



MEMORIAL GARDENS
Union Street
London KT1

London Borough of Kingston upon Thames

Pre-determination evaluation

September 2015



**MEMORIAL GARDENS
Union Street
Kingston upon Thames
London KT1**

Pre-determination Evaluation Report

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Executive summary

This report presents the results of an archaeological evaluation carried by Museum of London Archaeology (MOLA) in the Memorial Gardens, Union Street, Kingston-upon-Thames, London, KT1. Most of the site is a former overflow burial ground to the parish churchyard of All Saints, which opened in 1826 and closed in the 1850s.

The report was requested by Padstone Consulting Ltd. in order to supply sufficient information to inform the design of proposed landscaping as part of the wider development proposals to the Eden Walk Project to the south. The full details of the proposals within the Memorial Gardens are yet to be determined. The evaluation was commissioned by Padstone Consulting Ltd on behalf of the client British Land Company plc.

The evaluation was undertaken in August 2015 and entailed the excavation by hand of ten 1m-square test pits (half excavated to a depth of c 1m and half to a depth of c 0.5m). The test pits generally revealed reworked cemetery soil, make-up dumps and modern garden soil. One test pit revealed the remains of an early 19th-century brick tomb, comprising a floor and two walls, at a depth of just over 0.40m below ground level. No evidence was found for other in situ funerary structures, or for graves or articulated human skeletons. The test pits were not deep enough to reveal natural deposits nor any archaeological deposits that might lie beneath the burial ground.

The excavated deposits contained objects of 18th- to 20th-century date including building material, clay tobacco pipes, pottery, and bottle and window glass, and metal and plastic objects. Occasional disarticulated bones were found in all test pits. The bones were generally either small or fragmentary. Some were from animals (at least one showed evidence of butchery), but at least six test pits produced fragments of human bone (phalanges appeared to be predominant). There were also bone fragments of indeterminate species.

The results of the field evaluation have helped to refine the initial assessment of the archaeological potential of the site. They suggest that the remains of tombs may occasionally survive at a shallow level, and that disarticulated human bone is present across the site of the former burial ground, although occurring at a very low density and rarely at depths of less than 0.40m. The presence of plastic, 20th-century window glass and asphalt scrapings also suggests a considerable degree of modern disturbance across the site.

It is proposed that landscaping would be undertaken within memorial gardens as part of the wider development scheme for Eden Walk, but specific details of the scheme have yet to be determined. The results of the evaluation suggest that landscaping entailing excavations no deeper than 0.40m below current ground level would probably have no impact on any in situ burials, although the remains of the brick tomb (above) suggest that occasionally interments may have been quite shallow.

Depending on the extent and depth of any proposed groundwork in the memorial gardens further archaeological work might take the form of either a watching brief, where any groundwork by contractors would be monitored and any archaeological remains observed recorded, or more extensive evaluation. The decision on the appropriate archaeological mitigation to the deposits revealed rests with the Local Planning Authority.

1 Introduction

1.1 Site background

- 1.1.1 The evaluation took place at Memorial Gardens, Union Street / Eden Walk, Kingston-upon-Thames, hereafter called 'the site'. It is located to the north of the Eden Walk shopping centre, with public access from Union Street to the west (Fig 1). It is bounded to the north and east by Cloisters Mall and Pratts Passage respectively. The Ordnance Survey National Grid Ref. for centre of site is 518010 169280. The site code is MEG15.
- 1.1.2 The site falls within the historic parish of Kingston, and lay within the county of Surrey prior to being absorbed into the administration of the Royal London Borough of Kingston upon Thames. The site is in the town centre of Kingston, and is less than 300m east of the modern bank of the River Thames, and 250m north-east of the River Hogsmill, a tributary of the River Thames.
- 1.1.3 The development proposals comprise landscaping within memorial gardens as part of the wider development scheme for Eden Walk to the south. The full details of the proposals within the Memorial Gardens are yet to be determined.
- 1.1.4 A draft desk-top *Archaeological Assessment* was prepared by MOLA in 2015 and provides in depth detail on the natural geology, archaeological and historical background of the site, and the initial interpretation of its archaeological potential (MOLA 2015a). The results of the evaluation have provided further information of the archaeological potential within the site. The evaluation has taken place at the pre-planning stage, and the report will be submitted as part of the planning application, to enable the local planning authority to formulate an appropriate mitigation strategy in light of the proposed development.

1.2 Designated heritage assets

- 1.2.1 The site contains the grade II listed War Memorial (LB ID 1080054) which was designed in 1920, and unveiled on the 11th of November 1923. The bronze sculpture is a nude man trampling on a serpent, with his left arm upraised holding a flaming torch, his right holding a sword. Two children shelter beside him. The sculptor was Richard Reginald Goulden, who had enlisted with the Royal Engineers in the First World War but had been invalided out. He designed a number of war memorials around the country. An inscription runs around the base of the sculpture; the figures are on a granite plinth on a three-stepped base and metal panels on the plinth record the names of the fallen (War Memorials Trust website).
- 1.2.2 The site is in an Area of Archaeological Significance which covers the historic town centre and riverfront of Kingston and areas of medieval occupation, as designated by the LPA. The site also lies within the Kingston Old Town Conservation Area.
- 1.2.3 The site comprises a former burial ground (now Kingston War Memorial Gardens) which originated as an overflow burial ground to the parish churchyard of All Saints. It opened in 1826 and went out of use under the Burial Acts of the 1850s; the ground was transferred in 1923 to the ownership of the local authority and laid out as a public garden. The Memorial Gardens were extended further south into the site following the demolition in 1982 of the Knapp-Drewett Print Works. No reference has been found to the disturbance of human remains, during either the construction or demolition of the Knapp-Drewett buildings, therefore it is assumed that the burials remain in place. The original burial ground area is still consecrated, therefore works within the site would need to be carried out under the terms of a Faculty.

1.3 Aims and objectives

- 1.3.1 The purpose of pre-determination archaeological evaluation as defined by the Chartered Institute for Archaeologists is to 'determine, as far as is reasonably possible, the nature of the archaeological resource within a specified area using appropriate methods and practices'

(CIFA 2013). The results of the evaluation will inform the local planning authority of the site's potential for archaeological remains, enabling them to determine the planning application and, where appropriate, to formulate an appropriate mitigation.

- 1.3.2 The aims and objectives of the evaluation were set out in the *Written Scheme of Investigation* for the evaluation (MOLA 2015b, Section 3).
- 1.3.3 The principal aim was to identify the presence and depth of any *in situ* early 19th century burials within the Memorial Gardens to the predicted depth of any potential proposed impact. Other aims were to identify the extent of any modern disturbance, and if possible, the depth of the natural deposits within the site. The results of the evaluation would inform the landscaping design to ensure that any burials remain undisturbed.

2 Archaeological and historical background

2.1 Topography and geology

- 2.1.1 A description of the topography and underlying geology is detailed in the *Historic Environment Assessment* (2015a), and is therefore only briefly summarised here.
- 2.1.2 The site is fairly flat, with ground level immediately adjacent to the test pits lying between 7.80m Ordnance Datum (OD) and 8.36m OD.
- 2.1.3 Natural gravels were predicted to lie at 4.8-5.3m OD, and were therefore too deep to be exposed by the relatively shallow test pits excavated during the evaluation.

2.2 Predicted archaeological potential

- 2.2.1 The site has been a burial ground since 1826. Excavation for burials will have impacted upon the survival of earlier archaeological remains although the extent of this impact would depend on the number of burials being carried out within the site from 1826 until its closure in the 1850s. Burials are thought to still be present within the site.

Full details of the archaeological and historic background of the site and surrounding area are detailed within the draft *Historic Environment Assessment* (MOLA 2015a).

Prehistoric period (800,000 BC–AD43)

- 2.2.2 The location of the site close to river and wetland resources would have attracted activity in the prehistoric period. Neolithic, Bronze Age and Iron Age remains have previously been found in river channel deposits to the east of the site, but given the depth of modern truncation it may be unlikely that further such remains survive.

Roman period (AD 43–410)

- 2.2.3 Although evidence of possible occupation or a shrine has been found in the vicinity perhaps associated with the river channel to the east of the site, however given the history of the site it is possible that little further evidence of Roman activity survives within the site.

Early medieval/Saxon period (AD 410–1066)

- 2.2.4 The site was probably used as pasture or for cultivation in this period. Although possible Saxon features were found nearby in the 1970s, most or all other remains of this period are likely to have been impacted by later development, potentially resulting in localised survival.

Late medieval period (AD1066–1485)

- 2.2.5 The site was away from the main market area, but the street frontage on its western side may have been occupied, with the remainder used for agriculture or manufacturing. Part of a pottery kiln was found to the south of the site in 1982.

Post-medieval period (AD1485–present)

- 2.2.6 Memorial Gardens originated as an overflow burial ground to the parish churchyard of All Saints which was by the early 19th century, becoming overcrowded as Kingston's population grew: it opened in 1826. It went out of use under the Burial Acts of the 1850s, although it is understood that the burial ground was never deconsecrated.
- 2.2.7 The disused overflow burial ground was transferred in 1923 to the ownership of the local authority and laid out as a public garden. A plan accompanying the 1923 Indenture shows the southern edge of the burial ground (as conveyed to the Borough Council) as a straight line continuing the line of the south wall of the Baptist Church Hall, ie not as far south as the current extent of the Memorial Gardens (Surrey Archives, copy of Indenture of 1923, ref 8856/3/1/5; London Gardens Online website). The southern end of Memorial garden was therefore never owned by the Church of England and so would never have been consecrated.

3 The evaluation

3.1 Methodology

- 3.1.1 All archaeological excavation, monitoring and recording during the evaluation was carried out in accordance with the preceding *Written Scheme of Investigation* (MOLA 2015b) and the *Archaeological Site Manual* (Museum of London 1994). The three southern test pits (8, 9 and 10) were moved a few metres from their originally proposed positions to avoid the roots of nearby trees and, in the case of test pit 10, to also avoid ledgers.
- 3.1.2 The evaluation entailed the excavation and recording of ten 1m-square test pits. Half were approximately 0.5m deep and half were c 1.00m deep.
- 3.1.3 The area of each test pit was carefully de-turfed by contractors. All test pits were excavated by contractors and MOLA staff using mattocks and shovels behind closed fencing. The few disarticulated human bones, animal bones and bones of indeterminate species recovered during excavation were reburied at the bottom of their respective tests pits under sheets of terram (geotextile). The terram sheets will serve as markers to show the depth to which the test pits were dug if further groundworks are undertaken in their vicinity.
- 3.1.4 The locations of all tests pits were recorded by offset measurements taken from adjacent paths and plotted onto 1:100 and 1:200 scale plans of the site provided by MOLA Geomatics. Following the evaluation this information was digitally plotted by best fit onto the Ordnance Survey grid.
- 3.1.5 Heights on all field drawings were related to Ordnance Datum (OD) from spot-heights at ground level next to each test pit. A temporary benchmark (value 7.99m OD) was established on the grave of Josiah Clues (25m east of the war memorial) by a traverse from an Ordnance Survey bench mark on All Saints' parish church (value 8.43m OD).
- 3.1.6 The site archive comprises: 1 *written scheme of investigation*, 1 stratigraphic matrix, 1 context register, 1 section register, 1 digital photograph register, 10 test pit record sheets, 17 context sheets (numbered 1–17), 2 test pit location plans at 1:100 and 1:200 respectively, 1 digital test pit location plan, 1 plan of test pit 6 at 1:10; 10 sections at 1:10 (numbered S1–S10), 22 digital photographs, 1 sheet recording traverses between the site and the OSBM on All Saints parish church, 1 survey data sheet, 1 site summary. In addition 1 box of finds was recovered from the site.
- 3.1.7 The site finds and records can be found under the site code MEG15 in the MoL archive.

3.2 Results

- 3.2.1 For trench locations see Fig 2. All finds mentioned below appeared to be of 18th- to 20th-century date. Most bones found were small (phalanges were common among the finds) and often fragmentary, and all were disarticulated. No finds were retained.

Test Pit 1

Location	Near the NW corner of the site
Dimensions	1.00m-square and up to 1.00m deep
Modern ground level	8.08m OD
Base of modern turf/topsoil	7.70–7.73m OD
Level of base of trench	7.08m OD
Level of natural	Natural not observed

- 3.2.2 Successive layers of garden and/or reworked cemetery soil were revealed. The earliest was excavated to a maximum depth of 0.35m, and mainly comprised dark grey-brown silt with patches of buff sand [14]. It was overlaid by grey-brown silt with frequent pebbles, [13], which was up to 0.40m thick. Both contained occasional fragments of brick, tile, bottle glass, pottery,

clay tobacco pipe stems and bone. They were capped by modern topsoil/turf, which was up to 0.38m thick.

Test Pit 2

Location	Near the NE corner of the site
Dimensions	1.00m-square and up to 1.08m deep
Modern ground level	7.97m OD
Base of modern turf/topsoil	7.77–7.80m OD
Level of base of trench	6.89m OD
Level of natural	Natural not observed

- 3.2.3 The test pit was located in the vicinity of burial plot 77 (MOLA 2015b, fig 3) – possibly immediately to the east of the plot. It revealed successive layers of garden and/or reworked cemetery soil. The earliest deposit was excavated to a maximum depth of 0.58m, and mainly comprised dark grey-brown sandy silt [6] with occasional fragments of brick, human and animal bone. It was overlaid by grey-brown humic silt with frequent pebbles, [5], which was up to 0.38m thick and contained fragments of brick, pot, clay tobacco pipe stems and human and animal bone. The deposits were capped by modern topsoil/turf, which was up to 0.22m thick.

Test Pit 3

Location	7m east of war memorial and 15m north of Kingston Baptist Church
Dimensions	1.00m-square and up to 0.60m deep
Modern ground level	8.36m OD
Base of modern turf/topsoil	8.04–8.06m OD
Level of base of trench	7.76m OD
Level of natural	Natural not observed

- 3.2.4 Successive layers of garden and/or reworked cemetery soil were revealed. The earliest was excavated to a maximum depth of 0.15m, and mainly comprised dark grey-brown silt [16] with frequent pebbles and occasional fragments of brick, tile, clay tobacco pipe, pot and animal and indeterminate bone. It was overlaid by a mixed deposit of grey-brown silt, gravel and asphalt 'road scrapings', [15], which was up to 0.16m thick. These deposits were capped by modern topsoil/turf, which was up to 0.32m thick.

Test Pit 4

Location	Near the SW corner of the square lawn, c 9m NE of Kingston Baptist Church
Dimensions	1.00m-square and up to 0.54m deep
Modern ground level	8.23m OD
Base of modern turf/topsoil	7.99–8.00m OD
Level of base of trench	7.68m OD
Level of natural	Natural not observed

- 3.2.5 The test pit was located roughly over the eastern end of burial plot 49 (MOLA 2015b, fig 3), but it only revealed dumps of garden and/or reworked cemetery soil. They deposits were excavated to a maximum depth of 0.32m, and mainly comprised dark grey silt with patches of buff sand. They contained occasional fragments of brick, tile, bottle glass, pottery, clay tobacco pipe stems, corroded iron objects, part of a leather strap or belt, and fragments of human and animal bone. They were capped by modern topsoil/turf, which was up to 0.25m thick.

Test Pit 5

Location	Near the SE corner of the square lawn, c 19m ENE of Kingston Baptist Church
Dimensions	1.00m-square and up to 0.50m deep
Modern ground level	8.08m OD

Base of modern turf/topsoil	7.84–7.86m OD
Level of base of trench	7.58m OD
Level of natural	Natural not observed

- 3.2.6 A layer of garden or reworked cemetery soil was revealed. It was excavated to a maximum depth of 0.28m, and mainly comprised dark grey-brown silt containing occasional fragments of brick, bottle and window glass, pottery and very occasional small fragments of indeterminate bone. It was covered by modern topsoil/turf, which was up to 0.24m thick.

Test Pit 6

Location	c 12m ENE of NE corner Kingston Baptist Church
Dimensions	1.00m-square and up to 0.50m deep
Modern ground level	8.14m OD
Base of modern turf/topsoil	7.92–7.94m OD
Depth of archaeological deposits (brick structure) seen	>90mm deep
Level of base of trench	7.62m OD
Level of natural	Natural not observed

- 3.2.7 The test pit was located on the site of burial plot 73 (see MOLA 2015b, fig 3) and revealed the *in situ* remains of a tomb, which was mainly made of soft slightly frogged orange-red brick bonded with buff sandy mortar (Figs 3–6). The remains comprised a floor, [11], and two walls, [9] and [10], which survived to a height of one course. The eastern wall, [10], was made of harder darker red (purplish) brick, and may have been part of a low internal wall used to support a coffin. Similar walls were found supporting a coffin in a vault at Chelsea Old Church (Cowie 2008, 30, fig 27). The floor lay at 7.63m OD. Bricks in the southern half of the floor were laid on bed, while those in the northern half were laid on edge and were partly obscured by mortar and the putative ‘support’ wall [10]. It is possible that the northern part of the floor was built to take the weight of a coffin, while the more visible southern part of the floor could be stood on while manoeuvring the coffin into place.

- 3.2.8 The masonry was thinly covered with a destruction deposit of dark grey-brown sandy silt, [12], containing fragments of brick and mortar. This was overlaid by a mixed dump layer of asphalt ‘road scrapings’ and gravel, [8], which was up to 0.14m thick. This was covered in turn by a layer of dark grey-brown pebbly [7], which was up to 90mm thick and contained occasional clay tobacco pipe stems, a fragment of bottle glass, a white-glazed potsherd, and two small indeterminate bones. The overlying modern topsoil/turf was up to 0.22m thick.

Test Pit 7

Location	13.30m east of Kingston Baptist Church
Dimensions	1.00m-square and up to 0.54 deep
Modern ground level	8.05m OD
Base of modern turf/topsoil	7.85m OD
Level of base of trench	7.52m OD
Level of natural	Natural not observed

- 3.2.9 A layer of garden or reworked cemetery soil was revealed. It was excavated to a maximum depth of 0.33m, and mainly comprised dark grey-brown silt containing occasional fragments of clay tobacco pipe stems, pottery, stone, plastic and animal and human bone, a piece of lead pipe and a fragment of 20th-century window glass. It was covered by modern topsoil/turf, which was up to 0.20m thick.

Test Pit 8

Location	6.55m east of church hall, c 12m north of south end of memorial garden
Dimensions	1.00m-square and up to 1.06m deep

Modern ground level	7.96m OD
Base of modern turf/topsoil	7.77–7.81m OD
Level of base of trench	6.90m OD
Level of natural	Natural not observed

- 3.2.10 The earliest deposit was excavated to a maximum depth of 0.74m and mainly comprised dark grey-brown silt, [2], containing occasional fragments of ceramic building material, clay tobacco pipes and human and animal bone. It was overlaid by a compact layer of dark grey-brown silty gravel, possibly representing the remnants of surfacing [1]. These deposits were capped by modern topsoil/turf, which was up to 0.28m thick.

Test Pit 9

Location	Between test pits 8 and 10, c 12m north of south end of memorial garden
Dimensions	1.00m-square and up to 1.08m deep
Modern ground level	7.90m OD
Base of modern turf/topsoil	7.50–7.55m OD
Level of base of trench	6.82m OD
Level of natural	Natural not observed

- 3.2.11 Successive layers of garden and/or reworked cemetery soil were revealed. The earliest was excavated to a maximum depth of 0.49m, and mainly comprised grey-brown silt, [4], with occasional fragments of brick, white-glazed pottery, bottle glass, plastic and human and animal bone. It was overlaid by grey-brown silt with frequent pebbles, [3], which was up to 0.15m thick. The layers were capped by modern topsoil/turf, which was up to 0.40m thick.

Test Pit 10

Location	c 5m from east side of memorial garden, just over 12m north of south end
Dimensions	1.00m-square and up to 1.03m deep
Modern ground level	7.80m OD
Base of modern turf/topsoil	7.37–7.45m OD
Level of base of trench	6.77m OD
Level of natural	Natural not observed

- 3.2.12 A layer of garden or reworked cemetery soil was revealed. It was excavated to a maximum depth of 0.68m and comprised dark grey-brown silt, [17], containing occasional fragments of brick, clay tobacco pipes, pottery, bottle glass, animal and human bone and an iron nail. It was covered by mixed garden soil and dumps mainly comprising dark grey-brown gravelly silt, which was up to 0.43m thick.

3.3 Significance of the results

- 3.3.1 None of the test pits were deep enough to expose natural deposits or to establish whether or not archaeological deposits pre-dating the burial ground. The deepest test pits were 1.08m deep, and interments on the site would have completed truncated any earlier archaeological deposits within their footprint to a depth of at least 2m below ground level.
- 3.3.2 The extent of truncation from the digging of graves and the construction of tombs on the site is not fully known, although the distribution of mapped burial plots suggests that archaeological strata the northern half of the site would have suffered the most disturbance and truncation (MOLA 2015b, fig 3). There were, however, relatively few mapped burial plots in the southern half of the site, and none in the immediate vicinity of test pits 8–10.
- 3.3.3 With the exception of the apparent base of a brick tomb in test pit 6, no evidence was found for in situ funerary structures, graves or articulated human skeletons. This, and the presence of pieces of plastic in the earliest deposits exposed in test pits 7 and 9, suggests a considerable degree of modern disturbance across the site.

- 3.3.4 The evaluation has shown that there is high potential for the presence of disarticulated human bone across the site, although occurring at a very low density and hardly ever at depths of less than 0.40m. Occasional small fragments of disarticulated bone were found in subsurface deposits in all test pits. Some fragments were from animals, and at least one showed evidence of butchery. Other fragments, from test pits 2, 4, 7–10, appeared to be human. There were also bone fragments of indeterminate species.
- 3.3.5 Test pit 6, on the site of burial plot 73, revealed the severely truncated remains of what was probably a brick burial vault. This was the only in situ structure recorded during the evaluation. There were no articulated human remains associated with the structure.
- 3.3.6 No remains were found during the evaluation that would be required by the local planning authority to be preserved in *situ*.

3.4 Assessment of the evaluation

- 3.4.1 GLAAS guidelines (English Heritage, 1998) require an assessment of the success of the evaluation ‘in order to illustrate what level of confidence can be placed on the information which will provide the basis of the mitigation strategy’.
- 3.4.2 In the case of the site the test pits were fairly evenly distributed across the site, and would probably have provided a representative sample of surface and subsurface deposits across most of the site, although areas with raised beds, paving and other hard standing adjacent to the Baptist Church and around the war memorial were not investigated. Access to the east side of the site was constrained by vegetation, trees and the presence of ledgers and chest tombs (see Fig 7), so that test pit 10 had to be slightly relocated from the position shown in the *written scheme of investigation*. Similarly, test pits 8 and 9 were moved slightly north from their proposed positions in order to avoid the root systems of nearby trees.
- 3.4.3 None of the test pits were deep enough to expose natural deposits or to establish whether or not archaeological deposits pre-dating the burial ground were present. The deepest test pits were 1.08m deep, and interments on the site would have completely truncated any earlier archaeological deposits within their footprint – in most cases probably to a depth of at least 2m below ground level.
- 3.4.4 The test pits were set-out using Ordnance Survey mapping that appears to have been accurate to within 0.5m. Test measurements taken on site revealed occasional discrepancies of 0.40–0.50m between the real world and the mapping, and accordingly adjustments have been made to the digital site plan created following the evaluation.

4 Proposed development impact and recommendations

- 4.1.1 It is proposed that landscaping would be undertaken within memorial gardens as part of the wider development scheme for Eden Walk, but specific details of the scheme have yet to be determined.
- 4.1.2 The results of the evaluation suggest that landscaping entailing excavations no deeper than 0.40m below current ground level in the memorial gardens would probably have no impact on any in situ burials, although the masonry remains in test pit 6 suggest that occasionally interments may have been quite shallow.
- 4.1.3 Landscaping involving excavations between 0.40m and 1.00m below current ground level might partially or completely remove any structures such as those recorded in test pit 6, and would almost certainly disturb some disarticulated human bones. The evaluation suggests that in situ burials at this level are unlikely, but their presence cannot be ruled out altogether. Any archaeological remains on the site pre-dating the burial ground are unlikely to be affected by ground work at this level.
- 4.1.4 Depending on the extent and depth of any proposed groundwork in the memorial gardens further archaeological work might take the form of either a watching brief, where any groundwork by contractors would be monitored and any archaeological remains observed recorded, or more extensive evaluation.
- 4.1.5 The decision on the appropriate archaeological mitigation to the deposits revealed rests with the Local Planning Authority.

5 Summary of finds

No finds were retained.

6 Planning framework

- 6.1.1 Current planning legislation and policies are detailed in the *Written Scheme of Investigation* (MOLA 2015b, Section 5).

6.2 Statutory protection

Planning (Listed Buildings and Conservation Areas) Act 1990

- 6.2.1 The Act sets out the legal requirements for the control of development and alterations which affect buildings, including those which are listed or in conservation areas. Buildings which are listed or which lie within a conservation area are protected by law. Grade I are buildings of exceptional interest. Grade II* are particularly significant buildings of more than special interest. Grade II are buildings of special interest, which warrant every effort being made to preserve them.

Human remains

- 6.2.2 Development affecting any former burial ground is regulated by statute, principally the *Burial Act 1857*, the *Disused Burial Grounds Act 1884* and 1981, and the *Pastoral Measure 1983*.
- 6.2.3 The exhumation of any human remains requires approval from either the Secretary of State or the Church of England, depending on the current location of the remains. Exhumations from land which is subject to the Church of England's jurisdiction will need the Church's authorisation (a Faculty or the approval of a proposal under the *Care of Cathedrals Measure 2011*). This includes consecrated ground in cemeteries.
- 6.2.4 Exhumations from land which is not subject to the Church of England's jurisdiction will need a licence from the Secretary of State, under Section 25 of the *Burial Act 1857* as amended by the *Church of England (Miscellaneous Provisions) Measure 2014*. A Burial Licence is required from the Secretary of State if the remains are not intended for reburial in consecrated ground (or if this is to be delayed - for example where archaeological or scientific analysis takes place first).
- 6.2.5 Under the *Town and Country Planning (Churches, Places of Religious Worship and Burial Grounds) Regulations 1930*, the removal and re-interment of human remains should be in accordance with the direction of the local Environmental Health Officer.

6.3 National Planning Policy Framework

- 6.3.1 The Government issued the National Planning Policy Framework (NPPF) in March 2012 (DCLG 2012). One of the 12 core principles that underpin both plan-making and decision-taking within the framework is to 'conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations' (DCLG 2012 para 17). It recognises that heritage assets are an irreplaceable resource (para 126), and requires the significance of heritage assets to be considered in the planning process, whether designated or not. The contribution of setting to asset significance needs to be taken into account (para 128). The NPPF encourages early engagement (i.e. pre-application) as this has significant potential to improve the efficiency and effectiveness of a planning application and can lead to better outcomes for the local community (para 188).
- 6.3.2 NPPF Section 12: Conserving and enhancing the historic environment, is produced in full below:

Para 126. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place.

Para 127. When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.

Para 128. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Para 129. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering 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.

Para 130. Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.

Para 131. In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Para 132: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Para 133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

Para 134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Para 135. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect

directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Para 136. Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

Para 137. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Para 138. Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

Para 139. Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

Para 140. Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

Para 141. Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

6.4 Greater London regional policy

The London Plan

6.4.1 The overarching strategies and policies for the whole of the Greater London area are contained within the London Plan of the Greater London Authority (GLA July 2011). Policy 7.8 relates to Heritage Assets and Archaeology:

- A. London's heritage assets and historic environment, including listed buildings, registered historic parks and gardens and other natural and historic landscapes, conservation areas, World Heritage Sites, registered battlefields, scheduled monuments, archaeological remains and memorials should be identified, so that the desirability of sustaining and enhancing their significance and of utilising their positive role in place shaping can be taken into account.
- B. Development should incorporate measures that identify, record, interpret, protect and, where appropriate, present the site's archaeology.
- C. Development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate.
- D. Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- E. New development should make provision for the protection of archaeological resources, landscapes and significant memorials. The physical assets should, where possible, be made available to the public on-site. Where the archaeological asset or memorial cannot be preserved or managed on-site, provision must be made for the investigation, understanding, recording, dissemination and archiving of that asset.
- F. Boroughs should, in LDF policies, seek to maintain and enhance the contribution of built, landscaped and buried heritage to London's environmental quality, cultural identity and economy as part of managing London's ability to accommodate change and regeneration.
- G. Boroughs, in consultation with English Heritage, Natural England and other relevant statutory organisations, should include appropriate policies in their LDFs for identifying, protecting, enhancing and improving access to the historic environment and heritage assets

and their settings where appropriate, and to archaeological assets, memorials and historic and natural landscape character within their area.

6.5 Local planning policy

- 6.5.1 The Core Strategy identifies Kingston Town as one of the five historic cores within the Borough, and includes Policy DM 12 'Development in Conservation Areas and Affecting Heritage Assets'. This states that the Council will:
- a. continue to identify, record and designate assets, and periodically review existing designated assets within the Borough that are considered to be of special historic significance in order to ensure that future development will preserve or enhance locally distinctive heritage assets. These records will be maintained in the form of a Historic Environment Record.
 - b. preserve or enhance the existing heritage assets of the Borough through the promotion of high quality design and a focus on heritage-led regeneration
 - c. allow alterations which preserve or enhance the established character and architectural interest of a heritage asset, its fabric or its setting
 - d. ensure that development proposals affecting historic assets will use high quality materials and design features which incorporate or compliment those of the host building or the immediate area
 - e. respect features of local importance and special interest through the consideration of form, scale, layout, and detailed designs of a site, area or streetscape
 - f. seek the conservation and improvement of the natural and built historic environment which contribute to the character of the Borough's historic riverside setting
 - g. where possible, provide access for all to encourage public enjoyment of the historic environment and Kingston's heritage assets.
- 6.5.2 The Kingston Town Centre Area Action Plan, adopted in 2008, includes Key Objective 4: 'To protect and enhance the distinctive historic environment', with a commitment to 'protect the archaeological resource and interest'.

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8 NMR OASIS archaeological report form

8.1 OASIS ID: molas1-221372

Project details

Project name	Memorial Gardens, Union Street, Kingston upon Thames KT1
Short description of the project	Test pits up to 1.08m deep on the site of an overflow parish burial ground (1826-1850s) revealed modern garden soil, make-up dumps and the remains of an early 19th-century brick tomb.
Project dates	Start: 03-08-2015 End: 07-08-2015
Previous/future work	No / Not known
Any associated project reference codes	MEG15 - Sitecode
Type of project	Field evaluation
Site status	Area of Archaeological Importance (AAI)
Site status	Conservation Area
Current Land use	Other 5 - Garden
Monument type	TOMB Post Medieval
Significant Finds	NONE None
Methods & techniques	"Test Pits"
Development type	Amenity area (e.g. public open space)
Prompt	predetermination evaluation
Position in the planning process	Pre-application

Project location

Country	England
Site location	GREATER LONDON KINGSTON UPON THAMES KINGSTON UPON THAMES Memorial Gardens, Union Street, Kingston upon Thames
Postcode	KT1
Study area	2440 Square metres
Site coordinates	TQ 18010 69280 51.409743587372 -0.303010763724 51 24 35 N 000 18 10 W Point

Project creators

Name of Organisation	MOLA
Project brief originator	British Land Company plc
Project design originator	MOLA

Project director/manager	Leonie Pett
Project supervisor	Robert Cowie
Type of sponsor/funding body	Developer
Name of sponsor/funding body	British Land Company plc

Project archives

Physical Archive Exists?	No
Digital Archive recipient	LAARC
Digital Archive ID	MEG15
Paper Archive recipient	LAARC
Paper Archive ID	MEG15

Project bibliography 1

Publication type	Grey literature (unpublished document/manuscript)
Title	Memorial Gardens, Union Street, Kingston upon Thames, London KT1: predetermination evaluation report
Author(s)/Editor(s)	Cowie, R.
Date	2015
Issuer or publisher	MOLA
Place of issue or publication	London
Description	Unpublished client report

Entered by	Robert Cowie (bcowie@mola.org.uk)
Entered on	21 August 2015

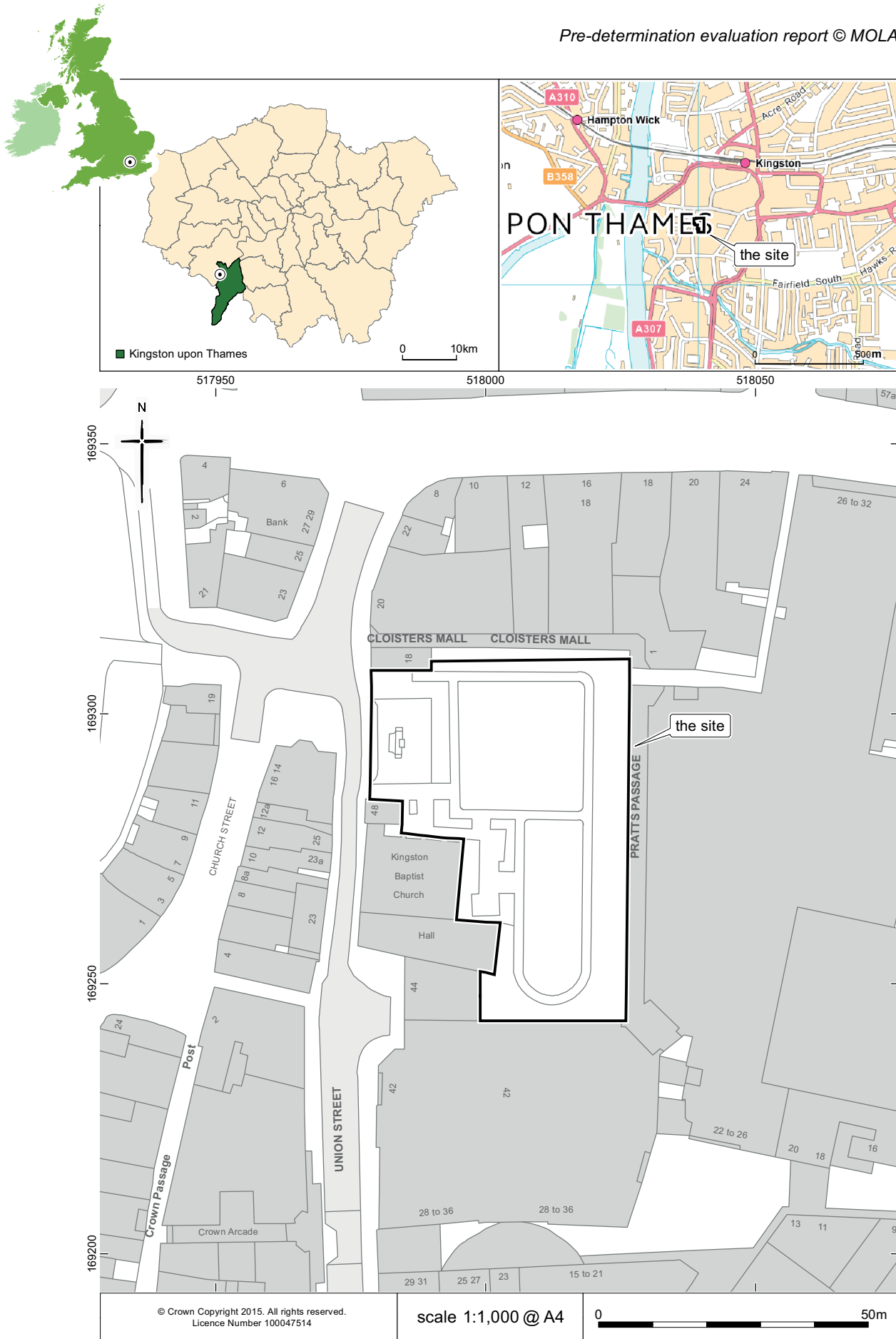


Fig 1 Site location

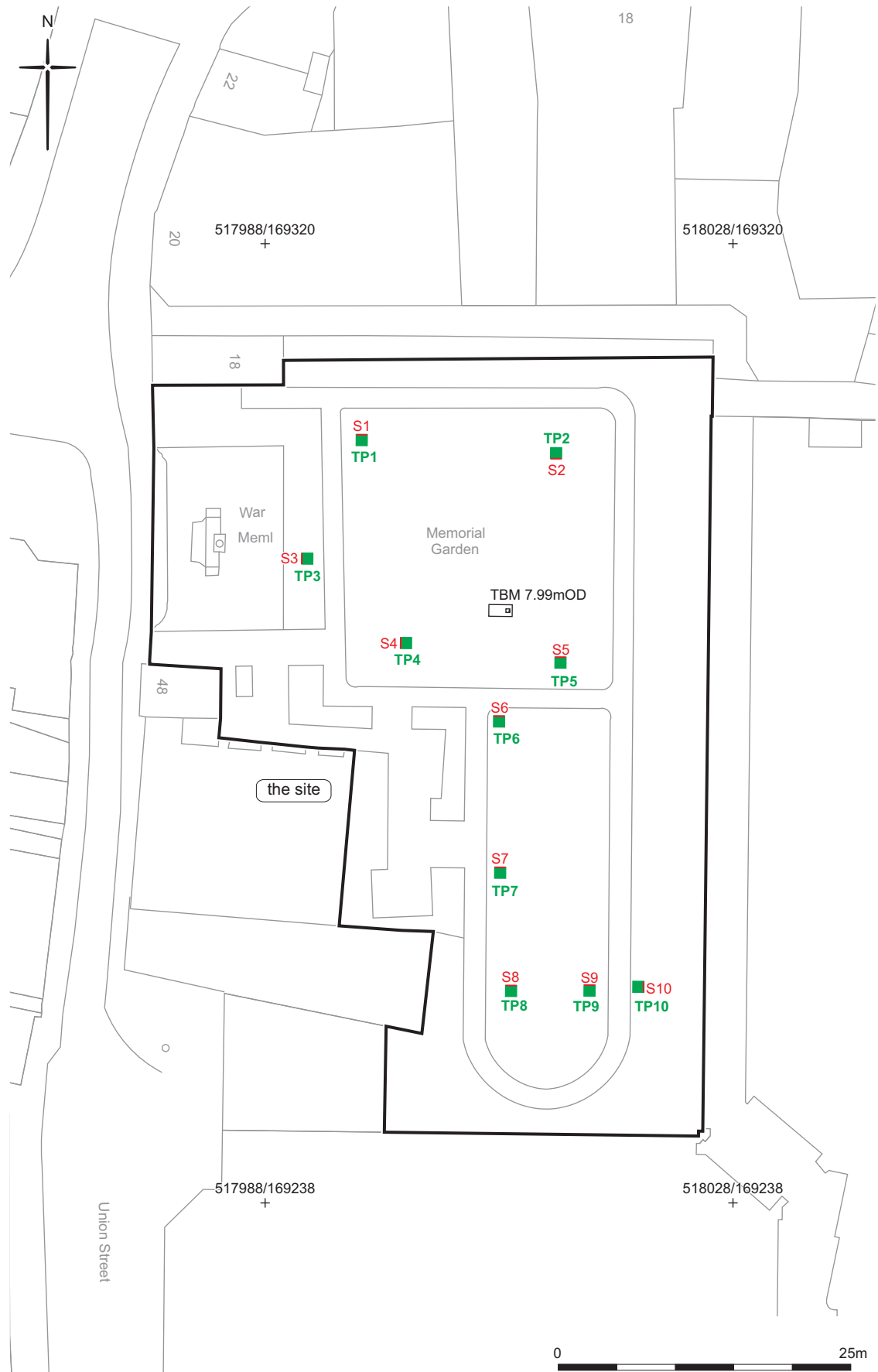


Fig 2 Test pit layout

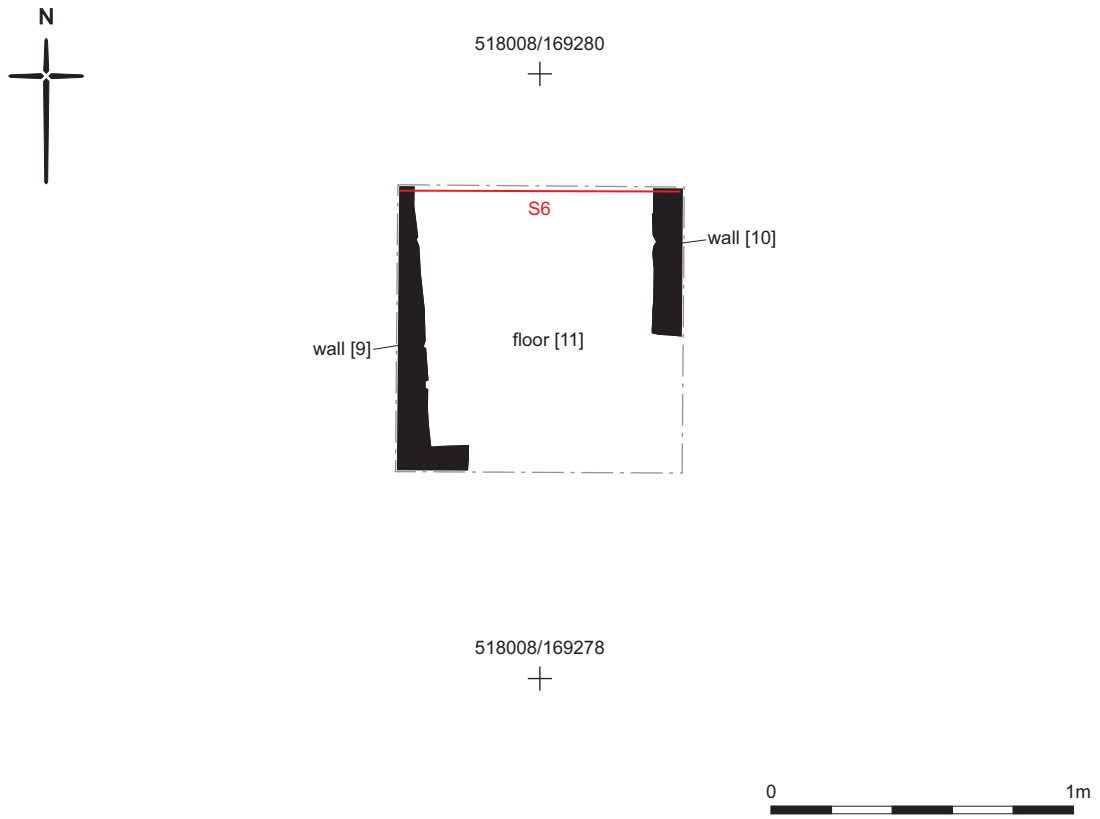


Fig 3 Plan of test pit 6

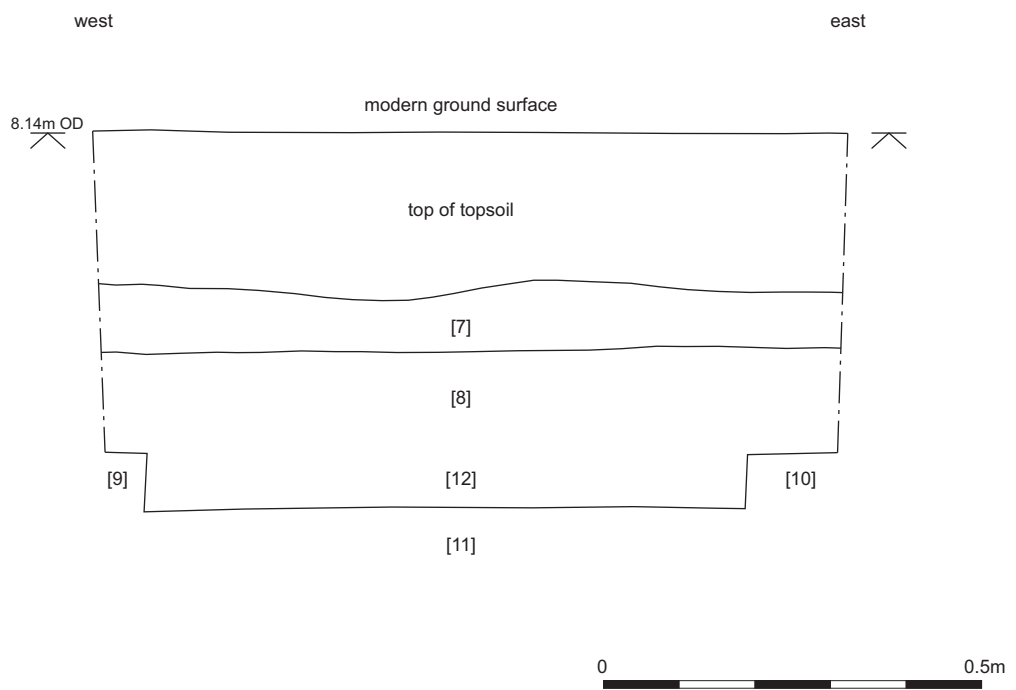


Fig 4 Section across test pit 6



Fig 5 Remains of brick tomb in test pit 6, looking north (0.5m scale)



Fig 6 Remains of brick tomb in test pit 6, looking south (0.5m scale)



Fig 7 Chest tombs, trees and vegetation on east side of the Memorial Gardens, looking SSE