

Recommendation Report for Listed Building Consent for Alterations, Extension or Demolition of a
Listed Building

REF NO: EG/92/17/L

LOCATION: Eastergate Lion War Memorial
Nyton Road/Barnham Road
Eastergate
PO20 3UR

PROPOSAL: Listed building consent to repair monument with nano lime.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
BOUNDARY TREATMENT	There is no boundary treatment to the War Memorial.
SITE CHARACTERISTICS	War Memorial at road junction.
CHARACTER OF LOCALITY	Generally residential but with other uses.

RELEVANT SITE HISTORY

EG/34/04/L	Application for Listed Building Consent for the siting of ornamental fence around base of The War Memorial	ApproveConditionally 11-05-04
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History noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

None received.

COMMENTS ON REPRESENTATIONS RECEIVED:

N/A

CONSULTATIONS

Listed Building Officer
Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation officer:- The applicant has sought the expert opinion of the war Memorials Trust's (WMT)

technical repairs team, who have advised consolidation of the stone using Nanolime, and re-cut of the lettering.

The use of a suitably specialized craftsman is crucial to the success of the scheme, and it is understood that the WMT is providing guidance on this matter.

There is no objection to this proposal.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Grade ii Listed Building

Conservation Area

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

AREA2 Conservation Areas

[Publication Version of the Local Plan \(October 2014\):](#)

HER DM1 Listed Buildings

HER DM3 Conservation Areas

[Barnham & Eastergate Neighbourhood Plan 2014](#) Development affecting heritage assets

[POLICY ES7](#)

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD2 Conservation Areas

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local

Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

The relevant policies of the Barnham and Eastergate Neighbourhood Plan have been considered in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character or the setting of the Grade II Listed Building or the character of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The War Memorial has suffered damaging from weathering leaving one of the names indistinct. The proposed repair and re-cutting of the name has been proposed following receipt of expert advice. There is no objection from the Conservation Officer and the works are considered to preserve the features of the building.

It is therefore recommended to approve the application subject to conditions.

HUMAN RIGHTS ACT

Human Rights Act:

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010
Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION
APPROVE CONDITIONALLY

- 1 The works for which Listed Building Consent is hereby granted must be begun not later than the expiration of 3 years beginning with the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 2 At all times during the progress of the work hereby approved adequate measures shall be taken to protect the remaining part of the Listed Building from damage.

Reason: To preserve the character and appearance of the Listed Building in accordance with policy HERDM1 of the Emerging Arun District Local Plan.