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Bill Cullen MBA (ISM), BA(Hons) MRTPI
Chief Executive

Date: **17 September 2018**

Hinckley & Bosworth
Borough Council

To: **Members of the Planning Committee**

Mr R Ward (Chairman)
Mr BE Sutton (Vice-Chairman)
Mr PS Bessant
Mr DC Bill MBE
Mrs MA Cook
Mr WJ Crooks
Mr MA Hall
Mrs L Hodgkins
Mr E Hollick
Mr C Ladkin
Mr KWP Lynch
Mrs J Richards
Mr RB Roberts
Mrs H Smith
Mrs MJ Surtees
Ms BM Witherford
Ms AV Wright

Copy to all other Members of the Council

(other recipients for information)

Dear Councillor,

There will be a meeting of the **PLANNING COMMITTEE** in the De Montfort Suite - Hub on **TUESDAY, 25 SEPTEMBER 2018** at **6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

RKOwen

Rebecca Owen
Democratic Services Officer

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Council Chamber (De Montfort Suite)

- On hearing the fire alarm, leave the building **at once** quickly and calmly by the nearest escape route (indicated by green signs).
- *There are two escape routes from the Council Chamber – at the side and rear. Leave via the door closest to you.*
- Proceed to **Willowbank Road car park**, accessed from Rugby Road then Willowbank Road.
- **Do not** use the lifts.
- **Do not** stop to collect belongings.

Abusive or aggressive behaviour

We are aware that planning applications may be controversial and emotive for those affected by the decisions made by the committee. All persons present are reminded that the council will not tolerate abusive or aggressive behaviour towards staff, councillors or other visitors and anyone behaving inappropriately will be required to leave the meeting and the building.

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Members of the public, members of the press and councillors are hereby informed that, in attending the meeting, you may be captured on film. If you have a particular problem with this, please contact us using the above contact details so we can discuss how we may accommodate you at the meeting.

PLANNING COMMITTEE - 25 SEPTEMBER 2018

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

2. MINUTES (Pages 1 - 4)

   To confirm the minutes of the meeting held on 28 August 2018.

3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

   To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting.

4. DECLARATIONS OF INTEREST

   To receive verbally from Members any disclosures which they are required to make in accordance with the Council's Code of Conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**

5. QUESTIONS

   To hear any questions in accordance with Council Procedure Rule 12.

6. DECISIONS DELEGATED AT PREVIOUS MEETING

   To report progress on any decisions delegated at the previous meeting.

7. 18/00425/FUL - HORIBA MIRA LTD, WATLING STREET, CALDECOTE, NUNEATON (Pages 5 - 64)

   Application for construction of a Connected and Autonomous Vehicle (CAV) testing track, a control tower and storage building, ground works, landscaping and associated infrastructure.

8. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY

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HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

28 AUGUST 2018 AT 6.30 PM

PRESENT: Mr R Ward - Chairman
Mr BE Sutton – Vice-Chairman
Mr DC Bill MBE, Mr SL Bray (for Mr KWP Lynch), Mrs MA Cook, Mr WJ Crooks, Mr MA Hall, Mrs L Hodgkins, Mr E Hollick, Mr C Ladkin, Mrs J Richards, Mr RB Roberts, Mrs H Smith, Ms BM Witherford and Ms AV Wright

In accordance with Council Procedure Rule 11 Councillor Mr M Nickerson was also in attendance.

Officers in attendance: Rhiannon Hill, Julie Kenny, Helen Knott, Rebecca Owen, Rob Parkinson and Michael Rice

150 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Bessant, Lynch and Surtees, with the substitution of Councillor Bray for Councillor Lynch authorised in accordance with council procedure rule 10.

151 MINUTES

It was moved by Councillor Roberts, seconded by Councillor Cook and

RESOLVED – the minutes of the meeting held on 31 July 2018 be confirmed and signed by the chairman.

152 DECLARATIONS OF INTEREST

Councillors Cook, Sutton and Ward declared a personal interest in application 18/00425/FUL as members of the MIRA Liaison Committee.

153 DECISIONS DELEGATED AT PREVIOUS MEETING

It was reported that the decision for application 18/00468/OUT had been issued. The conditional permission granted for application 17/01050/OUT was subject to a section 106 agreement which was being drafted.

154 18/00425/FUL - HORIBA MIRA LTD, WATLING STREET, CALDECOTE, NUNEATON

Application for construction of a connected and autonomous vehicle (CAV) testing track, a control tower and storage building, ground works, landscaping and associated infrastructure.

Notwithstanding the officer's recommendation that permission be granted subject to conditions, concern was expressed about the siting of the proposed track and the Highways Authority's objections. It was moved by Councillor Bray and seconded by Councillor Richards that the application be deferred to allow the applicant to investigate re-siting of the track and to discuss the concerns of Leicestershire County Council. This motion was accepted as the substantive motion for discussion.

Following further discussion, Councillor Richards proposed an amendment that a site visit also be undertaken. This amendment was accepted by Councillor Bray.

Councillor Bray along with eight other councillors stood to request a recorded vote on the motion to defer the application. The vote was taken as follows:

Councillors Bill, Bray, Cook, Crooks, Hodgkins, Hollick, Ladkin, Richards, Roberts, Smith, Witherford and Wright voted FOR the motion (12);

Councillors Sutton and Ward voted AGAINST the motion (2);

Councillor Hall abstained from voting.

The motion was therefore declared CARRIED and it was

RESOLVED – the application be deferred for the following reasons:

(i) To allow the applicant to consider re-siting the track;

(ii) To allow a member site visit to take place;

(iii) To allow discussion with Leicestershire County Council on the highways authority's objections.

The meeting adjourned at 7.52pm to allow those in the public gallery to leave and reconvened at 7.59pm.

155 18/00302/FUL - LAND SOUTH OF AMBER WAY, BURBAGE

Application for erection of 40 dwellings and associated infrastructure.

Notwithstanding the officer's recommendation that planning permission be granted subject to conditions and a S106 agreement, some members felt that the application would have a detrimental impact on the highway and on highway safety, there was no requirement for the housing and it would have an adverse impact on residential amenity. It was moved by Councillor Wright and seconded by Councillor Bray that the committee be minded to refuse permission. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the Planning Committee be minded to refuse the application and it be brought back to a future meeting.

156 18/00530/OUT - LAND WEST OF BREACH LANE, EARL SHILTON

Application for erection of three dwellings (outline – access only).

It was moved by Councillor Sutton and seconded by Councillor Cook that permission be granted subject to the conditions outlined in the officer's report. Upon being put to the vote, the motion was LOST.

Notwithstanding the officer's recommendation that permission be granted, it was moved by Councillor Richards and seconded by Councillor Wright that the committee be minded to refuse permission due to the application site being outside of the settlement boundary. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the Planning Committee be minded to refuse permission and the application be brought back to a future meeting.

157 18/00581/FUL - 98 WOLVEY ROAD, BURBAGE

Application for change of use from A1 to A3 (café) and erection of lean to canopy (part retrospective).

Having reached 9.30pm, it was moved by Councillor Witherford, seconded by Councillor Bray and

RESOLVED – the meeting be permitted to continue.

In returning to the planning application under debate, some members expressed concern about the traffic and dangerous parking in the vicinity of the café. It was moved by Councillor Hall and seconded by Councillor Wright that members be minded to refuse permission. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the Planning Committee be minded to refuse permission and the application be brought back to a future meeting.

158 18/00353/FUL - COLD COMFORT FARM, ROGUES LANE, HINCKLEY

Application for change of use to a dog day care centre (retrospective).

It was moved by Councillor Richards, seconded by Councillor Smith and

RESOLVED –

(i) Permission be granted subject to the conditions outlined in the officer's report'

(ii) The Interim Head of Planning be granted delegated powers to determine the final detail of planning conditions.

159 17/01297/FUL - 84 LEICESTER ROAD, HINCKLEY

Application for erection of seven dwellings, garages and associated drive (resubmission of application 17/00096/FUL).

Following a decision of "minded to refuse" at a previous meeting, members felt that there had been no change since that debate and felt that the application should be refused due to the layout and density contrary to policy DM10. It was moved by Councillor Bray, seconded by Councillor Hodgkins and

RESOLVED – permission be refused due to being contrary to policy DM10 in terms of layout and density.

160 APPEALS PROGRESS

Members received an update in relation to progress on various appeals. It was moved by Councillor Crooks, seconded by Councillor Witherford and

RESOLVED – the report be noted.

(The Meeting closed at 10.15 pm)

CHAIRMAN

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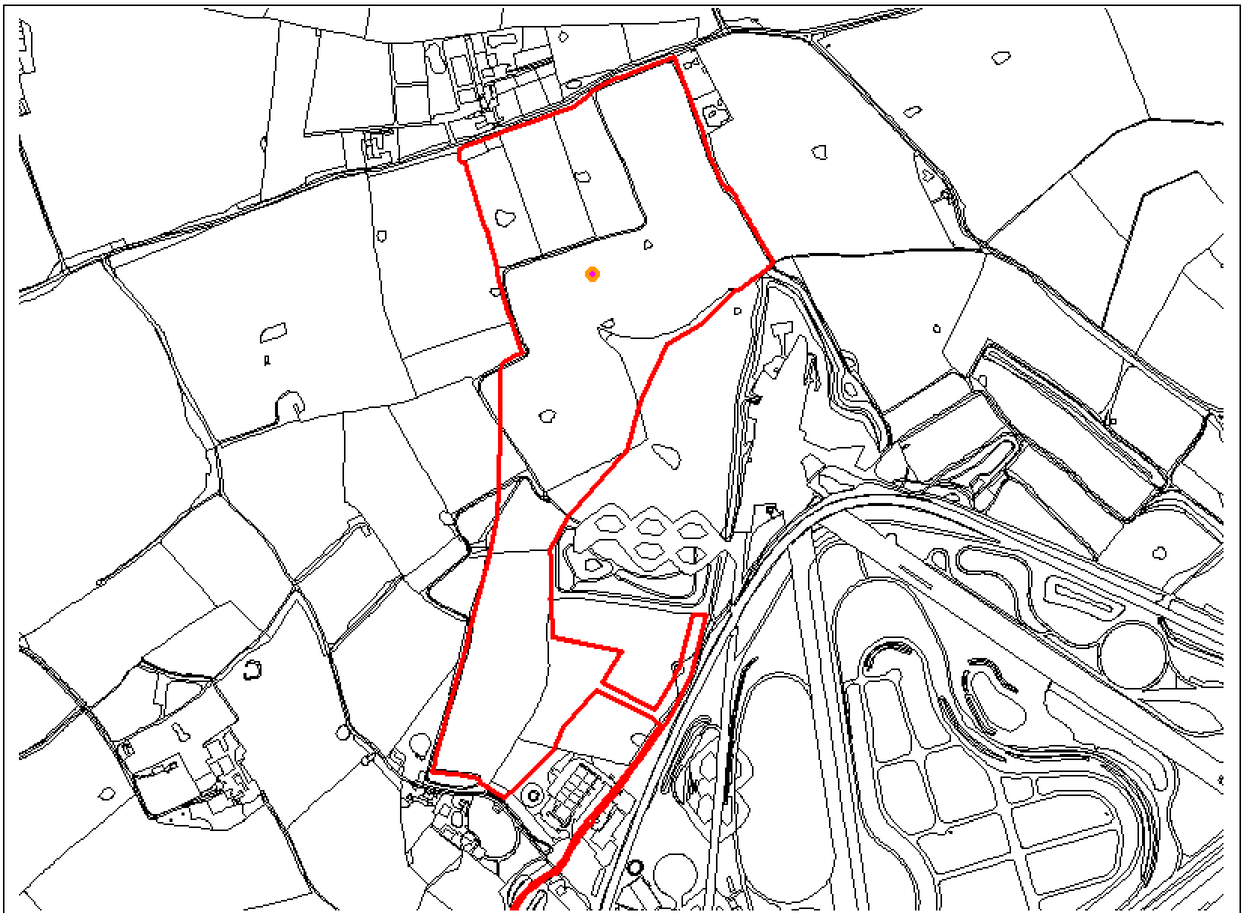
Planning Committee 25 September 2018
Report of the Interim Head of Planning

Planning Ref:	**18/00425/FUL**
Applicant:	**HORIBA MIRA Ltd**
Ward:	**Ambien**
Site:	**Horiba Mira Ltd Watling Street Caldecote**
Proposal:	**Construction of a Connected and Autonomous Vehicle (CAV) testing track, a control tower and storage building, ground works, landscaping and associated infrastructure**

Hinckley & Bosworth Borough Council



1. This application was presented at planning committee 28 August 2018. Notwithstanding the officer's recommendation that permission be granted subject to conditions, the application was deferred to allow the applicant to consider re-siting the track; to allow a member site visit to take place; and to allow discussion with Leicestershire County Council on the highways authority's objection.

Additional information submitted by the applicant

2. Following the planning committee meeting the applicant has submitted additional details in regards to understanding the context of the proposal; technical requirements of the testing track; and further details regarding post determination archaeological work.

3. *Understanding the context of the proposal*

'The Trusted Intelligent CAV (TIC-IT) facility has been developed in a direct response to the UK government's initiative to invest in the global trends in "Connected and Autonomous Vehicles" (CAV) technologies. Meridian was created by the government and industry to focus on key areas of UK capability in the global CAV sector which is predicted to be worth £907 billion by 2035. These capabilities include advanced development and validation of autonomous vehicles and systems, connected environments, data and cyber security and new service development.

CAV's bring huge benefits to society, representing a substantial wealth creation opportunity. To turn this opportunity into reality the UK must build an eco-system to accelerate the development, deployment and commercialisation. The MIRA TIC-IT test facility will be critical to this eco-system, providing a realistic, controlled high speed, limit-handling and fully connected environment, allowing real world CAV driving scenarios to be created, including testing that cannot be conducted in public environments. TIC-IT will be a flexible facility allowing the maximum number of use cases and test scenarios to be performed using temporary real-world features. It will accelerate development and testing to ensure CAVs are safe and secure.

By building this facility at the existing MIRA Technology Park (MTP), it will be seamlessly integrated into Europe's foremost automotive Technology Park and the UK's most comprehensive automotive proving ground, providing a customer friendly and convenient facility as well as a soft landing for any international companies. Users of this facility will have access to other related test laboratories and test systems providing strategic benefit and economic incentive, including facilities specific to CAV. Companies testing on-site will have access to a range of engineering technical consultancy expertise for problem resolution or to access technical resource and facilities where they lack skills or capacity, with those particularly relevant to CAV including engineering, testing and validation consultancy, functional safety, cybersecurity and vehicle resilience assessment.

Construction of this CAV test facility at MTP will have direct economic benefits at a local, regional and national level and social benefits that potentially have global reach. It will enhance the compelling offer of MTP and associated engineering and testing services offered by HORIBA MIRA (MIRA) therefore ensuring continued employment for existing staff as well new job creation at MIRA but also within the companies' resident on MTP and located within the region. Whilst the investment in this facility is projected to create 455 new direct and indirect jobs on at MIRA (in addition to the projected 1350 jobs indirect jobs created in the wider area) the TIC-IT is seen as being a very significant attraction to international engineering companies who may wish to locate at MTP to participate in the growing autonomous technology sector. It therefore acts as a catalyst in accelerating the delivery of MTP and the employment associated with its growth.'

4. *Technical Requirements of the testing track*

'The TIC-IT facility design considers the need to provide an environment where vehicles can be tested at various speeds up to their limit under various highway scenarios. The design has been optimised to be flexible, enabling testing of many scenarios at various test speeds. Some of the vehicles will use robotic drivers and incorporate untested state of the art technologies resulting in potentially high risk tests demanding large safety run-off areas. The design also addresses the latest International Organisation for Standardisation (ISO), Euro NCAP test requirements and OEM test procedures.

Various options were explored for a suitable site for the test tack within the MIRA facility. Due to the scale and shape of the facility the only area available within MIRA's curtilage to accommodate the facility without compromising on scale and functionality is within the area shown on the application.

The circle platform diameter at the northern end of the facility needs to be as large as possible to accommodate as many test scenarios in a safe manner. Empirical experience has shown that a 300m diameter circle satisfies many of the test requirements of ISO, ENCAP and OEM standards. Some of these tests include adaptive cruise control test in accordance to ISO 15622 at maximum speed of upto 120kph at different radii of 125m, 250m and 500m with sufficient safety run-off areas. Test such as ISO step steer test at higher test speed of 120kph would not be possible on the 300m diameter platform. Reducing the size of the circle platform below 300m in diameter is not feasible without rendering the facility compromised, unsafe and inappropriate for the required use.

The overall length of the facility is determined by the distance required to accelerate a vehicle to test speed, achieve a steady state condition, test and then deaccelerate in a safe manner. Test data of a fully laden truck accelerating to a test speed of 80kph has shown that an acceleration length of up to 1100m is required. Combined with the 200m steady state length, 300m test length and minimum of 200m deceleration length, an ideal test track length would be 1800m. However, as these dimensions are not possible within the available MIRA land, and in order to maximise the test speed within these constraints, a superelevated turning loop has been included in the design to allow vehicles to accelerate into the straight section at around 50kph. Even with this addition, it will not be possible to test platooning of fully laden trucks for slip road merging and de-merging scenarios at the maximum test speed of 80kph.

The above constraints already result in a degree of compromise. If the facility is located further south, the resultant length would be approximately 790m, rendering the facility not fit for purpose. A reduction is length would result that tests such as platooning for merging and de-merging scenarios will not be possible for laden/fully laden trucks and reduced testing speed for passenger cars. Additionally, general truck testing and some low powered passenger car testing will be very limited as the acceleration length will be greatly reduced.'

5. *Post determination archaeological work*

'This is still being agreed but it is likely that this will include three parts:

a. The battlefield evidence mitigation (further surveys):

The methodology to ensure satisfactory recovery of any battle related metal artefactual evidence from the proposed area is being carefully devised. University of Leicester are advising that this is not simply something that:

"can be pulled out of a hat, off the shelf. However, the Committee should rest assured that in the event of approval, the correct methodology would be used to ensure that information is not lost, and that Dr Foard would advise on the methodology. The exercise would in fact, create a better understanding of the battle from a more complete distribution of artefacts material, and this would be of benefit in understanding the battle. The Battlefield Centre are very keen on the use of computer modelling / visualisation to enable visitors to visit the battlefield virtually. It is something they have started to actively consider. MIRA providing assistance for this project [that is in an early stage of development] is very welcomed."

the modelling of the battlefield:

There is good land form evidence from the LiDAR data, and there is good research into the medieval fieldscape for the north-eastern half of the area but not the southwest half (i.e. around our site). We would fund research to allow a credible model of the likely field systems contemporary with 1485 to be built. This research in the north-east half was undertaken exhaustively for the 2013 Monograph publication. This research would then form the basis for a Virtual Reality fly through that would be gifted to the Battlefields Trust/County Council for use in the Battlefield Visitors Centre. It could also be accessed online to provide access more freely/widely – which could be a considerable benefit.

c. Provision of interpretation boards.

There are many historical accounts of the battle that recount the events but there is difficulty in exactly placing who was where when (hence the incorrect placing of the battle for the last 400 years or so). So although there is always going to be some speculation involved, there is much more evidence now on which information boards could be based and placed around the area. This is being discussed in connection with the proposed battlefield footpaths. However, following conversations with the Battlefield Visitors Centre footpath signage is not something that local landowners want and so Virtual visitors is a much preferred option. This also has the benefit of encouraging visitors to get to the visitor centre, which increases footfall.'

Construction Access

6. Following the planning committee a meeting was held on site on 3 September 2018 with representatives from Leicestershire County Council Highways, Horiba MIRA (the applicant) and Hinckley and Bosworth Borough Council regarding the Highway Authority objection. The applicant is reviewing the details of the temporary construction access on Fenn Lanes and will submit additional details prior to the planning committee meeting. These details will be presented to planning committee through a late item report.

Additional Consultation Responses

7. Since the last planning committee an additional 64 letters of objection have been received at the time of writing this report. A breakdown of the addresses of the responses received shows 4% of the responses live within the borough, 81% of the responses live outside of the borough but within the UK and 15% of the responses were across the world (outside of the UK).

8. In addition to the issues raised and reported in the previous agenda and late item to planning committee, the following issues were raised:

1) This is arguably a point of special interest on the battlefield area
2) I reject the suggestions that because only a small part of the registered battlefield area will be accepted than it should be allowed to proceed.
3) Impact upon the tourism economy due to the impacts on the Battlefield
4) Battlefield is in effect a war grave where many people died and are still lying. The whole site should be respected and preserved for its historical value.
5) Battlefield area should be extended to the western fringes to protect the wider area of interest
6) Further consultation and the attendant of The Battlefield Trust at the site visit should be undertaken

7) The Battlefield site is one of international importance as the victory of Henry Tudor on this site changed the course of history of the world, not just England
8) Once our heritage has been destroyed, wilfully or otherwise we never get it back. You are the guardians of this heritage – please act accordingly
9) National Planning Policy require developments causing substantial harm to designated heritage assets to be wholly exceptional. There was no mention in the planning document as to why this development is wholly exceptional.
10) Vandalism of a heritage site
11) Jon numbers created by the development is optimistic
12) The Japanese government wouldn't allow it, why should the English
13) The development would result in the heritage site becoming a laughing stock
14) Other motor circuits are available, including Rockingham Speedway which is closing down

9. Since the last planning committee one letter of support has been received and raises the following points:

1) The proposal would introduce high quality jobs into the area
2) Would prevent houses being built on the green belt
3) Development would protect the archaeological features of the development
4) Having additional jobs in the locality would reduce people's dependence to travel far, resulting in increased sustainability

10. Since the last planning committee additional comments have been received from the Founder & Vice President of the Battlefield Trust. A summary of these comments are as follows:

1) The borough and county council should buy the two fields on the western edge of the battlefield to allow a full presentation of the battle. This will allow school children, the public and tourists from all over the world to see what Henry Tudor saw, follow in his footsteps, ponder over the decisions he made. Funds for the purchase of these fields could easily be raised by public subscription. A proper presentation of the battle would generate a very large number of jobs locally.

2) Request the council delay the decision to allow for further consideration and wider consultation for the benefit of both MIRA and the borough council, the county council and the nation which risk losing a major tourism asset which will also create many jobs.

11. Following the planning committee, the Battlefield Trust and the Richard III Society were asked if there were any highlighted or recommended vantage points to and from the site, and to give details on specific post archaeological work to be conducted, if the application were to be approved. The Battlefield Trust responded with the following:

Recommended Vantage Points

- The Trust recommends that two locations are visited during the planning committee site visit

- The first being accessible via the public footpath from Foxcovert Lane (A). By facing north towards Fenn Lanes, attendees will be at the heart of the Bosworth battlefield. East of this position is where Richard III was deployed, and a silver gilt badge in the form of a boar was found here during battlefield survey work (2005-2008). This was Richard III's personal retinue and therefore is indicative of the location where he was most likely killed. Crown Hill can be seen to the south-east, whereby Henry Tudor was crowned Henry VII after the battle. To the south is where Sir William Stanley gathered his men. To the west is the direction the rebel force under Henry advanced toward the battlefield; the low ridge is where he would have seen the royal army for the first time, and where he would have begun to deploy into battle formation. The most artillery round was shot in the field where the attendees will be stood, along with those to the west and north, according to the archaeological survey conducted.

- The second location is on Fenn Lanes, in front of White Gables Farm (B). Attendees should stand by the gate on the south side of Fenn Lanes, so that they are stood on the route of Henry Tudor's rebel army advance to battle. To the west, the rising ground towards the trees marks the ridge where Henry first saw the royal army. To the east is the proposed area of development.

Post-determination Archaeological Work

- It is asked that a suitably qualified and experienced battlefield archaeologist define the scheme of works, which should follow current best practice in battlefield archaeology.
- The work should include a detailed metal detecting survey over the whole area of the proposed development, and a geophysical survey to detect any large pit like anomalies which can be subsequently augured. The soil samples recovered should be used to test whether they represent grave-pits.
- All archaeological work should be conducted in such a way to take account of the unique research potential of the battlefield.

12. Following the responses received from the Richard II Society and the Battlefield Trust, Historic England has been asked if they have any further comments to make in light of these responses. Historic England has confirmed that the response to the application remains unchanged. Additional information is provided which states:

"The Battle of Bosworth is an iconic event in English history. While it is not considered to be the final battle in the Wars of the Roses, it was the deciding battle of this protracted civil war. The Wars of the Roses are second only to the English Civil War as a period of internal turmoil in England. Richard III was the last English king to die in battle and the last of the Plantagenet dynasty. His defeat by Henry Tudor brought about a new ruling house and is often seen as a symbolic end of the Middle Ages in England. Bosworth is also one of the earliest battles in England for which we have clear evidence of significant use of artillery.

In assessing the impact of the proposed testing track our key consideration has been its potential effect on everyone's ability to understand the battlefield and how it happened. The registered battlefield includes the most significant elements associated with the engagement, including the area around Ambian Hill and Sutton Cheney where Richard III and his troops camped before the battle, the former Roman road of Fenn Lane that both Henry Tudor and Richard III approached along (from the west and east respectively) and the lower-lying former marshy area where *the battle itself took place.*

The proposed development site is to the south-west with just a small strip being in the registered battlefield. It is therefore located on the edge of the most important areas and will have no physical impact on the key parts of the battle, such as the Royalist encampment, Henry's approach and the battle itself. The testing track and associated landscaping will be visible from certain points within the battlefield, but not in views to, from and between the key parts of the battle.

In deciding that the development will cause some harm to the significance of the battlefield but that this is not substantial harm, we believe the key factors are:

a. The direct physical impact on the registered battlefield is to a very small area on the edge of the site and not in an area of important historic action, but this is nevertheless a change to the character of part of the battlefield which is currently rural;

b. The track and landscaping will be visible as a modern element to those exploring the battlefield. This is in one area to the edge and importantly not in key views that really allow the visitor to understand how the battle played out; and,

c. National Planning Policy (the NPPF) is built on the idea of sustainable development, where the benefits of a proposal can ideally be secured without causing any harm. Where there would be harm to a finite resource such as the historic environment the decision maker needs to balance that harm against the public benefits it can bring.

It is our understanding that there is little or no scope to locate this development elsewhere. The Horiba MIRA facility was established before the full-extent of the battlefield was identified and the site registered. We have considered if moving the testing track slightly to the west to avoid the registered battlefield altogether would help reduce its impact. However, it would still be visible in the landscape and would potentially be more visible because the land rises to the west. Thus, the proposed location of the testing track appears to be the least harmful possible if the existing facility is going to expand.

To further reduce the impact of the development proposal, specialist advice should be sought from Leicester County Council's archaeological advisors regarding any mitigation, such as additional intensive non-ferrous metal detector surveys and planting scheme detailing to screen the testing track.

The developers have explained the public benefits that they believe the development would deliver, including new jobs. Historic England has advised your authority on the level of harm caused by the development in our previous letter (reference 18000425FUL_HERef_P00917471_L1321492) and that remains our view. You now have the view of The Battlefields Trust and the Richard III Society. We recognise that the role of your authority as the decision-maker is to weigh the two factors against each other.

We hope this summary of our advice and how we have reached that conclusion is of help to your authority in making a decision."

Appraisal

Impact upon the Historic Environment

13. The applicant has identified that the proposal cannot be altered in scale or location due to the constraints of the ownership of the site and the requirements of the facility for testing purposes. Additionally Historic England highlight in their comments that moving the proposal to the west would potentially make the

development more visible because the land rises to the west; and conclude that the proposed location of the testing track appears to be the least harmful possible if the existing facility is going to expand. Therefore the location of the proposal is considered to be acceptable.

14. The assessment of the impact of the proposal upon the Registered Battlefield is unchanged and the assessment and recommendation remains as outlined in the previous planning committee report and late item (see appendix A and B).

15. Conditions are recommended (Condition 9 and 10) to ensure suitable post determination archaeological work is undertaken on site. Condition 9 requires a written scheme of investigation to be agreed in writing by the local planning authority prior to the commencement of development. The details of this written scheme of investigation would be consulted upon with the relevant statutory consultees who include Historic England and Leicestershire County Council (Archaeology). This will ensure that the appropriate archaeological investigations are undertaken. The applicant has outlined that further surveys would be undertaken and the methodology is still being discussed and devised as an ‘off the shelf’ approach cannot be undertaken due to the unique situation. Therefore it is considered that the post determination would be able to achieve the requirements outlined by the Battlefield Trust and the statutory consultees in accordance with Policy DM13 of the Site Allocations and Development Plan Policies DPD and paragraph 189 of the NPPF (2018).

Impact upon the Highway Safety

16. A meeting was held on site with representatives from the applicant, Leicestershire County Council (Highways) and Hinckley and Bosworth Borough Council (Development Management) on 3rd September. The applicant has highlighted that work is still ongoing to address the Leicestershire County Council (Highways) objection to the temporary construction access at Fenn Lanes. Any further details, if received, will be presented to planning committee in a late item.

Conclusions

17. The final conclusion of the application remains as states in the planning committee report as outlined in paragraphs 10.1 – 10.6 and is outlined below.

18. It is considered that the development would provide a number of significant public benefits both nationally and regionally, including the development of a CAV testing facility to drive research in this area which is supported by central government and the creation of over 1,000 jobs within the region. Some short term and long term effects on landscape character and visual amenity have been identified. The proposal would therefore have a degree of conflict with criterion i) of Policy DM4 of the SADMP, however the significant economic benefits of the proposed development and the proposed landscaping mitigation outweigh the conflict identified with this policy.

19. The proposal includes appropriate mitigation measures to ensure the development would not harm the residential amenity of nearby residential properties, subject to conditions, in accordance with Policy DM10 of the SADMP.

20. Notwithstanding the objection received from the highways authority in regards to the temporary construction access, it is considered that the impact would be limited to 5 months for the use of aggregate deliveries only and appropriate highway mitigation measures are proposed to minimise the risk to highway safety. The operational access for the proposal is acceptable. Therefore the proposal, subject to conditions, is in accordance with Policy DM17 of the SADMP.

21. Subject to conditions the proposal would not harm the ecology of the site and could provide biodiversity enhancements and would not result in drainage of flooding issues on site in accordance with Policies DM6 and DM7 of the SADMP.

22. The public benefits of the proposal need to be weighed against the harm identified to the registered battlefield. The Council has: 1) identified which heritage assets and their settings are affected; 2) assessed whether, how and to what degree these settings make a contribution to the significance of the heritage asset; 3) assessed the effects of the proposed development, whether beneficial or harmful, on that significance 4) explored the way to maximise enhancement and avoid or minimise harm. When considering the significance of the battlefield it is concluded that the impact would be less than substantial. In weighing the less than substantial harm against the public benefits in accordance with paragraph 196 of the NPPF, it is concluded that the benefits outweigh the harm.

23. The proposal is considered to be sustainable development subject to the recommended conditions and is in accordance with both the development plan and the NPPF and there are no other material considerations which indicate otherwise.

Recommendation

24. The recommendation remains unchanged to that presented at the 28 August 2018 Planning Committee:

25. **Grant planning permission** subject to

- Planning conditions outlined at the end of this report.

26. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.

Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

   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, as follows:-

   - Proposed Plans and Elevations Drg. No. 7635 150 A (scale 1:100 and 1:50)
   - received by the local planning authority on 3 May 2018
   - Site Location Plan Drg. No. 7635 100 A (scale 1:1250)
   - Proposed Site Plan Drg. No. 7635 150 B (scale 1:200)
   - received by the local planning authority on 29 June 2018
   - TIC-IT Administration Area – Site Plan Drg No. 4501613/SK/18 Rev B (Scale 1L250)
   - Proposed Control Building and Storage Building Drg No. 4501613/SK/19 Rev A
   - TIC-IT Typical Details of Comms Masts Drg No 4501613/SK/032 Rev A
   - Sections – sheet 1 Drg No.1238-TP-00-00-DR-L-5001 Rev P02 (scale 1:200)
   - Sections – sheet 2 Drg No. 1238-TF-00-00-DR-L-5002 Rev P02 (scale 1:200)
   - Tree Retentions and Removals Plan Drg No. BH/03 Sheet 2 of 2 (scale 1:1000)

- Received by the local planning authority on 20 July 2018
- Proposed Layout Drg No. 4501613/SK22 Rev D (scale 1:2000)
- Received by the local planning authority on 24 July 2018
- Temporary Construction Access-Traffic Signal and Road Sign Arrangement Drg. No 18035/001 Rev C (Scale 1:500)
- Temporary Construction Access-Visibility Splay and Sight Stopping Distance Drg No. 18035/002 Rev A (Scale 1:500)
- Received by the local planning authority on 27 July 2018
- Proposed Palisade Fence Drg No. 4501613/SK/30 Rev B
- CCTV Location Drg No. 4501613/SK/64 (Scale 1:2000)
- Proposed Levels Drg No.4501613/SK/31 Rev D (Scale 1:2000)
- Landscape Proposals 1238-TF-00-00-DR-L-1001 Rev P03
- Landscape Proposals 1238-TF-00-00-DR-L-1002 Rev P04
- Tree Retentions and Removals Plan Drg No. BH/03 Sheet 1 of 2 Rev 01
- Received by the local planning authority on 8 August 2018

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document.

3. The materials to be used on the external elevations of the proposal shall accord with the approved Proposed Floor Plans and Elevations Drg. no. B18/05/P01 (scale 1:50), Proposed Elevations Drg. no. B18/05/P02 (scale 1:50) received by the Local Planning Authority on 15 June 2018.

   Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

4. The development shall be implemented in accordance with approved proposed ground levels and finished floor levels outlined in drawing 4501613/SK/31 Rev D – Proposed Levels received by the local planning authority 8 August 2018.

   Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

5. Notwithstanding the submitted details outlined within the landscape plans, no development shall commence on site until a schedule of plants, noting species, plant sizes and proposed numbers/densities has been submitted to and received in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved document/plan.

   Reason: To ensure appropriate conservation and enhancement of nature conservation features and protection to biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document.

6. A landscape and biodiversity management plan, including the construction phase, operational phase and long term objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the proposal. The landscape management plan shall be carried out as per the approved details.

Reason: To ensure that the work is carried out within a reasonable period and thereafter maintained and the proposal ensures appropriate conservation and enhancement of nature conservation features in accordance with Policies DM4, DM6 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

7. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping scheme shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of a similar size and species.

   Reason: To ensure that the development has a satisfactory external appearance to accord with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

8. Before any development commences full details of the proposed sound attenuation fences to the north of the site identified on Drg no. 4501613/SK/33 Rev D Proposed Layout received by the local planning authority 24 July 2018 shall be submitted to and approved in writing. The sound attenuation fences shall be erected in accordance with the approved details prior to the first use of the proposal and shall be retained in perpetuity.

   ***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).

9. No development shall commence on site until a programme of archaeological work, comprising further post-determination trial trenching, detailed battlefield specific metal-detecting and as necessary targeted archaeological investigation. The full programme and timetable will be detailed within a Written Scheme of Investigation that shall be submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:

   - The programme and methodology of site survey, investigation and recording (including assessment of results and preparation of an appropriate mitigation scheme)
   - The programme for post-investigation assessment
   - Provision to be made for analysis of the site investigation and recording
   - Provision to be made for publication and dissemination of the analysis, interpretation and presentation of the site investigation
   - Provision to be made for archive deposition of the analysis and records of the site investigation
   - Nomination of a competent person or persons/organisation to undertake the works, with particular reference to the metal detecting survey, as set out within the Written Scheme of Investigation.

   The approved development shall be constructed in accordance with the approved Written Scheme of Investigation.

   Reason: To ensure appropriate satisfactory archaeological investigation and recording is undertaken in accordance with Policy DM13 of the Site

Allocations and Development Management Policies DPD (2016) and paragraph 199 of the NPPF.

10. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 9 and provision has been made for analysis, publication and dissemination of results and archive deposition has been secured.

    Reason: To ensure appropriate satisfactory archaeological investigation and recording is undertaken in accordance with Policy DM13 of the Site Allocations and Development Management Policies DPD (2016) and paragraph 199 of the NPPF.

11. No development approved by this planning permission shall take place until details of infiltration testing carried out on site and the suitability of the site for the use of infiltration as a drainage element and the update to the flood risk assessment (FRA) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

    Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

12. 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 to, and approved in writing by, the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

    Reason: 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 though the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

13. No development approved by this planning permission, shall take place until such time as details in relation to the long-term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

    Reason: To establish 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 sustainable drainage system within the proposed development in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

14. Notwithstanding the submitted details in the Noise Impact Assessment dated 6 April 2016 and additional details submitted by e-mail 9 August 2018, a post development noise monitoring scheme shall be submitted in writing to the local planning authority three months following first use of the site. Any necessary mitigation measures identified as required within the scheme shall be completed within 2 months of the date of approval by the local

planning authority of the mitigation measures and shall be retained while the use is in operation.

Reason: To ensuring the ongoing protection of residential amenity, with regard to noise, of the adjacent properties in accordance with Policy DM7 and DM10 of the Site Allocation and Development Management Policies DPD.

15. No development shall commence on site until a scheme for the investigation of any potential land contamination on the site has been submitted 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 approved details and any remediation works so approved shall be carried out prior to the first use of the site.

    Reason: To ensure that any contamination is dealt with appropriately to mitigate any risks to water quality in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

16. 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 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 first use of the site.

    Reason: To ensure that any contamination is dealt with appropriately to mitigate any risks to water quality in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

17. Site preparation and construction shall not be undertaken outside of the following hours:

    Mon-Fri - 07:00 – 19:00
    Sat - 08:00 – 14:00
    Sun - None
    Bank Holidays - None

    Reason: In the interests of neighbouring residential amenity in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

18. Prior to commencement of development a Construction Traffic and Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. Additionally the plan shall include details of the routing of construction traffic wheel cleansing facilities, vehicle parking facilities and a timetable for their provision. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The approved details outlined in the management plan shall be implemented throughout the site preparation and construction phase.

Reason: To ensure the construction period of the development does not have a detrimental impact upon existing residential amenity and highway safety in accordance with Policy DM7, DM10 and DM17 of the Site Allocations and Development Management Policies DPD (2016).

19. Prior to the first use of the proposal the temporary construction shall be closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016).

20. No development shall commence until a bat emergence survey of trees identified as having high or medium potential for roosting has been undertaken, submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the mitigation measures contained within the approved document.

Reason: To ensure appropriate conservation and enhancement of nature conservation features and protection to biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document.

21. Site clearance works shall be completed outside of the bird-breeding season (March to August inclusive) unless otherwise agreed in writing.

Reason: To ensure appropriate conservation and enhancement of nature conservation features and protection to biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document.

22. The development shall be carried out in complete accordance with the conclusions, mitigations and compensations contained within the submitted Preliminary Ecological Appraisal dated February 2018 received by the Local Planning Authority on 12 July 2018, the submitted Badger Survey and Plan dated July 2018 received by the Local Planning Authority on 1 August 2018 and the submitted Great Crested Newt Method Statement dated August 2018 received by the Local Planning Authority on 13 August 2018.

Reason: To ensure appropriate conservation and enhancement of nature conservation features and protection to biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document.

23. No works or development shall commence until a scheme of arboricultural site monitoring by the appointed project arboriculturist has been submitted to and 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) Timing and methods of site visiting and record keeping, including updates
d) Procedures for dealing with variations and incidents
e) The scheme of supervision shall be carried out as agreed
f) The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the local planning authority.

Reason: To ensure that the tree protection plan is adequately implemented in the interests of the visual amenities of the area in accordance with DM10 of the Site Allocations and Development Plan Policies DPD (2016).

24. No external lighting shall be installed on site, unless agreed in writing by the Local Planning Authority.

    Reason: To ensure the development does not harm the character of the countryside, neighboring amenity and protected species in accordance with Policy DM4, DM6 and DM10 of the Site Allocations and Development Plan Policies DPD (2016).

25. The temporary construction access identified on drawing No 18035/001 Rev C and 18035/002 Rev A received 27 July 2018 shall only be used by HGV vehicles importing granular sub-base material and asphalt as outlined in the Transport Assessment dated March 2018.

    Reason: In the interests of highway safety in accordance with DM17 of the Site Allocations and Development Plan Policies DPD (2016) and paragraph 108 and 1019 of the National Planning Policy Framework (2018).

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 buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. The scheme shall include the utilisation of holding sustainable drainage (SuDS) techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features.
3. Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenarios for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change return periods.
4. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
5. Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system, and should also include procedures that must be implemented in the event of pollution incidents within the development site.
6. The results should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.
7. If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under Section 23 of The Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process

and a sample application form can be found at the following: http://www.leicestershire.gov.uk/Flood-risk-management

8. The Monitoring Scheme required by Condition 14 above shall include periodic review of vehicular use of the track, hours of use of the track, resultant noise levels at noise sensitive receptors (to be agreed) and how these levels compare to current domestic noise standards. The scheme shall include what additional mitigation will be considered if domestic noise standards are not being met owing to use of the track. The scheme shall include how the developer will respond to any reasonable request of the local planning authority to review noise levels associated with the use of the track at any time e.g. following complaint.

9. In relation to condition 15 advice from Health and Environment Services can be viewed via the following web address:- http://www.hinckley-bosworth.gov.uk/contaminatedsite which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.

10. The Written Scheme of Investigation (WSI) required by condition 9 must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

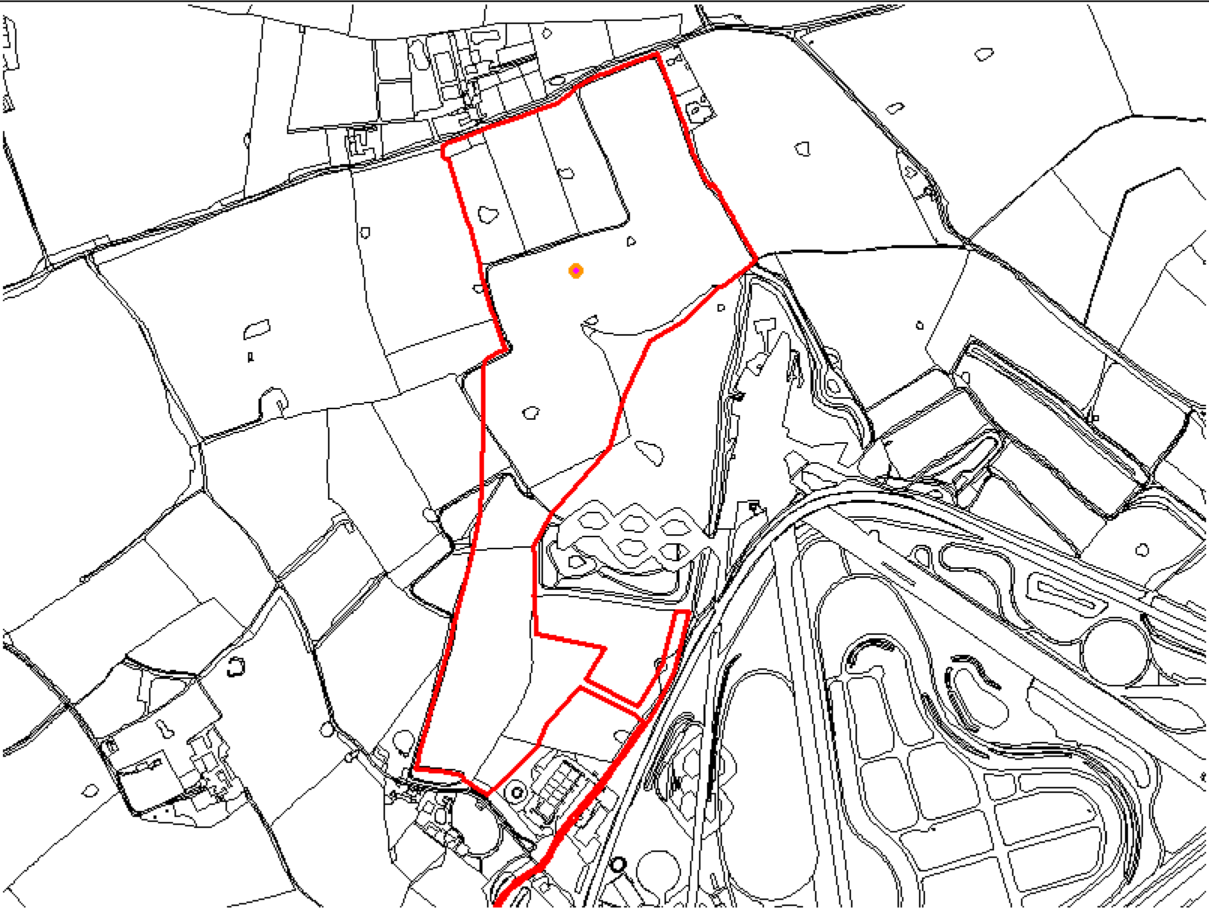
11. The details submitted in accordance with condition 18 shall outline vehicles which will be permitted to use the temporary construction access, in accordance with the Transport Assessment dated March 2018 and include details on how this will be monitored.

APPENDIX A

Planning Committee 28 August 2018
Report of the Interim Head of Planning

Hinckley & Bosworth Borough Council

Planning Ref:	**18/00425/FUL**
Applicant:	**HORIBA MIRA Ltd**
Ward:	**Ambien**
Site:	**Horiba Mira Ltd Watling Street Caldecote**
Proposal:	**Construction of a Connected and Autonomous Vehicle (CAV) testing track, a control tower and storage building, ground works, landscaping and associated infrastructure**



1. Recommendations

1.1. **Grant planning permission** subject to

- Planning conditions outlined at the end of this report.

1.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.

2. Planning Application Description

2.1. This application seeks planning permission for the construction of a new test facility at Horiba Mira Ltd, Watling Street.

2.2. The proposal comprises the development of a:-

- new test track
- control room building
- storage building
- access road
- service and storage yard
- parking
- communications masts
- moveable and temporary road obstacles
- associated external works and earth bunds

2.3. The proposed test track would enable a variety of vehicles to be tested across a range of different test scenarios. The proposed development is known as 'TIC-IT' and would provide a purpose built, high speed connected and autonomous vehicle ('CAV') testing track.

2.4. The new track would consist of a large circular area, wide central approach and adjacent tangential track and turning loop. The main test area would be a 150 metre radius circle connected to a central approach road measuring 350 metres in length. The turning loop at the southern end of the site would have a radius of 55 metres.

2.5. Temporary line markings and portable roadside furniture, buildings and robotic pedestrians would allow the applicant to test vehicles within realistic urban and public environments, including urban and inter-urban roads, at any speeds or direction of travel. These portable buildings would consist of a mixture of facades, inflatable boxes or framed structures and would be stored in a temporary storage area/building.

2.6. Depending upon the test scenarios there may be up to 25 vehicles using the facility per day and the track would be used for all types of vehicles including passenger cars, buses, coaches, trucks, military vehicles and construction machinery. Depending upon the type of test and type of vehicle, test speeds would range from 5 to 250km per hour.

2.7. A two storey control room building is proposed to the south of the main testing area, which would house a dedicated track control operator to ensure safe and efficient operation. The storage building would be single storey in nature and consist of a portal framed storage building located within the hardstanding storage yard.

2.8. Perimeter fencing is proposed on the northern section of the site for security reasons and a significant earth bund is proposed adjacent to the existing mature hedgerow and trees.

2.9. Two fixed steel communication masts (approximately 10m in height) are proposed in order to facilitate with the associated testing facility. One mast is located to the immediate east of the storage yard and the other is located to the east of the internal access road. Two mobile telescopic steel communication masts (approximately 12m in height) are also proposed.

2.10. Vehicles would access the site and the associated control room and parking area via the existing internal access drive from A5. The majority of users would be from the existing occupiers of building within the wider Mira site.

2.11. It is proposed to provide a temporary access point from Fenn Lanes with temporary traffic lights to allow all construction traffic to enter and leave the application site.

2.12. The applicant has highlighted that the proposal would result in significant public benefits. The proposal has funding from central government to contribute towards central governments ambition to accelerate connected and autonomous vehicle (CAV) technology development and be one of the world's go-to locations to develop this sector. The development of CAVs would help improve road safety, mobility, and efficiency whilst simultaneously reducing pollution, consumption and congestion. In additional to this contribution to the development of CAV's the proposal would also have the following regional economic benefits:

- Additional 250 high value direct jobs.
- Further 205 indirect jobs created at MIRA in indirect sectors.
- Estimated 100 construction jobs.
- Approximately 1,350 additional jobs created in the region.
- Safeguarding of 25 jobs.
- Two new CAV orientated companies to MIRA per year.
- Recruitment of approximately 12 CAV researchers, graduates, technicians and apprentices at MIRA.

2.13. The following documents have been submitted in support of the application:

1) Planning Statement;
2) Design & Access Statement;
3) Archaeological Metal Detector Surveys and Desk-Based Assessment;
4) Archaeological Fieldwalking and Earthwork Survey and Field Evaluation Report;
5) Assessment of Impacts on the Setting of Heritage Assets;
6) Reassessment of Bosworth Battlefield;
7) Air Quality Assessment;
8) Ground Conditions, Contamination, Flood Risk, Surface Water and Foul Drainage Report;
9) Framework Construction Plan;
10) Transport Statement;
11) Arboricultural Impact Assessment, Tree Retention and Removals Plan;
12) Noise Impact Assessment and Noise Level Survey Report;
13) Landscape Design & Access Statement;
14) Landscape Visual Impact Assessment; and
15) Great Crested Newt Survey, Preliminary Ground Level Bat Roost Assessment, Reptile Survey, Badger and Preliminary Ecological Appraisal

3. Description of the Site and Surrounding Area

3.1. The existing MIRA operation currently covers approximately 334 hectares and consists of 53 miles of test track within what is known as the proving ground. The existing site has only one point of access from the A5 Watling Street. MIRA does have other accesses to the road network but these are strictly emergency access points.

3.2. The application site which forms part of this application extends to approximately 33.6 hectares of arable land and is located approximately 6 km to the north of Nuneaton. The site is located to the north western end of the wider MIRA Park, to the west of the existing MIRA testing track and associated office and research buildings and to the south of Fenn Lanes. The site falls partly within and partly outside of the wider site boundary of the extant Outline Planning Permission (planning reference 11/00360/OUT).

3.3. The proposed development is to be located on currently undeveloped greenfield land comprising predominantly grassed area and arable land. The site slopes from the south towards the north and from the west to the east.

3.4. An existing belt of landscaping/hedgerows bound the site on the eastern, western and northern boundary. The site currently comprises of a number of agricultural fields, trees and field boundaries.

3.5. The south western boundary of the application site is bounded by a laneway and agricultural land beyond. Within this rural location, a number of dwellings/farm buildings exist, including Rowden House Farm, Rowden Cottage and Rowden Gorse. These three properties are located immediately adjacent the southern 'turning loop' of the proposed track facility.

3.6. Residential properties on Fenn Lanes are also located in close proximity of the northern section of the track, including Wide View, White Gables Farm, Willow Farm and Meadowcroft

3.7. Lindley Park is located 400 metres to the north east within a woodland/rural setting. Within the Park is the Scheduled Ancient Monument of the ruins of Lindley Chapel. This wider complex consists of farm related buildings including Lindley House. The Site is also located within an archaeological context, of the nearby Watling Street (Roman Road) and the 'Battle of Bosworth'.

3.8. The Site is not located within a conservation area, the nearest conservation area lies 850m to the east of the site and is Higham on the Hill Conservation Area. There are no statutory or locally listed buildings within the Site. The nearest Listed Building is Hill Farmhouse, which is Grade II Listed and lies approximately 750 to the north west of the Site.

4. Relevant Planning History

4.1. The wider MIRA site was subject to a masterplan (DATE) and has Enterprise Zone status. Several applications have been approved over the last 4 years on the wider MIRA site for additional facilities including workshops, offices and a training facility. The application site lies mainly within the Enterprise Zone. A screening opinion (reference: 18/00214/SCOPE) was submitted 20th February 2018 for this development and a decision was issued 15th March 2018 stating an Environmental Impact Assessment is not needed.

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. Two site notices were also posted within the vicinity of the site and a notice was displayed in the local press.

5.2. Three letters of concern/objection have been received from three separate addresses. The following issues have been raised:

1) Concerns with noise levels and effect upon neighbouring properties and enjoyment of dwelling contrary to Policy DM10
2) Concerns with testing of LGV and commercial vehicles on the track and the increase height of these vehicles would be visible from residential properties and additional noise associated with these larger vehicles is a concern
3) Operational hours proposed are not acceptable and should be restricted to ensure reduced impact to neighbours
4) Testing should not be undertaken during the hours of darkness
5) Construction hours should be restricted due to concerns with impact upon residential amenity

6) Concerns with traffic impact during construction on Fenn Lanes, the A5 MIRA access should be used
7) Horses 'hack out' on the Fenn Lanes close to the proposed construction access and a horse carriage is used and traffic lights would make this dangerous
8) Vibrations from the volume of traffic movements could damage neighbouring property, applicants should pay for surveys of properties before and after and pay for any damage
9) Noise levels to neighbouring dwellings should not exceed 3dB(a)
10) Proposal would impact the value and saleability of the houses nearby
11) Proposal would significantly alter the Battlefield and development would set a precedent for development eroding the sites integrity
12) Movement and redesign of facility is necessary
13) Current traffic levels are not the same as the proposal as this would push cars to their limits and be purposefully crashed
14) Proposal would irreversibly alter the character of open countryside/agricultural land detrimental to Policy DM10
15) Proposed moveable masts should not be positioned closer to the residential properties than the proposed position for permanent communication masts
16) CCTV equipment should not be capable of observing residential properties or their associated land
17) Applicants should fund or carry out cleaning of neighbouring residential properties at regular intervals due to the dust from construction

5.3. Witherley Parish Council raise no objection.

6. Consultation

6.1. No objections, some subject to conditions have been received from:

- Highways England
- Natural England (for protected species standing advice is referred to)
- National Grid
- Cadent
- Lead Local Flood Authority
- Nuneaton and Bedworth Borough Council
- North Warwickshire Borough Council (support was given to proposal)
- Leicestershire County Council Rights of Way
- HBBC Environmental Health (Pollution)
- HBBC Environmental Health (Drainage)
- HBBC Waste Services

6.2. No comments were provided by the Environment Agency

6.3. Historic England have identified that the proposal would have some harm to the significance of the registered battlefield. It has been highlighted that clear and convincing justification needs to be identified by the local planning authority to ensure the level of harm that would be caused is outweighed by the public benefits. Historic England recognises the substantial public benefits of the development proposal.

6.4. Leicestershire County Council Archaeology conclude that notwithstanding the likely impacts of the scheme upon the known and anticipated historic environment, a recommendation for approval of the current application is made subject to conditions to secure a suitable programme of post-determination further investigation and subsequent mitigation.

6.5. Leicestershire County Council Highways have raised an objection to the proposed temporary construction access, due to highway safety concerns. No objections have been received to the operational access from the A5 Watling Street through the existing MIRA site.

6.6. LCC Ecology have no objections in principle to the application but have highlighted a number of pre-determination recommendations. These details have been submitted by the applicant and passed onto LCC Ecology and further comments are awaited. A number of conditions have been recommended including the submission of a biodiversity management plan, planting mixes to be submitted and agreed, works to be undertaken in accordance with the submitted plans and the mitigation measures, completion of bat emergence surveys within identified trees and restrictions on site clearance.

7. Policy

7.1. Core Strategy (2009)

- None relevant

7.2. Site Allocations and Development Management Policies DPD (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: Prevention Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Boroughs Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM19: Existing Employment Sites

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2018)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- The Setting of Heritage Assets (2nd Edition) (Historic England) - December 2017
- Managing Significance in Decision Taking in the Historic Environment (Historic England) - March 2015
- Higham on the Hill Conservation Area Appraisal

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon heritage assets
- Impact upon highway safety
- Impact upon neighbouring residential amenity
- Impact upon contaminated land
- Impact upon existing trees on site
- Impact upon flood risk and drainage

- Impact upon ecology

Assessment against strategic planning policies

8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 47 of the NPPF states that the development plan is the starting point for decision making.

8.3. The development plan in this instance consists of the Core Strategy (2009) and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).

8.4. Policy DM1 of the adopted SADMP and paragraph 11 of the NPPF provide a presumption in favour of sustainable development with planning applications that accord with the policies in the Local Plan should be approved unless material considerations indicate otherwise.

8.5. The application site falls mainly within the curtilage of the designated MIRA Enterprise Zone and predominantly within the allocated employment site (reference HIG17) as designated within the SADMP. However the site is also located partially within land designated as the countryside. The area outside of the employment site is approximately 5ha/15% of the total site area.

8.6. The designation of the existing site as an Enterprise Zone is to be considered as a significant material consideration in the determination of this planning application. Although the site is partially located outside of this Enterprise Zone, the weight that should be apportioned to it should be significant only in terms of establishing the principle for development. To take a differing or more restrictive approach would be in direct conflict with the Central Government commitment to the designation of the site, however it is vitally important to ensure that all other planning matters are appropriately considered and addressed within this context.

8.7. The latest Employment Land and Premises Review (2013) identifies MIRA as a Category A site. Policy DM19 of the adopted SADMP states that the Borough Council will seek to retain sites classified as Category "A" sites in their entirety, for B1, B2 and B8 employment uses. The development of non B class uses in Category A sites will only be allowed in exceptional circumstances. Proposals must demonstrate that they would not have a significant adverse impact upon surrounding employment uses.

8.8. Policy DM4 states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:

- It is for outdoor sport of recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
- The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
- It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
- It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
- It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.
  And

- It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
- It does not undermine the physical and perceived separation and open character between settlements; and
- It does not create or exacerbate ribbon development;
- If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
- It within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.

8.9. The NPPF is also material consideration in determining applications. As detailed above, proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Paragraphs 8-9 confirm that the planning system should play an active role in guiding development to sustainable solutions and that pursuing sustainable development involves seeking positive improvements.

8.10. Paragraph 80 of the NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 80 goes on to state that this is particularly important where Britain can be a global leader in driving innovation.

8.11. The proposed development is considered to contribute significantly to the economy by providing the UK's first new high speed CAV testing track to meet an identified need. The proposal would complement the facilities at the existing site, enhancing the attraction of the existing wider MIRA Site. It is considered that the proposal would create the following substantial economic benefits:

- Additional 250 high value direct jobs.
- Further 205 indirect jobs created at MIRA in indirect sectors.
- Estimated 100 construction jobs.
- Approximately 1,350 additional jobs created in the region.
- Safeguarding of 25 jobs.
- Two new CAV orientated companies to MIRA per year.
- Recruitment of approximately 12 CAV researchers, graduates, technicians and apprentices at MIRA.

8.12. In addition to the above, this proposal has funding from central government to contribute towards central governments ambition to accelerate connected and autonomous vehicle technology development and be one of the world's go-to locations to develop this sector. The development of CAVs would help improve road safety, mobility, and efficiency whilst simultaneously reducing pollution, consumption and congestion. This proposal therefore has significant economic benefits not only at a local level but at a national level. This therefore accords with criterion c) of Policy DM4.

8.13. The provision of additional testing track would help to continue to attract international motor companies to MIRA. The development is therefore considered to be appropriate in relation to the context of the wider objectives for the MIRA Technology Park.

8.14. The proposed development has also been designed to assimilate into the existing environment and provides opportunities for new habitats to enhance the Site's biodiversity and ecology value. Significant and well designed landscaping plans are also proposed to integrate the development into the countryside location.

8.15. The development and technological advances of use of autonomous vehicles would also have environmental impacts in the future as a result in the reduction of the use of petrol and diesel cars.

8.16. Separate to the significant economic and environmental benefits as detailed above, it also concluded that there are no other suitable and available locations with proving ground facilities which have the ability to expand in the way proposed at MIRA. This confirms the growth potential at MIRA and the unique and location specific nature of the proposed operations, something that is further emphasised by its designation as an Enterprise Zone.

8.17. The development seeks to provide a purpose-built, realistic and safe environment for testing CAVs within a controlled high-speed environment. The development is a direct response to the demand for testing CAVs at high speeds within the secured area of the MIRA Technology Park, which does not currently have the capabilities for such testing environments within the existing proving grounds.

8.18. The provision of an additional testing track would help cement its reputation as the preeminent motor park in Europe and help to continue to attract international motor companies to the park.

8.19. Notwithstanding the siting within the countryside, the majority of the site is located within land designated as an Enterprise Zone and an allocated Employment Zone as designated within the SADMP and significant economic impacts would arise from the development and the new facility would be in relation to the existing Enterprise and Employment Zone.

8.20. Taking into account the three dimensions of sustainable development together, it is considered that the benefits of this comprehensive development is sustainable development and the principle of a new testing track and associated infrastructure development on the site would make a significant contribution to economic growth and job creation within the Borough and the region. In addition, given the use and users of the proposed development, the proposal would be considered suitable as it would be sited immediately adjacent to the existing MIRA employment site. The proposal would therefore be in accordance with Policy DM19 of the SADMP and the overarching principles of the NPPF, specifically paragraph 80.

<u>Design and impact upon the character of the area</u>

8.21. The site is partially located within the countryside as defined within the adopted SADMP, and therefore Policy DM4 of the SADMP applies. Policy DM4 requires that development does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside. Policy DM10 of the SADMP requires that development complement or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and incorporates landscaping to a high standard.

8.22. In the most recent Landscape Character Assessment (2017), the application site is designated a Character Area G – Sence Lowlands. The key characteristics of Character Area G are as follows:

1) Flat to gently rolling lowland vale landscape with rounded clay ridges and shallow valleys giving rise to extensive and open views.
2) Presence of surface water in rivers and streams (including the River Sence) and frequent streams, field ponds and ditches as well as the visitor attractions of the Ashby Canal, Bosworth Water Park and Marina.
3) Well-ordered agricultural landscape with a regular pattern of rectilinear fields of typical Parliamentary enclosure lined by low hedgerows with mature hedgerow trees.

4) A network of rural roads and lanes are lined by ditches and wide grass verges, with the main A444 running north south through the area.
5) A rural and tranquil character.
6) Spired and towered churches form prominent landmarks in the open landscape.
7) A rural dispersed settlement pattern of linear villages, scattered farmsteads and barns.
8) Small villages with strong sense of place and local vernacular of red brick.
9) Bosworth Battlefield has strong heritage associations.

8.23. The Landscape Character Assessment goes on to state the following landscape strategies for Character Area G:

1) Retain hedgerows and replace hedgerow trees to ensure continuation when they reach the end of their life. Encourage the use of traditional 'Midlands-style' hedge laying.
2) Conserve the open rural views including views to church spires and towers in their rural setting.
3) Retain areas of tranquillity and rural character, ensuring that development in such areas respects the rural context.
4) Promote recreational and cultural opportunities associated with the battlefield.
5) Conserve the areas of semi natural neutral grassland and seek opportunities to extend and link this habitat. Retain the wide grass verges for biodiversity and enhance species diversity within them where possible.
6) Respect and enhance the strong character of the villages, ensuring new development complements existing context with regards to scale, form, materials and boundary features.
7) Maintain and enhance the recreational assets including rights of way network and canal. Maintain positive management of the Ashby Canal and seek opportunities to extend and enhance areas of wetland habitat.

8.24. The existing site consists of arable and poor semi-improved grassland fields. Existing woodlands are located to the south and west of the site with a number of mature native hedgerows and specimen trees and small ponds scattered throughout the site. An existing screening of hedgerow and trees bounds the northern boundary of the site with Fenn Lanes. The wider landscape is dominated by a rural setting comprising mixed use agricultural land interspersed with small pockets of woodland and occasional residential dwellings.

8.25. The proposed development is predominately an area of flexible pavement with a surface finish of asphalt together with a small Administration Area consisting of two small buildings and a concrete service yard. The safety run-off areas immediately adjacent to the test tracks would consist of a mixture of grass and gravel.

8.26. The introduction of a new built development and associated infrastructure would have the potential to alter the existing character of the area and due to the change in land levels, the proposal may be visible from further afield. Due to the size of the development, it is concluded within the submitted LVIA that there would be a change to the local landscape pattern.

8.27. The submitted LVIA concludes by way of saying the following:

"Although identified as having a major/moderate adverse landscape effect on the wider Landscape Character Area, it should be noted this only forms a small part of it geographically and there is considerable influence on this LCA with the far larger existing Horiba MIRA facilities adjacent, which are of similar nature and furthermore, their already anticipated/permitted expansion into much of this zone under the existing masterplan."

8.28. The proposed track would vary in elevations above and below the existing ground level by approximately + 4m and -6m. Earth bunds are proposed to be constructed around the site varying from approximately 2 metres to 6 metres in height. It is considered that this would sufficiently screen the proposed track from the immediate surrounding area, ensuring that both the track and the vehicles that use the track (including larger vehicles) are not easily visible from the adjacent area.

8.29. The boundaries of the site would be landscaped with the aim to integrate the proposal into the surrounding rural setting with significant visual screening to the northern boundaries. All landscape areas within the site which are in close proximity of the track are restricted to open grass to maintain safe visibility during vehicle testing.

8.30. The earth bunds proposed would be extensively planted on their outer slope to reinforce the buffer between the development and the land to the north of the site. Existing hedgerows are also proposed to be retained on the boundaries of the site, especially along Fenn Lanes where possible.

8.31. A significant and substantial landscaping scheme has been submitted with the application which proposed a large amount of additional planting across the entirety of the site.

8.32. The proposal includes a control building and a storage building, the design of these are simplistic in their approach with portal frame and the use of contemporary materials including metal composite cladding panels. The design of the building would be in keeping with the existing buildings located on the existing MIRA site with the chosen goose wing grey colour with anthracite grey doors and rainwater goods matching that of the recently built buildings located to the south east of the track. The area immediately to the east of the new buildings are to be planted with mixed native woodland planting ensuring views of the development are limited. In addition to this, any views from the north would see the proposed development set against the backdrop of the existing MIRA site.

8.33. Two fixed masts at approximately 10 metres in height and 2 mobile masts (up to approximately 12 metres in height when erected) are also proposed as part of the development. It is considered that these could be permitted development however have been included as part of the submission for clarity. Given the temporary and collapsible nature of two of the masts, and permitted development nature, it is not considered that the masts would result in a significant adverse impact upon the character of the countryside.

8.34. The proposal does not include the installation of any lighting.

8.35. The proposal would result in the loss of the existing hedgerows and trees, which is discussed in further detail in the section below, but would include the provision of a significant robust replacement planting scheme ensuring the development to an extent retains and respects the rural context. The development would retain opportunities for biodiversity and enhance species diversity within and surrounding the application site.

8.36. The contribution of a comprehensive and complementary landscaping scheme, consisting of earth bunds varying from 2m-6m in height, and the combination of hedgerow, shrub and grass planting would soften the development into the surrounding area with the provision of new trees in appropriate locations throughout the site also providing further landscape benefits across the site.

8.37. In landscape and visual terms the scheme as proposed is not considered to be unacceptable. Whilst there would be some short and long term effects on landscape character and visual amenity this is only to be expected for a development of this scale in a countryside location and this harm must be balanced against the public benefits which would be provided as part of this development. It is also important to note that whilst the proposal would impact upon the character of the countryside this would be read in context with the wider MIRA site and would not be an isolated development in the countryside.

8.38. Given the majority of the site is within a site that has been designated as an Enterprise Zone, significant weight needs to be attached to the significant economic benefits that come with that designation. These public benefits of the proposed development are weighed against the visual impacts of the development.

8.39. The proposals would deliver a number of key benefits to the local area and wider Borough as outlined earlier in the report. It is therefore considered that whilst there would be a degree of conflict with criterion i of Policy DM4 of the SADMP, other material considerations, including the economic benefits of the proposed development, the proposed landscape mitigation and the absence of harm when considered against other policies of the adopted development plan, outweigh the harm to the open countryside. The proposal would also aim to follow the landscape strategies as detailed within the latest landscape character assessment.

Impact upon Heritage Assets

8.40. The development proposal is partially located within the Battle of Bosworth registered battlefield. There are no listed buildings or structures on site, however there are several listed buildings, country parks and scheduled monuments within a radius of 5km of the site. The nearest listed building is 1km to the north-west of the site, Grade II listed farmhouse at Hill Farmhouse. There are two scheduled monuments within the vicinity of the site, Bronze Age barrow (90m to the west of the site) and the remains of the chapel at Lindley Park (700m south of the site). The nearest Conservation Area to the site is Higham-on-the-Hill Conservation Area which is approximately 850m to the east of the application site.

8.41. The applicant has submitted the following documents with the application:

- Archaeological Desk-Based Assessment
- Magnetometer Survey
- Archaeological Fieldwalking Survey
- Archaeological Earthwork Survey
- Metal Detector Survey
- Archaeological Field Evaluation
- Intensive Metal Detector Survey
- Assessment of Battlefield Evidence
- Assessment of Setting

8.42. There are therefore important heritage considerations to be addressed as part of this application. It is important that members fully understand these considerations and the statutory policy tests to be applied in determining the applications.

8.43. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a duty on the Council in respect of listed buildings in exercising its planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which the building possesses.

8.44. Section 72 of the same Act requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

8.45. These statutory duties need to be considered alongside the contents of the National Planning Policy Framework (NPPF) and accompanying National Planning Practice Guidance. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designation heritage asset, great weight should be given to the asset's conservation. The more important the asset the greater the weight should be. The NPPF (paragraph 195) requires planning permission to be refused if there is substantial harm to or the total loss of a designated heritage asset unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or all of the criteria listed in Paragraph 195 apply. Paragraph 196 states that where a proposal will lead to less than substantial harm to the significance of the heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

8.46. A key document in assessing the impact on historic assets is 'Historic England's The Setting of Heritage Assets' (Historic Environment Good Practice Advice in Planning Note 3: 22 December 2017). The guidance sets out 5 key steps which this document will use to inform the approach for the assessment of the proposed development. The five steps are:

1) Identify which heritage assets and their settings are affected;
2) Assess the degree to which these settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated
3) Assess the effects the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate it
4) Explore ways to maximise enhancement and avoid or minimise harm
5) Mark and document the decision and monitor outcomes

8.47. In relation to each of the relevant heritage assets an assessment has been undertaken of the extent of the harm which the proposal will cause to the relevant asset. In carrying out each assessment full regard has been given to the statutory duties referred to above and to relevant policy and guidance. In particular, full regard has been had to the considerable importance and weight to be given to the preservation of the relevant heritage assets. Accordingly, in line with the NPPF, the harm should then be weighed against the public benefits of the proposal.

8.48. In making each of these assessments consideration has been given to relevant case law, and in particular the decision in the Barnwell Manor case. In reaching their decisions on the planning application it is important that Members consider the analysis undertaking by officers in relation to these heritage considerations and that Members have full regard to the statutory duties which are places on the Council under Sections 66 and 72 and the contents of the NPPF, as set out in the Committee Report.

8.49. It is also important that Members fully understand the specific terminology used in the assessment by both Council Officers and Historic England. The most critical test is whether "substantial harm" is caused by the development. Next is whether there is "some harm" caused but this is less than substantial harm and finally whether there is an impact which is not necessarily harmful.

8.50. Policy DM11 states that the Council will protect, conserve and enhance the historic environment through the borough through careful management of development that might adversely impact both designated and non-designated heritage assets.

8.51. Policy DM12 states that all development proposals affecting heritage assets and their setting will be expected to secure their continued protection or enhancement, contribute to the distinctiveness of the areas in which they are located and contribute to the wider vibrancy of the borough. It goes on to identify that all development proposals affecting the significance of heritage assets and their setting will be assessed in accordance with Policy DM11 and will require justification. Further detail is outlined in regards to Listed Buildings, Conservation Areas, Historic Landscapes, Scheduled Monuments and Locally Important Heritage Assets. Specific mention is given within Policy DM12 to Bosworth Battlefield and states *'Development proposals within or adjacent to the historic landscape of Bosworth Battlefield should seek to better reveal the historic significance of the area. Proposals which adversely effect the Bosworth Battlefield or its setting should be wholly exceptional and accompanied by clear and convincing justification. Such proposals will be assessed against their public benefits. Particular regard will be had to maintaining topographical features, archaeological remains or to the potential expansion of the Battlefield.'*

8.52. Policy DM13 states that where applicable, justified and feasible remains will be required to be preserved in situ ensuring appropriate design, layout, ground levels, foundations and site work methods to avoid any adverse impacts on the remains. Where preservation in situ is not feasible and/or justified a full archaeological investigation and recording by an approved archaeological organisation will be required before development commences.

Higham on the Hill Conservation Area

8.53. Higham on the Hill Conservation area lies 850m to the east of the proposed site. The name Higham on the Hill is derived from High Ham', a Farm or manor above the surrounding countryside. Although not mentioned in the Dooms Day Book of 1086, it is believed that it was included in an adjacent Lordship. The origin of the ending in ham suggests it is of Anglo-Saxon origins. The village farms ensure that the prevailing image is that of an agricultural settlement.

8.54. The village's prominent ridge top location enables good views out into the countryside, especially towards Nuneaton, Atherstone, the Ashby Canal and Stoke Golding which are important to protect. Its historic core however is generally screened from the surrounding area by modern development or thick vegetation.

8.55. Between the site and the Conservation Area lies the existing MIRA proving ground, which can be visible from some vistas within the Conservation Area. The application site would lie beyond this and would be read in context with the existing MIRA site. It is therefore concluded that the proposal scheme would not harm the setting of the Conservation Area.

Listed Buildings

8.56. The nearest listed building is the 18th century farmhouse at Hill Farmhouse, 1km to the north-west of the site. This is a later 18 century red brick, slate roof, 3 storey dwelling.

8.57. Due to the distance of the listed building and existing areas of hedgerows and vegetation and the proposal of additional planting it is considered that the development proposal would not harm the setting of the listed building and would have a neutral impact.

8.58. There are a number of other listed buildings within a wider 5km radius of the site. Due to the distance, existing vegetation and topography it is not considered that the proposed development would be easily visible from these points and would not harm the setting of the listed buildings within the surrounding area.

Scheduled Monument

8.59. There are two scheduled monuments within the vicinity of the site, Bronze Age barrow (1010198) (900m to the west of the site) and the remains of the chapel at Lindley Park (1005075) (700m south of the site)

8.60. Due to the distance of both assets and the existing and proposed planting for the site it is concluded that the proposal would not harm the setting of these monuments and would have a neutral impact.

Battle of Bosworth Registered Battlefield

8.61. The site lies partially (north western corner) within the area designated as the extent of the battlefield.

8.62. The Battle of Bosworth took place on 21 August 1485. While it is not considered to be the final battle in the Wars of the Roses, it was the deciding battle of this protracted civil war. The Wars of the Roses are second only to the English Civil War as a period of internal turmoil in England. Richard III was the last English king to die in battle and the last of the Plantagenet dynasty. His defeat by Henry Tudor brought about a new ruling house and is often seen as a symbolic end of the Middle Ages in England. The site is designated by Historic England (under the Historic Buildings and Ancient Monuments Act 1953) on the basis of its special historic interest as a registered battlefield (List Entry Number 1000004) for the following principal reasons:

1) Historical importance: an iconic event in English history, the Battle of Bosworth brought the Tudor dynasty to the throne and saw the last death of an English king in battle;
2) Topographic integrity: while agricultural land management has changed since the battle, the battlefield remains largely undeveloped and permits the site of encampments and the course of the battle to be appreciated;
3) Archaeological Potential: recent investigation has demonstrated that the area of the battlefield retains material which can greatly add to our understanding of the battle; and,
4) Technological significance: Bosworth is one of the earliest battles in England for which we have clear evidence of significant use of artillery.

8.63. The battlefield is the focus of long-term involvement by The Battlefields Trust, Bosworth Battlefield Trust, Leicestershire County Council and Hinckley and Bosworth Borough Council in partnership with the local residents, Heritage Lottery Fund and Historic England with positive support from MIRA and local farmers. The site has been the focus of extensive research, including the 2013 book ‘Bosworth 1485: A Battlefield Rediscovered’ by Glenn Foard and Anne Curry. This research has revised the understanding of the battle and provided greater clarity to the area over which it was fought, and more recently, by the discovery of Richard III's body. Bosworth may therefore be the most carefully studied battlefield in the country. The identification of the battlefield area is based on a combination of documentary analysis, historic terrain investigation, systematic metal detecting to locate battlefield artefacts precisely and an understanding of the military technology and practice of the time. As a result of this research, Historic England (then English Heritage) undertook to re-evaluate the registered area of the battlefield and the registration entry was amended in 2013 to reflect the detailed understanding of the battlefield now available.

8.64. The proposal would introduce a test track of 115,000 square metres, a two storey control building, a single storey storage building, servicing/storage/parking area adjacent to the buildings, antenna and landscaping.

8.65. The proposal would impact both the topographic integrity and archaeological potential of the battlefield (on both the registered and undesignated sections). The setting (with regard to the registered battlefield) and evidential components contribute directly to the battlefields' significance and precautions must be taken to conserve them.

8.66. An extensive heritage assessment has been carried out for this application. The fieldwork identified one round-shot from the southwest area of the registered battlefield that in all likelihood derived from the Battle of Bosworth itself. Several other artefacts were also recovered that may have come from the battle or a Civil War skirmish in 1644, but their provenance is less certain. The spatial distribution of these artefacts would seem to indicate that the proposal is located on the periphery of the Battle of Bosworth, and that the current extent of the registered battlefield in this area is broadly accurate. However, the removal of any objects from their primary places of deposition, and relative positions in the plough zone, would result in a loss of information potential and evidential value. This would harm the significance of the battlefield by partially removing our ability to understand the extent and ebb and flow of the battle as it progressed.

8.67. The heritage assessment has highlighted that the western (north to south aligned) ridge immediately west of the proposed site might have a hitherto unrecognised significance to the battle because it would have afforded strategic views across the lower-lying land to the northeast and former Roman road of Fenn Lane, which are now understood to have be the main foci of the battle. The proposal would appear in the foreground of this view. The landscape and heritage specific visual impact assessments for the scheme demonstrate that key views from the battlefield, both near and far (including from the Bosworth Battlefield Heritage Centre on Ambion Hill, the western ridge and immediately adjacent to the proposal), would be unimpeded by the introduction of the development proposal into the landscape, due to topography and vegetation (hedge rows and mature trees). The potentially significant view from the western ridge across the battlefield is also uninterrupted because the proposal would be located below the ridge-line. On the basis of the information provided, the principal views to and from the battlefield would therefore be largely unaffected by the proposal. The proposal would, however, be obvious from certain points in the landscape, although these would be glimpsed views according to the assessment undertaken. Consequently, the introduction of such a large structure into the landscape would cause some harm to the significance of the battlefield due to its visual intrusion, masking of underlying topography and therefore people's ability to appreciate the battle and its' environs, although this would not be towards the upper end of harm in terms of the National Planning Policy Framework (NPPF)

8.68. Historic England identified *'the development proposal is a substantial structure, and would have a direct physical impact and an indirect impact through altering the rural character of part of the battlefield. Heritage assessment has demonstrated the development proposal would cause some harm to the significance of the registered battlefield. Clear and convincing justification needs to be identified by the local planning authority to ensure the level of harm that would be caused is outweighed by the public benefits. Historic England recognises the substantial public benefits of the development proposal.'*

8.69. Leicestershire County Council (Archaeology) have identified that the proposal would likely have a detrimental impact upon the registered battlefield, however recommend the consideration of Historic England and the level of harm they have identified. In addition to this it is stated *'Notwithstanding the likely impacts of the scheme upon the know and anticipated historic environment (please refer to the submitted ULAS desk-based assessment for a detailed summary), we can now* *recommend approval of the current application subject to conditions to secure a suitable programme of post-determination further investigation and subsequent mitigation.'* It is also recommended that in accordance with paragraph 199 of the NPPF and Policy DM13 of the SADMP the applicants should record and advance understanding of the significance of any heritage assets through an appropriate programme of archaeological mitigation.

8.70. It is therefore necessary to include a condition requiring the submission of a written scheme of investigation (WSI) for the archaeological programme from an appropriate organisation and the completion of this scheme prior to first use of the site.

8.71. Some harm is identified as less than substantial harm and therefore it is concluded that the proposal would have less than substantial harm to the significance of the Battlefield. In accordance with the NPPF the harm should then be weighed against the public benefits of the proposal.

Public Benefits

8.72. This proposal has funding from central government and is part of a wider funding programme for the development of connected and autonomous vehicles (CAV) technology and research. On the announcement of these funding packages the Business and Energy Secretary, Greg Clarke, said *'Combining ambitious new technologies and innovative business models to address social and economic challenges lies at the heart of the government's modern Industrial Strategy. Accelerating connected and autonomous vehicle technology development is central to achieving this ambition and will help to ensure the UK is one of the world's go-to locations to develop this sector. These projects, backed by government, form part of a globally unique cluster running from our automotive heartlands in the West Midlands, down through our innovation centres in Oxfordshire and Milton Keynes, through to London, Europe's only megacity. To achieve this, government and industry are working together to create the world's most effective CAV testing ecosystem, integrating existing proving grounds and public road test sites across the UK's existing automotive sector, strengthening existing capabilities and creating new ones.'*

8.73. It has been identified by the applicant that '*Connected and Autonomous Vehicles (CAV) bring huge benefits to society, representing a substantial wealth creation opportunity. To turn this opportunity into reality the UK must build an eco-system to accelerate the development, deployment and commercialisation. The Trusted Intelligent CAV (TIC-IT) facility will be critical to this eco-system, providing a realistic, controlled high speed, limit-handling and fully connected environment. Allowing real world CAV driving scenarios to be created, including testing that cannot be conducted in public environments. TIC-IT will be a flexible facility allowing the maximum number of use cases and test scenarios to be performed using temporary real world features. It will accelerate development and testing to ensure CAVs are safe and secure. Developed in conjunction with Coventry University's Centre for Mobility and Transport it will bring a unique capability to the UK, increasing the level of test and engineering activities conducted allowing the consortium to build its capability in CAV and enhancing the attractiveness of the UK to inward investment.'*

8.74. The development of CAVs would help improve safety, mobility, and efficiency whilst simultaneously reducing pollution, consumption and congestion. This proposal would therefore help contribute towards achieving this aim which would have social, economic and environmental gains.

8.75. At a more local level the proposal would result in the following benefits:

- An additional 250 high value direct jobs would be created on MIRA Technology Park.
- A further 205 indirect jobs created at MIRA Technology Park in indirect sectors.
- An estimated 100 construction jobs during the construction phase of the Proposed Development.
- Approximately 1,350 additional jobs created in the region as a result of the new facility.
- The safeguarding of 25 jobs.
- Two new CAV orientated companies to MIRA Technology Park per year.
- Recruitment of approximately 12 CAV researchers, graduates, technicians and apprentices at MIRA Technology Park.

8.76. It is therefore evident that this proposal has considerable public benefit, not only at a local level but also nationally as the project is funded by central government to support Government's ambition to accelerating connected and autonomous vehicle technology development.

8.77. In weighing these benefits against the harm, full regard has been given to the statutory duties referred to above. Full regard has been given to the considerable importance and weight to be given to the preservation of the relevant heritage assets.

8.78. Having carried out the weighing exercise and had full regard to all of the relevant issues, it is concluded that the public benefits to be delivered by the proposal are considerable and outweigh the less than substantial harm caused by the proposed development. The development is therefore considered acceptable in accordance with paragraphs 193, 195 and 196 of the NPPF and Policies DM11, DM12 and DM13 of the SADMP.

<u>Impact upon highway safety</u>

8.79. Policy DM17 and DM18 of the SADMP states that proposals ensure that there is adequate provision for on and off street parking for residents and visitors and there is no impact upon highway safety.

8.80. Paragraph 108 of the NPPF states that development should ensure appropriate opportunities to promote sustainable transport modes can be or have been taken up; a safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways ground if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

8.81. The proposal when operational would use the existing MIRA access from the A5.

8.82. It is identified within the transport statement that for 7 months of the total 12 month construction programme all vehicular access to the site for both light vehicle and HGV movements would be through the MIRA internal road system to the main Gatehouse on MIRA Drive to connect with the A5 Watling Street. For a period of 5 months within the construction period, the level of construction vehicle activity and in particular HGV movements associated with the import of granular sub-base material and asphalt construction would peak at a level such that it would be necessary to provide a temporary construction access at Fenn Lanes for HGV movements to be separated from the operational MIRA site. During the 5 month period construction workforce would continue to access and egress the site via the main Gatehouse and the A5 the temporary construction access would only be used by vehicles delivering aggregate to the site.

8.83. It is concluded that during the construction period the proposal would generate up to 76 daily HGV's (152 movements) in a 12 hour period, equating to circa 15 HGV movements (two-way) (two-way) in any given hourly period.

8.84. The following mitigation measures proposed to alleviate the impact upon Fenn Lanes are outlined in the Transport Statement:

- The construction access would be controlled by 3-way temporary traffic lights during operational hours, supported by appropriate traffic management works including advance-warning signage. Outside of operational hours Fenn Lanes would continue to operate as normal. Contractors would be required by the applicant to employ a pre-booking system with appointed times for the arrival of HGV's carrying materials to site to ensure that only one construction vehicle would turn up at any one time. The siting of this would be at least 35m back from the edge of the carriage way from Fenn Lanes to ensure there is no obstruction to the free flow of traffic on the public highway.
- Supervisory banksmen would be on site working alongside the security staff to manage the movement of HGV's to and from the site to maintain the free flow of movement for all existing road users on Fenn Lanes, with priority given to incoming vehicles to eliminate any instance of blocking back onto the public highway.
- Temporary signage is proposed which would not only direct contractor vehicles and suppliers but also provide appropriate advance warning to other road users on Fenn Lanes. The signage would reinforce the requirement that no works traffic shall use Fenn Lanes to the north-east of the proposed temporary construction access.
- Once the temporary construction access is redundant the original field gate and hedgerow on the southern side of Fenn Lanes would be reinstated along with the removal of any construction-related signage and replacement of any highway signs removed as park of the works.

8.85. A road safety audit has been undertaken for the temporary construction access and all recommendations have been accepted by the applicant and amended plans have been submitted to address these recommendations.

8.86. A masterplan was previously drawn up for the site and following this an extensive package of highway improvement measures were proposed and agreed with Highways England. These works were secured via Regional Growth Funding, and the improvements were completed in spring 2015. The road works package delivered significant works including the conversion of the existing MIRA Drive access to a roundabout junction, the dualling of the A5 along the frontage of the site and a new junction to the north-west of the site, which provides a left in / left out access to the eastbound carriageway of the A5. The road works package has also delivered improvements to off -site junctions within the vicinity of the MIRA Zone. Within the site improvements to the on site road infrastructure are ongoing, however improvements to sustainable moves of transport have been implemented and bikes are available for all staff to travel around the site.

8.87. Highways England have raised no objections to the proposal.

8.88. Leicestershire County Council as the Highway Authority raise no objection to the operational access for the development. Objections have been received in regards to the temporary construction access at Fenn Lanes. The Highway Authority state:

'Fenn Lane is a rural, classified road with 7.5T weight restriction, subject to the national speed limit and the principle of routeing significant volumes of HGV traffic,

signalising Fenn Lane and bringing traffic to a stop is incongruous with the context of Fenn Lane and with specific regard to driver perception and expectation when using this route. Fenn Lane provides a mostly unhindered east-west connection between the A444 and A447 and so facilitates vehicle trips both by users travelling further afield in addition to serving access and local movements for local villages in addition to demand by pedestrians, cyclists and other vulnerable and non-motorised users. The LHA concludes that this route, and given the existence of viable alternatives, is not suitable for the proposed construction traffic use.

Notably, and following consideration of Personal Injury Collision (PIC) data for the relevant study area the LHA is aware of a collision history which could be exacerbated by the construction routeing proposed. Namely, two rear shunt incidents on the A444 and one of which involved a large, slow moving vehicle waiting to turn into Fenn Lane. A further incident along Fenn Lane occurred when a line of vehicles attempted to overtake a large, slow moving vehicle travelling along Fenn Lane.

Furthermore, the proposal would lead to a significant increase in turning movements at the junction of the A444 with Fenn Lane which is contrary to policy IN5 of the Leicestershire Highway Design Guide which seeks to resist the intensification of turning movements especially onto high speed, rural, classified A roads. Noting also the 7.5T weight restriction on Fenn Lane which currently limits use by relevant vehicles to access only.'

8.89. The Highway Authority state in their objection that there is an 'existence of viable alternatives' and highlight the potential for using the existing access from the A5 Watling Street. The applicant has investigated the potential for using the existing access from the A5 for the aggregate deliveries to the site but have found this to be an unviable option for three reasons, safety, significant cost implications and delay to the delivery of the facility which must be delivered by December 2019 to meet the government obligations. Each issue is addressed below.

8.90. The access road into MIRA from the A5 has been recently upgraded as discussed above, however beyond the gatehouse into the site the available land is severely restricted, due to land ownership, topography and services. The internal distributor road is 5.2m wide from the security gatehouse to the proving ground bridge which is a little more than twice the width of a 2.5m HGV (without mirrors). This is suitable only for occasional passing of heavy commercial vehicles as experienced by the applicant in the existing operation of the site and the current smaller building construction projects in the North West sector. The proposal would at peak introduce 75 additional HGV movements to this substandard access road. In addition to the narrow width of the internal road, there is a traffic light junction at the bridge access to the existing track which at present causes delays within the site due to the bride access being single lane only. The management of traffic at the bridge junction with the spine road would cause added problems in both terms of congestion but more significance the safety of other modes of transport. Due to the introduction of a Green Travel Plan, initiated through the Regional Growth Fund programme delivered in partnership with HBBC, there is a growing number of cyclists on site taking advantage the available bikes additional HGV movements within the site on narrow roads would significantly increase safety issues to not only other vehicles but also cyclists within the site.

8.91. The cost of remodelling the bridge access point at this time (with a new structure and digging into the banking to provide greater width) is prohibitive at this time. The issue with the existing internal distributer roads is widely understood and a programme of infrastructure work is proposed to upgrade the existing infrastructure (in collaboration with the LLEP and HBBC). This would see an extension of the new entrance road up through the site to include a new bridge to the proving ground replacing the existing single carriageway bridge. These improvements have however been delayed and would not be available to provide additional capacity for the construction of the TIC-IT facility. It would be unreasonable to expect the applicant to delay the delivery of this scheme until the internal distributed roads are upgraded.

8.92. As discussed above this project has funding from central government. Government has set obligations on the applicant to deliver the development by December 2019. The construction period for the proposal is therefore significantly limited and constrained. The only way a thru site option could work for aggregate deliveries is for aggregate construction vehicles delivery times to be greatly spaced out (to avoid vehicle conflict) and this would significantly extend the development timetable and costs, further making this option unviable and undeliverable.

8.93. In the context of these constraints the only realistic option is to bring the aggregate construction traffic in via Fenn Lanes which is over 6m wide and allows for much safer passing distances. The access/egress point is located to the most western part of the application site where it meets Fenn Lanes and the design of the access ensures that vehicles would only be able to travel from/towards the A444 only. The applicant has highlighted that access would be continually marshalled to ensure rules are not broken.

8.94. Whilst it is acknowledged that the Highway Authority have raised objections to the temporary construction access due to safety concerns, the nature of the access is within its very name, temporary. The impacts to highway safety would be for a 5 month period only. The highway authority highlight that the proposed construction access would lead to a significant increase in turning movements at the junction of the A444 with Fenn Lane, contrary to policy IN5 of the Leicestershire Highway Design Guide. This significant increase would be limited to a 5 month period to facilitate the construction of development, whilst this could have some impact upon the highway network it is not considered to be severe in the context of paragraph 109 of the NPPF due to its temporary nature and the mitigation measures proposed.

8.95. The Highway Authority also highlight existing Personal Injury Collision data for the area and refer to two rear shunt incidents on the A444 and a further incident along Fenn Lane when a line of cars tries to overtake a slow moving lorry. Driver behaviour cannot be controlled by the applicant or the highway authority; however mitigation measures can be put in place to make drivers fully aware of any changes to the ‘normal’ circumstances they would expect upon this stretch of highway. The applicant has outlined a number of mitigation measures that would be in place to warn drivers of the construction traffic and access/traffic lights ahead, namely additional signage for both construction vehicles and other highway users. Banksmen are proposed in addition to the traffic lights to provide further mitigation. When the temporary construction access is not in use the traffic lights would be turned off to allow free flow of the highway network again reducing the impact of the development to Fenn Lanes. It is concluded that appropriate mitigation is in place to alleviate this impact.

8.96. The proposal includes a suitable access for the operation of the proposal and sufficient parking is available for the users of the site. As previously mentioned the MIRA site has a Green Travel Plan and this would encompass the proposed site if approved and therefore sustainable methods of transport would be encouraged on site.

8.97. Notwithstanding the objection from the highway authority to the temporary construction access it is concluded due to the identified mitigation measures and the temporary nature of 5 months it would not have a severe impact upon the road network or highway safety, for the proposes of paragraph 109 of the NPPF and Policy DM17 and DM18 of the SADMP. The proposed temporary construction access and the operational access are therefore acceptable.

Impact upon neighbouring residential amenity

8.98. Policy DM10 of the SADMP identifies that development 'would not have a significant adverse effects on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion. Additionally, Policy DM7 ensures that development does not have an adverse impact upon light, noise, or vibrations of a level which would disturb areas that are valued for their tranquillity in terms of recreation or amenity and air quality.

8.99. The nearest residential properties are Rowden Cottage, Rowden Gorse and Rowden House Farm to the south of the site. The residential properties nearest to the north of the site are Wide View, White Gables Farm, The Cottage, Willow Farm and Meadowcroft

8.100. Environmental Health (pollution) have raised no objections to the development subject to a number of conditions relating to construction and noise.

8.101. The proposal does not include lighting and therefore there would be no harm to residential amenity from lighting.

8.102. A noise level survey report and a noise impact assessment have been submitted with the application.

8.103. The investigation for noise has measured/calculated/modelled existing and predicted noise levels at sensitive receptors. The predicted levels are inclusive of the mitigation works proposed. The development would change the noise environment for some sensitive receptors; however, the predicted noise levels are generally comparable to those monitored as existing during the investigation. The result is that it is predicted that current noise standards would be maintained for all noise sensitive properties during the daytime except for one property which is currently exposed to noise levels greater than the current noise standards without the development; at this location, the development does not significantly increase the noise exposure to that already measured. In addition, the result is that it is predicted that current noise standards would be maintained for all noise sensitive properties during the night time except for four properties which are currently exposed to noise levels greater than the current noise standards without the development; at these locations, the development does not significantly increase the noise exposure to that already measured.

8.104. The assessment has used 4 worst case scenarios to predict the noise impact it is requested by Environmental Health that a condition is included to ensure only one scenario is operational at any one time to ensure the validity of the noise predictions. It is not considered that a condition of this nature would meet the 6 tests outlined in the NPPG guidance. A condition to this effect would be restrictive to the types of vehicles and scenarios that can use the track and would be difficult to enforce. If the proposed development were to result in a noise impact over and above that identified and that which is harmful to residential amenity this can be reviewed and mitigated against under separate Environmental Health legislation.

8.105. The bunding to the north of the site does not join due to an easement on site. To ensure that this gap does not result in noise spill a sound attenuation fence is proposed at each end of the gap. The details of this have not been provided and a condition is necessary to ensure the specifications of the fence are appropriate and in line with the noise mitigation strategy.

8.106. The application details the following proposed hours of operation:

Monday – Friday – 24 hours
Saturday – 06:00 – 17:00
Sunday – 06:00 – 16:00

8.107. Environmental Health identify that the submitted noise assessment highlights that testing is unlikely at night time as the track is not lit, but preparation for testing is expected to take place on occasions. Environmental Health have requested amendments to the operation times to the following:

Monday - Friday – 07:00 – 23:00
Saturday - 07:00 – 17:00
Sunday - 07:00 – 16:00

8.108. The application site is adjacent to the existing MIRA site which includes a test track which is unlimited in its use. To place a condition on the hours of use of the track would be extremely difficult to enforce as it would not be clear as to which track is in use and where the noise is coming from within the wider MIRA site. The proposal is designed to ensure views of the track are removed from public view due to the bunding and proposed landscaping and therefore if complaints were received officers would not be able ascertain if the track is in use or not without going into the MIRA site which needs security access clearance. It is therefore considered that a condition restricting the hours of use would not meet the 6 tests identified within the NPPG guidance as it would be difficult to enforce.

8.109. It is acknowledged that the noise impact assessment is only a prediction of noise impact and as such cannot guarantee the level of impact during operation. It is therefore recommended that a condition is included which requires a noise monitoring scheme to be submitted three months following first use of the site. If the noise monitoring scheme identifies higher levels than that previously anticipated then further mitigation measures would need to be proposed and implemented. This condition would ensure that the noise levels generated by the proposal would not be as such that it would be harmful to residential amenity.

8.110. The applicant has requested the following construction hours:

Mon-Fri - 07:00 – 19:00
Sat - 08:00 – 14:00
Sun - None
Bank Holidays - None

8.111. Whilst these hours are not in line with the hours generally recommended by Environmental Health a reduction in construction times would extend the construction programme by approximately 20%. This would have implications upon the length of time needed for the temporary construction access on Fenn Lanes and would extend any potential disturbance to the neighbouring properties. For these reasons it is considered that the proposed constriction hours are acceptable in this instance. It is acknowledged by Environmental Health that if issues arise during the construction period with noise impacts with noise levels exceeding acceptable levels then these matters can be addressed under nuisance legislation.

8.112. An initial Construction Environmental Management plan has been submitted with the application, however this would need further development as the full details of construction is known. A condition securing the submission of a construction environmental management plan is submitted to and agreed in writing prior to the commencement of development would be necessary to ensure the construction phase of the development does not have a significant effect upon dust, odour, noise, smoke, light and land contamination.

8.113. Some objections received have raised concerns with the vibration impacts upon their property and the dust which would settle on nearby properties. It has been requested by these objectors that the applicant pay to carry out surveys of the property and pay any damages and clean the properties of any dust. This is not a material consideration to this application and would be a civil matter between the landowners. A contribution request towards the cost of potential damage to neighbouring properties and cleaning of neighbouring properties of dust would not meet the tests outline within the CIL regulations and would not be sought in this instance.

8.114. Concerns have been raised that vehicles higher than a standard car, such as a bus of HGV could be tested on the track and would be visible by the residents. There is no right to a view and the loss of views is not a material planning consideration. The applicant has included sections with the application which show a larger vehicle of approximately 3.56m in height on the proposed track. These sections are taken to the south and north of the site adjacent to residential properties and also centrally within the site. These sections show that due to the proposed bunds, existing and proposed vegetation and level changes the visibility of the track and any vehicles on it would be restricted from many public viewpoints and residential properties.

8.115. Subject to a number of conditions regarding construction, noise, use and operational hours of the site the proposal would not result in significant harm to residential amenity and is considered to be acceptable in accordance with Policy DM7 and DM10 of the SADMP.

Impact upon Contaminated Land

8.116. Policy DM7 of the SADMP seeks to ensure that development would not have an adverse impact from pollution, including contaminated land.

8.117. A contaminated land survey was undertaken for the site. This summaries that the risks of contamination are anticipated to be low, however suggests further investigation will be undertaken.

8.118. Environmental Health have requested that a further scheme for investigating any potential land contamination is submitted prior to the commencement of development and in addition to this a condition is included which requires an addendum including mitigation measures to be submitted if contamination is found on site which was not previously identified.

8.119. Subject to the inclusion of this condition the proposal would not harm contaminated land and is therefore contrary to Policy DM7 of the SADMP

Impact upon Existing Trees on Site

8.120. Paragraph 175 of the NPPF identifies that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

8.121. An arboricultural report has been submitted with the application and an additional letter to provide further information requested by the tree officer. This report concludes that 77 individual trees are listed for the site, 30 groups and 15 hedges. Whilst some trees may on paper seem to have some of the basic attributes that might indicate the onset of Veteran status the arboricultral consultant acting on behalf of the applicant has confirmed that there are no Veteran trees surveyed on the site.

8.122. To facilitate the development 23 individual trees, 10 groups, 9 hedges, 4 copses and 2 shelterbelts need to be removed. Of these 6 are of high importance for retention (category A) and 18 are of moderate importance (category B). Category A and B trees should be expected to be retained within the development, however due to their location and the specific needs of the design of the proposed track it is not possible to retain these trees. Whilst this is regrettable it is considered that the benefits of this proposal, outlined in the sections above out weight the harm caused by the loss of these trees.

8.123. The application is supported by a high quality detailed landscaping scheme. The landscaping scheme mitigates partially or possible fully the loss of trees on site by new planting. Both Leicestershire County Council (Ecology) and the Tree Officer recommend an amendment to the mix of planting on site and therefore a condition requiring the application to submit these details prior to the commencement of development is considered necessary.

8.124. It is recommended by the Tree Officer that an arboricultural site monitoring scheme is submitted prior to commencement of development to ensure the trees to remain on site are adequately protected. The applicant has submitted some details to satisfy this however further details are required and therefore the condition is considered necessary.

8.125. The proposal would result in the loss of some high and moderate importance trees, however due to the design of the track these losses cannot be avoided. Significant landscaping is proposed around the perimeter of the site which would mitigate the loss of these trees. Subject to appropriate conditions securing the protection of trees during construction and the implementation of the landscaping plans and a management plan the proposal is considered acceptable in regards to the impact of the trees on site.

Impact upon Flood Risk and Drainage

8.126. Policy DM7 of the SADMP seeks to ensure that surface water and groundwater quality are not adversely impacted by new development and that it does not create or exacerbate flood risks.

8.127. A Ground Conditions and Contamination, Flood Risk, Surface Water and Foul Drainage Report (FRA) has been carried out and submitted as part of this application. The site is located in Flood Zone 1 (low less than 1 in 1,000 annual probability of flooding). Leicestershire County Council (Drainage) and Environmental Health (Drainage) have assessed the information accompanying the application, including the further submission of an addendum to the initially submitted FRA. Leicestershire County Council (Drainage) has no objection to the scheme subject to the imposition of conditions relating to the submission of full drainage proposals.

8.128. The FRA identifies that there is no record of pluvial flood history in the vicinity of the proposed development and it is considered to be at low risk of flooding from any source, including tidal, fluvial, groundwater, pluvial, reservoir, canal and other artificial sources. Following any approval of planning permission, the applicant is required to apply for Land Drainage consent prior to making new connections to existing ditches.

8.129. The flood risk posed to the site from all sources is considered to be low, and the flood risk from the development can readily be mitigated by restricting the runoff to greenfield levels and attenuating flows on site. The use of swales, filter drains and attenuation ponds are considered appropriate for the nature and scale of the development and ensures a suitable level of treatment of surface water runoff.

8.130. Therefore it is not considered that the proposal would lead to harm to the quality of groundwater from surface or foul water, and would not cause or aggravate flooding in accordance with Policy DM7 of the SADMP, subject to the imposition of conditions.

Ecology

8.131. Policy DM6 of the SADMP seeks to conserve or enhance biodiversity and features of nature conservation.

8.132. An Ecological Impact Assessment was submitted as part of the original application. Following comments received from Leicestershire County Council Ecology, updated ecology surveys were submitted including a:

1) Great Crested Newt Survey
2) Preliminary Ground Level Bat Roost Assessment of Trees
3) Reptile Survey
4) Badger Survey
5) Updated Preliminary Ecological Appraisal

8.133. Great Crested Newts have been found in ponds throughout the application, with one large population and two small populations. The development would impact two of the three populations directly, either by the direct loss of ponds or the loss of connectivity and the third population would be impacted as it is close to the application site. The impact of the development on a large GCN population is significant and mitigation is required. The impact is considered acceptable, subject to the submitted mitigation strategy to be followed and this is to be secured by condition.

8.134. A small population of Grass Snake were recorded on site and the mitigation for this species has is to be submitted within the GCN mitigation.

8.135. Breeding Birds have been found across the site but the wider area provides suitable alternative habitats for their accommodation.

8.136. The badger survey identifies a main badger sett and four outliers within proximity of the application site. Mitigation has been provided to ensure that these badger setts are not impacted by the development and the mitigation strategy is to be followed by condition.

8.137. The proposed development would result in the loss of some connectivity of bats, but would provide habitat creation to allow bats to continue to forage on site. Further bat emergence surveys of the trees identified as having high or medium potential for roosting are to be submitted prior to commencement and this is recommended to be secured by condition.

8.138. Overall, confirmation has been provided that the development proposals within the site plan would result in a net gain in habitats. No lighting is proposed and therefore there would be no adverse impact in this regard.

8.139. Leicestershire County Council (Ecology) have been consulted on the application and raised no objection in principle subject to the submission of additional information and the imposition of planning conditions to ensure appropriate mitigation measures.

8.140. Subject the submission of the above details and the imposition of conditions, it is considered that the proposed development would not have a significant adverse impact on biodiversity or features of nature conservation in accordance with Policy DM6 of the SADMP.

9. Equality Implications

9.1. **Where No Known Implications** 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 in the consideration of this application. The Committee must also ensure the same when determining this planning application.

9.3. There are no known equality implications arising directly from this development.

10. Conclusion

10.1. It is considered that the development would provide a number of significant public benefits both nationally and regionally, including the development of a CAV testing facility to drive research in this area which is supported by central government and the creation of over 1,000 jobs within the region. Some short term and long term effects on landscape character and visual amenity have been identified. The proposal would therefore have a degree of conflict with criterion i) of Policy DM4 of the SADMP, however the significant economic benefits of the proposed development and the proposed landscaping mitigation outweigh the conflict identified with this policy.

10.2. The proposal includes appropriate mitigation measures to ensure the development would not harm the residential amenity of nearby residential properties, subject to conditions, in accordance with Policy DM10 of the SADMP.

10.3. Notwithstanding the objection received from the highways authority in regards to the temporary construction access, it is considered that the impact would be limited to 5 months for the use of aggregate deliveries only and appropriate highway mitigation measures are proposed to minimise the risk to highway safety. The operational access for the proposal is acceptable. Therefore the proposal, subject to conditions, is in accordance with Policy DM17 of the SADMP.

10.4. Subject to conditions the proposal would not harm the ecology of the site and could provide biodiversity enhancements and would not result in drainage of flooding issues on site in accordance with Policies DM6 and DM7 of the SADMP.

10.5. The public benefits of the proposal need to be weighed against the harm identified to the registered battlefield. The Council has: 1) identified which heritage assets and their settings are affected; 2) assessed whether, how and to what degree these settings make a contribution to the significance of the heritage asset; 3) assessed the effects of the proposed development, whether beneficial or harmful, on that significance 4) explored the way to maximise enhancement and avoid or minimise harm. When considering the significance of the battlefield it is concluded that the impact would be less than substantial. In weighing the less than substantial harm against the public benefits in accordance with paragraph 196 of the NPPF, it is concluded that the benefits outweigh the harm.

10.6. The proposal is considered to be sustainable development subject to the recommended conditions and is in accordance with both the development plan and the NPPF and there are no other material considerations which indicate otherwise.

11. Recommendation

11.1. **Grant planning permission** subject to

- Planning conditions outlined at the end of this report.

11.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.

11.3. **Conditions and Reasons**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

   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, as follows:-

   - Proposed Plans and Elevations Drg. No. 7635 150 A (scale 1:100 and 1:50)
   - received by the local planning authority on 3 May 2018,
   - Site Location Plan Drg. No. 7635 100 A (scale 1:1250),
   - Proposed Site Plan Drg. No. 7635 150 B (scale 1:200)
   - received by the local planning authority on 29 June 2018,
   - TIC-IT Administration Area – Site Plan Drg No. 4501613/SK/18 Rev B (Scale 1L250)
   - Proposed Control Building and Storage Building Drg No. 4501613/SK/19 Rev A
   - TIC-IT Typical Details of Comms Masts Drg No 4501613/SK/032 Rev A
   - Sections – sheet 1 Drg No.1238-TP-00-00-DR-L-5001 Rev P02 (scale 1:200)
   - Sections – sheet 2 Drg No. 1238-TF-00-00-DR-L-5002 Rev P02 (scale 1:200)
   - Tree Retentions and Removals Plan Drg No. BH/03 Sheet 2 of 2 (scale 1:1000)
   - Received by the local planning authority on 20 July 2018
   - Proposed Layout Drg No. 4501613/SK22 Rev D (scale 1:2000)
   - Received by the local planning authority on 24 July 2018
   - Temporary Construction Access-Traffic Signal and Road Sign Arrangement Drg. No 18035/001 Rev C (Scale 1:500)
   - Temporary Construction Access-Visibility Splay and Sight Stopping Distance Drg No. 18035/002 Rev A (Scale 1:500)
   - Received by the local planning authority on 27 July 2018
   - Proposed Palisade Fence Drg No. 4501613/SK/30 Rev B
   - CCTV Location Drg No. 4501613/SK/64 (Scale 1:2000)
   - Proposed Levels Drg No.4501613/SK/31 Rev D (Scale 1:2000)
   - Landscape Proposals 1238-TF-00-00-DR-L-1001 Rev P03
   - Landscape Proposals 1238-TF-00-00-DR-L-1002 Rev P04
   - Tree Retentions and Removals Plan Drg No. BH/03 Sheet 1 of 2 Rev 01
   - Received by the local planning authority on 8 August 2018

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document.

3. The materials to be used on the external elevations of the proposal shall accord with the approved Proposed Floor Plans and Elevations Drg. no. B18/05/P01 (scale 1:50), Proposed Elevations Drg. no. B18/05/P02 (scale 1:50) received by the Local Planning Authority on 15 June 2018.

   Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

4. The development shall be implemented in accordance with approved proposed ground levels and finished floor levels outlined in drawing 4501613/SK/31 Rev D – Proposed Levels received by the local planning authority 8 August 2018.

   Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

5. Notwithstanding the submitted details outlined within the landscape plans, no development shall commence on site until a schedule of plants, noting species, plant sizes and proposed numbers/densities has been submitted to and received in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved document/plan.

   Reason: To ensure appropriate conservation and enhancement of nature conservation features and protection to biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document.

6. A landscape and biodiversity management plan, including the construction phase, operational phase and long term objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the proposal. The landscape management plan shall be carried out as per the approved details.

   Reason: To ensure that the work is carried out within a reasonable period and thereafter maintained and the proposal ensures appropriate conservation and enhancement of nature conservation features in accordance with Policies DM4, DM6 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

7. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping scheme shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

8. Before any development commences full details of the proposed sound attenuation fences to the north of the site identified on Drg no. 4501613/SK/33 Rev D Proposed Layout received by the local planning authority 24 July 2018 shall be submitted to and approved in writing. The sound attenuation fences shall be erected in accordance with the approved details prior to the first use of the proposal and shall be retained in perpetuity.

   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).

9. No development shall commence on site until a programme of archaeological work, comprising further post-determination trial trenching, detailed battlefield specific metal-detecting and as necessary targeted archaeological investigation. The full programme and timetable will be detailed within a Written Scheme of Investigation that shall be submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:

   - The programme and methodology of site survey, investigation and recording (including assessment of results and preparation of an appropriate mitigation scheme)
   - The programme for post-investigation assessment
   - Provision to be made for analysis of the site investigation and recording
   - Provision to be made for publication and dissemination of the analysis, interpretation and presentation of the site investigation
   - Provision to be made for archive deposition of the analysis and records of the site investigation
   - Nomination of a competent person or persons/organisation to undertake the works, with particular reference to the metal detecting survey, as set out within the Written Scheme of Investigation.

   The approved development shall be constructed in accordance with the approved Written Scheme of Investigation.

   Reason: To ensure appropriate satisfactory archaeological investigation and recording is undertaken in accordance with Policy DM13 of the Site Allocations and Development Management Policies DPD (2016) and paragraph 199 of the NPPF.

10. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 9 and provision has been made for analysis, publication and dissemination of results and archive deposition has been secured.

    Reason: To ensure appropriate satisfactory archaeological investigation and recording is undertaken in accordance with Policy DM13 of the Site Allocations and Development Management Policies DPD (2016) and paragraph 199 of the NPPF.

11. No development approved by this planning permission shall take place until details of infiltration testing carried out on site and the suitability of the site for the use of infiltration as a drainage element and the update to the flood risk

assessment (FRA) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

12. 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 to, and approved in writing by, the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

    Reason: 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 though the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

13. No development approved by this planning permission, shall take place until such time as details in relation to the long-term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

    Reason: To establish 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 sustainable drainage system within the proposed development in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

14. Notwithstanding the submitted details in the Noise Impact Assessment dated 6th April 2016 and additional details submitted by e-mail 9 August 2018, a post development noise monitoring scheme shall be submitted in writing to the local planning authority three months following first use of the site. Any necessary mitigation measures identified as required within the scheme shall be completed within 2 months of the date of approval by the local planning authority of the mitigation measures and shall be retained while the use is in operation.

    Reason: To ensuring the ongoing protection of residential amenity, with regard to noise, of the adjacent properties in accordance with Policy DM7 and DM10 of the Site Allocation and Development Management Policies DPD.

15. No development shall commence on site until a scheme for the investigation of any potential land contamination on the site has been submitted 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 approved details and any remediation works so approved shall be carried out prior to the first use of the site.

    Reason: To ensure that any contamination is dealt with appropriately to mitigate any risks to water quality in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

16. 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 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 first use of the site.

    Reason: To ensure that any contamination is dealt with appropriately to mitigate any risks to water quality in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

17. Site preparation and construction shall not be undertaken outside of the following hours:

    Mon-Fri - 07:00 – 19:00
    Sat - 08:00 – 14:00
    Sun - None
    Bank Holidays - None

    Reason: In the interests of neighbouring residential amenity in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

18. Prior to commencement of development a Construction Traffic and Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. Additionally the plan shall include details of the routing of construction traffic wheel cleansing facilities, vehicle parking facilities and a timetable for their provision. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The approved details outlined in the management plan shall be implemented throughout the site preparation and construction phase.

    Reason: To ensure the construction period of the development does not have a detrimental impact upon existing residential amenity and highway safety in accordance with Policy DM7, DM10 and DM17 of the Site Allocations and Development Management Policies DPD (2016).

19. Prior to the first use of the proposal the temporary construction shall be closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

    Reason: In the interests of highway and pedestrian safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016).

20. No development shall commence until a bat emergence survey of trees identified as having high or medium potential for roosting has been undertaken, submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the mitigation measures contained within the approved document.

Reason: To ensure appropriate conservation and enhancement of nature conservation features and protection to biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document.

21. Site clearance works shall be completed outside of the bird-breeding season (March to August inclusive) unless otherwise agreed in writing.

    Reason: To ensure appropriate conservation and enhancement of nature conservation features and protection to biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document.

22. The development shall be carried out in complete accordance with the enhancements contained within the submitted Ecological Impact Assessment dated April 2018 received by the Local Planning Authority on 3 May 2018

    Reason: To ensure appropriate conservation and enhancement of nature conservation features and protection to biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document.

23. No works or development shall commence until a scheme of arboricultural site monitoring by the appointed project arboriculturist has been submitted to and 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) Timing and methods of site visiting and record keeping, including updates
    d) Procedures for dealing with variations and incidents.
    e) The scheme of supervision shall be carried out as agreed.
    f) The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the local planning authority.

    Reason: To ensure that the tree protection plan is adequately implemented in the interests of the visual amenities of the area in accordance with DM10 of the Site Allocations and Development Plan Policies DPD (2016).

24. No external lighting shall be installed on site, unless agreed in writing by the Local Planning Authority.

    Reason: To ensure the development does not harm the character of the countryside, neighboring amenity and protected species in accordance with Policy DM4, DM6 and DM10 of the Site Allocations and Development Plan Policies DPD (2016).

25. The temporary construction access identified on drawing No 18035/001 Rev C and 18035/002 Rev A received 27 July 2018 shall only be used by HGV vehicles importing granular sub-base material and asphalt as outlined in the Transport Assessment dated March 2018.

    Reason: In the interests of highway safety in accordance with DM17 of the Site Allocations and Development Plan Policies DPD (2016) and paragraph 108 and 1019 of the National Planning Policy Framework (2018).

11.4. **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 buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.

2. The scheme shall include the utilisation of holding sustainable drainage (SuDS) techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features.

2. Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenarios for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change return periods.

3. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

4. Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system, and should also include procedures that must be implemented in the event of pollution incidents within the development site.

5. The results should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.

6. If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under Section 23 of The Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found at the following: http://www.leicestershire.gov.uk/Flood-risk-management

7. The Monitoring Scheme required by Condition 14 above shall include periodic review of vehicular use of the track, hours of use of the track, resultant noise levels at noise sensitive receptors (to be agreed) and how these levels compare to current domestic noise standards. The scheme shall include what additional mitigation will be considered if domestic noise standards are not being met owing to use of the track. The scheme shall include how the developer will respond to any reasonable request of the local planning authority to review noise levels associated with the use of the track at any time e.g. following complaint.

8. In relation to condition 15 advice from Health and Environment Services can be viewed via the following web address:- http://www.hinckley-bosworth.gov.uk/contaminatedsite which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.

9. The Written Scheme of Investigation (WSI) required by condition 9 must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

10. The details submitted in accordance with condition 18 shall outline vehicles which will be permitted to use the temporary construction access, in accordance with the Transport Assessment dated March 2018 and include details on how this will be monitored.

APPENDIX B

ITEM 07 **18/00425/FUL** **HORIBA MIRA Ltd**

Site:- Horiba Mira Ltd, Watling Street, Caldecote, Nuneaton

Proposal:- Construction of a Connected and Autonomous Vehicle (CAV) testing track, a control tower and storage building, ground works, landscaping and associated infrastructure

Further Information submitted:

Following the objection received from Leicestershire County Council Highways Authority the applicant has provided further details to clarify the reasons why the HGV traffic cannot access the proposed site via the existing A5 access. A plan has been submitted which identifies the pinch point at the proving ground bridge to be the main site constraint, and any potential mitigation is restricted by the proximity of water main, storm water pipe, foul water pipe and communication and telecom cables and the location of existing embankments. Supporting text has also been provided which states that the primary reason for not being able to use the existing A5 access is not conflict from a health and safety perspective as has been highlighted by LCC Highways. The applicant has highlighted that around 4metres of widening of the existing access at the bridge junction would be required to allow the flow of vehicles to not be impeded. A 4 metre widening is not possible as it would extend past the verge into the ditch and vegetation and it would mean construction over services of which the water main is a particular constraint. The applicant highlights that the water main was only recently put in (2014-15) and was never intended to be built over (it has a way leave in agreement with Severn Trent Water over it), it is buried as 0.9metres and haulage vehicles moving over this main could create pressure that can't be sustained by it. The assessments that the applicant has undertaken shows the road could only be widened by approximately 0.5 metres which would not over come the traffic issues highlighted. The applicant also stresses that *'It is also important to note that we are not saying that this access is unsuitable for all construction access. We are looking to provide construction access for workers, and all deliveries (with the exception of aggregate and asphalt surfacing materials) from the A5. It is only when you introduce the aggregate and asphalt vehicles as well, when the pinch point becomes a major issue. Fenn Lanes will be used for 5 months only. For the first 2.5 months this will be up to 75 vehicles a day but we can manage these deliveries to ensure they are pulsed or spaced out depending on desired timings to mitigate impact. The final 2.5 months there will be a reduction in the amount of trucks falling to a maximum of 30 vehicles a day by September 2019.'*

Consultation:-

Leicestershire County Council has submitted a statement to Planning Committee in its capacity as the Highway Authority. This statement has been included as Appendix A to this late item. The Highway Authority recommends the following reason for refusal:

1. The Applicant has failed to demonstrate that an appropriate and safe construction access would be provided and the proposal, if permitted could result in an unacceptable increase in traffic turning onto or off a high speed, class I (A) road in an area remote from development. Such an increase would not be in the interests of highway safety.

   The proposal would lead to a significant increase in turning movements at the junction of the A444 with Fenn Lanes which is contrary to policy IN5 of the

Leicestershire Highway Design Guide which seeks to resist the intensification of turning movements especially onto high speed, rural, classified A roads. Noting also the 7.5T weight restriction on Fenn Lanes which currently limits use by relevant vehicles to access only and is an indication that Fenn Lanes is not particularly suitable for HGV use. This is considered unacceptable in the absence of any material reason why construction traffic cannot utilise the existing junction access from the A5.

The proposal, if permitted, would lead to an increase in HGV traffic using a route and construction access, which are unsuitable in their design to cater for this increase and would not be in the interests of the highway.

Councillor Ould provided the following comments

1) Fenn Lanes subject of considerable local comment regarding speeding traffic, increasing volume of traffic and accidents. The shape of the junction with the A444 is also not suitable.
2) Support the comments submitted by Leicestershire County Council Highways department.
3) The committee report states that as it is only a temporary arrangement, by inference, that for a 5 month period highway and pedestrian safety is at risk
4) There is a solution available for the applicant to manage the construction traffic through the existing site from the A5.
5) Overall, objections raised regarding highways safety and further considerations should be had in respect of the comments submitted by Leicestershire County Council Highways department.

Kind Richard III Society object for the following reasons:

1) This is a green field site, as well as being a place where a king died in battle and where a new dynasty was born.
2) Members of the Society have no love for the Tudors but that does not mean we approve of such wanton damage to a heritage site.
3) Please reconsider and find somewhere else to build this monstrosity, a testing centre is obviously required but does it have to be to the detriment of England’s heritage and history.

Chairman of Battlefields Trust object for the following reasons:

1) The battlefield is a site of national importance and attracts visitors to and generates income for the area
2) Development would significantly impact upon the setting of the walks around the battlefield site
3) Development would result in a depreciation of the route from which Henry VII approached the battlefield
4) Subsequent applications that encroach further into the battlefield would result in moderate harm
5) Lack of consultation with the Battlefields Trust

459 letters of objection have been received raising the following comments:

1) Objection to the development in principle
2) Destroying/loss of a significant local and national historic interest
3) Loss of harm to the battlefield which is considered significant, not less than substantial

4) Lack of full consideration upon this heritage asset and the negative impacts are considered to outweigh the public benefits
5) Subsequent applications that encroach further into the battlefield would result in moderate harm
6) Loss of income/ local tourism from the loss of the local heritage
7) Harm to local ecology
8) Unjustified reasons for development
9) Setting of a negative precedent which other councils will have to then follow
10) Lack of full archaeological impact and evaluation
11) Alternative sites should be used and are available
12) Loss of the battlefield would be disrespectful to the people who lost their lives
13) Impact upon the conservation area
14) Drainage issues
15) Noise concerns during construction
16) Impact upon highway safety during construction
17) Significant adverse visual impact upon the special landscape qualities of the area
18) Lack of demand for a driverless car
19) Lack of public consultation and the rushed through nature of the application
20) Battle sites need to be secured to allow for future technologies to further investigate the sites archaeological potential
21) Visitors travel from all over the world to visit the site
22) Previous applications elsewhere in the borough have no regard for historical sites, for example Richard III was found under a car park
23) Impact upon adjacent footpaths as a result of the noise impacts from the development
24) Loss of the battlefield which would be irreplaceable and irreversible
25) Noise and disturbance from construction traffic upon the battlefield
26) Contrary to HBBC's own heritage strategy
27) Loss of historical significance for the future generations and future research
28) Noise impacts from the development, conditions should be imposed if allowed
29) Impact upon highway safety and inadequate access from Fenn Lanes
30) Lack of consultation with interested parties
31) The argument that the proposed development involves destroying land
32) No overwhelming need for the development to take place
33) The battlefield extends further than the existing registered area
34) Bosworth battlefield attracts many visitors to the area, even more so since the discovery of Richard III's remain in Leicester.
35) If Archaeology beneath the ground on the site is lost, it prevents future breakthroughs, which could reshape our understanding of the battle.
36) British past will be erased.
37) Battle of Bosworth brought the Tudor dynasty to the throne and saw the last death of an English King in Battle.
38) While agricultural land management has changed since the battle, the battlefield remains largely undeveloped and permits the site of encampments and the course of the battle to be appreciated.
39) Bosworth is one of the earliest battles in England for which we have clear evidence of significant artillery.
40) The existence of a testing track, with its associated noise and traffic, would interfere with the peaceful nature of the site, and change the experience of those who go there to quietly reflect upon the event of August 1485.
41) The area of the proposed development is most likely where the French mercenaries were deployed, along with the Tudor artillery.
42) This clearly affects the battlefield adversely despite the justifications placed in the planning documentation.

43) The proposal does not justify why the new facility has to be on the battlefield or the potentially expanded area.
44) It appears that the proposal has been kept under wraps until the last minute.
45) The site has been described as ‘the edge of the wider battlefield area’ which is misleading and irrelevant.
46) Open spaces need to be retained for further research. As technology improves we may learn more about this pivotal battle in England’s history.
47) England is a crowded place, and there must be difficulty finding appropriate places to test these vehicles, may consider prairie provinces, rather than spoil precious places in England.
48) Exhaust pollution from the proposed development
49) Contrary to the conservation management scheme for the battlefield

Appraisal:-

Impact upon heritage

Reference from objectors has been made to the Bosworth Battlefield Conservation Plan (2013). This document outlines the Landscape Character and Views; Leisure Recreation and Tourism; Significance Values and Issues and sets Objectives and Policies. Policy 5.1 and 5.4 requires the protection of the land and new development does not have an adverse visual or landscape impact on the special qualities of the area within the Registered Battlefield boundary in line with current national policy, in liaison with the Historic and Natural Environment Team (LCC). A full assessment has been undertaken of the impact of the development upon the Battlefield and can be viewed in the committee report in paragraphs 8.61 – 8.78.

Objectors state that by approving this application it would set a precedent for development within the Battlefield Site. Every application must be assessed on its own merits and the details of each application will differ. This application would not set a precedent.

Objectors have highlighted that a full archaeological impact and evaluation has not been undertaken. Historic England and LCC Archaeology have accepted that sufficient information has been submitted to allow an assessment of the application upon the impact of Heritage Assets to be made. The details submitted are therefore sufficient to allow a determination to be made on the application.

A full assessment and weighted exercise has been had within the committee extract in respect of the potential impact upon heritage impacts and the additional comments do not raise any new issues which would alter the appraisal of the proposal and the recommendation outlined in the committee report.

Impact upon highways

The additional information submitted by Leicestershire County Council highlights the concerns with the temporary construction access. Additional information has been submitted by the applicant and this has not been assessed by the Highway Authority.

The applicant has provided additional information which highlights the significant operational and site constraints they have on site which would not make the existing A5 access a feasible option for HGV deliveries of aggregate and asphalt.

The highway authority considers the impact of the development to be contrary to Paragraph 108 of the NPPF criterion b), which states that ‘safe and suitable access to the site can be achieved for all users’. The proposal includes an operation access which satisfies this criterion and the Highway Authority do not object to the operation access and it is the temporary construction access which the objection is related to. The temporary construction access would only be limited to specific vehicles delivering the aggregate and asphalt all workers and other deliveries will use the existing A5 access. It is therefore considered that whilst the Fenn Lanes road is not considered suitable for HGV vehicles and a permeant access would have a severe impact on the highway network, a temporary constriction access restricted to certain vehicles with the mitigation measures proposed would only have a temporary impact upon the highway network and would not be considered a severe impact on the highway network which would warrant refusal in this instance.

Impact upon ecology

Additional information by way of a Biodiversity Impact Assessment Calculation and a Great Crested Newt Method Statement have been received on 10th August 2018.

The submitted information confirms that the development would result in a 'net-gain' of habitats on site as a result of the proposed habitat creation and enhancements which would be created as part of the landscaping on the site.

The submitted Great Crested Newt Mitigation strategy is satisfactory and this is considered acceptable for the proposed development. Condition 22 is therefore amended to ensure that the development is also carried out in accordance with the mitigation strategy of the submitted Great Crested Newt strategy. An additional condition is recommended to ensure the proposed ecological ponds are suitable for Great Crested Newt habitation this would be managed through condition 5 which requires full landscaping plans and details to be submitted prior to the commencement of development and condition 6 within the committee report which requires the submission of a landscape and biodiversity management plan.

Leicestershire County Council Ecology have reviewed the additional information and have no objections subject to the imposition of conditions.

Other Matters

Some objectors have stated that the proposal has had a lack of public consultation. All statutory consultee were notified of the application and given a 21day period for comments, a site notice was erected nearby the site and a consultation notice was published in the local paper for a period of 21days in line with the statutory requirements for consulting on a planning application.

Conclusions:-

The conclusions and recommendation for approval, subject to conditions, outlined in the planning committee report stand.

Recommendation:-

Amended Condition

22. The development shall be carried out in complete accordance with the conclusions, mitigations and compensations contained within the submitted Preliminary Ecological Appraisal dated February 2018 received by the Local Planning Authority on 12 July 2018, the submitted Badger Survey and Plan dated July 2018 received by the Local Planning Authority on 1 August 2018 and the submitted Great Crested Newt Method Statement dated August 2018 received by the Local Planning Authority on 13 August 2018.

Reason: To ensure appropriate conservation and enhancement of nature conservation features and protection to biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document.

APPENDIX

Statement on behalf of Leicestershire County Council in its capacity as Highway Authority at HBBC Planning Committee

28th August 2018

Re: 18/00425/FUL at Horiba Mira Ltd, Watling Street, Caldecote, Nuneaton, Warwickshire

Introduction:

1. The County Highway Authority (CHA) was consulted on the proposed Development and provided formal consultation responses on 18 June 2018 and 10 August 2018

2. The Hinckley and Bosworth Borough Council Officer Report was prepared for the Planning Committee to be held on 28 August 2018 and concluded that the highway issues identified as material planning considerations by the CHA could be mitigated and recommended that the Application be approved (para 1 in the Officer Report). However this is not the view of the CHA.

3. This supplemental statement seeks to clarify the highway issues and assessment related to this proposed Development.

Highway Considerations:

4. Construction Access

The County Highway Authority (CHA) wishes to clarify its position in relation to the issue of construction access on to Fenn Lanes as part of the Application. This statement is intended to ensure members of the planning committee are fully informed of the CHA's advice in respect of this application prior to its determination.

The CHA maintains the position that the proposal is contrary to paragraph 108 of the NPPF 2018 where it should be *ensured* that safe and suitable access to the site can be achieved for all users.

Notably, and following consideration of Personal Injury Collision data for the relevant study area the CHA is aware of a collision history which could be exacerbated by the construction routeing proposed. In fact Leicestershire County Council has identified Fenn Lanes for the Rural Road Initiative, which aims to address the higher than national average number of collisions occurring at selected de-restricted (60mph) roads throughout the County. .

Furthermore, the proposal would lead to a significant increase in turning movements at the junction of the A444 with Fenn Lanes which is contrary to policy IN5 of the Leicestershire Highway Design Guide which seeks to resist the intensification of turning movements especially onto high speed, rural, classified A roads. Noting also the 7.5T weight restriction on Fenn Lanes which currently limits use by relevant vehicles to access only and is an indication that Fenn Lanes is not particularly suitable for HGV use.

5. The Existing A5 Access

The additional information provided by the Applicant provided by email on 20 August 2018 does not show any material reason why construction traffic cannot utilise the existing junction access from the A5. The main arguments made by the Applicant and accepted by the Planning Authority at paragraph 8.93 in the committee report, is that construction traffic would conflict *from a health and safety perspective with a growing number of cyclists on site taking advantage of the Green Travel Plan.* The CHA have concerns with the safety of *all* network users on the highway including cyclists, pedestrian and motor-vehicles. It is within the Applicant's gift to exercise authority on the internal movements within the development site thereby reducing this perceived internal conflict.

Whilst there are several factors that inform the Planning Authority's decision the CHA has not been provided with evidence of the prohibitive nature of the costs of on-site mitigation, definitive evidence that delay will result in loss of funding or viability issues raised. Therefore the CHA cannot support the view of the Planning Authority in its recommendation.

6. Potential Mitigation Measures

The CHA further wishes to clarify that its advice relates to the principle of the access onto Fenn Lanes for use by construction traffic. Comments and advice on other highways matters contained within the Committee Report, particularly regarding suitability of mitigation and the temporary nature of any risk, are provided by the Planning Authority or the Applicant and do not represent the view of the CHA. The CHA would have concerns and comments on the proposed mitigation should the in principle objection be resolved.

Conclusion

7. To conclude the CHA confirms the advice to refuse the application on the basis of the proposed temporary access and its consequential impact on the County Highway Network.

For clarity, the CHA would not seek to resist the principle of development proposed, merely the temporary access arrangements and has maintained this position consistently. Should the opportunity arise to engage further the

CHA would be pleased to work with all parties to enable a satisfactory outcome.