

Delegated Report

Planning Reference 25/01043/NMA
Applicant c/o Agent
Ward Twycross, Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site Twycross Zoological Park, Burton Road, Norton Juxta Twycross

Proposal Non material amendment to change the description of development of planning permission 24/00838/CONDIT

Case Officer Sullivan Archer (Senior Planning Officer)

1. Recommendations

1.1. Approve the non-material amendment(s) subject to:

- Previously imposed conditions on planning permission 24/00838/CONDIT
- Alterations to the description of planning permission 24/00838/CONDIT

2. Planning Application Description

2.1. This application proposes a non-material amendment to the description of planning permission 24/00838/CONDIT at Twycross Zoological Park, Burton Road, Norton Juxta Twycross from:

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

to

*“Application to vary conditions 2, 14 and 22 of planning permission 23/00948/FUL for the development of new animal enclosures and associated infrastructure, new lecture theatre, education block, education facilities, substations and associated residential **accommodation**, new access from Orton Hill, new car park, landscaping and other associated works (following the demolition of some existing buildings) to amend the proposed layout and the design of buildings.”*

2.2. The proposed amendment is required to remove the proposed residential lodges from the development to the northwest of the site to enable a more efficient drainage strategy to be implemented that avoids the need for mechanical pumps.

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’).

- 3.2. 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.
- 3.3. 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.
- 3.4. 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.
- 3.5. 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.
- 3.6. 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.
- 3.7. 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.

4. Relevant Planning History

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

4.2 25/01044/CONDIT

- Application to vary conditions 2, 3, 4, 5, 6, 8, 9, 11, 12, 14, 17, 21, and 22 of 24/00838/CONDIT. To amend the wording of the conditions and allow minor amendments to the approved scheme including drainage strategy and subsequent layout changes
- Awaiting Decision
- TBD

4.3 24/00838/CONDIT

- Application to vary conditions 2, 14 and 22 of planning permission 23/00948/FUL to amend the proposed layout and the design of buildings
- Permitted
- 19.12.2024

The following conditions have been discharged from this permission:

03	(Updated Bat Survey)	(25/00005/DISCON)
04	(Great Crested Newt Survey Results)	(25/00005/DISCON)
05	(Biodiversity Net Gain Plan)	(25/00005/DISCON)
06	(Land Contamination Scheme)	(25/00005/DISCON)
08	(Surface Water Drainage Scheme)	(25/00005/DISCON)
09	(Surface Water during Construction)	(25/00005/DISCON)
11	(Arboricultural Site Monitoring)	(25/00005/DISCON)
12	(Construct Traffic Management Plan)	(25/00491/DISCON)
21	(Preliminary Ecological Appraisal)	(25/00491/DISCON)

The following conditions have been partially discharged from this permission:

17	(Materials)	(25/00815/DISCON)
22	(Landscaping)	(25/00856/DISCON)

4.4 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. No publicity is required for a Section 96A application, and none has been undertaken.

6. Consultation

- 6.1 A Section 96A application is not an application for a new planning permission, therefore, the existing Town and Country Planning (Development Management Procedure) Order, 2015, provisions outlined in Article 13 and Schedule 5 relating to publicity and statutory consultation do not apply. The Local Planning Authority can exercise discretion in whether and how they choose to inform interested parties or seek their views.
- 6.2 In this instance, no publicity or consultations have been undertaken.

7. Policy

- 7.1. Greater Flexibility for Planning Permissions Guidance (non-material amendments) states that the local planning authority must have regard to the effect of the change, together with any previous changes made under this section.
- 7.2. Since the original planning permission was issued there have been no significant changes to the policies within the development plan that would be material to the outcome of the assessment of the application in this case.

8. Appraisal

- 8.1. The key issues in respect of this application are therefore:

- Assessment against strategic planning policies
- Conditions

Assessment against Strategic Planning Policies

- 8.2 Section 96A of the Town and Country Planning Act 1990 allows a non-material amendment to be made to an existing planning permission.
- 8.3 There is no statutory definition of 'non-material.' This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under Section 96A of the Town and Country Planning Act 1990. This application type cannot be used to make a material amendment to an extant planning permission.
- 8.4 With the above in mind, it is necessary to consider what the existing planning permission is for including its uses, and its scale.
- 8.5 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.

- 8.6 Section 73 application 24/00838/CONDIT varied conditions 2 (Approved Plans), 14 (Parking and Turning Facilities), and (Hard and Soft Landscaping) of that planning permission to ensure that the development remained viable in relation to the project budget, which is reliant on Government grants.
- 8.7 The proposed amendments to the description of 24/00838/CONDIT reintroduce the original wording of the description for 23/00948/FUL but replaces the references to, “*Blocks and lodges*,” with, “*Accommodation*.” The blocks and lodges were proposed for residential uses and therefore the replacement of the wording of this description to only refer to residential accommodation is considered minimal and non-material to the extant planning permission and therefore the proposed description does not make a material change to the approved development.

Conditions

- 8.8 Under Section 96A of the Town and Country Planning Act 1990 any decision issued should only relate to the non-material amendments sought and is not a reissue of the original planning permission, which still stands. However, it is necessary to determine if additional conditions are required or whether existing conditions need to be removed or altered.
- 8.9 Planning permission 24/00838/CONDIT was subject to 22 planning conditions. No additional conditions are necessary, and this application cannot grant further planning permission. Due to the proposed amendments, the revised description of the planning permission needs to be read in conjunction with the plans submitted as part of the extant planning permission.

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. In line with the provisions of Section 96A of the Town and Country Planning Act, 1990, it is considered that the proposed amendments to the description of planning permission 24/00838/CONDIT at Twycross Zoological Park, Burton Road, Norton Juxta Twycross are non-material in the context of the overall scheme.
- 10.2. It is considered that the proposed alterations do not have a material impact on the development as a whole and are non-material in the context of the overall scheme.
- 10.3. **This non-material amendment is not a separate planning permission and should be read in conjunction with extant permission 24/00838/CONDIT.**

11. Recommendation

- 11.1 **Approve the non-material amendment** subject to:
- Previously imposed conditions on planning permission 24/00848/CONDIT
 - Alterations to the description of planning permission 24/00838/CONDIT