

3.2 REFERENCE NO – 23/502054/LBC		
PROPOSAL Listed Building Consent to dismantle the Faversham War Memorial and re-erect in the centre of the Memorial Garden.		
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 LBC (alterations/extensions)		
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 12/05/23	TARGET DATE 07/07/23	
BACKGROUND PAPERS AND INFORMATION 23/502054/LBC Listed Building Consent to dismantle the Faversham War Memorial and re-erect in 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, and associated access path. Removal of iron railing fence, and repair and re-laying of existing paving. 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 **23/502500/FULL** Planning application pending consideration for the 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.

- 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 Listed building consent is sought for the relocation of the Faversham War Memorial. 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.

4. CONSULTATIONS

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 representations are available online.

4.2 A total of 53 representations were received in relation to the consultation – 26 objecting to the application on the following summarised grounds:

- The plan for the peace corner is admirable but not at the expense of the desecration of the memorial
- Its lack of grandiose scale adds to its humanity and poignancy
- Unnecessary
- Will look incongruous against the modern slab
- It is currently in your line of vision but moving it will remove sight from passers by
- Leave it alone where it has stood for generations
- Risks killing one of the only existing public trees in the area
- Replacing the pre-case concrete base with York stone will lead to the loss of historic fabric
- This is not a community-led project – who are the members of this committee?
- There are so many reasons not to move it and no good reasons to move it

4.3 27 representations supporting the application on the following summarised grounds:

- This proposal means that the cross is central to the tablets on which the names of those killed in WW1 and WW2 are inscribed - that is a common feature of most war memorials
- It ensures much improved disability access to the cross from the improved pathway rather than the existing difficult high steps currently required that are near to a busy road junction
- It resolves the growing problem of the holly tree creating further pressure on the stability of the cross
- The interpretation boards will provide information for reflexion and support to groups and primary schools as well as visitors
- The advice of established stone masons ensures there would be no difficulty in moving the cross with its three-part structure easily and safely without damage
- Repair and relaying of the existing paving is much needed
- The concept of raised beds for disability access is to be welcomed
- It follows precedents for moving crosses that have been undertaken in many towns including Andover, Cambridge, and Sittingbourne to improve access and suit modern conditions
- The memorial is positioned in an insignificant spot as you pass without noticing it – now is the opportunity to give it the prominent and central position it deserves
- Moving the cross from its dark, overhung corner will be an enormous visual and logical improvement to complete a through restoration scheme
- The grounds of refusal of the 2016 application have been overcome by the revised proposal

- The present garden is a great improvement on what was there before and enhances the conservation area and the proposal will further enhance the area when the cross is moved into its centre to complete the scheme
- 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
- Where other memorials have been combined, the modern and the aged sit very well together
- It is a better location that allows for personal and historic reflection than the current position due to increased traffic and footfall in the vicinity

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 A petition supporting the proposed development was also received and was signed by 25 people.

4.6 **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

4.7 **The War Memorials Trust**: Objected to the application on the following grounds:

- The Trust previously commented on 16/504008/LBC and the comments made then remain relevant
- The Trust met the Committee on site for application 16/504008/LBC and spoke to local residents who opposed the plans
- The Trust’s objection stands as the proposal does not meet the Trust’s threshold for relocation (The Trust supports relocation where a memorial is completely inaccessible or at risk)
- The NPPF strengthens the policy behind the retention of statues in their original locations
- The railings are protected through listing so removal would cause a level of harm to the significance of the heritage asset

- It would not resemble what was erected who choose a roadside setting with the cross visible on passing rather than placing it in a garden set back from the road – this can reduce interaction with a memorial
- The Sittingbourne war memorial is not listed, and its relocation appears to have taken place in 1990 (War Memorials Trust was established in 1997)

5. REPRESENTATIONS

- 5.1 **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.

6. DEVELOPMENT PLAN POLICIES

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

CP8 Conserving and enhancing the historic environment

DM14 General development criteria

DM32 Development involving listed buildings

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

- Listed Buildings – a guide for Owners and Occupiers

- 6.3 **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 listed building consent. This application is therefore presented to Members to seek the putative decision of the Local Planning Authority.

- 7.2 In respect of this application for listed building consent, the only matter for consideration is the impact of the proposed development on the listed memorial and its historic interest and setting, and the other matters of consideration are assessed under the planning application (23/502500/FULL). The planning application also assesses those elements of the proposal which do not require listed building consent as set out in that report.

Heritage

- 7.3 Section 66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) sets out the Council's obligations to preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
- 7.4 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.

7.5 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.

7.6 The FWMG point out in their supporting letter

“...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”.

7.7 It is clear from national policy that the location and setting of memorials are an important part of its historical significance.

7.8 Paragraph 198 of the NPPF states:

“In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.”

7.9 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.

7.10 The proposal seeks to make Remembrance Day services more inclusive and the Memorial itself more accessible, 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.

7.11 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.

- 7.12 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.
- 7.13 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.
- 7.14 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 framework.
- 7.15 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.
- 7.16 Consequently, the proposal would be harmful to the setting of the listed memorial and the listed memorial itself, therefore conflicting 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.
- 7.17 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 listed building consent and the appeal be defended on the basis of the reason below.

9. RECOMMENDATION

REFUSE for the following reasons:

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.



Ordnance Survey - data derived from OS Premium

23/502500/FULL - War Memorial Stone Street Faversham ME13 8PZ
Scale: 1:1000
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