

Delegated Report

Planning Ref: 23/00935/LBC

Applicant: Burbage Parish Council

Ward: Burbage St Catherines and Lash Hill

Site: War Memorial Garden, Church Street, Burbage

Proposal: Inscription of name of a fallen soldier to the War Memorial.



Hinckley & Bosworth
Borough Council

1. Recommendations

1.1. Grant Listed Building Consent subject to:

- Conditions outlined at the end of this report.

2. Planning application description

2.1. The proposal is for the inscription of a name of a fallen soldier to the War Memorial.

3. Description of the site and surrounding area

3.1. Burbage War Memorial is a grade II listed structure due to its historic interest as an eloquent witness to the tragic impact of world events on the local community and the sacrifice it made in the conflicts of the C20. In addition, it has architectural interest due to its design, including the well-sculpted marble figure of a mourning soldier.

4. Relevant planning history

None

5. Publicity

5.1. The application has been publicised by posting a site notice within the vicinity of the site. The application was also advertised in the Hinckley Times.

5.2. No comments have been received.

6. Consultation

6.1. HBBC Conservation Officer: HBBC Conservation: No objections. Substantive response, included within the impact upon the character of the conservation area and listed buildings section of this report.

6.2. Historic England: No comments.

7. Policy

7.1 Core Strategy (2009)

- N/A

7.2 Site Allocations and Development Management Policies (SADMP) DPD (2016)

- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets

7.3 National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

7.4 Other relevant guidance

- Good Design Guide (2020)

- National Design Guide (2019)

8. Appraisal

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

- Impact upon the Listed Building and Conservation Area

Impact upon the Listed Building and Conservation Area

- 8.2 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places 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 or its setting or any features of special architectural and historic interest which it possesses.
- 8.3 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. 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.
- 8.4 Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. All proposals for extensions and alterations of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building.
- 8.5 Appropriate research undertaken by the Burbage Heritage Group which has led to the proposal to add the name of Sgt George Henry Smith to the war memorial. Sgt Smith was sadly reported as missing in action on 18th March 1945. The inscription would read SGT. G H SMITH LEICS REGT. There is an adequate space within the 1939-1945 section of the memorial and technical information submitted with the application confirms that the inscription would be undertaken by a skilled mason who has previously inscribed names upon the war memorial, to the same technical specification.
- 8.6 Overall, it considered that the proposed minor works are justified, appropriately specified and would be compatible with the special historic and architectural interest of the war memorial ensuring the significance of this grade II listed building is retained. Therefore, the proposal complies with Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of Section 16 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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. It is considered that the proposal is compatible with the significance of the grade II listed structure and the proposal therefore complies with Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of Section 16 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11. Recommendation

10.1 **Grant Listed Building Consent** subject to:

- Conditions outlined at the end of this report.

10.2 Conditions and Reasons

1. The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: To conform with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of 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:

Application Form
Site Location Plan
Additional Information Document

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).