

PLANNING COMMITTEE – 15 SEPTEMBER 2016

PART 2

Report of the Head of Planning

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 16/504008/LBC		
APPLICATION PROPOSAL Listed Building Consent to carefully dismantle the Faversham war memorial and re-erect in the centre of the Memorial garden		
ADDRESS War Memorial Stone Street Faversham Kent ME13 8PZ		
RECOMMENDATION GRANT		
SUMMARY OF REASONS FOR RECOMMENDATION: Proposal is broadly in accordance with both local and national planning policy		
REASON FOR REFERRAL TO COMMITTEE: Local Objections		
WARD St. Ann's	PARISH/TOWN Faversham Town	COUNCIL APPLICANT Faversham War Memorial Group AGENT Mr Peter Binnie
DECISION DUE DATE 02/08/16	PUBLICITY EXPIRY DATE 08/07/16	OFFICER SITE VISIT DATE Three separate site visits
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): None		

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 This application for Listed Building Consent concerns the site of the Faversham War Memorial and the gardens attached thereto. The site is situated in Stone Street, virtually opposite Faversham Cottage Hospital, in an area of mixed use comprising residential dwellings, the abovementioned cottage hospital and a funeral director's establishment.

1.02 The site is within the built-up area boundary of Faversham; within the Faversham Conservation Area; and the memorial itself is Grade II Listed. The listing reads as follows:

'Summary of Building

Monument to the fallen of the First and Second World War unveiled by Vice Admiral Sir Hugh Evan-Thomas on 3 November 1922.

Reasons for Designation

*The war memorial, Faversham, unveiled in 1922, is listed at Grade II for the following principal reasons: * Historic interest: as a permanent testament to the sacrifice made by this community in the First and Second World Wars it is of strong historic and cultural significance both at a local and a national level; * Architectural interest: for the quality of the design and craftsmanship of this sombre and dignified memorial.*

History

It is not known who crafted the memorial, but it was unveiled by Vice Admiral Sir Hugh Evan-Thomas on 3 November 1922, to commemorate the men of Faversham who fell in the First World War. The memorial was subsequently also used to commemorate the fallen of the Second World War.

No names are recorded on the memorial, but an oak memorial panel in the Church of St Mary of Charity in Faversham is dedicated to the 199 men of Faversham who fell in The Great War and a book of remembrance marks their names with a separate book for the names of those who fell in the Second World War.

There is a further memorial of The Great War in Faversham Borough cemetery; to the 109 men and boys killed by an explosion at the Faversham Gunpowder Works on 2 April 1916.

Details

A granite Celtic cross with a tapering shaft set on a tall tapering base. The cross sits on a square plinth on a two-stepped base with a flower holder placed in front. The cross face is enriched with relief decoration and floral bosses. The memorial is enclosed by later metal railings on a stone kerb, between granite piers.

The inscription on the base and flower holder reads:

*IN / MEMORY OF OUR / GLORIOUS DEAD / 1914-1918 / 1939-1945 / GREATER
LOVE HATH NO MAN / THAN THIS THAT A MAN LAY DOWN / HIS LIFE FOR HIS
FRIENDS / LEST WE FORGET'*

- 1.03 The memorial and gardens are located on the corner of Stone Street and Roman Road. The memorial itself is located quite literally on the corner, with short iron railings and a double gate around the memorial itself, with the gardens located to the west and south. I understand that the gardens themselves have until quite recently been tended by a group of local volunteer gardeners. The grounds provide areas for sitting via benches and there are areas of grass and large areas of trees, bushes, shrubs, fruit plants, herbs and flowers, and the gardens are open for anyone to enjoy. The memorial was unveiled on 3rd November 1922.

2.0 PROPOSAL

- 2.01 The proposal comes in two parts; to carefully dismantle the existing memorial and to re-erect it to the rear of the gardens within its centre and adjacent to the flank wall of no.1 Roman Road (when viewed from Stone Street); and to reconfigure the gardens themselves, whilst introducing memorial plaques to record the names of the fallen.
- 2.02 Part of the base has been constructed from concrete and part from York stone; it is proposed that the relocated base shall be fully of York stone.
- 2.03 The proposals show the memorial relocated to the centre-rear of the gardens, as described above, with more hardstanding areas than the current tarmacked areas of the existing garden. These are in the form of an oval gravel pathway with a central paved slab pathway leading from Stone Street to the memorial itself. Commemorative stone plaques/plinths would be situated at the side of these pathways, stating the names of Faversham residents who lost their lives in the conflicts, together with six benches.

- 2.04 The general design would be more formal, bringing the memorial into the proposal as a centrepiece of the gardens and creating a formal memorial garden where a less formal garden currently now exists. The existing trees on the site would remain.
- 2.05 The proposal is accompanied by a Heritage Statement, which notes the following: *'The current position of the memorial on the corner of Stone Street and Roman Road causes traffic management difficulties when the British Legion hold the annual Remembrance Day parade as both roads have to be closed to allow the parade to take place as both roads have to be closed to allow the parade to take place on either side of the monument. By moving the monument within the Memorial Garden, the road closure issue will be resolved. We believe that the proposal will address the problems that exist with the monument in its current position and give an opportunity to be refurbished and re-sited in a safer place for future generations of Faversham.'*
- 2.06 The description of the proposal as submitted is somewhat limited, as it fails to mention the proposed changes to the memorial garden. I am seeking a more comprehensive description with the agent, and will report further on this matter to members at the Committee meeting.

3.0 PLANNING CONSTRAINTS

Grade II Listed Building

Faversham Conservation Area

Potential Archaeological Importance

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 The Swale Borough Local Plan Adopted 2008: Policies E1, E14, E15 and E19.
- 4.02 Bearing Fruits 2031: The Swale Borough Local Plan Proposed Main Modifications June 2016: Policies DM14, DM17, DM32, DM33.
- 4.03 National Planning Policy Framework (NPPF) – Paragraphs 131, 132 and 134.

5.0 LOCAL REPRESENTATIONS

- 5.01 Seventy-four letters and emails of objection have been received from local residents. Their contents may be summarised as follows:
- This would go against the wishes of the people who placed the memorial here originally
 - These gardens were maintained by volunteers; to change them is an insult to these people
 - Present layout is superior to that proposed
 - Street closures will still have to happen, and this is a fitting mark of respect
 - Unnecessary waste of public money
 - There are no traffic difficulties
 - The proposals do not reflect the desires of the local community
 - A safe place for both adults and children to relax
 - *'From the drawings, the proposed appearance of the garden is rather brutalist and old-fashioned with too much gloomy hard material.'*
 - A haven for wildlife

- The Royal Horticultural Society discourages the use of hard surfaces in gardens fronting streets
- Present garden instils a sense of civic pride
- The current position of the memorial is a very visible reminder for everyone
- No-one has taken the views of the volunteer gardeners into account
- Other potential sites for a memorial should be considered instead
- *'The proposed plans will make it a dead place full of stone and concrete that is too small to be a parade ground'*
- Present garden offers a refuge for hospital visitors and staff
- *'Blenwood contractors are now back to taking our council tax money to brutally strim the grass and ignore the weeds. I don't imagine it will be any different when the new design has been executed.'*
- *'Remembrance should be about educating children in schools and through community talks, rather than a parade ground for a service once a year. If the applicants want a parade ground, perhaps they should look for another site.'*
- The public consultation exercise was heavily against any changes, not in favour
- Can Swale act impartially in this matter?
- There are already separate memorials containing the names of the dead
- The harm does not outweigh the public benefit
- Other events, such as the Hop Festival, generate far more traffic management issues
- Proposal does not 'embrace localism'
- Only 'dignitaries' will be allowed to enter the gardens on Remembrance Day
- *'The proposed changes turn the space into a mausoleum, and I do not want that on my doorstep. Is that about to affect the value of my property?'*
- A metal wall plaque could adequately display the names of the fallen
- *'The charmingly discreet and understated war memorial has served generations, and its lack of grandiose scale adds to its humanity and poignancy.'*
- *'Many of the townsfolk want to keep our only public garden, and not turn it into a Garden of Remembrance/Parade Ground.'*
- *'I object to the way in which the plans would make the memorial – and the commemorative stones – the dominant feature of a park that is, at the moment, not primarily a place of memorial but has multiple uses, mainly rest and contemplation. With all respect for the young men who were scandalously sent to their deaths by the officer class, a war that is 100 years old will from now on increasingly become distant history, and it seems a huge waste of money to upgrade this memorial, especially when money for essential services is scarce.'*
- *'I see this entire project not as respect for the fallen but a means for certain people to make their mark!'*
- The proposal does not conserve and enhance the architectural and historic fabric
- The comments expressed by the War Memorials Trust should be noted
- 'A Vanity Project'

5.02 One email of no objection has been received from a local resident.

5.03 Two letters of support have been received from local residents. The points raised therein may be summarised as follows:

- Will provide better access for disabled
- Will add value to the War Memorial
- *'The relocation of the memorial will provide a vastly improved setting for the listed structure and allow, at last, for the recording of the names of those people who gave their lives that we might be free.'*

- *'I consider that the proposal will greatly improve the character of the conservation area with the memorial soundly located within the land rather than perched precariously on the corner.'*

5.04 The Faversham Branch of the Royal British Legion supports the proposal, noting that *'In this new position it will no longer be a health and safety issue that it is at the moment, as it will then allow all a clear and safe access so that everyone can give their own personal remembrance to all the local, brave servicemen that gave their lives fighting for us all. In its present position anyone with mobility problems cannot get close enough to lay a wreath or get close enough to give a personal tribute.'*

5.05 In response to the objections raised, the applicants have sent details of those guidance notes produced by bodies such as the War Memorials Trust, Historic England and the Garden History Society, which led them to decide on the present design under discussion. They have also provided details of the consultation process and feedback received therefrom.

7.0 CONSULTATIONS

7.01 Faversham Town Council supports the proposal, but notes that *'The Town Council feels that the design would be improved by a simplification of the design of the central space to emphasise the setting of the war memorial as a place of restfulness and contemplation.'*

7.02 The Member of Parliament for Faversham and Mid-Kent has submitted two letters; one requesting that the concerns of the garden volunteers be taken into consideration, and one asking that the views of a supporter of the scheme be taken into consideration.

7.03 The War Memorials Trust raises objection to the proposal. It should be noted that the WMT is not a statutory consultee, but I am of the opinion that their views are important in this case. For the sake of regularity, I note their comments in full:

'Thank you for providing War Memorials Trust (WMT) with the opportunity to comment on planning application reference 16/504008/LBC/ANSP. WMT wish to make the following comments:

Significance of location and listed status (NPPF paragraph 132 and 133):

- *WMT consider that the original location of a war memorial contributes to the historic, architectural, and communal interest of the monument. In this instance, this significance is also acknowledged by the Grade II listed status of the war memorial.*
- *WMT take the view that the original location of a war memorial has communal value given it was deliberately chosen by the community at the time and that those decisions in relation to location should, as far as possible, be respected.*
- *We advise that there must be a compelling justification for relocation – either that the memorial has become entirely inaccessible and/or is at significant risk in some way (for example, a plaque within a building that is due for demolition must be relocated).*
- *Additionally, the dismantling of a war memorial can cause irreversible damage to the fabric of the monument.*
- *As such, the application in its current form does not meet our criteria to justify relocation.*
- *The potential harm to the significance of the war memorial is covered under paragraphs 132 and 133 of the National Planning Policy Framework (NPPF) which*

states that any proposed developments that may harm the significance of a designated heritage asset should be refused.

Conservation Area status (NPPF paragraph 138):

- *The proposed site is located within Faversham Conservation Area, which notes the garden 'complements the C19/early C20 character of the street, as its purpose was originally to ensure privacy for patients in the hospital, it also has a noteworthy historic origin.' The extent of the proposed redevelopment of the garden would significantly alter the original design and detract from its historic significance. This is not to say that recording the names of those who lost their lives in the garden is inappropriate, but this does not require the relocation of the memorial. The primary function of the garden through its association with the hospital should be respected.*
- *This is covered under paragraph 138 of the NPPF which states that proposed developments which lead to the loss of a significant element of a Conservation Area should be refused if these will cause substantial harm.*

Relationship to Faversham Cottage Hospital (NPPF paragraph 128):

- *As advised, WMT consider the location and setting of a war memorial an intrinsic part of its historical, architectural, and communal significance. The Design, Access, Impact and Heritage Statement for this application does not appear to consider the significance of the current site or the affect that relocation will have on the significance of the listed asset as required by the NPPF paragraph 128. The pleasing corner location was most likely chosen because of the prominence of the site in relation to Faversham Cottage Hospital, which received funds following the First World War for a new X-Ray unit. This deliberate composition and relationship would be lost if the war memorial were located within the garden.*

Materials and the principle of like-for-like replacement:

- *The decision to replace the pre-cast concrete base with York stone will lead to the loss of historic fabric, which informs the design integrity of the memorial. The original materials should be maintained where possible through repair and conservation unless there is a compelling rationale to introduce new materials beyond aesthetic preference.*

Addition of plinths with names of the fallen:

- *Based on the information available, it appears that Faversham war memorial has never had any names recorded on it. It is not uncommon for larger towns and cities not to record the names of those who lost their lives on freestanding war memorials but instead have these in a Book of Remembrance or Roll of Honour. The different ways in which those who lost their lives are recorded reflects the wishes of the community at the time and should be respected. If the Faversham War Memorial Group do decide to erect freestanding plinths to record the names of those who lost their lives the design of the existing war memorial should be respected and should not be relocated as part of the design. Alternatives should be considered which will allow the project to be undertaken without the significance of the memorial being affected.*

Services and parades:

- *In our experience, few local authorities will refuse road closures to allow the holding of commemoration services or parade. WMT would advise further discussion between those bodies who have responsibility for highways and the community to agree temporary closures.*

WMT advise that the application in its current form is one that would cause harm to the special interest of the listed asset and to the significance of the setting of the

Conservation Area. Should project proposals be developed that do not adversely affect the significance of the war memorial, WMT would be happy to provide further comment or advice. WMT welcomes the interest the community has in the war memorial and hope that our advice can be utilised to progress proposals that are more sympathetic.'

- 7.04 The Council's Community Services Manager supports the scheme, noting that '*Whilst the current memorial space in Stone street and its relationship with the Cottage Hospital is still enjoyed by hospital staff, patients and visitors alike, the Memorial itself and its historical context has now perhaps been lost on many of the townsfolk. The focus of the Centenary of WW1 presents an opportunity to look at how the community and visitors may re-engage with their heritage and use the space more effectively and more safely.'*
- 7.05 Historic England raises no objection.

8.0 APPRAISAL

- 8.01 It is important to acknowledge that such a proposal is likely to raise a number of emotive issues, and remembrance of those who have fallen in the service of their country is a matter on which many people feel strongly about, and many wish to express their respect to those who have made the ultimate sacrifice.
- 8.02 However, it is also important to note that, when considering making any recommendation for a Listed Building Consent application, that this should be on planning grounds only, and that the principal issue to consider in this case is the question of any potential harm to the character and setting of this listed structure, the memorial itself, and to the surrounding conservation area, if such a proposal were to be approved. The Planning and Listed Buildings Act states that the LPA's statutory duty is to preserve or enhance the character and setting of the Listed Building.
- 8.03 Emotive issues aside, I would acknowledge that this is a finely balanced application, with valid arguments made both for and against the proposal. The onus on Members is therefore to decide whether or not the relocation of the War Memorial would amount to demonstrable harm to the character and setting of this listed structure and the conservation area.
- 8.04 It should be noted that I am not persuaded by the applicants' justification for the relocation of the memorial due to road closures. As many local people have noted, in terms of access, if Roman Road and Stone Street were to be closed for the duration of the Remembrance Day parade every year, as they already are, this is only for an hour or so, and there are a number of alternative routes which motorists can take avoiding these two roads and causing minimum disruption to road users. As such, I remain unconvinced by the argument in favour of relocation due to road traffic issues.
- 8.05 A number of objections raise the issue of the cost of the project being funded from the public purse, and noting that public money could be better spent on other community projects. However, the applicants have stated that '*Substantial public funding has never been an option for this project. Apart from welcome small grants, there have been pledges of some £50,000 from private donors with more to come. As further information has become available the cost estimate is £96,000.'*
- 8.06 I note the comments made by local people, predominantly in objection to the proposal. I also note the concerns raised by the War Memorials Trust. Whilst I understand and appreciate those concerns, an observation on those comments seems to be that many

refer to the land in question as being a garden or a community garden. As such, it appears that the land, although being situated adjacent to the memorial, appears to have acquired a status separate from the memorial itself. This is perhaps understandable, as the memorial garden and the memorial itself are both surrounded by separate fencing, reinforcing the perception that the two are separate and distinct. Whatever form the garden originally took, it appears that it was definitely provided as a *memorial* garden, and I am of the opinion that the proposal will emphasise this fact, bringing the memorial itself to the garden without reducing its importance as a place of rest and contemplation. The proposals still show benches being present, and I do not believe that the proposed design would discourage local people, hospital staff, patients and visiting relatives from using the grounds as they do now. As such, the present use for leisure will continue, but with a strong emphasis on the memorial itself, fulfilling both the existing use of the garden and the status which it has now rightly acquired. As such, I do not view this proposal as being change for the sake of change; it is obvious that a lot of thought has gone into the proposal in an effort to enhance the situation and status of the war memorial.

- 8.07 The proposal will make Remembrance Day services more inclusive; those with disability issues will find it much easier to lay wreaths and other tributes, and with the more prominent location of the memorial, it will be easier for those attending to clearly see what is occurring during such acts of remembrance.
- 8.08 A number of local residents refer to the proposed scheme as creating a ‘parade ground’; this would clearly not be the case, as the proposed scheme incorporates large areas of grass and soft landscaping; as such, the memorial garden will remain as a memorial garden, the main change being that of a variation of focus, with the memorial being located on the south side of the memorial garden, adjoining the flank wall of 1 Roman Road, rather than on its periphery at one corner of the site.
- 8.09 Similarly, a number of local residents make reference to the fact that there are other alternative methods of recording the names of the fallen. I am of the opinion that the small commemorative / memorial stone plaques proposed will properly record those names, but in a low-key manner which would not turn the memorial garden into a ‘mausoleum’; as such, I believe that this part of the proposal is acceptable, and in accordance with local and national planning policies which seek to protect the character and setting of listed buildings and conservation areas. However, I have thought it prudent to include a Condition below to ensure that the design and scale of these plinths/commemorative stones are correct and appropriate.
- 8.10 I am therefore of the opinion that, rather than adversely affecting the character and setting of the war memorial, its relocation nearer towards the centre of the memorial garden would enhance its setting and by making it more prominent within the street scene, will lead to further understanding of people’s need for remembrance, whilst not reducing the amenity value of the garden as a place for peace and quiet and an asset to the community. I would further express the hope that an agreement can be made with the volunteers who formally tended the memorial garden, so that their valuable efforts in tending the memorial garden may continue to be acknowledged and appreciated by all.

9.0 CONCLUSION

9.01 This has been a difficult case to consider , but on balance, I find the proposal to be acceptable and I recommend that Listed Building Consent be granted.

10.0 RECOMMENDATION – GRANT Subject to the following conditions:

(1) The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which this consent is granted.

Reason: In pursuance of Section 18 of the Listed Building Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(2) Before the development hereby permitted is commenced, details in the form of a method statement explaining how the war memorial is to be dismantled and relocated without damaging the historic fabric of the memorial shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in complete accordance with these approved details.

Reason: In the interests of preserving the character and setting of the listed building, and to ensure that the details are correct prior to commencement.

(3) Prior to the commencement of development, details in the form of samples of the York stone plinth and the hard landscaping materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

Reason: In the interests of preserving the character and setting of the listed building, and to ensure that the details are correct prior to commencement.

(4) Prior to the commencement of development, details of how the proposed replacement York stone plinth is to be incorporated into the relocated war memorial, including a layout drawing at a scale of 1:20 and vertical and plan sections at a scale of 1:1, shall be submitted to and approved in writing by the Local Planning Authority and shall afterwards be implemented in accordance with the approved details.

Reason: In the interests of preserving the character and setting of the listed building, and to ensure that the details are correct prior to commencement.

(5) Prior to the commencement of development, details of the proposed boundary fencing, including 1:10 part elevational drawings and a 1:1 part plan and part vertical sections shall be submitted to and approved in writing by the Local Planning Authority and shall afterwards be implemented in accordance with the approved details.

Reason: In the interests of preserving the character and setting of the listed building, and to ensure that the details are correct prior to commencement.

(6) Prior to the commencement of development, detailed drawings of the proposed plinths and name plaques, at a scale of 1:20, shall be submitted to and approved in writing by the Local Planning Authority and shall afterwards be implemented in accordance with the approved details.

Reason: In the interests of preserving the character and setting of the listed building, and to ensure that the details are correct prior to commencement.

- (7) Prior to the commencement of development, details of how the protected zone for the foundations of No.1 Roman Road is to be implemented and protected shall be submitted to and approved in writing by the Local Planning Authority and shall afterwards be implemented in accordance with the approved details.

Reason: In the interests of the amenity of the residents of this adjacent property, and to ensure that the details are correct prior to commencement.

- (8) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity and to ensure that such matters are agreed prior to the commencement of development.

- (9) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (10) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (11) Any excavation beneath the canopies of trees which are intended to remain or within one metre of any canopy edge shall be done by hand. Existing tree roots exceeding 2" in diameter shall be left bridging trenches and pipes and services shall be inserted under the roots. Any roots that may be accidentally severed shall be trimmed, cleaned and sealed with a bitumastic sealant.

Reason: In order to protect existing trees which are considered to be worthy of retention.

- (12) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- (13) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.