WILLIAM MORRISON
(CHELTENHAM LTD)
AND THE TRUSTEES OF THE
CARMELITE CHARITABLE TRUST

SECTION 78 APPEAL

LAND ADJACENT TO OAKHURST RISE
CHARLTON KINGS
CHELTENHAM

LPA: 18/02171/OUT
PINS: APP/B1605/W/19/3227293

STATEMENT OF COMMON GROUND
BETWEEN THE APPELLANT AND
COUNCIL ON HERITAGE MATTERS

14 August 2019

5 Bolton Street
London
W1J 8BA

Tel: 020 7493 4002
Fax: 020 7312 7548

www.montagu-evans.co.uk
## CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0 Introduction</td>
<td>1</td>
</tr>
<tr>
<td>2.0 Statutory Provision and Relevant Planning Policies</td>
<td>2</td>
</tr>
<tr>
<td>3.0 Matters that are Agreed</td>
<td>4</td>
</tr>
<tr>
<td>4.0 Matters in Dispute</td>
<td>10</td>
</tr>
</tbody>
</table>

## APPENDICES

1. Proposed Site Layout (PL005 Rev A) annotated to show distances from listed buildings
2. Revised Site Layout (PL005 Rev D) annotated to show distances from listed buildings
1.0 INTRODUCTION

1.1 This Statement of Common Ground (SoCG) has been prepared by Montagu Evans LLP on behalf of William Morrison Ltd (the "Appellant").

1.2 It sets out the heritage matters which have been agreed to date between the Appellant and Cheltenham Borough Council (the "Council") following the refusal of the Council to grant planning permission ref: 18/02171/OUT.

1.3 This document shall act as an Agreed Statement of Common Ground on Heritage Matters.

1.4 This document is supplementary to the main Statement of Common Ground, which describes the site, the development, the application documents, relevant planning policy and the reasons for refusal; this content is not duplicated here.
2.0 STATUTORY PROVISIONS AND PLANNING POLICY CONSIDERATIONS

2.1 This section of summarises the statutory provisions and planning policy relevant to the appeal with respect to heritage matters.


2.2 Section 66(1) of the Planning (LBCA) Act 1990 sets out the duty of the decision-maker when considering whether to grant planning permission for development that affects a listed building or its setting to:

'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

2.3 In this context 'to preserve' means 'to cause no harm', the principle established in South Lakeland District Council v Secretary of State for the Environment and another [1992] 1 ALL ER 573.

The Development Plan Policies

2.4 The Development Plan comprises the following:

- The 'saved' policies from the Cheltenham Local Plan, adopted 2006; and

'Saved' Policies from the Cheltenham Local Plan, adopted 2006

2.5 The RfRs do not refer to any saved policies from the 2006 Local Plan.

2.6 Saved policy BE20 requires archaeological remains of local importance to be preserved in situ, or if this is not feasible, by record. Where remains are preserved in situ there should be adequate measures to protect them during construction.

Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury 2011-31, adopted December 2017

2.7 Policy SD8 (Historic Environment) is the only local policy cited in the heritage RfR. SD8 is a five part policy. Of relevance to this Appeal:

- part 1 states that built, natural and cultural heritage will be promoted for their contribution to local identity, quality of life and the economy;
- part 2 states that development should make a positive contribution to local character and distinctiveness and have regard to the historic environment; and
part 3 states that designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their contribution to local character, distinctiveness and sense of place.

2.8 The other parts relate to the use of heritage assets, those that are at risk, and Strategic Allocations in the 2017 JCS, so are not relevant to the Appeal.

Material Considerations

Emerging Cheltenham Borough Council Local Plan 2011-2031

2.9 The new Cheltenham Local Plan is in the final stages of production. The draft Plan was submitted to the Secretary of State in October 2018 for independent inspection. The Examination in Public (EiP) took place in February 2019. The Council affords some weight to the draft Local Plan.

2.10 There are two relevant draft policies on heritage: HE1 and HE2.

2.11 HE1 relates to non-designated heritage assets (and buildings of local importance), so could be applicable to the former ice house.

2.12 HE2 relates to archaeological remains of national and local importance. The clauses on local archaeological features are the same as in the existing saved policy BE20.

2.13 Policy HD4 allocates the site for residential development with approximately 25 dwellings. This is not a maximum number of dwellings. HD4 requires a layout and form of development that respects the character, significance and setting of heritage assets that may be affected by the development.

National Planning Policy Framework (NPPF), 2019

2.14 Section 16 of the NPPF on the historic environment is of relevance to the Appeal, in particular paragraphs 189, 190, 193, 194 and 196.

2.15 Paragraph 196 is only engaged if there is residual harm to a designated heritage asset after the heritage benefits have been taken into account.


2.16 GPA3 comprises Historic England’s advice on how one assesses the effects of development in the setting of an asset on its significance or cultural value.
3.0 MATTERS THAT ARE AGREED BETWEEN THE APPELLANT AND THE COUNCIL

Relevant Heritage Assets

3.1 The relevant heritage assets for the purposes of the Appeal are:

- The administration block of St Edward’s Preparatory School, grade II*
  listed; and
- Charlton Manor, grade II listed.
- Summerhouse, grade II listed
- Pair of drive piers, grade II listed

Historic Development

Administration Block of St Edward’s School

3.2 The Appeal Site is located in Charlton Kings, a residential suburb in the south-east of Cheltenham.

3.3 A plain stucco villa, known as Woodlands, was constructed to the south of the Appeal Site c. 1832 for Alexander Ogilvy.

3.4 The property was acquired by Nathaniel Hartland, a Cheltenham banker, who extended it to the south-west in 1837–8, to create a grander, ashlar faced house; this later part was probably designed by local architect and surveyor Charles Baker. The original villa became the north-west wing. The house was renamed Oaklands.

3.5 The villa was situated in an elevated position to take advantage of views of Leckhampton Hill to the south.

3.6 The villa was set within a designed landscape laid out to the south. The main entrance was from London Road to the south, with a secondary access from Ashley Road to the east.

3.7 A tributary of the River Chelt ran E-W to the south of the designed landscape, which contained a series of pools in the late C19.

3.8 The sinuous carriage drive was laid out to the W and lined with trees, with a lodge (now demolished), just N of the stream. A summer house (which survives), originally with a gazebo attached, was constructed c. 1837 at the N end of the drive. The drive piers mark the final approach to the house; these survive (and are grade II listed).

3.9 The service buildings were located to the NE of the main house. There was originally a semi-circular stable block, which was rebuilt in 1888 (this survives). There were another ancillary buildings and greenhouses located to the east of this, separated by a wall from the formal garden to the south, with a large conservatory to the south of the formal garden. There were other ancillary buildings along the W boundary.

3.10 An ice house was located in the Appeal Site to the north of the villa. This location was likely to have been selected for its proximity to the service parts of the house, to the
north. In 1846 Nathaniel Hartland replaced the fence around the "mount" (or ice house mound). The ice house was associated with the Regency villa, not Charlton Manor, which had not been constructed at this date.

3.11 Oaklands was left by Nathaniel Hartland to Sir Frederick Dixon Dixon-Hartland Bart., MP for Evesham and Uxbridge, who renamed it Ashley Manor. His wife then inherited the house and lived there until her death in 1955.

3.12 Following the death of Lady Agnes Dixon-Hartland in 1955, the house was acquired by the Carmelite Order and converted into the Whitefriars School, a Catholic boys school.

3.13 By 1971 a substantial extension had been added to the E of the Regency villa, and the stable block had been extended to the S and E. Four long detached buildings had been added to the NE of the villa. The lodge, gazebo part of the summerhouse and other ancillary buildings to the E of the house had been demolished. A tennis court and playing fields had been laid out to the SW of the grounds, with a swimming pool to the SE. Further school buildings and tennis courts were constructed in the late C20.

3.14 In the 1980s the site became St Edward's Infants and Junior School. The former villa is now in use as the school administration block, and contains the chapel, headmaster's office at ground floor level, and the headmaster's apartments at the first floor level.

3.15 Since 1994 the four detached buildings to the N of the school administration block, were redeveloped with a single building, now used as the nursery.

Charlton Manor

3.16 The Battledown Estate was laid out from 1858 by Henry Dangerfield, the borough surveyor, as a speculative development. The Estate is located on the W slopes of Battledown Hill, and is located to the N and E of the Appeal Site, directly abutting it. The first houses were constructed in 1863, but the Estate developed sporadically in the late C19 and early C20, with infill from c. 1925. It is a low density development with tree lined roads, fronted by large detached houses set in spacious gardens.

3.17 Charlton Manor was constructed in 1864, and originally occupied four lots (62, 63, 64 and 65). It was possibly designed by Henry Dangerfield for Charles Andrews (a speculator). It was apparently the first house on the Estate to be occupied.

3.18 A stable range was added to the NW of the house between 1903 and 1923.

3.19 Charlton Manor retained its large plot until 1965-71 when the OS indicates that the south part of the garden had been developed with two detached houses: Tor and Fremington. By 1977-69 there were two further houses to the south: Tall Timbers and Fairfax Court.

3.20 Charlton Manor has been altered and extended. The stables were extended and converted into garages in 1985. In 2004 an outside swimming pool was created to the W of the main house and S of the stable block. In 2005 a glazed link was added between the main house and former stable block. In 2006 the garden was extensively re-landscaped. In 2013 the former stables were converted again, to a multipurpose
building, including a garage, store, gym, sauna, steam room and changing room for the swimming pool; this involved the demolition of the 1985 extension.

**Significance of the Heritage Assets, and features of particular importance**

---

### Administration Block of St Edward's School, grade II* listed

**3.21** The building is listed for the special interest of the Regency villa, constructed in two phases in 1832 and 1837-8, and in particular the architectural interest of the later phase, by Charles Barker, a notable Regency architect.

**3.22** The north elevation was never intended to be a polite façade, and was not amended by Charles Baker. The northern part of the building became the service area in 1837-8.

**3.23** The villa is of historic interest for the association with Nathaniel Hartland, who was an important money lender instrumental in the development of Cheltenham in the Regency period.

**3.24** The villa illustrates how wealthy middle class people lived in the early C19, and the separation of staff and family areas reflects the social hierarchy.

**3.25** The villa formed the centrepiece of a modest Estate, and the relationship between the different buildings and land is also of historic interest.

**3.26** The whole of the administration block of St Edward's Junior and Infant School is grade II* listed, including the post-WWII additions to the east. These later additions are of no historic or architectural interest, but detract from the integrity and special interest of the listed building.

---

### Setting of the school administration block

**3.27** The designed landscape to the south is an example of Regency Ornamental gardening. Some elements of the designed Regency landscape survive, including the original main and service access points, the tree lined carriage approach, the open, grassed area to the South, the relationship with the stream (a natural feature), some of the tree planting, including along the site boundaries. These contribute to the appreciation of the historic and architectural significance of the school administration block.

**3.28** The designed landscape at St Edward's school has become compromised by the school use through modern additions, modern planting, sports facilities and other school related paraphernalia.

**3.29** The extensions to the listed administration block and construction of other school buildings have reduced the historically isolated setting of the listed administration block.

**3.30** There is group value with the grade II listed summer house, drive piers, boundary wall and gate piers.
3.31 There are other unlisted structures, such as the former stables, garden building and former ice house that had a historic functional relationship with the listed building, so also contribute to the appreciation of its significance.

3.32 The ice house was a functional structure set away from the villa within the landscape, and is of lower hierarchical status. It was located to the north for its proximity to the service part of the house.

3.33 The relationship between the ice house and former villa has been undermined by the modern single storey kindergarten in the N of the school site.

3.34 The Appeal Site is not part of designed landscape of the former Regency villa. It was part of the historic grounds of the former villa, in use as agricultural land.

Charlton Manor, grade II listed

3.35 The building is listed for its historic and architectural interest as an example of a mid-Victorian mansion.

3.36 Charlton Manor is of architectural interest for its broadly Gothic design, constructed in stone, with some attractive detailing. The plan form is also of architectural and historic interest, indicating the original function of the house, with the separation of family and service areas.

3.37 Charlton Manor was likely to have been the first house to be constructed and occupied on the Battledown Estate, so it is of historic interest because it illustrates the development of the Estate. This and the association with Dangerfield, the borough engineer, and local speculative builders, is of local historic interest.

Setting of Charlton Manor

3.38 The garden makes the strongest contribution to the significance of the house, because it forms its immediate setting and provide a space to sit and appreciate of the building.

3.39 The Appeal Site is open land to the W of Charlton Manor. There are views of the Appeal Site from the house and garden, including of the former ice house.

The Impact of the Proposals

3.40 The proposals were revised to take into account comments from the Examining Inspector of the draft Cheltenham Local Plan, as indicated by Site Proposal Plan PL005 Rev D.

3.41 The agreed distances between the listed buildings and the proposed development are indicated on the plans reproduced in Appendices 1 and 2.
4.0 MATTERS IN DISPUTE

4.1 The following matters are in dispute with respect to the school administration block:

- Whether the Appeal Site provides a rural backdrop to the listed school administration block.
- Whether the topography increases the contribution of the Appeal Site to the listed building.
- Whether the proposed development would be incongruous in the setting of the listed building, unacceptably crowd it and would adversely affect views from the carriage drive.
- Whether the ice house has been infilled. The Appellant considers that it has, while the Council consider there is insufficient evidence to make a conclusion whether it has been infilled or not.
- Whether the effect on the relationship between the former ice house and school administration block would be harmful.
- Whether the proposed development would harm the appreciation of the significance of the listed building. The Appellant considers that the proposed development (both the appealed scheme and Wheatcroft amendment) would not be harmful. The Council considers that there would be less than substantial harm.
- Whether the icehouse is a curtilage listed building.
- Whether there are heritage benefits arising from the proposal.

4.2 The following matters are in dispute with respect to Charlton Manor:

- The degree to which the setting of Charlton Manor is suburban. The Appellant considers it is mostly suburban, while the Council considers it is partly suburban.
- Whether the proposed development would harm the appreciation of the significance of the listed building through a harmful effect on its setting. The Appellant considers that the proposed development (both the appealed scheme and Wheatcroft amendment) would not be harmful. The Council considers that there would be less than substantial harm.
Appendix 1
Proposed Site Layout (PL005 Rev A) annotated to show distances from listed buildings
Appendix 2
Revised Site Layout (PL005 Rev D) annotated to show distances from listed buildings