

PLANNING COMMITTEE – 7 DECEMBER 2023**PART 3**

Report of the Head of Planning

PART 3Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO – 23/502500/FULL		
PROPOSAL Relocation of existing Faversham War Memorial to the centre of the Memorial garden, including formation of a proposed new peace corner, comprising interpretation boards with local reflections, raised bed for planting wooden crosses on site of existing War Memorial base, and associated access path. Removal of iron railings cutting into the holly tree, repair and re-laying of existing paving, and additional repairs to the existing base.		
SITE LOCATION War Memorial Stone Street Faversham Kent ME13 8PZ		
RECOMMENDATION That the Council if it had been determining the application, would have refused the scheme, and the appeal is defended on the basis of the reason for refusal as set out below.		
APPLICATION TYPE All other minor development		
REASON FOR REFERRAL TO COMMITTEE Appeal submitted against non-determination.		
CASE OFFICER Claire Attaway		
WARD St. Ann's	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Mr Mike Cosgrove AGENT James Clague Architect Ltd
DATE REGISTERED 30.05.23	TARGET DATE 25.07.23	
BACKGROUND PAPERS AND INFORMATION: 23/502500/FULL Relocation of existing Faversham War Memorial to the centre of the Memorial garden, including formation of a proposed new peace corner, comprising interpretation boards with local reflections, raised bed for planting wooden crosses on site of existing War Memorial base, and associated access path. Removal of iron railings cutting into the holly tree, repair and re-laying of existing paving, and additional repairs to the existing base. War Memorial Stone Street Faversham Kent ME13 8PZ (midkent.gov.uk)		

1. SITE LOCATION AND DESCRIPTION

- 1.1 This site, approx. 0.04 hectares in area, comprises of a public garden situated on the corner of Stone Street and Roman Road, with a Grade II listed War Memorial that is situated on the edge of this corner junction. The site lies within the built-up area boundary of Faversham

and within the Faversham Conservation Area, almost directly opposite the cottage hospital. The grounds are managed and owned by the Council.

The stated reasons for designation are:

*'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'.*

- 1.2 The existing adopted 2004 conservation area character appraisal document describes Stone Street as the main traffic route into the town centre where the hospital is the focal point of the road. It references the memorial gardens as

'The tidy formality of the small public garden opposite complements the late C19/early C20 character of the street, and as its purpose was originally to ensure privacy for patients in the hospital, it also has a noteworthy historical origin. The sturdy-looking iron scrollwork entrance gate still survives, but the rather flimsy-looking sectional steel railing on either side is a less-than-convincing substitute for the Victorian original.

- 1.3 The Memorial is a granite Celtic Cross set around brick paving and concrete steps with a low iron gate and railings between low granite posts. Behind the war memorial is a newly designed Memorial Garden with a set of stone memorial plaques on which are the names of Faversham residents who lost their lives in the conflicts of the World Wars. There is a mature Holly tree behind the memorial and shrubs to the sides.

2. **PLANNING HISTORY**

- 2.1 **23/502054/LBC** Listed Building Consent pending consideration to dismantle the Faversham War Memorial and re-erect in the centre of the Memorial garden.
- 2.2 **16/504008/LBC** Listed Building Consent refused on 21.09.2016 for the careful dismantling of the Faversham War Memorial and re-erection in the centre of the memorial garden, and for the re-configuration of the design and form of the Memorial Garden. The reasons for refusal were:

- (1) *The dismantling, re-location and re-erection of the war memorial will involve moving an historic and well-loved monument to a new and less appropriate location which will damage and result in harm to the setting and historic context of the listed building, and be harmful to the character of the Faversham conservation area, contrary to saved policies E14 and E15 of The Swale Borough Local Plan 2008.*
- (2) *The dismantling, re-location and re-erection of the war memorial is likely to result in the danger of damage to the monument which would be harmful to the listed building contrary to saved policy E14 of The Swale Borough Local Plan 2008.*

3. **PROPOSED DEVELOPMENT**

- 3.1 Planning permission is sought for the relocation of the Faversham War Memorial, a proposed new peace corner, comprising interpretation boards with local reflections, raised

bed for planting wooden crosses on site of existing War Memorial base, and associated access path. Removal of iron railings, repair and re-laying of existing paving, and additional repairs to the existing base.

- 3.2 The application sets out that a padded wooden crate would be built around the cross, and a crane would lift and move the crate with the cross to its new location in front of the existing stone backdrop (approx. 16.5m away) in the centre of the memorial garden. The process would be repeated to lift the base stones.
- 3.3 A 'peace corner' is proposed where the existing war memorial is sited. The four interpretation boards will be constructed of a steel frame structure with information and graphics printed on Glass Reinforced Plastic panels
- 3.4 The application states that none of the works would require the removal of the Holly tree.

4. **CONSULTATION**

- 4.1 Neighbouring occupiers adjoining the site were notified in writing, a site notice was displayed at the application site and the application was advertised in the local Press. Full details of representations are available online.
- 4.2 A total of 46 representations were received in relation to the consultation. 42 objected to the application on the following summarised grounds:
 - This idea was rejected in 2016 and there are no reasons why it should be approved now
 - It is unnecessary to move the memorial
 - Moving the memorial might damage it
 - It is a waste of money
 - Would spoil the aesthetics of the new gardens
 - The memorial is visible to passers-by
 - Owner of the land has been redacted
 - Further damage to the paving could be stopped by felling the holly tree
 - It is important to the history of Faversham and the families who funded it to retain the memorial in its original position
 - Would lose its prominence and would be a serious mark of disrespect
 - There is no risk management plan or statement on the cleaning of the cross
 - A public consultation should take place
 - The reasons for moving the memorial are pointless
 - It is perfectly functional during ceremonies
 - Movement of the memorial is insignificant
 - One can lay a wreath without climbing the step
 - The memorial would be less prominent
 - Respect the position made a century ago
 - It is not ours to move, like a headstone it should be respected, honoured, and maintained for future generations
 - Closing the road for one day per year is not onerous
 - It would turn the area into something more like a museum exhibit and diminish any real meaning the space had for local people who originally commissioned it
 - No-one seems to know of or validate who this committee is

4.3 4 representations supporting the application on the following summarised grounds:

- Easy access for those with mobility problems
- There are existing precedents for re-siting memorials
- It will solve the problem of the holly tree that is endangering the stability of the memorial – may present a danger to the public in the medium term
- The current location does not fit well with the annual remembrance service that takes place

4.4 **Faversham Town Council** objected to the application on the following grounds:

- The cross is too fragile to be moved
- A listed building should only be moved when necessary and there is no evidence to support this
- Public consultation should be undertaken

4.5 **Faversham Society**: Objected to the applications on the following grounds:

- The decision of the bereft to site the memorial here should be respected and its setting is fundamental to its significance
- We do not accept that the “visual prominence of the war memorial has declined” as the distorted railings are the historic remains of the original garden enclosure, the holly tree is self-sown and the present low gates, side railings and granite columns are of historical significance in themselves and should on no account be disturbed
- the applicant has not established that it is necessary for structural reasons to move the cross
- there has again been no public consultation
- if the cross is removed, it will be set back in a less prominent place
- the holly tree can be removed and replaced if it becomes a significant threat to the cross

4.6 **Councillor Jackson (Ward Member)**: Objected to the application saying the memorial should remain in the place it was chosen, and it might crumble if moved.

5. **REPRESENTATIONS**

5.1 **KCC Minerals and Waste**: No comment.

5.2 **KCC Archaeology**: No archaeological measures required.

5.3 **SBC Conservation**: Object on the basis that removing the memorial cross from its original, carefully considered location and the directly related possibility of damage arising to the listed structure in dismantling and relocating it would give rise to less than substantial harm to a designated heritage asset.

5.4 **SBC Tree Officer**: No objection providing the proposed works are carried out in accordance with the Arboricultural Report.

6. **DEVELOPMENT PLAN POLICIES**

6.1 **Bearing Fruits 2031: The Swale Borough Local Plan 2017: Policies:**

- ST3** The Swale settlement strategy
- ST7** The Faversham area and Kent Downs strategy
- CP4** Requiring good design
- CP5** Health and wellbeing
- CP6** Community facilities and services to meet local needs
- CP8** Conserving and enhancing the historic environment
- DM14** General development criteria
- DM17** Open space, sports, and recreation provision
- DM29** Woodlands, trees, and hedges
- DM32** Development involving listed buildings
- DM33** Development affecting a conservation area
- DM34** Scheduled monuments and archaeological sites

6.2 **Supplementary Planning Guidance (SPG):**

- Faversham conservation area character appraisal 2004
- Listed Buildings – a guide for Owners and Occupiers
- Conservation Areas

6.3 **Faversham Neighbourhood Plan** (Currently at Reg 16 stage), comments from the 6 week consultation period which ended on 16.10.23 have been sent to the independent examiner who is currently in the process of determining whether the plan meets the basic conditions with or without modifications. As such the Plan and its policies currently carry limited weight:

FAV11: Heritage (The policy requires listed buildings and their settings to be preserved and for the character and appearance of conservation areas to be preserved or enhanced).

6.4 **Historic England joint advice note with the War Memorials Trust: Conserving War Memorials: Structural Problems and Repairs.**

7. **ASSESSMENT**

7.1 As set out above, an appeal has been submitted against non-determination of the application for planning permission. This application is therefore presented to Members to seek the putative decision of the Local Planning Authority. The main considerations involved in the assessment of this application are:

- The Principle of Development
- Heritage

Principle

7.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.

- 7.3 The National Planning Policy Framework provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.
- 7.4 The September 2023 update to the NPPF strengthens the policy behind the retention of memorials in their original locations. It is clear from national policy that the location and setting of memorials are an important part of its historical significance. The FWMG set out in the application that the memorial has lost some of its significance since the Memorial Garden was redesigned and moving it to the centre would improve its prominence and setting against the large, lighter stone backdrop.
- 7.5 The proposal will make Remembrance Day services more inclusive, but the Conservation Officer does not consider the issues put forward by the FWMG (principally restricted access, impact on the monument by the tree and highway safety concerns) would be so significant such as to warrant relocating the listed memorial.
- 7.6 It is acknowledged that the steps up to the cross pose some difficulties for those with mobility restrictions when laying wreaths and other tributes and that this proposal would improve accessibility. Having said this, the memorial is not completely inaccessible as it is located within a public garden. In addition, there are alternative options that should be explored first before considering moving the memorial. Neither is there any clear evidence, for example, a structural survey by a conservation accredited engineer, to prove or demonstrate that the Holly tree is contributing or causing structural damage to the memorial. The Council's Tree Officer carried out a visual inspection of the memorial and found no evidence of any significant physical displacement/lifting to any of the surrounding paving or evidence that the memorial itself was being disturbed by root activity from the Holly tree. Lastly, closing the road for the duration of the Remembrance Day parade every year would only be for a limited period and there are a number of alternative routes which motorists can take, thereby causing minimum disruption to road users.
- 7.7 It is considered likely that the corner location was chosen because of its relationship to the Cottage Hospital. Therefore, this deliberate relationship would be lost if the war memorial were relocated within the garden itself, and as such on the basis of the above assessment the proposal is in conflict with Para 198 of the NPPF, Policies CP8, DM14 and DM32 of the Local Plan and Policy FAV11 of the Faversham Neighbourhood Plan.

Heritage

- 7.8 The National Planning Policy Framework states that local planning authorities should identify and assess the particular significance of any heritage asset and consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Where a development proposed will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits that may arise and is endorsed by the Local Plan.

- 7.9 The memorial gardens have changed over the years, most notably following the significant remodelling work which took place in 2017. The gardens have now been laid out with an oval pathway with new angled commemorative stones and a central path leading to a large vertical slab where it is proposed to site the relocated war memorial.
- 7.10 The FWMG point out in their supporting letter
- “... our wish to remove the railings that have grown around the holly tree should not be confused with a view that the small ornamental railings are to be removed, that is incorrect. Equally the intention to move the cross is based on monumental stonemason and conservation architect’s advice that the cross was built in three pieces with the top cross perpendicular fitted into the upper block by means of a dowel, there is not ironwork within”.*
- 7.11 The railings enclosing the war memorial would become redundant if the cross were moved and nothing put in its place. The Conservation Officer considers their heritage significance to be quite limited, and as such does not object to this element of the proposal.
- 7.12 The peace corner element of the proposal is also considered to be a positive aspect of the proposals. However, there is no reason why this element of the scheme could not still feature in a revised proposal which would allow the memorial cross to remain in its current location.
- 7.13 It is also accepted that the visual change of moving the memorial cross to the centre of the memorial garden would be relatively minor as it will still contribute to the conservation area streetscene. As a result, the Conservation Officer is of the view that the proposal would have a neutral effect on the setting of the conservation area streetscene. On this basis it is considered that the proposal complies with policy DM33.
- 7.14 Nonetheless, even if it was technically possible to relocate the memorial cross without damaging it, it is considered that the submitted reasons for doing so do not outweigh national policy and related guidance which includes a presumption in favour of retaining listed structures in their original position. The combined Historic England and War Memorials Trust advice on this clearly advises that relocation should be very much a last resort and there are other options open to the applicants which could improve access and interaction with the listed war memorial whilst allowing it to remain in-situ.
- 7.15 It is noted that the supporting letter argues there have been a large number of cases when memorials have been moved. However, those are very much the exceptions to the rule and each case must be considered very carefully on its own particular merits.
- 7.16 As set out above, the proposal to dismantle and relocate the memorial are considered to give rise to less than substantial harm. In these scenarios the NPPF sets out that this harm should be weighed against the public benefits of the proposal. As also set out above, it is not considered that the public benefits outweigh the harm of removing the listed memorial from its original, carefully considered location when assessed against the NPPF.
- 7.17 The application also states that having discussed the case with monumental masons they see no difficulty in moving the memorial and set out a staged approach for doing so.

However, the application is not supported by any clear and convincing evidence that the memorial can be moved without causing damage to the structure.

- 7.18 Consequently, the proposal would be harmful to the setting of the listed memorial and the listed memorial itself, and therefore conflicts with Policies CP8, DM14 and DM32 of the Local Plan, Policy FAV11 of the Faversham Neighbourhood Plan and Para 198 and 202 of the NPPF.
- 7.19 In considering the impact of this proposal upon designated heritage assets, officers have had regard to the Council's obligations pursuant to the Planning (Listed Building and Conservation Areas Act) 1990.

8. **CONCLUSION**

- 8.1 The current corner location of the monument is an important part of its historical significance which would be lost if the cross is relocated within the centre of the memorial gardens. The reasons put forward by the FWMG are not considered so significant such as to warrant relocating the listed memorial. As a result, the public benefits do not outweigh the harm of removing the listed memorial from its original location when assessed against the NPPF. Furthermore, the application is not supported by any clear and convincing evidence that the memorial can be moved without causing damage to the structure. Consequently, the proposal would be harmful to the setting of the listed memorial and the listed memorial itself and therefore conflicts with Paragraphs 198 and 202 of the NPPF, Policies CP8, DM14 and DM32 of the Local Plan, and Policy FAV11 of the Faversham Neighbourhood Plan.
- 8.2 It is recommended that Members resolve that they would have refused planning permission and the appeal be defended on the basis of the reason below.

9. **RECOMMENDATION**

REFUSE for the following reason:

23/502500/FULL

REASONS

- (1) The proposed dismantling and re-location of the grade II listed war memorial would cause demonstrable harm to its setting and historic context and gives rise to the risk of damage to the memorial. This would lead to an impact of less than substantial harm to this designated heritage asset, which is not outweighed by the public benefits, contrary to paragraphs 198 and 202 of the NPPF and contrary to policies CP8, DM14 and DM32 of Bearing Fruits 2031: The Swale Borough Local Plan 2017 and policy FAV11 of the Faversham Neighbourhood Plan.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), September 2023 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to

secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council’s website.

