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Our ref: P01440149

14 October 2021

Dear Mr Broome

**T&CP (Development Management Procedure) (England) Order 2015  
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**LAND REAR OF 182 HIGH STREET TONBRIDGE KENT  
Application No. TM/21/01911/FL**

Thank you for your letter of 17 September 2021 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

**Summary**

This is a revised scheme following refusal of 20/01254/FL on heritage grounds. The applicant engaged with Historic England in pre-application discussions and this scheme is a product of those discussions.

While the design has been amended to reduce the harm caused to the scheduled monument, most notably through the removal of car parking from the line of the fosse and pulling the building back from the scheduled area, we nevertheless consider that there is still some harm caused by this proposal.

Your council will need to weigh up this harm against any public benefits of the proposal.

If a development scheme is consented, we recommend that a revised Conservation Management Plan (CMP) is conditioned as part of any permission granted to mitigate harm to heritage significance caused by the proposal.

You should also consider the advice provided by the KCC Heritage Conservation Team; we would defer to their recommendations regarding the proposal's impact upon undesignated archaeological remains.



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## Historic England Advice

### Heritage Significance

The development site sits immediately adjacent to a surviving section of Tonbridge's medieval Town Banks. This defence originally comprised an outer ditch and a bank topped by a wall. Today only the banks remain visible; however, the ditch will survive as a buried feature. These remains are designated as a scheduled monument.

This section of the Town Banks retains high historical value as it is a visible reminder of the original extent and enclosure of medieval Tonbridge; the tensions and threats such settlements of the time faced; and the considerable organisational and technological skills of the society who constructed it.

The Town Banks also holds considerable evidential value as its buried remains have the potential (through future investigation) to contribute significantly to our understanding of the construction, use and abandonment of the town fortifications over time. Finally, the monument also has group value with other surviving sections of the banks in Tonbridge, and with the medieval Castle, which lies less than 200m to the south.

Those physical attributes which contribute particularly to the banks' heritage significance therefore include:

- the form of the banks and its impressive size;
- the vacant area to the east of the banks, which indicates the line along which this linear defence would have continued;
- the limited open space around it which separates and differentiates it from later, intrusive development

Those attributes which currently detract from its significance include:

- the dense and concealing vegetation and trees on and around the banks, which severely detract from appreciation of its original function. They also pose a threat to the banks' stability and archaeological resource
- its generally unmaintained appearance, which encourages further anti-social and damaging behaviour (e.g. fires, littering)
- the dense modern development surrounding it, particularly to the north (i.e. outside the medieval town)
- the lack of interpretation
- the lack of clear connection to related features due to intervening development (e.g. no clear views or even easy access through to the Castle).





We have provided this detailed assessment of the banks' heritage significance to inform assessment of the impact of the development upon it.

### **Impact upon the scheduled Town Banks**

The development is for the construction of 34 Retirement Living apartments including communal facilities and associated car parking and landscaping. This is a revised scheme following refusal earlier this year, and subsequent pre-application discussions, including with Historic England. We note from our discussions that the applicant considers this design to be the minimum development required for a viable development.

Planning permission was previously granted for a different development design on this site; this involved the construction of 9 town houses and 3 apartments with associated landscaping and car parking (12/03803/FL). At the time, it was acknowledged that this development would have a detrimental impact upon the setting of the Town Banks; and that a Conservation Management Plan (CMP) for the monument would be required in order to mitigate some of this harm.

We accept the principle of a building on the site, as only the area within the town banks would have been settled during the medieval period and therefore residential development to the south of the monument is not in itself harmful.

In our letter of advice for 20/01254/FL we considered that this scheme would have an impact on the setting of the monument. This was because the buildings proposed are considerable in size and massing so would compete with, and visually dominate, the monument. This would detract from an appreciation of the banks original importance and intended dominance within Tonbridge.

We also noted that the design, in comparison to the 2012 scheme, involved additional car parking spaces which further encroached into the open buffer adjacent to the monument. Those in the east - although just outside the scheduled area - would also sit across the original line of the Town Banks and thus disrupt an appreciation of its original course.

This revised scheme, has addressed some of these concerns. We note that the car parking has been reduced so that it no longer sits across the original line of the Town Banks to the east.

The size of the building has also been reduced a little to the western end, so that it is set slightly further back from the Town Banks, and the roof ridge height has also been reduced a little over the main part of the building.

Despite these alterations, we nevertheless consider that the scheme would cause less than substantial harm to the significance of the scheduled monument through changes to its setting. This is because of the height and massing of the building would still compete with and visually dominate the monument.



We therefore still disagree with the conclusions of the submitted CMP, which states that the development will have no impact upon the monument's significance (4.30). The CMP claims that there will be no impact because the tree cover on and adjacent to the monument will limit inter-visibility between it and the development. This assessment fails to properly grasp the nature and significance of the monument.

The trees on the monument are clearly intrusive elements that would never have been there during its construction and use, and indeed would have rendered it obsolete as an effective defence. They thus severely detract from its significance and, from a management point of view, they should be removed. Indeed, we envisage that an important part of the future management of the monument would involve the considerable removal of trees and vegetation, such that the monument's visual amenity and legibility may to some degree be restored.

Claiming that the impact of a new intrusive development (i.e. the current proposal) will be avoided through the retention of another harmful intrusion (i.e. the existing vegetation and trees) is not a tenable argument; particularly when judged against the requirements of paragraph 197 of the NPPF which states that developments should aim to enhance the significance of heritage assets, rather than maintain the 'status quo.' As such, the impact of the proposal should be assessed as though this removal had occurred.

Even aside from this matter, we are not convinced that the trees and vegetation on the monument would entirely prevent inter-visibility between the new development and the monument, nor therefore avoid the impact the development will have on the monument's setting (i.e. through its visual dominance and competition).

We appreciate that there is no public access across the banks and thus views from it (towards the development) will not generally be appreciable. However - as stated with Historic England's published advice on setting (<https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/>) "the contribution that setting makes to the significance of a heritage asset does not depend on there being public rights or an ability to access or experience that setting." Nor does it therefore negate any impact that a new development may have upon that setting.

### **Impact to Undesignated Archaeology**

There is potential for ground works associated with the development to impact upon undesignated archaeological remains within the site itself (i.e. outside the scheduled monument). We are aware that some archaeological works have already been carried out on site (as mitigation for the consented scheme); and that the applicant therefore considers that no further archaeological works will be needed for this scheme.

We note that the County Archaeologist does not agree with this assessment. She highlights that the new development will have a different footprint to the consented scheme and thus that concerns regarding archaeological impact and possible mitigation may need to be very different to that agreed for the earlier scheme.



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We defer to the County Archaeologist in this matter and agree with the proposed condition set out in the letter of 14 September 2021.

### **Conservation Management Plan**

If a development scheme is consented for the site, we think that a CMP would be a necessary condition of that permission in order to mitigate some of the harm the development poses to heritage significance.

We note that a CMP has been submitted with this application. Its aim is to provide for improvements to the management of the monument and its setting, and for its on-going maintenance into the future. We made the following points in our letter of 7 August 2020, and we reiterate them now, as the CMP has not been updated since.

Although some of the recommendations of the CMP are encouraging (e.g. installation of interpretation boards and planting of wildflowers to replace harmful woody vegetation on the Banks), we find it inadequate for its intended purpose. We think that the proposals within the CMP are insufficiently detailed and specified, and some are not conducive to the monument's conservation.

In particular, we question whether the proposed - very limited - removal of trees and vegetation on and adjacent to the monument will really result in a sufficiently appreciable enhancement to the banks' archaeological value and visual amenity.

We also think that the intention to retain the monument as a 'secluded woodland area' and maintain only limited views in and out of the scheduled area (4.29) is in fact contrary to the preservation and enhancement its heritage significance - as this monument's significance cannot truly be appreciated if it remains covered and concealed by trees.

We understand that there are competing concerns to consider (e.g. ecological and Conservation Area concerns relating to the loss of trees), but these will need to properly weighed against the banks' national heritage importance when determining the appropriate level of tree removal.

We also consider that the CMP may have missed opportunities to further enhance the significance of the monument. For example, there have been on-going discussions (with other parties) about extending the existing footpath to the north of the monument so that it runs along the entire length of the scheduled area and joins up with Lansdowne Road.

This would enhance appreciation of the monument as a whole and also provide greater connectivity between related medieval features across town. Historic England supports this proposal to extend the footpath, and we think the CMP may have missed an important opportunity to enhance significance by not including it.

The CMP currently contains only generic aims and objectives. To be truly effective it





would need to set out clear prescriptions for how those aims would be achieved, including an explanation of:

- when, how often and by what mechanism the proposed management prescriptions will be implemented;
- which body will be responsible for maintenance into the future;
- how maintenance will be financed in the long term;
- the timetable for when different elements of the works will start and be completed;
- clear methodologies for how works on the monument will be carried out in a sensitive fashion;
- the provision for obtaining Scheduled Monument Consent, should it be required.

### **Recommendation**

Historic England has concerns regarding the application on heritage grounds. While we consider that the harm has been reduced, as required by paragraph 195 of the NPPF, when compared to the 2020 scheme, the proposal is still more harmful to the significance of the scheduled monument than the consented scheme.

We note that the applicant has argued that this proposal is the minimum required to bring forward a viable scheme on the site.

If your council is convinced by the viability arguments put forward, and given that harm has been somewhat, but not completely, reduced, you will need to balance the harm against the public benefits of the scheme as per paragraph 202 of the NPPF.

We consider the current CMP is inadequate for purpose and we do not think it should be approved in its current form. However, we would be very pleased to further discuss with yourself, the applicant and their consultants in order to address this matter.

Therefore, if a proposed development scheme is consented, we would also recommend that a revised Conservation Management Plan (CMP) for the monument is conditioned as part of any permission granted; in order to mitigate harm to heritage significance posed by the development.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Yours sincerely



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