

Planning Committee 25th April 2023
Report of the Head of Planning (Development Management)

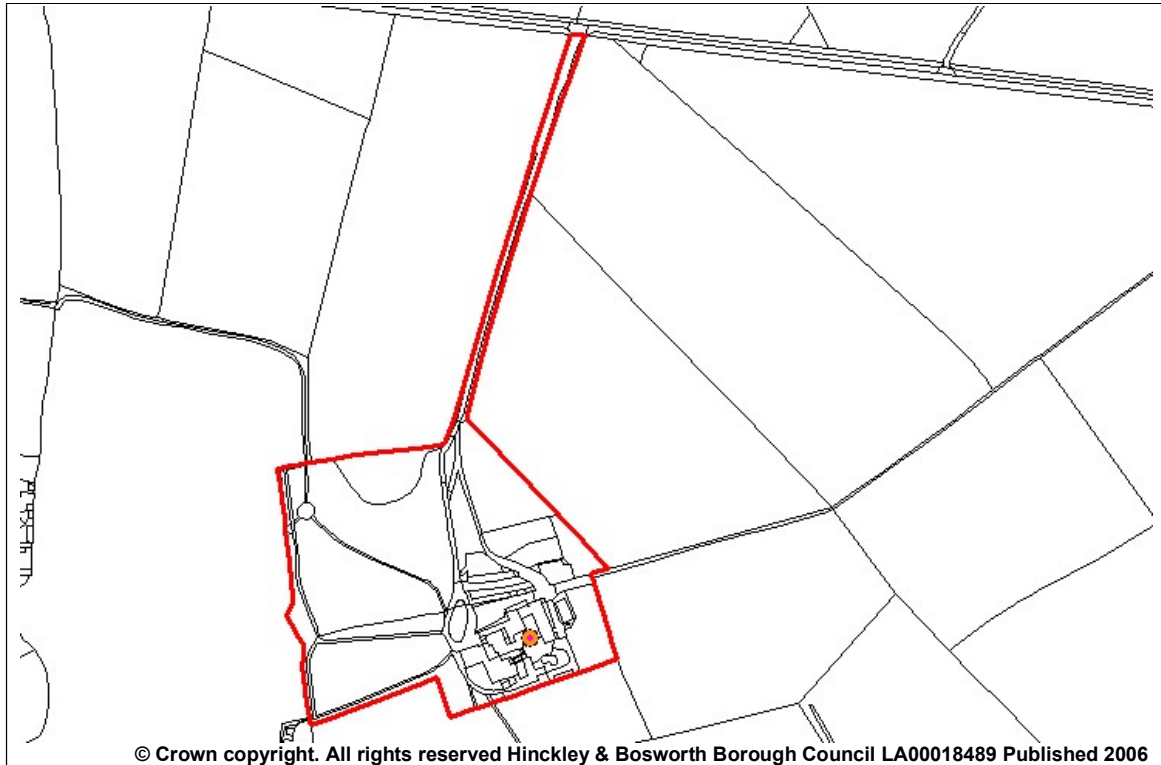
Planning Ref: 23/00089/FUL
Applicant: Mrs Gemma Tallis
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Bosworth Battlefield Centre Ambion Lane Sutton Cheney

Proposal: Proposed erection of sculpture work (Piecing together the Past)



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 Bosworth Battlefield Heritage Centre, Ambion Lane, Sutton Cheney. The sculpture is located in the main courtyard of the Heritage Centre and represents the archaeology of the site, and how the story of The Battle of Bosworth has been pieced together over time.

2.2. The proposal is for the installation of a new sculpture, entitled, "Piecing Together the Past," which depicts the relief of Kings Henry Tudor and Richard III back-to-back. The sculpture consists of a circular heavy oak frame that supports a cast acrylic coin. The jigsaw-style pieces within the coin are cast in aluminium and match the shape of the coins, which will have an anodised finish. The piece is 2.6m in

diameter and 2.7m in height, with foundations of around 1.6m in width x 0.7m in depth. An interpretation board is provided in accompaniment to the structure; however, the location of the interpretation panel is yet to be decided.

- 2.3. No additional landscaping is proposed within this application as the area is already well utilised as part of the Bosworth Battlefield Heritage Centre.
- 2.4. 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.
- 2.5. 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.
- 2.6. This application is in tandem with the application for the erection of structures at St. James Church of England Parish Church, Bosworth Road, Sutton Cheney (23/00087/FUL), and the Land to the west of Shenton Lane, Dadlington (23/00088/FUL), which are also part of the proposed Bosworth 1485 Sculpture Trail.

3. Description of the site and surrounding area

- 3.1. The development is located within the Bosworth Battlefield Heritage Centre, which is a heritage attraction for Leicestershire County Council and is located at the edge of Ambion Hill, within the registered battlefield, Battle of Bosworth (Field) 1485.
- 3.2. 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.
- 3.3. 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.

3.4 On the day of the battle, evidence indicates that Henry's army advanced from the west along Fenn Lanes while Richard's forces gathered below Ambion Hill. The sides moved through the landscape to the focus of the battle, located in the valley bottom, and around an area of marshy ground (known as Redemore Plain) thought to be to the east of the modern Fenn Lane Farm. Lord Thomas Stanley and his brother Sir William Stanley watched the battle unfold from a strategic position on high ground, thought to be just north of Dadlington, before engaging their considerable forces on Henry's side.

3.5 As referenced in the designation description, despite changes in agricultural practices which does include the erection of some modern large farm buildings throughout the area, the battlefield does remain rural in character, largely undeveloped, and retains a topographic integrity which enables the observer to appreciate key views. This permits the site of encampments and the course of the battle to be fully appreciated and understood. The battlefield also has high archaeological potential, retaining evidence which can greatly add to our understanding of the battle.

4. Relevant planning history

4.1 None 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.

5.2 One member of the public supports the planning application as it encourages much needed tourism to the local economy.

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.

6.3 LCC's Archaeology Team have requested a pre-commencement planning condition requiring a Written Scheme of Investigation (WSI) for archaeological recording.

6.4 No further responses have been received.

7. Policy

7.1 Core Strategy (2009)

- Policy 23: Tourism Development

- 7.2 Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - 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)

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

- 8.1 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.
- 8.2 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.
- 8.3 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.

- 8.4 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.
- 8.5 Outside the defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. "To protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development," by the Council via Policy DM4 of the SADMP.
- 8.6 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."
- 8.7 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 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.
- 8.9 The scheme is outside of any identified settlement boundary in the open countryside, and it does not comply with any of the requirements of Policy DM4 of the SADMP. Whilst the development does not comply with the requirements of Policy DM4 (a, b, c, d, and, e), the development is located within the Bosworth Battlefield Heritage Centre. Given this location, and the size, scale, and volume of the sculpture, the development is not considered to result in a significant adverse impact on the intrinsic value, beauty, open character, and landscape character of the countryside in accordance with Policy DM4 (i, ii, iii, iv, and v.)
- 8.10 Moreover, the scheme is classified as a visitor attraction that is an element of a larger proposed cultural and tourism facility. The development is considered to contribute to the local distinctiveness and sustainable rural tourism within the Borough and complement its tourism themes. Therefore, the application is supported by Section 16 of the NPPF, Policy 23 of the adopted Core Strategy, and Policy DM24 of the SADMP. Given the above, the principle of the development is acceptable, subject to all other material considerations.

Design and Impact upon the Character of the Area

- 8.11 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.
- 8.12 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.
- 8.13 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
- 8.14 The Planning Practice Guide (PPG) and Historic England Advice Note 2 (HEAN2) Making Changes to Heritage Assets sets out how the policies of the NPPF are expected to be applied and includes guidance on the conservation of and making changes to the historic environment.
- 8.15 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.
- 8.16 Guidance for those involved in managing change in the battlefield is provided within the Bosworth Battlefield Conservation Plan: The Way Forward (BBCP) (2013)
- 8.17 Despite the disturbance caused by the construction of the heritage centre yard, there remains a potential for archaeological remains from these periods to be disturbed by the excavations, which are required to erect the sculpture. To ensure that any archaeological remains present are dealt with appropriately, Leicestershire County Council Planning Archaeology have recommended the Applicant should provide professional archaeological attendance for inspection and recording during

the groundworks for the proposed development. This requirement is secured via planning condition.

- 8.18 The general form of the artwork is considered sensitive and, due to its relatively limited scale and size and position within a courtyard enclosed by buildings, its visibility is limited solely to areas within the Battlefield Centre and does not extend to the wider battlefield landscape. For these reasons, the proposal is not considered to have an adverse impact upon the topographical integrity of the battlefield.
- 8.19 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.
- 8.20 For the reasons specified above, the proposal is considered to be an appropriate development within the registered Battle of Bosworth Field. The application is considered to preserve its significance and as result of this, the scheme is regarded as in accordance with Policies DM11, DM12 and DM13 of the SADMP, and Section 16 of the National Planning Policy Framework.

Impact upon Residential Amenity

- 8.21 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.
- 8.22 The sculpture is within the Bosworth Battlefield Heritage Centre and 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

- 8.23 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.
- 8.24 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.

- 8.25 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.
- 8.26 The proposal is sited at the Bosworth Battlefield Centre, which is afford a large public car park that can be utilised for this development.
- 8.27 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:

- Block Plan (submitted: 01.02.2023)
- Sculpture Detail – Piecing Together the Past 1 (1 of 3) (submitted: 01.02.2023)
- Sculpture Detail – Piecing Together the Past 1 (2 of 3) (submitted: 01.02.2023)
- Sculpture Detail – Piecing Together the Past 1 (3 of 3) (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 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.