

**Planning Committee 25<sup>th</sup> April 2023**  
**Report of the Head of Planning (Development Management)**

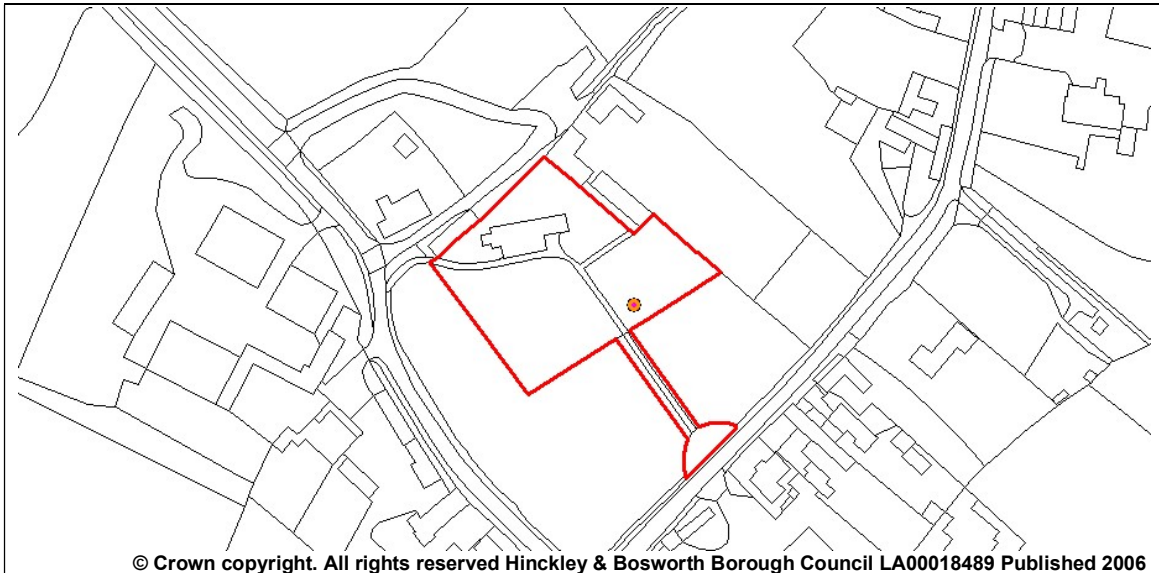
**Planning Ref: 23/00087/FUL**  
**Applicant: Mrs Gemma Tallis**  
**Ward: Ambien**



Hinckley & Bosworth  
Borough Council

**Site: St James C Of E Parish Church Bosworth Road Sutton Cheney**

**Proposal: Proposed erection of three sculpture works (The Calm before the Storm)**



**1. Recommendations**

- 1.1. **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report
  - That the Head of Planning be given powers to determine the final detail of planning conditions

**2. Planning application description**

- 2.1. This planning application seeks full planning permission for the erection of a sculpture at the Grade II\* Listed Church, St. James Church of England Parish Church, Bosworth Road, Sutton Cheney. The sculpture is situated within the churchyard, to the southeast of the Church.
- 2.2. The proposal is for the installation of a sculpture of King Richard III in a moment of reflection before The Battle of Bosworth, which is titled, "The Calm Before the Storm." The sculpture is a stone carving bedded on wet mortar on hardcore and assembled to cover the entire pad. The carved stone artwork is assembled on the foundation pad using a portable gantry. The sculpture measures 1.8m in height and sits on a pad, which is 2.5m in diameter. The sculpture is carved in Portland Whitbed, with a mirror polished black granite base.
- 2.3. All grounds works and preparation for the sculpture are undertaken by hand, and the area of turf and topsoil is carefully lifted and kept for re-use. The original topsoil is used to establish the new level with the original turf relayed. The foundation

trench is taken down 0.5m and prepared with bindings to the ground. Shuttering and reinforcements are prepared off-site and installed.

- 2.4. No additional landscaping is proposed within this development as the churchyard is already well maintained and the proposed sculpture is close to an existing pathway.
- 2.5. This development is part of the Bosworth 1485 Sculpture Trail. The Sculpture Trail is a walking trail that is approximately 12 miles long and encompasses five artwork sculptures that tell the story of the places and their roles within The Battle of Bosworth.
- 2.6. This project is a joint undertaking between Hinckley and Bosworth Borough Council and tourism specialists, Leicestershire Promotions Ltd, to provide a physical experience of moving through the landscape of The Battle of Bosworth. The sculptures aim to have a lifespan of at least 50 years, and they will remain the property of Hinckley and Bosworth Borough Council throughout.
- 2.7. This application is in tandem with the application for the erection of structures at the Land to the west of Shenton Lane, Dadlington (23/00088/FUL), and at Bosworth Battlefield Centre, Ambion Lane, Sutton Cheney (23/00089/FUL), which are also part of the proposed Bosworth 1485 Sculpture Trail.

### **3. Description of the site and surrounding area**

- 3.1. The application site is in the south-eastern corner of the churchyard of St. James Church, which is within the Sutton Cheney Conservation Area. The Church of St. James is a Grade II\* Listed Building, which is located to the northwest of the site. To the north of the site is The Almshouses, which is a Grade II Listed residential property. To the west of the built form of Sutton Cheney is the registered battlefield, Battle of Bosworth (Field) 1485.

#### *The Church of St. James*

- 3.2. The Church of St. James is a medieval parish church that dates largely from the early C13, with some Victorian restoration. It is constructed with limestone, some ashlar work, plain tiled roofs, and a west bellcote. The Church principally derives its significance from the historic and architectural interest of its built form as an early parish church, although the Church also embodies communal value as a place of worship and as the social and physical focal point of both the past and present community of Sutton Cheney.
- 3.3. The churchyard is broadly rectangular and is enclosed by a hedgerow and surrounded by a rough pasture to the south and west. There are scattered gravestones throughout the churchyard, including several modern stones to the direct south of the Church. The Church is the central feature to the churchyard complex, and its dominance within the churchyard is integral to its historic relationship and significance. This immediate setting contributes positively to the church's significance, reinforcing its historic, architectural, and communal values.
- 3.4. Churchyards are important both culturally and historically, offering special places for quiet reflection and contemplation. Particularly pertinent to this application is their historic use for commemorative structures.

#### *The Almshouses*

- 3.5. The Almshouses was formerly six Almshouses that date from 1612 but they were altered during the C19. The Almshouses are constructed of limestone with a plain tiled roof, and they have now been converted to a single residential dwelling. Due to its position flanking the eastern boundary of the churchyard the special interest of the building can be fully appreciated from the proposed position of the sculpture.

*Bosworth Battlefield*

- 3.6. Annex 2 of the National Planning Policy Framework defines the setting of a heritage asset as,

*“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”*

- 3.7. Due to the proximity of the proposed sculpture and the clear intervisibility to affected heritage assets the sculpture is considered to be within the immediate setting of the Listed Buildings, which are the Church and the Almshouses. Although there is no clear intervisibility between the proposed site and the battlefield, there is a wider shared experience between the Church, churchyard and the battlefield, so the site is considered to be located within its wider setting.

- 3.8. The Battle of Bosworth took place on 22 August 1485, and it is considered a pivotal event in English History because the battle saw the death of the last Plantagenet king, King Richard III, and the crowning of Henry Tudor. It is often seen as marking the end of the War of the Roses, and the transition between the medieval and post-medieval period in England.

- 3.9. The site of the battle was designated in 1995 in recognition of its national importance. The purpose of designation to offer it protection through the planning system and to promote a better understanding of its significance and public enjoyment. The principal reasons for its designation are provided by Historic England within the designation description (National Heritage List for England 1000004):

- **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;
- **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;
- **Archaeological potential:** recent investigation has demonstrated that the area of the battlefield retains material which can greatly add to our understanding of the battle;
- **Technological significance:** Bosworth is one of the earliest battles in England for which we have clear evidence of significant use of artillery.

- 3.10. On the night before the battle, the Royalist troops of Richard III are thought to have camped on higher ground to the north and northeast of the battlefield, in the vicinity of Sutton Cheney. Richard III is said to have prayed in St James' Church on the eve of the battle. The Church holds special occasional services and events to mark its connection with the battle.

- 3.11. The Battlefield remains a topographic integrity which helps observers to appreciate key views, and possible lines of movement and troop positions. It remains rural in character and largely undeveloped, despite changes in agricultural practises. Features which point directly to the medieval landscape survive in places, such as ridge and furrow cultivation earthworks and the medieval church sites themselves. The agrarian character survives despite the extensive modifications through drainage and hedgerow enclosure, and in the construction of the Ashby Canal and Ashby and Nuneaton railway line.

#### *Sutton Cheney Conservation Area*

- 3.12. The Sutton Cheney Conservation Area is an area of special historic and architectural interest. The accompanying conservation area appraisal (SCCAA) (2008) identifies that Sutton Cheney is a small former farming village set in attractive open countryside with close links with the Battle of Bosworth. The village as an architectural group is of great value with an ensemble of brick built vernacular cottages straddling along Main Street each side of the Hall, the Church, and its Almshouses.
- 3.13. The Conservation Area is centered on the large open area of raised ground in the middle of the village, which includes the churchyard and the application site. The SCCAA map identifies the churchyard and paddocks to the south and west as key spaces that contribute positively to the significance of the conservation area due to their character and appearance.
- 3.14. Due to the open nature of the paddocks, there is an important view looking north over them from Main Street and Bosworth Road towards the Church and Almshouses, where the significance of these buildings can be fully appreciated, although visually they are screened to some degree by the churchyard boundary vegetation.

#### **4. Relevant planning history**

- 4.1 Non relevant

#### **5. Publicity**

- 5.1 The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2 One member of the public supports the planning application as it encourages much needed tourism to the local economy and enhances the rural Church and the village of Sutton Cheney.
- 5.3 Market Bosworth Society also made comments in support of the planning application.
- 5.4 No further responses have been received.

#### **6. Consultation**

- 6.1 There have been no objections from the following consultants:
- Hinckley & Bosworth Borough Council (HBBC)'s Conservation Officer (subject to conditions)
  - Leicestershire County Council (LCC)'s Archaeology Team (subject to conditions)
  - Local Highway Authority (LHA)

- 6.2 Historic England notes the positive intentions of the Bosworth 1485 Sculpture Trail to increase public accessibility and engagement with battlefield and has no objection in principle to the scheme. Historic England consider the project to have a positive and welcome ambition to widen interaction and understanding of the Battle of Bosworth, both within and beyond the boundary of the registered battlefield. However, Historic England have expressed concerns regarding the curatorial sensitivities of the scheme and that the heritage statement fails to consider the significance of the heritage assets, including that which the heritage assets derive from their setting.
- 6.3 Sutton Cheney Parish Council supports this planning application but raises concerns regarding the lack of parking in the local area to support such an attraction.
- 6.4 LCC's Archaeology Team have requested a pre-commencement planning condition requiring a Written Scheme of Investigation (WSI) for archaeological recording.
- 6.5 No further responses have been received.

## **7. Policy**

- 7.1 Core Strategy (2009)
- Policy 13: Rural Hamlets
  - Policy 23: Tourism Development
- 7.2 Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM10: Development and Design
  - Policy DM11: Protecting and Enhancing the Historic Environment
  - Policy DM12: Heritage Assets
  - Policy DM17: Highways and Transportation
  - Policy DM18: Vehicle Parking Standards
  - Policy DM24: Cultural and Tourism Facilities
- 7.3 National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
  - Planning Practice Guidance (PPG)
- 7.4 Other relevant guidance
- Bosworth Battlefield Conservation Plan: The Way Forward (BBCP) (2013)
  - Good Design Guide (2020)
  - Leicestershire Highway Design Guide (LHDG)
  - National Design Guide (2019)
  - Sutton Cheney Conservation Area Appraisal (SCCAA) (2008)

## **8. Appraisal**

- 8.1. The key issues in respect of this application are therefore:
- Principle of development
  - Design and impact upon the character of the area
  - Impact upon residential amenity
  - Impact upon parking provision and highway safety

### Principle of Development

- 8.2 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted SADMP set out a presumption in favour of sustainable development, and state that development proposals that accord with the Development Plan should be approved unless other material considerations indicate otherwise. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions.
- 8.3 Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.4 The current development plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.5 Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.2. Section 16 of the National Planning Policy Framework (NPPF) encourages building a strong, competitive economy. In accordance with Paragraph 84(c), planning policies and decisions should enable, "Sustainable rural tourism and leisure developments which respect the character of the countryside."
- 8.6 Policy DM24 of the adopted SADMP seeks to support the development of new cultural and tourism facilities across the Borough. The development is classified as a "Visitor attraction," which is considered a cultural and tourism facility. Visitor attractions provide a focus for tourism provision in the Borough, support local jobs, raise the Borough's profile, and increase economic activity, particularly in the rural area. They also provide educational services and often preserve and broaden understanding of the history and cultural past of local people.
- 8.7 Policy 13 of the adopted Core Strategy supports the development of the Borough's tourism industry within rural hamlets. Policy 23 of the adopted Core Strategy supports tourism development where the development:
- Can help to support existing local community services and facilities
  - Is of a design and at a scale which is appropriate to minimise impact and assimilate well with the character of the surrounding area with acceptable landscaping
  - Adds to Hinckley & Bosworth's local distinctiveness
  - Complements the tourism themes of the Borough
  - Adds to the economic wellbeing of the area

- 8.8 The scheme is a visitor attraction within the settlement boundary of Sutton Cheney that is an element of a larger proposed cultural and tourism facility that contributes to sustainable rural tourism within the Borough. The development is considered to add to the Borough's local distinctiveness and complements its tourism themes. Therefore, the application is considered acceptable in principle, subject to all other material considerations, in accordance with Policies DM1, and DM24 of the SADMP, Policies 13 and 23 of the adopted Core Strategy, and Section 16 of the NPPF.

#### Design and Impact upon the Character of the Area

- 8.9 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features. Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.10 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 place a duty on the Local Planning Authority when considering whether to grant Listed Building Consent to have special regard to the desirability of preserving the building, its setting, and any special features of special architectural and historic interest which it possesses. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.11 Section 16 of the Nation Planning Policy Framework provides the National Policy on conserving and enhancing the historic environment. When considering the impact of a proposed development on the significance of a designated historic asset, great weight should be given to the asset's conservation. Paragraphs 199-202 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.12 Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. Policy DM11(a) and (b) requires all development proposals to demonstrate an understanding of the significance of the heritage asset and its setting, and the impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts. Policy DM12 states that development proposals which adversely affect the Bosworth Battlefield, or its setting, should be wholly exceptional and accompanied by clear and convincing justification. Policy DM13 of the SADMP provides the policy to preserve the Borough's archaeology.
- 8.13 Policy 13 of the adopted Core Strategy requires development to respect the character and appearance of the relevant Conservation Area.
- 8.14 Guidance for those involved in managing change in the battlefield is provided within the Bosworth Battlefield Conservation Plan: The Way Forward (BBCP) (2013).

- 8.15 As the development proposal includes foundations, services, and landscaping there is potential that archaeological remains associated with the site location, being in the historic core of the village, will be disturbed or revealed by the proposed works. To ensure that any archaeological remains present are dealt with appropriately, Leicestershire County Council Planning Archaeology have recommended the applicant should provide for an appropriate level of archaeological investigation and recording. This requirement is secured via planning condition and is considered sufficient to overcome any concerns from Historic England regarding the direct physical impacts from the proposed sculpture.
- 8.16 An interpretation panel is proposed to accompany development with the exact siting and form of the panels to be determined. The content of the panel is to be developed to allow for appropriate curation and for a proper understanding of the artworks, what they represent, and to reflect that their siting and form is based on the most up-to-date understanding of the battle events. Following advice from the Council's Conservation Officer and Historic England, and to ensure that the panels are instigated as a key component of the Trail concept, a planning condition that secures the installation of the panels within the development and requires the details concerning their content, siting, form, and dimensions to be submitted to, and approved in writing by, the Local Planning Authority.
- 8.17 Historic England have raised concerns that proposal may cause a degree of harm to the significance that the Church of St. James derives from its setting. Specifically, Historic England have stated that the sculpture detracts from the prominence of the church itself and creates a problematic relationship with the memorialization of the dead in that space, in addition to the direct physical impacts from the footings of the sculpture.
- 8.18 These concerns are caused by the scale, form, and siting of the sculpture, which is likely to dominate the churchyard setting of the Grade II\* Listed Church of St. James. Historic England consider the location of the sculpture to be very open and prominent when entering the churchyard from the south, which is viewed as in contrast to the quiet, contemplative theme of the sculpture. The increased activity here may also conflict with events associated with the church's original function. Further comments were raised by Historic England regarding the choice of Portland stone, which is a non-local material, within the development, is likely to increase the sense that the sculpture is an incongruous element within the site.
- 8.19 It is worth noting that, at the time of writing these comments, there are no material objections to the siting, form, and scale of the proposal from any other heritage stakeholders, including the Diocese of Leicester (as owner of the Church and churchyard), Richard III Society and The Battlefields Trust, and the local community including Sutton Cheney Parish Council and the Parochial Church Council (PCC), who have all been involved in the iterative design process to determine the final detail of the proposal.
- 8.20 In order to avoid or mitigate the level of visual impact of the proposal upon the character of the area, the churchyard and the setting of Listed Buildings, the Applicant has given consideration has been given to the siting and scale of the sculpture. Due to its position towards the southern edge of the churchyard, it is not in a part of the yard that is considered too widely open, and it is partially screened visually by the boundary vegetation on the approach to the yard from the pathway dissecting from the southern paddock.



- 8.21 Practical considerations included locating the sculpture close to a hard surfaced pathway within the churchyard to allow access for most people, ensuring that there is a bench within close proximity of the position to allow for commemoration, and ensuring that the sculpture is away from any known graves. The Applicant has stated that the rationale for the scale of the sculpture is because if any further reduction further in size towards a 'human' scale devalues the purpose and the meaning of the scheme. In addition, Portland stone is also a common and practical material choice for statues and sculptures.
- 8.22 It is considered that due to the siting of the sculpture and its scale, the proposal does not adversely affect any key views of heritage assets when viewed from the south, outside of the churchyard, and it does not directly impinge on any intervisibility directly between the Listed Church and Almshouses. As a whole, the proposal is not considered to have any adverse impact upon the key spaces of the churchyard and the paddocks to the south, as identified within the SCCAA.
- 8.23 Due to its 1.8m height, the sculpture is larger than the average commemorative feature within the churchyard, although clear consideration has been given to reducing the level of any adverse impacts from its scale through its siting towards the yard boundary. This is not considered to have any adverse visual impact upon the setting of the Bosworth Battlefield.
- 8.24 However, the sculpture is considered to result in a minor level of harm to the significance of the Grade II\* Listed Church of St James and Grade II Listed Almshouses due to the effect on their setting. This outcome was also reached by both the Council's Conservation Officer and the Applicant's Heritage Impact Assessment. This level of adverse impact is considered less than substantial harm in terms of the NPPF and towards the lower end of this spectrum of harm.
- 8.25 Due to the potential less than substantial harm impacts of the scheme on the Grade II\* and Grade II Listed Buildings, the development is required to be weighed against the public benefits of the proposal in accordance with Policy DM11(c) of the SADMP, and Paragraph 202 of the NPPF.
- 8.26 Public benefits from developments can be anything that delivers economic, social or environmental progress as described in the NPPF (Paragraph 8). Public benefits may include heritage benefits as specified in the Planning Practice Guidance (Conserving and Enhancing the Historic Environment – Paragraph 20), such as:
- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting
  - Reducing or removing risks to a heritage asset
  - Securing the optimum viable use of a heritage asset in support of its long-term conservation
- 8.27 It is acknowledged that the proposal can demonstrate a variety of heritage benefits, which result from an increased understanding and awareness of the significance of the Bosworth Battlefield, and potentially other affected heritage assets via the scheme of interpretation panels, which are secured via planning condition. Furthermore, there are also likely non-heritage benefits that result from the proposal, which include tourism activities that relate to the proposal and the wider Bosworth 1485 Sculpture Trail. These non-heritage benefits are considered to support the local economy and the profile of the Borough. Therefore, it is considered that there is a high level of benefit from this scheme.

- 8.28 To summarise, the application must be determined via a balancing act between the less than substantial harm of the scheme to heritage assets, which receives great weight in accordance with Paragraph 199 of the NPPF and the statutory duty of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, and the extent of public benefits from the scheme.
- 8.29 The proposal is considered to preserve the significance of the Sutton Cheney Conservation Area, and the registered Battle of Bosworth Field (1485). Whilst it is acknowledged that there is the potential for harm to the setting of two important heritage assets, there is no direct impact to the buildings, and this harm is regarded as towards the lower end of the spectrum of less than substantial harm. Given the likely heritage benefits of the scheme, which were welcomed by Historic England, and the potential non-heritage benefits from the increase in tourism within the Borough, it is considered that there is a high level of public benefits from this application. On balance, it is considered that this level of public benefit outweighs the less than substantial harm to the Grade II\* Listed Church of St. James, and the Grade II Listed Almshouses. As a result, the development is considered to be in accordance with Policies DM11, DM12 and DM13 of the SADMP, and Section 16 of the NPPF.

#### Impact upon Residential Amenity

- 8.30 Paragraph 130(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users. Policy DM10 of the SADMP also states that proposals should not adversely affect the occupiers of the neighboring properties or the future occupiers of the property. The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.31 The provision of a 1.8m high structure within the grounds of St. James Church is not considered to result in any significant adverse impacts to residential amenity in accordance with Policy DM10 of the SADMP and the Good Design Guide.

#### Impact upon Parking Provision and Highway Safety

- 8.32 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.33 Policy DM24 of the adopted SADMP supports the development of new cultural and tourism facilities across the Borough. To reduce reliance on the private car, where new facilities are to be established, it should be demonstrated that they can be accessed by a range of sustainable transport modes.
- 8.34 The 'Sculpture Trail' is a walking trail of approximately 12 miles in total. Paragraph 3 of Section 4.6 of the Design and Access Statement highlights that there are options to undertake the walk in small sections. Paragraph 4.6 also identifies a number of car parks, which can be utilised by walkers when undertaking the 'Sculpture Trail,' and the Local Highway Authority (LHA) do not dispute these findings.

8.35 Given the above, the LHA do not consider the proposals to constitute a material impact on the public highway, and therefore the proposal does not create an unacceptable impact on highway safety or the road network in accordance with Policies DM17 and DM18 of the SADMP, and the Leicestershire Highway Design Guide (LHDG).

## **9. Equality implications**

9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
  - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

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

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **10. Conclusion**

10.1 The proposed development is considered to be compliant with the relevant national and local policy as it:

- Is an appropriate scale and design
- Preserves the significance of the registered Battle of Bosworth Field
- Does not have an adverse impact upon the character and appearance of the area
- Does not have a significant adverse impact upon the amenity of neighbours
- Does not have a significant adverse impact upon highway safety

10.2 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

## **11. Recommendation**

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report
- That the Head of Planning be given powers to determine the final detail of planning conditions

## 11.2 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 received by the Local Planning Authority as follows:
  - Sculpture Details – The Calm Before the Storm (1 of 2) (submitted: 01.02.2023)
  - Sculpture Details – The Calm Before the Storm (2 of 2) (submitted: 01.02.2023)
  - Site Location Plan (submitted: 01.02.2023)

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

3. No demolition/development shall take place/commence until a Written Scheme of Investigation (WSI) has been submitted to, and approved in writing by, the Local Planning Authority. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives and
  - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
  - The programme for post-investigation assessment and subsequent analysis, publication & dissemination, and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

**Reason:** To ensure a satisfactory historic building survey and to record and advance understanding of the significance of the affected resource prior to its loss and recording as specified in *Historic England's Good Practise Advice Note 2, Managing Significance in Decision-Taking in the Historic Environment (p. 11)* and to advance the understanding of, and safeguard the significance of the heritage asset in a manner proportionate to its importance in accordance with Policies DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 205 and Section 16 of the National Planning Policy Framework.

4. Prior to the installation works commencing on the sculpture, details of the location, form and dimensions of each associated interpretation panel and the proposed content of the panel(s) shall be submitted to and approved in writing by the Local Planning Authority. The installation of the panel(s) shall be carried out in accordance with the approved details and installed no later than three months following the date of final installation of the sculpture.

**Reason:** To preserve the significance of Bosworth Battlefield in accordance Policies DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) section 16 of the National Planning Policy Framework.

11.3. **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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. The WSI must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme has been secured, the Applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.