Habitat building has been completely revised. The internal alterations to the proposed floor plan of the Orangutan Habitat are not considered to materially diminish the quality of the development or adversely impact the design of the scheme.
- 8.11 The new proposed Orangutan Habitat is rectangular in form, features a pitched roof, and is constructed in two varieties of brickwork to match that of the NSCC buildings. The structure is located within the wider Zoo and is not in a visually prominent location from wider views in comparison to the proposed NSCC buildings. Instead, the Orangutan Habitat is viewed in the context of the existing structures within the Zoo.
- 8.12 In light of this, although the new proposal includes the removal of a large proportion of the structure's architectural detailing, the regularised shape of the structure and the provision of a pitched roof are not considered to materially diminish the quality of the building, nor its use. In addition, the proposed use of materials still matches that of the NSCC buildings and is not considered to result in any adverse impacts to the character of the site or the surrounding area. The precise details of these materials are still secured via Condition 17 of the original planning permission to ensure that the development has a satisfactory external appearance.
- 8.13 Within the revised plans Animal House 02, the bird aviary, and two residential lodges have been removed from the proposals. Whilst this is regrettable, the scheme provides new viewing structures into the animal habitats, increases the play area provision within the site, and introduces a new 'Camp' area to the scheme. As two animal houses are retained and other facilities within the site have been improved, this is not considered to materially diminish the quality of the development.

- 8.14 The two retained animal houses are also of a similar size, scale, and footprint to the existing structures and are therefore not considered to materially diminish the quality of the development.
- 8.15 The amendments to the proposed boundary treatment have been undertaken to maximise borrowed landscape principles and enhance visitor viewing as well as keeping keeper observation of these outdoor habitats. These revisions to the boundary treatments are not considered to result in any adverse impacts to the character or quality of the development. Importantly, Condition 22 of the original planning permission still requires full details of the hard and soft landscaping works, including boundary treatment, to be submitted in writing to and approved in writing by the Local Planning Authority.
- 8.16 By virtue of these factors, the proposed amendments to the development permitted via permission 23/00948/FUL are not considered to have an adverse effect on the character or the quality of the development, nor have any detrimental impacts on the character of the site or the surrounding area. Therefore, the proposal is considered to be in accordance with Policies DM4 and DM10 of the SADMP, Paragraph 140 of the NPPF, and the Good Design Guide.

Other Issues:

- 8.17 Whilst the Applicant seeks to vary Condition 14 of 23/00948/FUL, the Applicant has confirmed that there are no amendments to the layout of the car park, or number of visitors or staff are expected to the site. Given the above, there appears to be no material impact on the public highway and therefore the proposed changes to the development ensure that the development remains compliant with Policies DM17 and DM18 of the SADMP.
- 8.18 The alterations to the development are also not considered to result in any adverse impacts on neighbouring residential amenity and therefore the scheme remains compliant with Policies DM7 and DM10 of the SADMP.

Conditions:

- 8.19 Permission granted under Section 73 takes effect as a new independent permission to carry out the same development as previously permitted, subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the Applicant to decide whether to implement the new permission or the one originally granted.
- 8.20 Therefore, in accordance with PPG, a Section 73 decision notice should set out all the conditions imposed on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect.
- 8.21 Planning permission 23/00948/FUL was subject to 22 planning conditions.

- 8.22 Time cannot be extended or altered for Section 73 applications and, as such, Condition 1 (Time) needs to refer to the original 3-year time scale for implementation of the development.
- 8.23 Condition 2 (Approved Plans) needs to be revised to ensure accordance with the new revised plans to ensure a satisfactory form of development.
- 8.24 The Applicant has not sought to discharge any of these planning conditions at this stage. Therefore, the outstanding pre-commencement conditions 3 (Bat Activity Surveys), 4 (Great Crested Newt Survey), Condition 5 (Biodiversity Net Gain Plan), Condition 6 (Land Contamination Investigation), Condition 8 (Surface Water Drainage Scheme), Condition 9 (Management of Surface Water during Construction), Condition 11 (Arboricultural Site Monitoring), and Condition 12 (Construction Traffic Management Plan), remain reasonable and necessary to protect wildlife species and their habitats, to promote biodiversity enhancement, to ensure that the risks from land contamination are minimised, to prevent flooding and surface water being deposited into the highway, and in the interests of visual amenity, biodiversity, and highway safety in accordance with Policies DM4, DM6, DM10, and DM17 of the SADMP.
- 8.25 Condition 7 (Not Previously Identified Land Contamination Investigation) and Condition 18 (Compliance with Preliminary Risk Assessment Recommendation) remains reasonable and necessary to ensure that the risk of land contamination to the future users of the land neighbouring land are minimised in accordance with Policy DM7 of the SADMP.
- 8.26 Condition 10 (Long-Term Maintenance of Surface Water Drainage System) remains reasonable and necessary to ensure a suitable maintenance regime that may be monitored over time ensures the long-term performance, both in terms of flood risk and water quality of the surface water drainage system (including sustainable drainage systems) within the proposed development in accordance with Policy DM7 of the SADMP.
- 8.27 Condition 13 (Site Access Improvements), Condition 15 (No Obstructions to Vehicular Access) and Condition 16 (Access Surfacing) remain reasonable and necessary in the interests of highway safety and in accordance with Policy DM17 of the SADMP.
- 8.28 Whilst no amendments to the layout of the car park are proposed, Condition 14 (Parking and Turning Facilities) requires amendment to refer to the revised Proposed Site Plans.
- 8.29 Condition 17 (Material Samples) remains reasonable and necessary to ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the SADMP.

- 8.30 Condition 19 (Tree Protection) needs to be revised to refer to the latest Proposed Tree Removal and Retention Plan.
- 8.31 Condition 20 (Bat-Sensitive Lighting Strategy) and Condition 21 (Compliance with Preliminary Ecological Appraisal Recommendations) remain reasonable and necessary in the interests of protecting the protected wildlife species and their habitats that are known to existing on site in accordance with Policy DM6 of the SADMP.
- 8.32 Condition 22 (Hard and Soft Landscaping Works) requires amending to ensure the development is consistent with the latest hard and soft landscaping plans.
- 8.33 All the conditions remain reasonable and necessary to ensure satisfactory development of the site. No additional conditions are considered to be necessary.

9. Equality Implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission is granted, subject to amended conditions. No additional conditions are considered necessary.

11. Recommendation

- 11.1 **Grant planning permission for the variation of 23/00948/FUL** subject to:

- Planning conditions detailed at the end of this report.

11.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of the original planning permission 23/00948/FUL on 14 February 2024.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:

- Existing Lemur Habitat P01 (submitted: 13.10.2023)
- Existing Site Plan 01 (submitted: 13.10.2023)
- Existing Site Sections 01 (submitted: 13.10.2023)
- Proposed Animal House Elevations & Sections (145) (P02) (submitted: 13.12.2024)
- Proposed Animal House Plan (141) (P02) (submitted: 13.12.2024)
- Proposed Animal Stable Floor Plan, Elevations & Sections (149) (P01) (submitted: 13.12.2024)
- Proposed Boardwalk Details (Sheet 1) (320) (P02) (submitted: 13.12.2024)
- Proposed Boardwalk Details (Sheet 2) (321) (P02) (submitted: 13.12.2024)
- Proposed Boundary Details (F1) (310) (P03) (submitted: 13.12.2024)
- Proposed Boundary Details (F2) (Sheet 2) (311) (P03) (submitted: 13.12.2024)
- Proposed Boundary Details (F2A) (312) (P02) (submitted: 13.12.2024)
- Proposed Boundary Details (F4 & F4A) (Sheet 5) (314) (P03) (submitted: 13.12.2024)
- Proposed Boundary Details (F5 & F6) (Sheet 6) (315) (P02) (submitted: 13.12.2024)
- Proposed Boundary Details (F7, F7A & F2B) (Sheet 08) (316) (P04) (submitted: 13.12.2024)

- Proposed Boundary Details (F8 & F9) (317) (P04) (submitted: 13.12.2024)
- Proposed Boundary Details (F10) (Sheet 9) (318) (P01) (submitted: 13.12.2024)
- Proposed Boundary Plan (105) (P04) (submitted: 13.12.2024)
- Proposed Combined Masterplan (110) (P10) (submitted: 13.12.2024)
- Proposed Demolition Plan (102) (P02) (submitted 13.12.2024)
- Proposed First Floor Landscape Plan (101) (P06) (submitted: 13.12.2024)
- Proposed Hard Landscape (104) (P08) (submitted: 13.12.2024)
- Proposed Hard Landscape Plan (30801) (P01) (submitted: 13.12.2024)
- Proposed Hard Landscape Strategy (30800) (P08) (submitted: 13.12.2024)
- Proposed Landscape Plan (100) (P05) (submitted: 13.12.2024)
- Proposed Levels Plan (107) (P08) (submitted: 13.12.2024)
- Proposed Lodge GA Plans and Elevations P01 (submitted: 13.10.2023)
- Proposed Market Stalls Elevations and Sections 147-01 (submitted: 13.10.2023)
- Proposed NSCC Elevations A & B (Sheet 1) (600) (P05) (submitted: 13.12.2024)
- Proposed NSCC Elevations C & D (Sheet 2) (601) (P04) (submitted: 13.12.2024)
- Proposed NSCC First Floor Plan (101) (P014) (submitted: 13.12.2024)
- Proposed NSCC GA Sections (Sheet 1) (300) (P07) (submitted: 13.12.2024)
- Proposed NSCC Ground Floor Plan (100) (P014) (submitted: 13.12.2024)
- Proposed NSCC Roof Plan (102) (P08) (submitted: 13.12.2024)
- Proposed Orangutan Habitat Elevations A & B (Sheet 1) (601) (P06) (submitted: 13.12.2024)
- Proposed Orangutan Habitat Elevations C & D (Sheet 2) (602) (P06) (submitted: 13.12.2024)
- Proposed Orangutan Habitat First Floor Plan (101) (P013) (submitted: 13.12.2024)
- Proposed Orangutan Habitat GA Sections (Sheet 1) (300) (P07) (submitted: 13.12.2024)
- Proposed Orangutan Habitat Ground Floor Plan (100) (P013) (submitted: 13.12.2024)
- Proposed Orangutan Habitat Roof Plan (104) (P08) (submitted: 13.12.2024)
- Proposed Orangutan Habitat Second Floor Plan (102) (P011) (submitted: 13.12.2024)
- Proposed Planting Strategy (400) (P06) (submitted: 13.12.2024)
- Proposed Refuse Store GA Plans and Elevations P01 (submitted: 13.10.2023)
- Proposed Residential Block Elevations (600) (P05) (submitted: 13.12.2024)

- Proposed Residential Block GA Sections (300) (P05) (submitted: 13.12.2024)
- Proposed Soft Landscape Plan (45002) (P01) (submitted: 13.12.2024)
- Proposed Soft Landscape Strategy (45001) (P07) (submitted: 13.12.2024)
- Proposed Site Outline Levels (004) (P07) (submitted: 13.12.2024)
- Proposed Site Plan (001) (P12) (submitted: 13.12.2024)
- Proposed Site Sections 01 to 03 (Sheet 1) (200) (P03) (submitted: 13.12.2024)
- Proposed Site Sections 04 to 06 (Sheet 2) (201) (P03) (submitted: 13.12.2024)
- Proposed Sub Station A-GA Plans and Elevations P01 (submitted: 13.10.2023)
- Proposed Sub Station B-GA Plans and Elevations P02 (submitted: 13.10.2023)
- Site Location Plan P04 (submitted: 13.10.2023)
- Proposed Tree Removal & Retention Plan (103) (P02) (submitted: 13.12.2024)
- Proposed Viewing Structure (334) (P01) (submitted: 13.12.2024)
- Proposed Village Viewing Structure (335) (P01) (submitted: 13.12.2024)
- Waste Management Strategy Plan (007) (P04) (submitted: 13.12.2024)

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No demolition, tree felling or development shall take place until the results of at least two bat activity surveys on the lemur house (B1) and ash tree (T21) (if it is to be removed) (as per the 2023 Middlemarch reports) have been submitted in writing to, and approved in writing by, the Local Planning Authority. Should any further bat surveys be required, this should be submitted to and approved by the LPA prior to any identified buildings or trees being demolished/felled. This is to detail whether or not a Natural England licence will be required, any necessary mitigation (including the type and locations of replacement roosting features) or Reasonable Avoidance Measures (RAMs). All works are to proceed strictly in accordance with the approved scheme.

Reason: The pre-commencement planning condition is required in order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No demolition or development (including ground works or vegetation clearance) shall take place until the results of a Great Crested Newt survey (traditional or eDNA) of the pond within the application area (P1 as per the October 2023 Middlemarch report) have been submitted in writing to, and approved in writing by, the Local Planning Authority. This is to detail whether

or not a Natural England licence will be required, and any necessary mitigation or Reasonable Avoidance Measures (RAMs). All works are to proceed strictly in accordance with the approved scheme.

Reason: The pre-commencement planning condition is required in order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No development shall take place, including ground works or vegetation clearance, until a Biodiversity Net Gain Plan (the Plan), ensuring no net loss (in line with the provisions of the Environment Act (2021) at the time of the application's submission) in biodiversity is achieved as a result of the development, has been submitted in writing to and agreed in writing by the Local Planning Authority. The Plan shall include the following details:
 - (a) Location plan of the area(s) to be used for Biodiversity Net Gain
 - (b) Description of existing habitats on and off site
 - (c) Description of planned habitat creation/enhancement, including species
 - (d) Baseline habitat data used to inform the metric; and
 - (e) Habitat creation/enhancement plans used to inform the metric
 - (f) Timetable for implementation of habitat creation/enhancement
 - (g) Habitat management and monitoring plan including timetable for management routines and reviews, and strategy for any remedial measures, if and when required
 - (h) Mechanism for securing the implementation of the biodiversity offsetting and its maintenance/management for a period of 30 years in accordance with details approved in the Plan
 - (i) Timetables for implementation

The Plan shall be supported by up to-date Biodiversity Net Gain metric calculations for the application site. The Plan shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason: A pre-commencement condition is required to ensure that the development provide biodiversity enhancement in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and Government guidance contained within the National Planning Policy Framework (2024).

6. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to, and agreed in writing by, the Local Planning Authority, which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: A pre-commencement planning condition is required to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to, and approved in writing by, the Local Planning Authority, which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted in writing to, and approved in writing by, the Local Planning Authority. The development must be carried out in accordance with these approved details and completed prior to first occupation. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

Reason: A pre-commencement planning condition is required to prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, and to reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and the National Planning Policy Framework (2024).

9. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted in writing to, and approved in writing by, the Local Planning Authority. This shall include temporary attenuation, additional treatment, controls, maintenance, and protection. Details regarding the protection of any infiltration areas should also be provided. The construction of the development must be carried out in accordance with these approved details.

Reason: A pre-commencement planning condition is required to prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase in accordance with Policy DM7 of the

adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. No use of the development approved by this planning shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted in writing to, and approved in writing by, the Local Planning Authority. Details of the SuDS Maintenance Plan should include responsibilities and schedules for routine maintenance, remedial actions, and monitoring of separate elements of the system, and should also include procedures that must be implemented in the event of pollution incidents within the development site. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.

Reason: To ensure a suitable maintenance regime, that may be monitored over time, that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. No works or development shall take place until an auditable system of arboricultural site monitoring by the appointed project arboriculturist has been approved in writing by the Local Planning Authority. This scheme will be appropriate to the scale and duration of the works and will include details of:
 - (a) Induction and personnel awareness of arboricultural matters
 - (b) Identification of individual responsibilities and key personnel
 - (c) Statement of delegated powers
 - (d) Timing and methods of site visiting and record keeping, including updates
 - (e) Procedures for dealing with variations and incidents
 - (f) The scheme of supervision shall be carried out as agreed
 - (g) The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the local planning authority.

The development must be carried out in accordance with the approved details of the arboricultural site monitoring scheme.

Reason: A pre-commencement planning condition is required to ensure that the Tree Protection Plan is adequately implemented to ensure that trees on site are retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policies DM4, DM6, and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum, details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted in writing to, and approved in writing by, the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: A pre-commencement planning condition is required to reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area and in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016) and with the National Planning Policy Framework (2024).

13. Notwithstanding the submitted plans, no part of the development hereby permitted shall be first brought into use until such time as details of a scheme detailing improvements as may be required to the proposed site access at Orton Hill, such as widening or improved junction radii to allow access for refuse collection vehicles, has been submitted in writing to, and agreed in writing, by the Local Planning Authority, unless it can be demonstrated that no works are necessary. Thereafter the approved scheme shall be implemented in full prior to first use of the development.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016) and with the National Planning Policy Framework (2024).

14. The development hereby permitted shall not be occupied until such time as the parking (and turning facilities) have been implemented in accordance with Proposed Site Plan (001) (P12) (submitted: 13.12.2024). Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016) and with the National Planning Policy Framework (2024).

15. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access

gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary, nor shall any be erected within a distance of 5 metres of the highway boundary unless hung to open away from the highway.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016) and with the National Planning Policy Framework (2024).

16. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016) and with the National Planning Policy Framework (2024).

17. No development above floor plate level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwelling hereby permitted have been deposited with, and approved in writing by, the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

18. The development shall be carried out in full accordance with the four recommendations on Page 09 within Section 4.0 of the Phase 1 Preliminary Risk Assessment (submitted: 13.10.2023).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

19. The development shall be carried out in full accordance with the recommendations within Section 6 (Recommendations) of the Preliminary Arboricultural Assessment (submitted: 27.10.2023), as well as Section 3 (Arboricultural Method Statement) of the Arboricultural Method Statement (submitted: 27.10.2023), and the Proposed Tree Removal & Retention Plan (103) (P02) (submitted: 13.12.2024).

Reason: To ensure that the trees on site are retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policies DM4, DM6, and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

20. The development shall be carried out in full accordance with the recommendations detailed within Section 6 (Recommendations), including the bat-sensitive Lighting Strategy, of the Preliminary Bat Roost Assessment (submitted: 13.10.2023).

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

21. The development shall be carried out in full accordance with the recommendations within Section 7 (Recommendations) of the Preliminary Ecological Appraisal (submitted: 27.10.2023).

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

22. No development above floor plate level shall take place until full details of a scheme of hard and soft landscaping works including boundary treatments for the site and an implementation scheme, has been submitted in writing to and approved in writing by the Local Planning Authority. The hard and soft landscaping works shall be consistent with the submitted details:

- Proposed Boardwalk Details (Sheet 1) (320) (P02) (submitted: 13.12.2024)
- Proposed Boardwalk Details (Sheet 2) (321) (P02) (submitted: 13.12.2024)
- Proposed Boundary Details (F1) (310) (P03) (submitted: 13.12.2024)
- Proposed Boundary Details (F2) (Sheet 2) (311) (P03) (submitted: 13.12.2024)
- Proposed Boundary Details (F2A) (312) (P02) (submitted: 13.12.2024)
- Proposed Boundary Details (F4 & F4A) (Sheet 5) (314) (P03) (submitted: 13.12.2024)
- Proposed Boundary Details (F5 & F6) (Sheet 6) (315) (P02) (submitted: 13.12.2024)
- Proposed Boundary Details (F7, F7A & F2B) (Sheet 08) (316) (P04) (submitted: 13.12.2024)
- Proposed Boundary Details (F8 & F9) (317) (P04) (submitted: 13.12.2024)

- Proposed Boundary Details (F10) (Sheet 9) (318) (P01) (submitted: 13.12.2024)
- Proposed Boundary Plan (105) (P04) (submitted: 13.12.2024)
- Proposed Combined Masterplan (110) (P10) (submitted: 13.12.2024)
- Proposed Hard Landscape (104) (P08) (submitted: 13.12.2024)
- Proposed Hard Landscape Plan (30801) (P01) (submitted: 13.12.2024)
- Proposed Hard Landscape Strategy (30800) (P08) (submitted: 13.12.2024)
- Proposed Landscape Plan (100) (P05) (submitted: 13.12.2024)
- Proposed Planting Strategy (400) (P06) (submitted: 13.12.2024)
- Proposed Soft Landscape Plan (45002) (P01) (submitted: 13.12.2024)
- Proposed Soft Landscape Strategy (45001) (P07) (submitted: 13.12.2024)

The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

a. **Notes to Applicant**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.