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

MS LUCY MARKHAM MRTPi IHBC PROOF OF EVIDENCE RE. HERITAGE MATTERS

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1.0 SUMMARY OF EVIDENCE

Background, Experience and Instruction

1.1 My main proof sets out my background, experience and qualifications. In summary, I am dual qualified as a town planner and am a member of the Institute of Historic Building Conservation (IHBC). I have more than fifteen years’ experience providing specialist heritage advice in the planning process.

1.2 I have an Honours Degree (BA) in Modern History from the University of Oxford. I also have postgraduate qualifications in Spatial Planning, a PGDip from Oxford Brookes University, and in Urban Design, a PGCert from Westminster University.

1.3 I am an Associate at Montagu Evans, a leading firm of chartered surveyors, in the Planning and Development Department of our London office. Our team is well-known for its expertise in historic environment matters.

1.4 I have considerable experience of advising on housing developments on the edge of existing settlements and of undertaking setting assessments.

1.5 Mr Frampton contacted me in early June to ask whether I could act on behalf of the Appellant as a heritage expert witness for this appeal, which relates to the land to adjacent to Oakhurst Rise is Charlton Kings, Cheltenham (application reference 18/02171/OUT). This is my first instruction with William Morrison Ltd and the Carmelite Charitable Trust.

Statutory and Policy Considerations

1.6 The critical heritage policy considerations for the Inspector in this case are:

- There is a statutory duty to protect the setting of listed buildings.
- Any harm to a listed building, including to its setting, is a matter of considerable importance and weight in the planning balance.
- The weight increases for highly graded assets such as grade II* listed buildings such as the school administration block.
- Development in the setting of a listed building may (but will not always) harm the significance of a listed building or our ability to appreciate its significance. Harm to setting per se is not the relevant test.
- Harm to an asset, including harm that arises from development in its setting, may be acceptable provided there is a clear and convincing justification for it. As the Mordue judgment makes clear, the balance of public benefits at paragraph 196 of the NPPF can provide that justification.
- Policy SD8 is the local policy on the historic environment.
- Saved policy BE20 requires archaeological remains of local importance, such as the remains of the ice-house within the Appeal site, to be preserved in situ, if possible.
- Draft policy HD4 allocates the appeal site for housing.
The Examinig Inspector reviewed the appeal proposals on site and recommended some modifications to HD4 that have been taken into account in the revised Proposed Layout (rev D) that the Appellant is requesting be considered under the Wheatcroft principle.

Administration Block of St Edward's School, Grade II* Listed

History

1.7 A plain stucco villa, known as Woodlands, was constructed to the south (S) of the Appeal Site c. 1832 for Alexander Ogilvy. 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-east wing. The house was renamed Oaklands. A designed landscape was laid out to the S of the villa.

1.8 In 1955, the house was acquired by the Carmelite Order and converted into the Whitefriars School, a Catholic boys school. The former villa is now in use as the administration block for St Edward's School. Its setting is much altered as a result of its conversion into a school.

Significance

1.9 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.

1.10 The north (N) elevation was not amended by Barker, and was never intended to be a polite façade, being partly built into the hillside with little or no view. The north part of the building became the service area, and is of less architectural significance than the W and S elevations.

1.11 The 1837-8 interior is of particular architectural interest has elevated it to grade II* status.

1.12 The villa is also of historic interest for the association with Nathaniel Hartland: “the single most important lender of money to builders in the Pittville development in Cheltenham”. This historic association contributes less to its special interest than the age and architectural interest of the fabric.

1.13 The villa formed the centrepiece of a modest Estate, and the relationship between the different buildings and land to the S is also of historic and design interest.

1.14 The post-WWII additions to the east are of no historic or architectural interest, but detract from the integrity and special interest of the listed building.

Contribution of Setting to Significance
1.15 The site of the grade II* listed building was likely to have been selected for its elevated position on the Battledown Hill to provide attractive views to the dramatic topography of Leckhampton Hill and the Cotswolds hills to the south. The extensions of 1837-8 reoriented the house to the S and west (W), to maximise the views from the house, south across the valley. This situation also means the house, particularly the S elevation, is a focal point in the designed landscape.

1.16 The landscape is an example of English Regency Ornamental gardening, as popularised by the work of Humphrey Repton and John Buonarotti Papworth. A more sheltered location, lower down the hillside, was likely to have been chosen to take advantage of views over the pleasure grounds to the south, and “provide shelter from the adjacent country” (Papworth, p. 34).

1.17 Some elements of the designed Regency landscape survive, including the original main and secondary access points, the tree lined carriage approach, the open, grassed area to the S, the relationship with the stream, some of the tree planting, including along the site boundaries. Undoubtedly these features make a strong contribution to the appreciation of its significance, given that the former villa was conceived as the focal point of the designed landscape.

1.18 There is group value with the other grade II listed structures in the school grounds: the summer house, drive piers, boundary wall and gate piers.

1.19 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. The contribution of the former ice house is limited given this has been infilled and is now an archaeological feature.

1.20 The designed landscape and setting of the former villa was changed considerably by the conversion of the house into a school, and it is not surprising that it is not a Registered landscape, nor a locally designated landscape.

1.21 The pleasure gardens to the S of the house do not survive. Ancillary structures such as the lodge and garden buildings, including the gazebo originally attached to the summerhouse, have been demolished. Many new school buildings have been constructed to the S and east (E) of the administration block, with a fenced animal enclosure in the sensitive location to the W of the listed building. The bright blue tennis courts are a visually jarring addition in the sensitive location to the S of the listed building, which has required significant earth movement to create level courts. The necessary signage and bollards emphasises the institutional character of the place. There is also activity, movement and noise associated with the school use. The school use and the associated changes to its setting detract from the appreciation of its historic and architectural significance. The Council’s heritage expert agrees.

1.22 The extensions to the listed administration block and construction of other school buildings have reduced the historically isolated setting of the listed administration block.
The school is located in a residential suburb. Generally the wider setting of the school administration block does not contribute either positively or negatively to its significance, aside from the relationship with and glimpsed views of the Cotswold escarpment.

**Contribution of the Appeal Site**

The contribution of the Appeal Site to the appreciation of the significance of the grade II* listed building is very limited. While there is a historic relationship between the Appeal Site and the grade II* listed building because they have been in the same ownership, I do not think this in itself contributes to the appreciation of the significance of the listed building. The grand villa was created for a banker, so was not constructed with money made from the working of agricultural land (such as the Appeal Site) as in many country houses. There is a limited visual relationship between the listed building and Appeal Site because of the topography and screening effect of trees along boundary. Historically, with a complete shelter belt, the visual relationship would have been less. Critically, the Appeal Site is not part of the designed landscape, but was functional agricultural land.

**Former Ice House, Archaeological Feature**

The former ice house is likely to have been constructed in the 1830s or soon after, and was certainly in existence by 1846 when there are records of a fence being constructed around it. The ice house had a historic functional relationship with the Regency villa. There is no evidence that the ice house was originally architecturally distinguished; and if it were, none of the architecture survives.

The ice house became disused and was infilled in the late C20. It seems probable that its disuse and infilling was associated with the conversion of the house to a school in the late 1950s.

The former ice house is now an earthen mound overgrown with shrub, and has some mature trees growing on top of it. There is no evidence of the entrance. It is now an archaeological feature; the Council agree.

Without prior knowledge of the history of the site, or special expertise, the function of the former ice house and connection with the former Regency villa would not be clear.

I agree with the Council that the ice house is of an archaeological feature of local interest. It is primarily of archaeological interest. It also contributes to the appreciation of the historic interest of the Regency villa as the focal point of a modest Estate; however, this contribution is significantly limited by condition of the former ice house, which is infilled and cannot be readily recognised.

**Charlton Manor, Grade II Listed**

History
1.30 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. It is a Victorian mansion, broadly Gothic in style. It is constructed from stone rubble laid “crazily” with ashlar dressings.

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

1.32 Charlton Manor retained its large plot until 1965-71 when the south part of the garden had been developed with two detached houses: Tor and Fremington. By 1977-89 there were two further houses to the south: Tall Timbers and Fairfax Court.

**Significance**

1.33 Charlton Manor is of architectural interest as an example of a mid-Victorian mansion, constructed in stone, with some attractive detailing, such as the barge boards and prominent chimney stacks. The plan form is also of architectural and historic interest, indicating the original function of the house.

1.34 Analysis of the historic plan form indicates that the house was orientated primarily to the S. The S elevation was the designed to be the primary elevation. It is the longest elevation with most windows and most principal rooms. The house was situated in the N of this huge plot, orientated S to take advantage of the views of the large garden to the S and the Cotswold escarpment beyond.

1.35 The W and E elevations were secondary, but nevertheless were treated with care, indicated by the architectural detailing.

1.36 The association with the Battledown Estate, the borough engineer and local speculative builders is of local historic interest.

**Contribution of Setting to Significance**

1.37 Battledown Hill was likely to have been selected for speculative development of the Estate because of its elevated position and the attractive views it provided of Cheltenham and the surrounding Cotswold landscape.

1.38 The elevated site of Charlton Manor within the Battledown Estate therefore makes a contribution to its historic interest, as the preferred site for a middle class mid Victorian villa. The orientation of the house to face south is part of its architectural interest.

1.39 After WWII the southern part of the garden was sold and subdivided to construct four detached houses. The setting relationship to the landscape to the S has therefore diminished over time, and now contributes less to the special interest of the listed building.

1.40 The setting of the listed house is primarily suburban in character, with movement and noise typical of suburban development.
1.41 The garden makes the strongest contribution to the appreciation of the significance of Charlton Manor, because it forms its immediate setting and provides a space to sit and appreciate the building. The context in the Battledown Estate also aids appreciation of both the historic and architectural significance of the listed house, and characterises its suburban setting.

Contribution of the Appeal Site

1.42 The Appeal Site forms part of the setting of Charlton Manor. The Appeal Site is an area of open, undeveloped land adjacent to the plot of Charlton Manor to the W.

1.43 There are views of the Appeal Site from the garden, and from the west, and to a lesser extent south elevation. I expect that there are glimpses of the Cotswold escarpment beyond in some of these views, although the mature hedge along the S part of the W boundary, would restrict these views.

1.44 I have no doubt that these views of the green field site are attractive, but this is an amenity consideration. These are incidental and not designed views, and do not contribute to the appreciation of the historic and architectural significance of the listed building.

1.45 The Appeal Site does not contribute to the appreciation of the historic or architectural significance of Charlton Manor.

Assessment and Performance against Policy

1.46 The proposed development is for outline planning permission for 69 dwellings. The Proposed Site Layout (drawing PL005 Rev A) provides an indicative layout, showing terraced, semi-detached and detached houses of between 2 and 2.5 storeys, accessed from Oakhurst Rise to the west of the Site.

1.47 During the Examination in Public of the draft Cheltenham Local Plan, the Examining Inspector reviewed the proposal for 69 dwellings and visited site. The Inspector’s Post-Hearing Advice Note (CD.C10) provided a detailed response to Historic England’s representations and the design approach to the Site, with her advice on how to “safeguard” the listed buildings.

1.48 The revised Proposed Site Layout (Rev D) responded to the Examining Inspector’s advice. The Appellant has requested that the revised Proposed Site Layout substitute the earlier version under the Wheatcroft principle. The description of development would therefore been revised to 68 dwellings.

School Administration Block and Former Ice House

1.49 Until the landscape screening on the S boundary of the Site is mature, there would be a degree of harm resulting from the proposed development, in both design iterations,
because it would be visible with the listed building. This harm would be less than substantial and very limited for the following reasons:

- the setting of the listed building is already considerably altered as a result of its conversion to a school, with modern extensions and modern school buildings in its immediate setting and housing c. 75m to the NE and around its perimeter;
- there would be a considerably separating distance to the closest proposed house (c. 56m);
- the modern kindergarten in the N of the school site forms interposing development;
- the landform will partially screen views of the proposed housing, particularly directly N of the listed building;
- existing trees along the boundary would filter and partially screen the views of the proposed dwellings;
- the Appeal Site is not part of the designed landscape, but located on functional land to the rear of the property;
- it would not physically or visually isolate the listed building or reduce its prominence as the focal point of the designed landscape; and
- it would improve the economic viability of the school, who occupy and maintain the listed building, thereby helping secure the long term future of the listed building.

1.50 This low degree of harm would be removed when the landscape screening is in place, because it would reduce the visual effects to the extent they would be de minimis. Furthermore the reinstatement of the shelter belt to the north of the grade II* listed building would restore this element of the designed landscape, which would be of heritage benefit.

1.51 The former ice house has been carefully integrated into the proposed site layout. Public access to it will be provided for the first time. A programme of interpretation, secured by condition, could explain the historic connection with the grade II* listed building, and enhance appreciation of the historic significance of both heritage assets. The public access and interpretation are two further heritage benefits.

1.52 I conclude that the proposed development would therefore preserve the special interest of the grade II* listed building and the local interest of the former ice house. My conclusion is the same for both design iterations (Rev A and Rev D of PL005).

**Charlton Manor**

1.53 The Appeal Site forms part of the setting of Charlton Manor, but it does not contribute to the appreciation of the significance of the listed building.

1.54 In both design iterations, the change in land cover and use would also affect the setting of the listed Charlton Manor, so that it is more suburbanised. There is likely to be activity, movement, noise and light spill associated with this residential development. However, Charlton Manor was conceived as part of a housing development, the
Battledown Estate, so its setting is already experienced in these terms to the N, S and E.

1.55 The proposed scale of the buildings is 2 or 2.5 storeys for both design iterations, so similar to that of Charlton Manor, although the listed building is likely to be taller. Certainly the listed building has a much larger footprint. The proposed housing will therefore not compete with the scale of the listed building.

1.56 Both iterations of the proposed development would not physically or visually isolate the listed building. Charlton Manor is accessed from Ashley Road; this will be unaffected by the proposals.

1.57 The separating distances of the proposed buildings from Charlton Manor, in both design iterations, are considerably more than its existing neighbours.

1.58 The principal effect of the proposed development on Charlton Manor is the effect on views from the property to the W. The proposed development would change the character of the land from a green field site to a housing development, so would affect views of the Appeal Site from the garden and windows in the west elevation, and oblique views, to the extent that there are any, in the south elevation. The planting along the E boundary would largely screen the proposed housing from view; some glimpsed views of the Cotswold escarpment beyond the Appeal Site from the house or garden may also be occluded. There may be some glimpsed partial views of the roofs and upper parts of the proposed houses from the listed building and its garden, although these would be heavily filtered by the vegetation, even in winter, and would not be seen with the listed building. The potential for these glimpsed views of the built form would decrease in the Wheatcroft amendment, where there is a larger landscape buffer.

1.59 The effect on the outlook of the property is an amenity effect.

1.60 The elevated location of the house is still obvious from the topography of Ashley Road and there are glimpses of the Cotswold escarpment as one travels southwards down the street. The proposed development will not affect people’s ability to understand why this elevated site was selected, nor harm the significance of this mid Victorian mansion, which derives from its architectural design and historic fabric.

1.61 The views of the former ice house would be occluded, although the former ice house was not built for Charlton Manor. There would therefore be no harmful effect arising from this.

1.62 The planting would not “excessively” enclose the listed building to the rear as alleged by Mr Morris. I note that the Council granted planning permission for a hedge in this location as part of the 2006 re-landscaping, so it is inconsistent that they are now consider planting in this location to be unacceptable (application reference 06/01587/FUL and 06/01588/LBC).
1.63 I conclude that neither iteration of the proposed development would harm the appreciation of the significance of Charlton Manor. The landscape screening would preserve the privacy of the house and garden, but I do not consider this to be necessary as heritage mitigation, because the listed house is already experienced with other housing in its setting, and indeed was conceived as part of a speculative housing development.

Policy Assessment

1.64 My evidence provides a detailed assessment of the significance of listed school administration block, Charlton Manor and the former ice house, to fulfil the requirements of paragraph 189 of the NPPF.

1.65 Prior to the landscape screening being in place, the proposed development would cause less than substantial harm to the listed school administration block, but for the reasons set out above, this would be very limited. Once the landscape screening is mature it would mitigate this harm.

1.66 I do not identify any harm to the significance of Charlton Manor.

1.67 The scheme would reinstate the shelter belt to the N of the grade II* listed school, so restore this element of the historic landscape. The proposals would provide public access to the former ice house for the first time. There is also potential for a scheme of interpretation to be agreed via condition to explain the historic connection between the former ice house and Regency villa. These are all heritage benefits.

1.68 I therefore conclude that having undertaken this ‘internal’ heritage balance there is no residual harm, so there is no need to engage paragraph 196 of the NPPF. I note my interpretation is supported by the Palmer decision.

1.69 The recommendations of the Examining Inspector for the draft Cheltenham Local Plan have been incorporated into the revised Proposed Site Layout. She made clear these amendments would “safeguard” the setting of the listed buildings.

1.70 So notwithstanding my view that the proposals are not harmful, should the Appeal Inspector take a different view and find some harm to the listed building then this can only be on the facts of the case, less than substantial harm and very limited in any event.

1.71 In the event that any limited harm is identified, contrary to my assessment above, I refer the Inspector to Mr Frampton’s evidence, which sets out what I understand to be the weighty public benefits of the appeal proposals.

1.72 The proposals would preserve the remains of the ice house in situ, as required by Policy BE20 and draft Policy HE2.

1.73 Accordingly, I do not see that allowing the appeals violate the terms of section 66 (1) or paragraph 196 of the NPPF.
2.0 INTRODUCTION

2.1 My name is Lucy Markham and I am an Associate in the Planning and Development Department at Montagu Evans. I am dual qualified as a Chartered Town Planner and a Member of the Institute of Historic Building Conservation. I have fifteen years’ professional experience as a heritage specialist and hold postgraduate qualifications in building conservation, urban design and town planning.

Our Practice

2.2 Montagu Evans is a leading firm of chartered surveyors. Established in 1921, there are 21 owning partners and nearly 300 employees. I am based in the West End offices, which are the registered office of the LLP.

2.3 The firm advises on all areas of development surveying consultancy, including rating, valuation, management, investment and town planning. The town planning consultancy is central to our business, and we have become well-known for its expertise on historic environment matters.

Professional Background: Some Current Projects and Clients

2.4 I provide specialist planning advice on sites that involve development in the historic environment. I have experience of advising on development that affects many different types of heritage assets, including highly graded listed buildings, World Heritage Sites, scheduled monuments, conservation areas, Registered Parks, locally listed and other non-designated heritage assets. I am a senior member of the team and direct the work of more junior colleagues. I have advised on the heritage aspects of many housing schemes, both large and small. I have experience of other projects affecting Georgian and Victorian listed houses and historic landscapes, which I mention because of the type of heritage assets relevant to the Appeal. I have also advised on the potential listing of buildings and secured Certificate of Immunity from Listing for clients.

2.5 I am aware of the duties of expert planning witnesses and the RTPI Code of Conduct (February 2016), including their 2017 advice on ethics and professional standards (see the signed affirmation at the end of my evidence).

2.6 I have advised a number of public and charitable clients, including a number of cultural institutions such as the Tate, the Southbank Centre, Somerset House, the Royal Horticultural Society, the National Trust and Salisbury Museum. I have also advised a number of educational establishments including Sheffield University, Wadham College, Oxford, University College London, and the University of the Arts London. My other public sector clients have included the Ministry of Defence, English Heritage (now known as Historic England), Plymouth City Council, Exeter City Council and Crawley Borough Council. This work for local planning authorities has included projects to identify potential conservation areas and locally listed buildings (in Plymouth), areas of special environmental quality (in Crawley), and define the appropriate height of development (for the redevelopment of Exeter bus station), to form the evidence base for local policy.
2.7 I have advised on a number of large housing schemes and town extensions as well as the promotion of land for housing allocations through the local plan. My clients include major national housebuilders: Commercial Estates Group, City and Country, Richborough Estates, Hallam Land, Berkeley and Fairview New Homes. I have acted as an expert heritage witness at public inquiry, providing evidence on housing development in the setting of listed buildings, as well as providing expert townscape evidence in urban locations.

2.8 This is my first instruction with William Morrison Ltd and the Carmelite Charitable Trust, and I have no other instructions with them. I describe my involvement in the Appeal in the next section.

Past Employment

2.9 I joined Montagu Evans in 2012. Before that I was a Principal at Atkins central London office, mostly advising on the built heritage aspects of Crossrail. I started my career in heritage in 2004 at Alan Baxter & Associates, a multi-disciplinary consultancy based in engineering, where I was eventually promoted to Project Director, before I left in 2010.

Academic Qualifications and Publications

2.10 I have an Honours Degree (BA) in Modern History from the University of Oxford.

2.11 I have an MSc in Historic Conservation, which is a course jointly run by Oxford Brookes University and the Department of Continuing Education at Oxford University. My dissertation was on the protected views of St Paul’s Cathedral. Academic articles that I wrote on this topic were published in the London Journal and London Society Journal.

2.12 I also have postgraduate qualifications in Spatial Planning, a PGDip from Oxford Brookes University, and in Urban Design, a PGCert from Westminster University.
3.0 INSTRUCTIONS AND SCOPE OF PROOF OF EVIDENCE

3.1 I am appearing at this Inquiry on behalf of the William Morrison (Cheltenham) Ltd and the Trustees of the Carmelite Charitable Trust (hereafter “the Appellant”). This Appeal is being made under section 78(1) of the Town and Country Planning Act 1990.

3.2 In this section I set out my involvement with these proposals as an expert witness and my understanding of the scope of my evidence.

Instructions

3.3 I was first approached by Mr Frampton with respect to the Appeal against Cheltenham Borough Council’s refusal of outline planning permission, against officer recommendation, for residential development of up to 69 dwellings, including access, layout and scale, with all other matters reserved for future consideration (application reference 18/02171/OUT). Mr Frampton asked whether I would present evidence on behalf of the Appellant. I am instructed by Mr Frampton that the appellant has been advised on heritage matters from the outset of this project by Dr Carol Fry, but that she is unable to be available for the dates set by PINs for this public inquiry.

3.4 My initial appraisal was on the basis of a desktop review, including the application material, including the reports prepared by Dr Fry and Historic England’s consultation responses. I concluded I was able to present expert witness on heritage matters, subject to the outcome of my site visit on 17 June 2019, which I undertook with an open mind and confirmed this view. I found Dr Fry’s work to be scholarly and well-researched.

3.5 This is independent expert evidence, and prepared in line with the relevant RTPI Code of Conduct, including their advice on Ethics and Professional Standards. My signed affirmation at the end of this Proof sets out the basis of my evidence to the Inquiry. That affirmation also confirms that this evidence meets the requirements of PINS guidance, in Annexe O of the Procedural Guide.

Scope of Evidence

3.6 The third reason for refusal (RfR) relates to heritage matters and states:

“The proposed development would have a significant impact on the setting of nearby listed buildings, particularly Ashley Manor, an important grade II* listed villa of more than special interest. The resultant ‘less than substantial’ harm to these designated heritage assets must be afforded significant weight, and this harm would fail to be outweighed by the public benefits arising from the proposal in the overall planning balance.”

3.7 The reference to Ashley Manor uses an historic name for the grade II* listed administration block of St Edward’s Preparatory School. I refer to it by its proper name, the school administration block, as defined in the list description. The former villa has
also been known as Woodlands and Oaklands. The school is located to the south of the Appeal site, and both areas of land are owned by the Carmelite Charitable Trust. It is also my understanding that concerns have been raised about the potential impact on the proposal on the former “ice house”. This ice house was a partially below ground structure, probably constructed from brick, used for storing ice from local rivers, to be used in the cooling of food and drink during the warmer months. It was associated with the former Regency villa, but is now infilled and is only discernible as a mound, topped with trees. It is an archaeological feature. Therefore my evidence will also address the former ice house.

3.8 The other relevant listed building eluded to in the RfR is Charlton Villa, a grade II listed house, adjacent to the appeal site to the east.

3.9 The Council and Rule 6 (R.6) Party have also identified the summer house and pair of drive piers as relevant heritage assets in the SoCG.

3.10 The first RfR is also potentially relevant to my evidence. This states:

“The proposed development fails to adequately address the constraints and site specific requirements set out within emerging Cheltenham Plan Policy HD4 which identifies the site as a potential land allocation for housing. Although the Cheltenham Plan is currently under examination and has not yet been formally adopted, and there are significant unresolved objections to the policy, paragraph 48 of the NPPF (2019) does allow the Local Planning Authority to afford some weight to this policy in the emerging plan.”

3.11 Policy HD4 refers to listed buildings and heritage assets as constraints. The site specific requirements require:

“A layout and form of development that respects the character, significance and setting of heritage assets that may be affected by the development.”

3.12 I have therefore also considered the effect of the proposed development on the former ice house, which the Council identify as an archaeological feature in the Committee Report (CD.A58, para 6.4.12), in their Statement of Case, and in the SOCGs.

3.13 The first and third RfR and interrelated. The allegation of harm to the listed buildings in the third RfR appears to indicate that the Council do not consider that the layout and form of development respects the character, significance and setting of the heritage assets. I therefore consider the third RfR and the heritage aspects of the first RfR together.

3.14 Accordingly, my evidence considers the following topics:

- The heritage policy considerations that apply to the determination of this Appeal (section 4.0);
- The historic development of the school and surrounding area (section 5.0);
- The special interest of the listed administration block and Charlton Manor, the extent of their respective settings and in particular whether the appeal site
forms part of that setting, the extent to which those settings make a contribution to the appreciation of the significance of these two heritage assets, including reference to the former ice house (in section 6.0 of my evidence);

- Whether the proposed development will have a harmful impact on the special interest of the listed buildings, and if so the degree of the harm. The Council and R.6 Party allege this harm is less than substantial (section 8.0).

3.15 Mr Frampton considers the question of the planning balance.
4.0 STATUTORY PROVISIONS AND PLANNING POLICY CONSIDERATIONS

4.1 This section of my evidence summarises the statutory provisions and planning policy relevant to my evidence, with particular focus on the policies cited in the reason for refusal.


4.2 Section 38 (6) of the PCPA 2004 Act requires the decision maker to determine applications (and appeals) in accordance with the statutory development plan for the area unless material considerations indicate otherwise.

4.3 Before considering the relevant heritage provisions I draw the Inspector's attention to the heritage asset plan at my Appendix 1 which shows the location of the two listed buildings I consider: the administration block of St Edward's School and Charlton Manor, and their relationship with the appeal site.

4.4 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'.

4.5 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 (CD.K19).

Case Law

4.6 I draw attention to the Court of Appeal decision in Barnwell Manor Wind Energy Ltd and East Northamptonshire District Council (Case No C1/2013/0843) or 'Barnwell' (CD.K20). This is one of a number of judgments that provide guidance on the interpretation of the statutory provisions of the Planning (LBCA) Act 1990.

4.7 The decision confirms what I have always interpreted to be the case. The conservation of heritage assets is a matter of considerable importance and weight in the planning balance, which means in this context seeking wherever possible to avoid harm.

4.8 The Barnwell judgment also reinforces the proportionate approach in the NPPF, so that the presumption against allowing development which causes harm to the setting of a listed building or conservation area reduces in weight as the importance of the heritage asset diminishes, and if the harm is less than substantial rather than substantial (see paragraph 28). However, as the case makes clear, less than substantial harm does not equal a less than substantial objection. If there is harm, the decision-maker should
accord “great weight” to this harm when carrying out the planning balance.

4.9 The Court of Appeal decision *R (on the application of The Forge Field Society and others) v Sevenoaks District Council* (Case No [2014] EWHC 1895 (Admin)) or ‘Forge Field’ (CD.K22) reinforced the findings of Barnwell.

4.10 The High Court decision on *Forest of Dean District Council v Secretary of State for Communities & Local Government & Anor* [2016] EWHC 421 (Admin) or “Forest of Dean” clarified the interaction between paragraphs 134 and 14 of the 2012 NPPF (which are now paragraphs 196 and 11 in the 2019 NPPF). Mr Frampton, the Appellant’s expert witness on planning, considers the Forest of Dean decision in detail and undertakes the weighing exercise required by paragraph 196 should the Inspector identify harm to the listed buildings.

4.11 In *Jones v Mordue* [2015] EWCA Civ 1243 (CD.K23), the Court of Appeal considered the relationship between the statutory duties and the relevant paragraphs of the Framework and held that a decision maker applying paragraphs 132 to 134 of the 2012 NPPF (which are now paragraphs 193 to 196 in the 2019 NPPF, but the wording is in essence the same, except for the clarification at 193 that any level of harm is of great weight.

4.12 In *Shimbles v City of Bradford and third parties including the National Trust* EWHC 195 [2018] (CD.K17), J Kerr concluded at paragraphs 90 and 91 that it was necessary to decide whether harm to a designated heritage asset was substantial or less than substantial (because the tests for granting permission are different depending on this decision), but once in either category it was not necessary (as a matter of law) to refine the degree of harm further within a spectrum of less than substantial harm because it did not alter the legal test to be applied. However, this does not preclude an assessment of the degree of less than substantial harm, to consider whether there is a high or low level of harm because this has a bearing on the balance of harm versus benefits.

4.13 The Courts have considered the issue of setting on several occasions, from Barnwell to two more recent judgments, Catesby Estates Ltd and Williams (CD.K25 and CD.K24). I am familiar with these recent judgments. My interpretation of these judgements is that while visual impact counts for a great deal in the consideration of setting matters, not all visual impacts necessarily give rise to a material effect. What matters is whether that effect changes our ability to appreciate the special interest or significance of the asset, and this may arise due to non-visual impacts. The revised GPA3 guidance on setting, which I discuss further below, adds the word ‘appreciate’ prominently in the headings of the assessment sections. As a practitioner in this area, however, I always consider whether there are other potential sensory impacts creating a setting relationship or indeed associational ones, such as historical connections or the wider experience of an asset in its setting. The relevance of these areas will naturally be dependent on the facts of any case.
4.14 Another recent case, Palmer v Herefordshire Council & ANR [2016] (CD.K18), confirmed that where a development would affect a listed building or its settings in different ways, some positive and some negative, the decision maker may legitimately conclude that although each of the effects has an impact, the overall effect is taken on the basis of the development as a whole. This is a matter of judgement for the decision-maker.

4.15 I mention the Palmer decision because I also identify some beneficial effects of the proposals, below, in reinstating the shelter belt to the N of the designed landscape of the grade II* listed Regency villa, in providing public access to, and a scheme of interpretation for, the former ice house.

**The Development Plan Policies**

4.16 The Development Plan comprises the following:

- The ‘saved’ policies from the Cheltenham Local Plan, adopted 2006 (CD.E4); and

**‘Saved’ Policies from the Cheltenham Local Plan, adopted 2006 (CD.E4)**

4.17 The third RfR does not refer to any saved policies from the 2006 Local Plan.

4.18 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. This policy is relevant to the archaeological remains of the former ice-house, which are to be retained in situ within the Appeal site. An appropriately worded condition would ensure that the former ice-house is protected during construction.

**Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury 2011-31, adopted December 2017 (CD.E3)**

4.19 The Joint Core Strategy (JCS) is the co-ordinated strategic development plan for three local authorities, Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council. It was adopted in 2017.

4.20 Policy SD8 (Historic Environment) imports the statutory provision on listed buildings, and 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.

4.21 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 my evidence.

Material Considerations

Emerging Cheltenham Borough Council Local Plan 2011-2031 (CD.E5)

4.22 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 identifies in the first RfR that they afford some weight to the draft Local Plan.

4.23 There are two relevant draft policies on heritage. HE1 relates to non-designated heritage assets (and buildings of local importance), so could be applicable to the ice-house. HE1 mostly concerns demolition or alteration, which are not proposed, but also includes reference to setting, using the same formulation as paragraph 196 of the NPPF, which relates to designated heritage assets, stating that any harm should be weighed against the public benefits of the proposal. Whereas paragraph 197 of the NPPF, which considers non-designated heritage assets, emphasises a balanced judgment should be taken when considering effect on their significance. These policies are not mutually exclusive but it indicates that the Council give more emphasis to the protection of non-designated heritage assets than the Government.

4.24 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.

4.25 Policy HD4 allocates the site for residential development with approximately 25 dwellings. The Council has agreed in the main SOCG that this is not a maximum number of dwellings. Of relevance to my evidence, 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. I will consider this requirement in response to the first RfR, which cites policy HD4.

4.26 Historic England (HE) submitted representations on HD4, which are summarised in the Council’s response (EiP document ED010d_Appendix D, CD.K10):

- HE had objected to the planning application for 69 dwellings because the site made a “significant positive contribution to the setting” of the grade II* listed school administration block.
- HE asked the Council if there were alternative sites.

4.27 In response to HE’s concerns, the Council commissioned ECUS to produce an independent heritage assessment of the proposed allocation of the site (CD.K11). The ECUS assessment concluded that residential development of the western part of the site (to the west of the existing hedge) would not harm the significance of the heritage
assets, and that residential development in the eastern part of the site may be possible if harm is minimised through design mitigation.

4.28 An addendum statement by the Council dated 9 February 2019 (CD.K12) summarised the agreed position with HE, with modified wording of HD4, as follows (underlined):

- Approximately 25 dwellings in the west of the site, behind the existing tree belt, with access from Oakhurst Rise.
- Any development on the site should secure improvements to the Ice House.

4.29 During the EiP, the Examining Inspector reviewed the proposal for 69 dwellings and visited the site. She issued a Post-Hearing Advice Note on 9th April 2019 (CD.10) which responds to objections to the proposed allocation as follows:

“20. The site is allocated for some 25 dwellings, and the Council has refused planning permission for a development of 69 houses. I note the position of Historic England (HistE) which raises issues relating to potential impact on the settings of the Grade II* listed Ashley Manor and the Grade II listed Charlton Manor. However, the views of HistE are disputed by expert evidence which I have taken into account in my consideration of the potential for development of the site. I visited the site on the 5 March 2019.

21. Historic England proposes amendments to the wording of Policy HD4. These would restrict new housing to the west of the site behind the existing tree belt and require improvements to be secured to the Ice House which lies between Charlton Manor and Ashley Manor. However, having reviewed the evidence and visited the site, I consider that the reduction in the area of the development recommended by HistE is not justified. Nevertheless, there is good reason to amend the boundaries of the development area from that currently proposed in [4 the CP??], and to require new tree planting around the east and south boundaries to safeguard the settings of both listed buildings.

22. New housing should be located away from the setting of the west elevation of Ashley Manor. This could be achieved through the amendment to the southern boundary of the allocation site so that it continues in a straight line westwards from the rear of the northernmost school building. In addition, to provide an undeveloped buffer between the rear garden boundary of Charlton Manor and the new development, the eastern boundary of the site should be repositioned at least 30 metres west of the rear boundary with Charlton Manor. The Ice House would remain within the confines of the site, but its future could be secured through the inclusion of the requirement put forward by Historic England as bullet point 2.

23. An MM is required to Policy HD4 to identify the boundaries of the site as suggested above; to identify the level of new housing which could
realistically be accommodated within the new site boundary; to identify the need for new tree planting around the east and south boundaries of the site; and to require the improvements to the Ice House in accordance with the views of HistE. Changes will also be required to the Plan of HD4 (currently on page 70) and to the Policies Map."

4.30 The Appellant has revised the Proposed Site Layout (CD.C13, drawing number PL005 Rev D) to incorporate the Examining Inspector’s comments, and has requested that this can substitute the earlier version under the Wheatcroft principle. I assess both iterations of the proposals in section 9.0.

National Planning Policy Framework (NPPF), 2019 (CD.E1)

4.31 In preparing this evidence I have had regard to the Framework as a whole, and in particular section 16 on the historic environment.

4.32 The presumption in favour of sustainable development is set out at paragraph 11 and its accompanying footnote.

4.33 The Framework identifies the concept of ‘significance’ as being central to decision-making on the historic environment, so that decisions should be informed by an understanding of the significance of a heritage asset and the impact that a proposal would have on its significance (para 190).

4.34 There is a requirement at paragraph 189 of the NPPF for applicants to describe the significance of heritage assets that are affected by the proposals, as I have done in Section 8.0 of my evidence, and to seek to avoid or minimise harm. I also note that Dr Fry also provided comprehensive, scholarly analysis of the heritage assets (CD.A15), and the application was supported by an Archaeological Desk-Based Assessment produced by CgMS (CD.A3).

4.35 Paragraph 193 of the NPPF states that great weight should be given to the conservation of designated heritage assets, and the more important the asset, the greater that weight should be. This is relevant because the school administration block is highly graded. Paragraph 193 makes clear that this presumption is whether the harm is substantial or less than substantial, consistent with the Barnwell decision.

4.36 As I will explain, I do not think the proposed development will harm the listed buildings once the landscape mitigation is in place. Notwithstanding this view, in case the Inspector reaches a different conclusion, I summarise the relevant policies on harm to designated heritage assets. Paragraph 194 of the NPPF explains that any harm to the significance of a designated heritage asset requires clear and convincing justification.

4.37 Paragraph 196 of the NPPF relates to development that causes less than substantial harm, and states that the harm should be weighed against the public benefits of the proposal. Again I do not think this is a 196 case, nevertheless, in case the Inspector forms a different view, Mr Frampton carries out this weighing exercise in his evidence.
4.38 The Annexe defines conservation of the historic environment as:

“The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.”

4.39 Significance is defined in the Framework’s glossary as:

“The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.”

4.40 Significance is commonly defined in relation to different characteristics and the Framework glossary identifies the following values under the heading ‘Significance’:

- Archaeological,
- Architectural,
- Artistic, or
- Historic.

4.41 I refer to these values where relevant when assessing the significance of the listed buildings in section 8.0 of my evidence.

4.42 The NPPF defines setting in the Annexe as:

“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance [my emphasis] or may be neutral.”

4.43 I note that this emphasises the experience of an asset and the ability to appreciate it’s significance. So proposed development should be assessed in these terms, which is consistent with Historic England’s GPA3 guidance on setting.

National Planning Practice Guidance (March 2014) (CD.E2)

4.44 On 6 March 2014 Government published the National Planning Practice Guidance. This has a section on heritage. The advice on setting is of particular relevance:

**Why is ‘significance’ important in decision-taking?**

Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.
What is the setting of a heritage asset and how should it be taken into account?

The “setting of a heritage asset” is defined in the Glossary of the National Planning Policy Framework.

A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not.

The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance. When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset’s significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

Other Material Considerations


4.45 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. It advises
that a staged approach should be taken, which involves identifying the heritage assets that could be affected by a proposed development, assessing to what extent their setting contributes to their significance and the effect of the proposed development on the significance of the assets.

4.46 The guidance confirms that setting is not of itself a heritage asset, nor a heritage designation: see paragraph 9, page 4. A setting’s importance lies in its contribution to significance.

4.47 The guidance includes a list of criteria that should be considered when assessing the contribution of setting to the significance or appreciation of the significance of a heritage asset, and the impact of proposed development. The guidance clarifies that not all will be applicable to every case. I have referred to these when considering the significance of the listed buildings in section 8.0 and when undertaking the assessment in section 9.0. I note that these include both visual and non-visual aspects.

4.48 Historic England’s revised edition of GPA3 clarified that setting has a ‘twin role’: it can contribute to the significance of a heritage asset, and it can also allow that significance to be appreciated (paragraph 3).

Summary of Statutory and Policy Considerations

4.49 Therefore, and in summary, I conclude the critical heritage policy considerations for the Inspector in this case are:

- There is a statutory duty to protect the setting of listed buildings.
- Any harm to a listed building, including to its setting, is a matter of considerable importance and weight in the planning balance.
- The weight increases for highly graded assets such as grade II* listed buildings such as the school administration block.
- Development in the setting of a listed building may (but will not always) harm the significance of a listed building or our ability to appreciate its significance. Harm to setting per se is not the relevant test.
- Harm to an asset, including harm that arises from development in its setting, may be acceptable provided there is a clear and convincing justification for it. As the Mordue judgment makes clear, the balance of public benefits at paragraph 196 of the NPPF can provide that justification.
- If the Inspector concludes that this proposal harms the significance of the listed buildings, then it falls to him/her to determine the degree of harm, and if he considers the degree of harm to be “less than substantial” it is for him to weigh the harm against the public benefits of the scheme, as required by paragraph 196 of the NPPF.
- Policy SD8 is the local policy on the historic environment.
- Saved policy BE20 requires archaeological remains of local importance, such as the remains of the ice-house within the Appeal site, to be preserved in situ, if possible.
- Draft policy HD4 allocates the appeal site for housing.
The Examining Inspector reviewed the appeal proposals on site and recommended some modifications to HD4 that have been taken into account in the revised Proposed Layout (rev D) that the Appellant is requesting be considered under the Wheatcroft principle.
5.0 CONSULTATION RESPONSES

5.1 The Committee Report summarises the internal and external consultation responses and local representations. I summarise those relevant to my evidence on heritage here.

Internal Consultation Response on Conservation and Heritage

5.2 The internal consultation response on conservation and heritage is by Mr Chris Morris, Senior Heritage and Conservation Officer, who is also the Council's heritage expert witness.

5.3 Mr Morris helpfully identifies what the Council considers to be the relevant heritage assets: the grade II* listed administration block of St Edward's Preparatory School, and associated grade II listed summerhouse, gate piers, boundary wall and gate; the former ice house; and the grade II listed Charlton Manor. Mr Morris does not identify any effect on the grade II listed structures in the school, comprising the summer house, drive piers, boundary wall and gate piers. I agree with this assessment.

5.4 Mr Morris identifies the former ice house within the Appeal site as being curtilage listed. The planning officer does not share this view in the assessment section of the Committee Report where it is considered under archaeology (CD.A58, para 6.4.12). The Council’s Statement of Case, the main SOCG and heritage SOCG (CD.D7) all identify the former ice house as an “archaeological feature”, and not as curtilage listed. I understand that the Council therefore do not identify the ice house as curtilage listed, as I explain in section 8, nor do I. Nevertheless the former ice house is relevant, non-designated archaeology, of local interest.

5.5 Mr Morris recognises that the conversion of the grade II* listed Regency villa into a school and the suburban development into its setting has had a detrimental effect on the principal listed building and other listed ancillary structures:

“historically the setting of St. Edwards was a planned parkland within a wider rural landscape with the main access to it from London Road along an informal, winding driveway. It was recognised the way in which the heritage assets are experienced today has changed. The parkland setting has become compromised by the school use through modern additions to the rear, modern planting, sports facilities and other school related paraphernalia. The slow growth of the Battledown estate since the Victorian period to the north and east and the modern suburban development to the west has eroded the rural setting of St. Edward’s by crowding it. This suburban development has a notable presence and often unwelcome visual intrusion around the edge of the existing curtilage of St. Edward’s. The former wider rural setting has become significantly diminished as a result of this suburban development.”

5.6 Mr Morris recognised that the appeal site is not part of the planned landscape of the former villa, nor is it parkland, as previously claimed by Historic England. I agree with this assessment. I note that the Council did not agree this in the main SOCG, although it is agreed in the heritage SOCG with the Council (CD.D7).
5.7 Mr Morris identified the appeal site as contributing to the openness and wider rural backdrop of the administration block of the school, and argued that its importance to the setting is exaggerated by the topography. I consider these points in my assessment of the setting of the listed building in section 8.0.

5.8 Mr Morris argued that their concerns about the previous application for 90 dwellings (application reference 17/00710/OUT) remain, as follows:

“This rural setting is now almost lost due to the existing suburban development so it is considered important to protect what remains of it.”

“the proposed development would remove the last area of land that has a rural character and would notably further reduce the distance between suburban development and St Edward’s, appearing incongruously within its setting, made more prominent by the rising topography”

“The unacceptable impact of the proposed development on important views while travelling along the sloping driveway from beyond the entrance to St Edward's […] From the driveway the proposed development would form a conspicuous element, visible through the vegetation on the boundary, in an elevated position to the north, encroaching on how listed building and it parkland setting is experienced.”

5.9 Mr Morris recognised that the 69 dwelling scheme is less dense, particularly along the western and south-western boundary (adjacent to the listed buildings), but concludes:

“These amendments are not considered to adequately address the concerns previously raised. St Edward’s is still considered to be unacceptably crowded by the proposed development and key views within the site and outside are significantly compromised.”

5.10 Mr Morris concludes that the level of harm to the “affected designated heritage assets” would be less than substantial. I assume this includes the grade II* listed school administration block.

5.11 I note that Mr Morris focuses on the effect on the setting of the grade II* listed building but does not consider how the proposed development affects the special interest or appreciation of the significance of the listed building, which is the correct test in policy and guidance. I respond further to these points in section 9.0.

5.12 Mr Morris described the former ice house as:

“located below ground, above ground it is a mound with a number of trees growing on it, likely structurally compromising it. The icehouse appears to have been a functional structure set away from the villa within open fields, rather than being part of the planned landscape. However, this lower hierarchical status does not mean it has no historic interest.”
5.13 I agree with this assessment and that the former ice house is of some historic interest, at a local level.

5.14 Mr Morris provided the following interpretation of the relationship with the grade II* listed former villa:

“The ice house would have historically been accessed from the service side of the villa and can be seen obliquely from the windows on the northern elevation of St Edward’s. Although its relationship with St Edward’s has to a degree been undermined by a modern single storey outbuilding and planting to its immediate north, their connection is not considered so significantly harmed that the relationship is severed.”

5.15 Mr Morris recognised that the effect of the 69 dwelling scheme is improved in comparison with the 90 dwelling application, with decreased density and larger houses around the former ice house, and “an attempt to make a feature of the icehouse within the development”.

5.16 Mr Morris concluded that the proposed development would harm the relationship between the ice house (which he identified as curtilage listed) and the grade II* listed administration block, because it would separate them and “nearly sever their connection and unacceptably compromise their rural setting”.

5.17 Again Mr Morris’s analysis is focused on the effect on setting and not the significance of the designated heritage asset, which is the correct policy test. My interpretation of the relationship between the grade II* listed building and former ice house differs, as does my assessment of the effect of the proposals, as I explain in sections 7.0 and 8.0.

5.18 Finally Mr Morris also identified harm to the setting of Charlton Manor, the grade II listed Victorian villa to the east of the appeal site. He reiterated his concerns in relation to the 90 dwelling scheme, in summary:

- Loss of views from the listed building;
- Proposed density not in keeping with the generous plot sizes and house sizes found within the Battledown Estate; and
- Excessive enclosure to the rear of the listed building.

5.19 Mr Morris does not explain why this would affect the special interest of the listed building. As I shall go onto explain, I do not agree that there will be any impact on the heritage significance of Charlton Manor.

5.20 Mr Morris recognised that the appeal scheme is less dense along the western boundary, with larger gardens and increased landscape screening along the boundary. They state that the impact would be “somewhat diminished”, but still consider that it would be unacceptably harmful to the setting of Charlton Manor. Mr Morris concludes that there would be less than substantial harm to the “affected designate heritage assets”, which I assume includes Charlton Manor.
Architects Panel

5.21 The comments from the Architects Panel, summarised in the Committee Report, did not object to the principle of housing on the appeal site, and welcomed the reduction in density from the previously refused scheme (application reference 17/00710/OUT). The Panel’s comments did not focus on heritage matters.

Historic England

5.22 Historic England (HE) objected to the proposals, and consider that the appeal site contributes “significantly” to the setting of the grade I* listed school administration block.

5.23 HE have commented on the proposals on a number of occasions, which I summarise in chronological order.

5.24 HE’s comments of 13 November 2018 repeated many of the arguments made with respect to the previous application for 90 dwellings. The comments stated:

- “The original approach to the house is from London Road to the south; the sinuous tree-lined drive remains largely unaltered.”
- The listed boundary wall and gate piers, summerhouse, drive piers are “remnants of this high-status, grandiose villa-house ensconced within its generous parkland setting”.
- The site was selected to provide views of the town.
- The site was influenced by Andrea Palladio, specifically his description of the Villa Rotunda: ‘the site is as pleasant and delightful as can be found; because it is upon a small hill…it is encompassed by the most pleasant risings…and therefore…enjoys the most beautiful views from all sides’
- “whilst the principal elevation faces southwards, the siting of this villa, within its extensive, rising grounds is of, arguably, equal significance.”
- “The site forms an important green backdrop to the principal villa, rising northwards, and contains ancient trees, deer, and, as corroborated by the Archaeological Statement, the presence of a former ice house, taking the form of a tree-covered mound, undoubtedly ancillary to Ashley Manor. The site is therefore clearly associated, historically, with the villa - grounds of this extent would be expected with a high status property.”
- They recognise that the modern additions associated with the school have eroded the historically isolated setting of the listed administration block.
- “the house (and associated school buildings) remains positioned within the extent of its historical grounds and the application site forms a key green buffer between the villa and later development to the north”
- “When approaching the house from its historical drive, the experience of the house set upon the slope of Battledown Hill remains appreciable, with this unspoilt land rising visibly beyond. Replacing this parkland behind with development will completely eradicate and undermine the significance and appreciation of the villa’s historical relationship and siting within its conspicuous topographical setting and wider grounds.”
• “Loss of half of the villa’s grounds - which form an important contribution to the original architectural and aesthetic design conception – will adversely affect the significance of the heritage asset.”

5.25 Dr Fry of Architectural History & Conservation (AHC) wrote to the Council in response to HE’s comments (letter dated 22 November 2018, CD.A46), explaining that the appeal site was not and has never been parkland, and that the former villa was designed to face towards its Regency gardens and away from the functional agricultural land to the north. AHC also explain that HE attributed its significance to the wrong period of architectural and landscape history, refuting that the design was influenced by Palladio. I explain these points in more detail in section 8.0.

5.26 HE’s later consultation response (undated) implicitly concedes that the appeal site was not parkland, revising their assessment as follows:

“this site forms an important contribution to the rural setting and experience of this villa, and therefore to its significance. We maintain that development of this site will harm the legibility of the historic rural setting which this site currently provides.”

5.27 HE’s final consultation response, dated 18 July 2018, responds to the Officer Report, with a statement to be read at Committee, clarifying that they do not disagree with Dr Fry’s assessment of the effect on Charlton Manor (this is a double negative, so I take it that they agree with Dr Fry’s assessment). At this point, prior to the revisions after the EiP, Dr Fry’s assessment was that the effect on Charlton Manor would be “on the low end of less than substantial” harm. I understand from this that HE agreed that the degree of harm was at the low end of less than substantial. Dr Fry’s assessment of the revised proposals is that they have a “negligible” effect on Charlton Manor.

5.28 HE also emphasised in their consultation response prior to the Committee meeting that greater weight should be given to the conservation of the grade II* school administration block, given its high grading. I agree.

5.29 HE provided a further consultation response on 13 November 2018 to the proposed Wheatcroft amendment, which maintained their objection, saying:

“This resubmitted proposal has a reduced density but nevertheless remains a substantial housing development on grounds which contribute positively to the setting of Ashley Manor. It therefore does not alter or address our concerns as set out in our previous responses, and as such we maintain our objection to the principle of development on this parcel of land.”

County Archaeology

5.30 The Country Archaeologist’s comments on the former ice house are relevant to my evidence. They noted that the former ice house would be preserved within open ground, would remain in situ and undisturbed during construction. They concluded that the proposals would have no impact on archaeological remains and no further archaeological investigation or recording is required.
Local Representations

5.31 The Committee Report records 112 objections to the application which included reference to impact on the setting of nearby grade II and grade II* listed buildings. There were 43 letters of support, which included reference to the benefits to St Edward’s school.

St Edward's School

5.32 St Edward’s School, the occupiers of the grade II* listed building, have written in support, saying that the gift of the freehold of the school site as a result of the proposed development would lead to “significant enhancement to the facilities at the School”, including maintenance of their existing buildings.

Parish Council

5.33 The Parish Council objected to the appeal scheme. Their comments on the appeal scheme do not relate to heritage matters, but to trees, ecological, drainage and transport issues.

5.34 The only comment on heritage is dated 14 September 2017, which indicates it was a response to the previous application for 90 dwellings, given that the appeal scheme was submitted on 24 October 2018.

5.35 In this comment on the previous scheme they state that:

“the development would have a significant impact on the setting of the listed buildings of the St Edwards site”.

5.36 They do not explain what this impact would be, whether it would be positive or negative, or how it would affect the special interest of the building (the correct policy test). I assume that this concern was resolved by the appeal scheme, as they do not comment on heritage issues in their more recent consultation responses.

Friends of Charlton Kings

5.37 The Friends of Charlton Kings (“CK Friends”) objected to the appeal scheme for wide-ranging reasons, and are acting as a Rule 6 Party. They identify harm to the setting of the grade II* listed school administration block and the grade II listed Charlton Manor. The response has evidently been informed by the comments from the owner of Charlton Manor (see below); they allege that the proposed development would:

- Affect the water supply to Charlton and the efficiency of its solar panels. It is not explained even if this were the case, how it would affect the special interest of the listed building.
- “The linkage between the ice house and Charlton Manor is severed despite the historic connection (from 1864) between these two heritage assets.” I comment
on this false claim that the ice house is associated with Charlton Manor in section 6.0.

**Battedown Trustees**

5.38 The appeal site abuts the southern boundary of the Battedown Estate. The Trustees comments relate mostly to access, transport, amenity, noise and drainage. Their comment on heritage is tagged onto a landscape objection, as follows:

“We also object on the grounds that the views of this area of Battedown as seen from the nearby AONB will be permanently blighted, in contravention of national planning regulations and, in this context, we support the strong objections made by Historic England on similar grounds.”

5.39 HE did not object to the proposal on the grounds of views from the AONB.

**Owner of Charlton Manor**

5.40 The owners of Charlton Manor, who live in the grade II listed house to the east of the appeal site, have objected to the appeal scheme on heritage grounds, as follows:

- “The house was designed and built in 1864 to overlook the view towards the Severn Valley. That setting is completely eroded by this proposal.
- The house is spring fed, and the restored (and original) Victorian garden layout is sustainable using the spring water supply available to the house via a Victorian brick lined water storage tank underneath the property. This proposed building risks disrupting or eliminating the water supply to Charlton Manor.”
- “The house has enjoyed a linkage to the Victorian ice house in the field since 1864; this was subject to a formal lease of land to Charlton Manor from 1869 to at least 1947.” They go onto claim that the proposal would “destroy” the historic linkage to the ice house.
- “The boundary to the proposed new built estate is now shown to be densely tree planted; this removed the afternoon and evening light not only from the property and its gardens, but also from the solar panels”.

5.41 The owners of Charlton Manor instructed Dr Nicholas Doggett of Asset Heritage Consulting (Asset HC) who sent two letters to the Council. Mr Bell who is acting for the R.6 Party on heritage is a colleague of Dr Doggett. The substance of Dr Doggett’s argument was as follows:

- Charlton Manor was sited to take advantage of views over the adjoining fields and area beyond.
- The rear elevations are at least as important in architectural and historic terms as the front elevation, reflected in the architectural detailing and in the siting to gain maximum benefit of open views looking south-west and west.
- The main ground floor and first floor rooms are all at the back of the house, with large windows. This differs from my interpretation as I explain in section 8.0.
• There is a two-storey canted bay window in the angle between the main rear elevation and rear wing, located near and to light the principal staircase, and to provide views out from the house.
• The proposed planting along the site boundary will screen views out and be intrusive.
• There are no heritage benefits.

5.42 Asset HC criticises the CgMS Built Heritage Statement at length, although it was not part of the application submission (but the previous application for 90 dwellings).

5.43 Asset HC also raised the consideration of inter-visibility with St Mary’s Conservation Area, the proposed treatment of the ice house and north-south field boundary within the appeal site, although did not elaborate on how these would be affected, in his view. Although the effect on the setting of the CA is not a RfR, I consider it for completeness in section 8.0.

5.44 The owners of Charlton Manor submitted a further consultation response on 19 January 2019, enclosing some primary sources, which I reproduce for ease of reference at Appendix 4.0. This alleged that there as an historic link between the Appeal Site and Charlton Manor. I address these claims in section 8.0.
6.0 POSITION OF THE APPELLANT ON HERITAGE MATTERS PRIOR TO MY INVOLVEMENT

6.1 To assist the Inspector, in this section I set out the position my predecessor, Dr Carole Fry of Architectural History & Conservation (AH&C), who advised the design team on heritage matters and produced the heritage assessments for the application submission. I took on the case because Dr Fry was unavailable for the inquiry dates.

Heritage Statement, October 2018 (CD.A15)

6.2 The Heritage Statement submitted with the application assessed the 69 dwelling scheme (Proposed Site Layout SL005, Rev A).

6.3 With respect to the grade II* school administration block, Dr Fry concluded that:

"with the reinforcing of the historic shelter belt [to the N of the designed landscape], there would be very little or no harm caused to the setting of the historic asset. Any harm that is perceived would be on the low end of less than substantial." (para 6.10, my emphasis).

6.4 So Dr Fry was undecided whether the proposals were harmful, but considered if there was harm it was “very little”.

6.5 The reasons for this conclusion were as follows:

- The revised layout for the proposed development has addressed the concerns of Historic England and the Council (in relation to the 90 dwelling scheme) with a more spacious scheme which would leave large areas of the development site open.
- The built form has been pulled back to the S (in comparison with the 90 dwelling scheme).
- A large undeveloped area within the eastern half of the plot would protect the former ice house.
- There would be clear and unimpeded sight lines between the former ice house and former villa.
- The relationship between the former villa and ice house would be protected.
- The land to the north of school administration block was never part of its designed landscape.
- There was a shelter belt planted along the S boundary of the Site from the earliest days of the villa’s existence, which was planted to insulate the owners from the functional nature of the land to the N. This belt was planted to direct views to the S and of the house from the carriage drive, away from the N.
- The shelter belt has thinned over time, so the focus towards the house has weakened.
Strengthening the shelter belt is consistent with the original design intent, would restore this important feature and a sense of insularity characteristic of the original ornamental garden.

6.6 I agree with this assessment, although am not convinced about sightlines between the former ice house and school administration block, because reinforcing the shelter belt is likely to screen, or at least filter these views. I think reinforcing the shelter belt is preferable because it mitigates the visual effects, and a programme of interpretation would better reveal the historic link between the former Regency villa and ice house.

6.7 I consider that reinstating the shelter belt, providing public access to the ice house and the programme of interpretation for it, are heritage benefits. My conclusion is therefore of no harm.

6.8 With respect to Charlton Manor, Dr Fry concluded:

“the development site does, now, comprise part of the wider setting of Charlton Manor. In this respect the development would cause a less than-substantial degree of harm to the setting of the listed building” (paragraph 6.15).

6.9 I do not follow why the site being in the setting of the Charlton Manor would necessarily result in harm to it from its development.

6.10 In the final paragraph Dr Fry clarifies the degree of harm:

“there could therefore only be harm at the lowest end of the less-than-substantial scale caused to the pertinent heritage assets” (paragraph 7.4).

6.11 The reasons for this conclusion were as follows:

- There was never an historic intention to link Charlton Manor with the Appeal Site.
- The revised layout pulled the proposed houses back from the E boundary.
- Low density houses are proposed on the E edge, with rear gardens facing Charlton Manor, thus maintaining an open area, or buffer zone.
- The reinforced tree planting along the E site boundary would restore insularity and privacy to the listed building.

6.12 I agree with this reasoning but with an expanded assessment have reached a different conclusion: that the proposed development (the original appeal scheme) is not harmful.

Heritage Response to Consultation Comments, October 2018 (CD.A14)

6.13 This document responded to the heritage reason for refusal of the 90 dwelling scheme and the heritage consultee comments in response to the earlier scheme.

6.14 This report summarises the assessment set out in the Heritage Statement (CD.A15) and concludes on the school administration block:
“the revised design has addressed the comments of both Historic England and Cheltenham Borough Council and that any degree of harm, if harm is still perceived to be present, will only be on the low end of less-than-substantial”.

6.15 Dr Fry remained equivocal about whether the proposals were harmful or not, but was clear if there was harm it was limited.

6.16 The conclusion on Charlton Manor was:

“any perceived harm […] would be on the low end of less-than-substantial.”

6.17 The word “perceived” suggests that Dr Fry was also somewhat equivocal about whether the proposed development harmed Charlton Manor, although I do not dispute she concluded there was limited, less than substantial harm.

Response to Historic England Consultation, 22 November 2018 (CD.A46)

6.18 Dr Fry’s letter of 22 November 2018 responds to the consultation responses from Historic England on the 69 dwelling scheme.

6.19 In summary this letter:

- Criticises HE for employing erroneous facts, for example referring to 100 houses, not 69.
- HE attributes the grade II* former villa to the wrong period of architectural and landscape history and consequently fails to understand the asset and how it was designed in its setting.
- There is no evidence that the former villa related to the designs of Palladio.
- The significance of the school administration block does not stem from the land to the N.
- This land to the N is not and has never been ‘Parkland’, it is simply agricultural land.
- The villa was designed to face away from the functional land to the N towards its intricately-designed Regency gardens facing S towards Leckhampton.

6.20 With respect to Charlton Manor, Dr Fry states:

- The Applicant (now Appellant) would be agreeable to protecting the spring water supply of Charlton Manor.
- There may have once been access across the field to the former ice house from Charlton Manor but the ice house was historically and functionally linked to the Regency villa, and not Charlton Manor.

6.21 Dr Fry concluded that the impact of the proposed development on both listed buildings:
“lies at the low end of the spectrum that is encompassed by the words ‘less than substantial harm’”.

**Wheatcroft Built Heritage Addendum Note, date (CD.C23)**

6.22 Dr Fry’s letter of 23 November 2019 was prepared to assess the revised scheme for 68 dwellings, which the Appellant is seeking to substitute under the Wheatcroft principle.

6.23 Dr Fry’s assessment of the revised scheme is as follows:

“The scheme sets back the development from Ashley Manor [the school administration block] – including the provision of tree planting along the site boundary – and from Charlton Manor. The low level of ‘less than substantial harm’ to the significance of the two heritage assets (Ashley Manor and Charlton Manor), which I identified in the Heritage Impact Statement, is reduced further by this revision to the scheme – to a negligible impact.

6.24 My understanding of “negligible” is to have an effect so limited as to be immaterial.
7.0 HISTORIC DEVELOPMENT OF THE SITE AND THE SURROUNDING AREA

7.1 This section of my evidence outlines the historic development of the school and the surrounding area. It is based on the following sources:

- Analysis of historic maps, which are reproduced in my Appendix 1;
- Relevant list descriptions, which are reproduced in my Appendix 2;
- ‘Heritage Statement. Land off Oakhurst Rise, Charlton Kings’, Architectural History & Conservation, October 2018 (CD.A15);
- ‘Archaeological Desk-Based Assessment’, CgMS, November 2016 (CD.A3);
- ‘Archaeological Statement. Ice House: Land off Oakhurst Rise, Charlton Kings, Gloucestershire’, CgMS, February 2017 (CD.A4);
- Primary sources provided by the owners of Charlton Manor in their consultation response dated 19 January 2019 (my Appendix 4); and
- Planning records available on Cheltenham Borough Council’s website.

7.2 This description is broadly chronological, dealing first with the genesis of the Regency villa (now the grade II* listed school administration block); before going onto the development of the Battledown Estate and the Victorian villa, Charlton Manor (grade II listed); finally I return to the school site to describe the conversion of the Regency villa to this use.

Early History of the Appeal Site and the Regency Villa

7.3 The Appeal Site is located in Charlton Kings, a residential suburb in the south-east of Cheltenham. Cheltenham was originally a medieval market town located near the base of the Cotswolds. The town grew rapidly between 1788 and the 1820s when it became a fashionable spa town (Pevsner, p. 226), due to the presence of natural springs.

7.4 The original version of the 1848 tithe map (see Appendix 1) does not include information on the landownership of the Appeal Site at this date. Nor is the earlier 1811 especially illuminating except to indicate the land was not developed at this date.

7.5 There is a hand drawn reproduction of the tithe map held by the Gloucester Record Office, covering the period 1843-8, which includes additional information on the site and land to the south from some Sale Particulars of 1824. I reproduce both this map (which I call the “composite tithe map”) and the key in my Appendix 1.

7.6 This map indicates the source of the information, field name and use at the time (P denotes pasture, A denotes arable and M denotes meadow). The composite tithe map
indicates that in 1824 the appeal site was named “Broad Battle Downs” and was used for pasture i.e. for grazing livestock. The existing field boundary within the Appeal Site is not shown on this map.

7.7 To the south of the Appeal site, which the school now occupies, the land was divided into five relatively narrow fields orientated N-S, named Long Ground, Long Pool Ground, Cooks Ground, Little Copse Hedge and Great Copse Hedge, which were also all in use as pasture. The composite tithe map indicates that the school and appeal site were in the same ownership in 1824, presumably sold for the development of the villa.

7.8 A plain stucco villa, known as Woodlands, was constructed to the south of the Appeal Site c. 1832 for Alexander Ogilvy. This small villa was orientated N-S, with views to the E and W.

7.9 The property was acquired by Nathaniel Hartland, a Cheltenham banker, for £3,500, 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. I provide a full description of this building, which is now grade II* listed, in section 8.0.

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

7.11 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. The shading on the 1903 OS (1: 10,560) indicates the extent of the designed landscape.

7.12 A tributary of the River Chelt ran E-W to the south of the designed landscape; the 1885 OS indicates that this was a larger water course then, with a series of pools, but it is not known whether the pools were designed or wholly natural; this water course has become silted up over the years.

7.13 The sinuous carriage drive was laid out to the W and lined with trees, with a lodge (now demolished), just N of the stream. There was a footpath adjacent to the carriage drive, also lined by trees. 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).

7.14 John Buonarotti Papworth’s ‘Hints on Ornamental Gardening’ (1823) recommended the creation of such landscape buildings to form diversions on walks around the grounds:

“in varied spots in the course of the walks, ornamental seats, alcoves, temples, bridges and aviaries may be presented to the eye, being at once useful and pleasing; and as the path would lead to contrasting effects of scenery.” (p. 29-20

7.15 I note that trees do not appear to have been planted on the northern side of drive for a short distance between the apex and turning circle (see Appendix 1, 1885 OS, 1:500).
This is likely to have been to allow glimpsed views to the SW from the villa and when travelling S down the drive.

7.16 The 1885 OS indicates that 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, see photographs 33 and 34 in Appendix 1). 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.

7.17 An ice house was located in the Appeal Site to the north of the villa. It is likely to have been of brick construction, partially underground. Ice houses were used before the invention of refrigerators to store ice from local rivers and lakes, which was packed with insulation to use to cool food and drinks during the summer months. There are examples of ice houses that are of architectural interest, and Papworth illustrates an example in his ‘Hints’, but there is no evidence that this structure was architecturally distinguished, and there are no standing remains. 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) (Love, 1982, see extract reproduced in Appendix 1). So it is clear that the ice house was associated with the Regency villa, rather than Charlton Manor, which had not been constructed at this date.

7.18 The reproduction of an Estate Plan dated 1846 (see Appendix 1) gives some other clues as to the original landscape design. There is a numbered key which indicates that the Estate included a carriage drive walk, lawn gardens, shrubberies, plantations, various gardens, two cottages, a shed and a pond. The ice house within the Appeal Site is not marked on the key, although a mound is marked on the Plan. Frustratingly the numbers are too faint on the Plan to clearly identify the location of these features.

7.19 I note that the key on this 1846 Estate Plan does not mention Parkland. There were certainly trees in the grounds to the south of the villa, but the location of these, for example as shown on the 1885 OS, indicates that these may have survived from earlier field boundaries, rather than being a designed parkland. I note that this is a different interpretation from others, although I agree that the land to the south of the villa was a designed landscape.

7.20 Certainly both the 1846 Estate Plan and 1885 OS indicate that trees had been planted along the carriageway, in the pleasure grounds (gardens) to the south of the house, and around the site boundary, including to the N. These shelter belts along the site boundary were likely to have been intended to screen views of existing buildings and the functional agricultural land, and to create a more intimate setting for the house, characteristic of Regency ornamental design.

7.21 Papworth’s ‘Hints’ provides some helpful explanation of these shelter belts:

“To prevent the too obvious appearance of passing near the enclosures, the plantations must generally have sufficient depth to hide them: with this precaution, and by changing the direction gradually, and at interesting objects
amidst the intricacies of the scene, the visitor may circumambulate the place unaware that he has so nearly approached the confines.” (p. 29)

“The plantations support and contrast with the building, which by the shrubberies is carried forward until it blends naturally and gracefully with the landscape, that seems a surrounding domain, increasing its effect, and offering the products of its fertility.” (p. 16)

7.22 The shelter belt to the N (the S boundary of the Appeal Site) was a device to screen the agricultural land from view, to form a contrast with the house and increase its effect, as described by Papworth.

7.23 On the 1885 OS maps, the Appeal Site was open land, comprising at least three, possibly four fields. The ice house within the Appeal Site is labelled on the 1:10,560 map, and shown but not labelled on the 1:500 map.

7.24 O’Connor (1992) describes that 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.

7.25 Analysis of subsequent OS maps indicates that there were relatively few changes to the landscape and buildings until 1965. The reconstruction of the stable block is evident on the 1903 OS, and some minor changes are apparent to the ancillary buildings. By 1954, the conservatory to the SE of the main house had been reduced in size (or redeveloped), some ancillary buildings on the W boundary had been demolished, and the stream to the S had narrowed and had no pools, presumably as a result of silt up. Otherwise, on the basis of the analysis of historic maps, the setting of the villa appears to have been remarkably unaltered by the mid C20. Its setting was significantly altered following it conversion to a school in the late 1950s, as I explain below.

Development of Charlton Manor and the Battledown Estate

7.26 The Battledown Estate was laid out from 1858 by Henry Dangerfield, the borough surveyor, as a speculative development organised by some local gentlemen. 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 roads were laid out and the land divided into lots. The 1858 and 1861 Battledown Estate plans are reproduced in Appendix 1. 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.

7.27 Charlton Manor was constructed in 1864, and originally occupied four lots (62, 63, 64 and 65): it is grade II listed, so I describe it in section 8.0. It was possibly designed by Henry Dangerfield for Charles Andrews (a speculator). Andrews was also responsible for the speculative development of Avalon and Battledown Tower. It was apparently the first house on the Estate to be occupied.

7.28 It is worth noting that Nathaniel Hartland the owner of what is now the school administration block, had interests in the Estate: he acquired plot 66 in 1859, plot 67
later, and bought Stanley Lodge (lot 25) in 1866. Lots 66 and 67 were adjacent to Oaklands to the E, which explains his interest in them.

7.29 Returning to Charlton Manor, this house was originally named “Simla Lodge”, which was evidently inspired by its elevated location, and named by its first owner, who grew up in India (Simla was the summer capital of the British Raj located in the foothills of the Himalayas). It was renamed The Leasowe by a new owner in 1873, and then Charlton Manor, again by a new owner in 1925.

7.30 When first constructed Charlton Manor occupied an enormous plot, covering four lots. The house was located in the north of the plot and orientated to the S and W, in a similar way as the grade II* Regency villa, to take advantage of views to the S. The service ranges would have been located to the NE. The 1885 OS indicates that the front entrance to the house was on its south elevation, accessed via a carriageway. What appears to be a formal garden or orchard, planted with trees, and containing a greenhouse, was located to the south of the house. There was an open field further south.

7.31 Analysis of the OS maps indicates that a stable range was added to the NW of the house between 1903 and 1923, which is the later additions that the list description refers to as on its left return.

7.32 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 1977-89 there were two further houses to the south: Tall Timbers and Fairfax Court.

7.33 Analysis of the planning records available online indicates that Charlton Manor has been much altered and extended. The stables were extended and converted into garages in 1985. I understand from my discussions with Mr Bell, the R.6 Party heritage expert, on the SOCG, that the swimming pool was added in the 1980s to the W of the main house and S of the stable block, and although there was a 2004 planning permission related to the swimming pool this was not implemented. In 2005 a glazed link was added between the main house and former stable block. In 2006 planning permission was granted for an extensive re-landscaping of the garden. I note that a hedge was consented along its western boundary, although it appears that a wall with a gate was constructed instead. 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.

Post-WWII Conversion of the Regency villa to a School

7.34 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.

7.35 The 1965-71 OS map indicates that by this date 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, possibly portacabins. 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.

7.36 The 1975 OS indicates another large extension had been constructed to the SE of the former villa, and an additional tennis court created to the E. Another four buildings are evident on the 1977-89 OS, again to the SE.

7.37 In the 1980s the site became St Edward’s Infants and Junior School. The senior school is located nearby at another historic site, Charlton Park. 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.

7.38 Since 1994 the four detached buildings (which may have been portacabins) to the N of the school administration block, were redeveloped with a single building, now used as the kindergarten. The tennis court to the E is now a carpark, and an additional tennis court has been created in the S of the grounds.

7.39 The Appeal Site is used by the school for occasional cross-country running events and for an annual fireworks display.
8.0 **THE SIGNIFICANCE OF THE HERITAGE ASSETS**

8.1 This section of my evidence considers the significance of two main listed buildings at issue in this Appeal: the grade II* listed administration block of St Edward’s School and the grade II listed Charlton Manor. I also consider the grade II listed summerhouse and drive piers, which the Council and R.6 Party have identified as relevant heritage assets, although to date neither party has explained why they are harmed.

8.2 This section is informed by my analysis of the history of the site in section 6.0. As part of this I consider the contribution of setting to their significance, and the degree to which that setting enables an appreciation of that significance. This therefore includes consideration of the ancillary listed buildings in the school grounds and the former ice house.

8.3 The assessment of significance considers the values identified in the NPPF glossary: archaeological, architectural, artistic or historic. The setting analysis applies the Historic England setting guidance (GPA3, 2nd edition, 2017, CD.K14).

8.4 When preparing my evidence, given the statutory of the Inspector with respect to listed buildings and conservations areas, I considered whether the proposed development would affect any other designated heritage assets in the vicinity, and concluded that it would not harm the St Mary’s Conservation Area (CA) to the S. Although the Appeal Site is visible in transient views from Copt Elm Street looking N, I do not think the effect on this view would harm the appreciation of the significance of the CA. Nor have the Council or R.6 Party alleged harm to the CA.

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

**Description and Assessment of Significance**

8.5 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. Dr Fry provides a useful biography of Baker in the Heritage Statement (CD.A15, p.17). I agree with her assessment that Baker was an assured designer of late Regency houses, well versed in land management and surveying, which are pre-requisites for garden and landscape design.

8.6 The 1837-8 extension was constructed in brick and fronted in ashlar. It created a grand front elevation to the west, with an off centre entrance beneath a Corinthian portico. The corners are treated with Tuscan pilasters. The south elevation (described as the garden elevation in the list description) is of three bays with a central full height bow, decorated with Tuscan pilasters on the outside and Corinthian columns either side of the central window. The east elevation has a Perpendicular Gothic bay window with an oriel window above, which Pevsner suggests may have been added in the 1840s. This contrasts with the Greek Revival style of the 1837-8 extension, although it is an attractive architectural feature.
8.7 It is notable that the N elevation was not amended by Barker, and was never intended to be a polite façade, being partly built into the hillside with little or no view. The north part of the building became the service area, and is of less architectural significance than the W and S elevations.

8.8 The 1837-8 interior is of particular architectural interest. Pevsner describes it as “remarkably well preserved”. The entrance hall is decorated with two domes featuring a Greek key pattern and cornucopia. There are scagliola columns and a marble fireplace in the chapel (formerly the dining room). The other principal room also has a marble fireplace, and a sideboard break flanked by Corinthian columns. There are further marble fireplaces on the upper floor, and good survival of plasterwork throughout. There is an impressive open well stone staircase with scroll-motifs to the end of the treads and iron balusters. The list description draws particular attention to the interior:

“One of the finest villas in the Cheltenham area, its internal plasterwork is a particular feature for its diversity, depth and quality of composition.”

8.9 I agree with Dr Fry that it is the survival of the fine interior that has elevated it to grade II* status.

8.10 The villa is also of historic interest for the association with Nathaniel Hartland, who was according to the list description: “the single most important lender of money to builders in the Pultville development in Cheltenham”. There is therefore a historic link with the wider Regency development of Cheltenham, and the villa illustrates the continued popularity of the spa town in the early C19. This historic association contributes less to its special interest than the age and architectural interest of the fabric.

8.11 The villa also illustrates how wealthy middle class people lived in the early C19, and the role of domestic staff, who were kept separate in the service wing. The villa formed the centrepiece of a modest Estate, and the relationship between the different buildings and land is also of historic and design interest.

8.12 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. However, it is clear that these later additions are of no historic or architectural interest, but detract from the integrity and special interest of the listed building. The list description does not mention them, and were an enhanced list description requested from Historic England/DCMS I am convinced these later additions would be excluded from the listing.

8.13 The administration block is not listed for archaeological or artistic interest.

**Contribution of Setting to Significance**

8.14 The Appeal Site is located to the N of the school administration block, and forms part of its setting, but its contribution to the appreciation of the significance of the grade II* listed building is very limited, as I explain below. I will first consider the setting of the listed building as a whole, before providing a detailed assessment of the contribution of the Appeal Site.
8.15 The site of the grade II* listed building was likely to have been selected for its elevated position on the Battledown Hill to provide attractive views to the dramatic topography of Leckhampton Hill and the Cotswolds hills to the south. The original c. 1832 villa was orientated N-S, so faced E and W. The extensions of 1837-8 reoriented the house to the S and W, to maximise the views from the house, south across the valley. This situation also means the house, particularly the S elevation, is a focal point in the designed landscape.

8.16 The house was not located at the summit of Battledown Hill, nor at the highest point of the grounds, which is to the N (the Appeal Site). In the Heritage Statement Dr Fry provides some excellent analysis of the context for the landscape design and rationale for the site location (CD.A15), which I commend to the Inspector. The landscape is an example of English Regency Ornamental gardening, as popularised by the work of Humphrey Repton and John Buonarotti Papworth. A more sheltered location, lower down the hillside, was likely to have been chosen to take advantage of views over the pleasure grounds to the south, and “provide shelter from the adjacent country” (Papworth, p. 34). There also appears to be a small plateau in the location of the house, so there may have also been practical reasons of construction, while the land to the N slopes steeply (although there also appears to have been some earth movement).

8.17 Some elements of the designed Regency landscape survive, including the original main and secondary access points, the tree lined carriage approach, the open, grassed area to the S, the relationship with the stream (a natural feature), some of the tree planting, including along the site boundaries. Undoubtedly these features make a strong contribution to the appreciation of its significance, given that the former villa was conceived as the focal point of the designed landscape.

8.18 The former names of the property, “Woodlands” and “Oaklands” emphasise that the setting of the Regency villa contained trees, planted along the carriage drive and around the boundaries of the designed landscape. Many of these trees survive or have been replanted, although the shelter belt along the S of the Appeal Site has thinned over time.

8.19 The experience of entering the school from London Road certainly evokes its former use as private mansion; one passes through the original gate piers and boundary wall (grade II listed), along the sinuous carriage drive, across the stream, up the hill, past the summerhouse (grade II listed), through the drive piers (grade II listed) to the former villa. There is group value with these other listed structures, which make a strong contribution to the appreciation of the villa as being the focal point of a designed landscape.

8.20 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. The contribution of the former ice house is limited given this has been infilled and is now an archaeological feature. I consider the ice house in more detail below.
8.21 However, the designed landscape and setting of the former villa was changed considerably by the conversion of the house into a school, and it is not surprising that it is not a Registered landscape, nor a locally designated landscape.

8.22 The pleasure gardens to the S of the house do not survive. Ancillary structures such as the lodge and garden buildings, including the gazebo originally attached to the summerhouse, have been demolished. The kitchen garden does not survive, aside from a section of the boundary wall and a garden building to the NE. Many new school buildings have been constructed to the S and E of the administration block, with a fenced animal enclosure in the sensitive location to the W of the listed building. The bright blue tennis courts are a visually jarring addition in the sensitive location to the S of the listed building, which has required significant earth movement to create level courts. The necessary signage and bollards emphasises the institutional character of the place. There is also activity, movement and noise associated with the school use, which emphasises that this is no longer a private house but a busy school. While it is admirable that a meaningful new use has been found for the former villa, the school use and the associated changes to its setting detract from the appreciation of its historic and architectural significance. The Council’s heritage expert agrees.

8.23 As Historic England acknowledge, the extensions to the listed administration block and construction of other school buildings have reduced the historically isolated setting of the listed administration block.

8.24 The school is enclosed by the original boundary wall to the south (at least in part), and the listed building certainly has some sense of privacy, partly because the use requires strict control of access. However, housing development is visible around all boundaries of the school site. Mr Morris’s consultation response on the application stated:

“The slow growth of the Battledown estate since the Victorian period to the north and east and the modern suburban development to the west has eroded the rural setting of St. Edward’s by crowding it. This suburban development has a notable presence and often unwelcome visual intrusion around the edge of the existing curtilage of St. Edward’s. The former wider rural setting has become significantly diminished as a result of this suburban development.”

8.25 I don’t find the surrounding housing development to be as intrusive as this, nevertheless it is clear that the school is located in a residential suburb. I disagree that the wider rural setting of the school has become significantly diminished, it has been entirely removed by the surrounding housing. Generally the wider setting of the school administraiton block does not contribute either positively or negatively to its significance, aside from the relationship with and glimpsed views of the Cotswold escarpment already mentioned.

Contribution of the Appeal Site

8.26 The Appeal Site is within the setting of the listed building. I now consider what contribution the appeal site makes to the appreciation of the significance of the grade II* listed school administration block.
8.27 I understand from the Committee Report that Mr Morris and I agree that the Appeal Site is not part of the designed landscape. This was not agreed in the main SOCG, but is agreed in the heritage SOCG with the Council (CD.D7). It was part of the historic grounds of the former villa, but was functional agricultural land.

8.28 A former ice house located in the Appeal Site had a historic functional relationship with the former villa, and is likely to have been located to the N for its proximity to the service parts of the house. I comment further on the ice house below.

8.29 The Appeal Site consists of two fields. There are mature and veteran trees along the boundaries, the N-S hedge, as well as some isolated specimens, including those growing on top of the former ice house. It is a green open space and as such I agree with the Council that the Appeal Site provides a sense of openness to the setting to the N of the school administration block, although I do not think this in itself contributes to the appreciation of the historic or architectural interest of the building.

8.30 This sense of openness is also limited by the existing trees along the southern boundary of the Appeal Site. So there are only glimpses of the Appeal Site, from the listed building and the site to the S (see photographs 21, 24, 25, 26, 29, 41, 42 and 71 in Appendix 1).

8.31 These views from some windows in the N and W elevations are into the hill, so are not attractive, designed views, and contrast markedly with the beautiful, expansive views of the Cotswold escarpment to the S. This setting explains why the northern part of the building and Estate had a service function.

8.32 Trees were planted along this northern boundary as part of the landscape design to act as a shelter belt, and “provide shelter from the adjacent country” (Papworth, p. 34). The shelter belt was intended to screen views of the functional agricultural land to the N, and direct attention to the main house and ornamental gardens to the S. The trees have thinned over time. Views of the Appeal Site were not part of the original design intent, conversely this functional agricultural land was screened from view.

8.33 The topography of the Appeal Site limits the visual relationship with the listed building, which is less visible from the Appeal Site than it would be, were it level. The steeply sloping land form partially screens the listed building from view. There is a partial view of the roof and northern elevation of the listed building; this is the earlier, less significant phase, which became the service wing, seen in conjunction with and partially occluded by modern school buildings. The Council and Historic England have rightly not identified these partial, incidental views of the service range as significant. There are no PROWs within the Appeal Site.

8.34 In his consultation response Mr Morris claimed that the Appeal site is “important as incidental wider rural context to the planned parkland”. They do not explain how this contributes to the appreciation of the significance of the listed building. To identify two relatively modest fields as “wider rural context” grossly exaggerates their role. The listed school administration block does not have a rural setting, it is surrounded by housing development.
To conclude, the contribution of the Appeal Site to the appreciation of the significance of the grade II* listed building is very limited. While there is a historic relationship between the Appeal Site and the grade II* listed building because they have been in the same ownership, I do not think this in itself contributes to the appreciation of the significance of the listed building. The grand villa was created for a banker, so it was not created with funds generated from the working of the surrounding land (such as the Appeal Site) as in many country estates. There is a limited visual relationship between the listed building and Appeal Site because of the topography and screening effect of trees along boundary. Historically, with a complete shelter belt, the visual relationship would have been less. Critically, the Appeal Site is not part of the designed landscape, but was functional agricultural land. The strongest contribution relates to the former ice house within the Appeal Site, which I consider now.

**Former Ice House, archaeological feature**

The former ice house is likely to have been constructed in the 1830s or soon after, and was certainly in existence by 1846 when there are records of a fence being constructed around it. The ice house had a historic functional relationship with the Regency villa, for it provided ice and a cold store associated with the kitchens. It was located to the north for its proximity to the service part of the house. There is no evidence it was refined architecturally, as some ice houses are, nor that there were designed walks to it. No standing remains survive. The Council agree it was not located in the designed landscape.

The CgMS report (CD.A4) indicates that the ice house became disused and was infilled in the late C20. It is marked “disused” on the 1965-71 OS, and a local history book records it had been infilled by 1982 in the interests of health and safety (Love, 1982, reproduced in Appendix 1). It seems probable that its disuse and infilling was associated with the conversion of the house to a school in the late 1950s.

The Council dispute whether it is certain that the ice house has been infilled. The 1982 source that states that the ice house was infilled appears well-researched and I have no reason to doubt its veracity. The physical appearance of the earthen mound and lack of any standing remains suggests it has been infilled.

The former ice house is now an earthen mound overgrown with shrub, and has some mature trees growing on top of it. There is no evidence of the entrance. It is now an archaeological feature; the Council agree in their SOC and in both SOCGs.

Without prior knowledge of the history of the site, or special expertise, the connection with the former Regency villa would not be clear. I agree with the Council’s conservation officer that the development of the school has undermined the relationship between the former villa and ice house, but more determinative is the fact that the ice house has been infilled and covered with earth, so it is not recognisable as an ice house.

I agree with the Council that the ice house is of an archaeological feature of local interest. It is primarily of archaeological interest. It also contributes to the appreciation of the historic interest of the Regency villa as the focal point of a modest Estate;
however, this contribution is significantly limited by condition of the former ice house, which is infilled and cannot be readily recognised.

**Contribution of Setting to Significance**

8.42 The setting of the ice house overlaps with that of the school administration block. Its immediate setting is formed by the Appeal Site, and is open land, bounded by trees and mature hedgerows to the S and E. The Battledown Estate housing development forms its wider setting to the N and W.

8.43 The relationship with the school to the S contributes most to the appreciation of its significance, because there was a historic functional relationship between the grade II* Regency villa and its former ice house. I have explained that this relationship has become obscure over time because the ice house has been infilled, covered in earth and is no longer readily recognisable.

**Potential Curtilage Listing**

8.44 In his consultation response on the application, Mr Morris claimed that the former ice house is curtilage listed, although our discussions on the heritage SOCG indicate that he has apparently retracted this claim (see CD.D7). During the discussions on the SOCG on heritage matters with the R.6 Party’s heritage witness, Mr Bell identified the ice house as curtilage listed. I therefore consider this here.

8.45 Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 defines listed buildings:

“In this Act “listed building” means a building which is for the time being included in a list compiled or approved by the Secretary of State under this section; and for the purposes of this Act—

(a) any object or structure fixed to the building;

(b) any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948,

shall, subject to subsection (5A)(a), be treated as part of the building.”

8.46 Curtilage listing is a legal definition that does not necessarily equate to significance, and does not mean the structure would merit listing in its own right. For example I have advised on historic farmsteads, where there is a listed farmhouse, so the 1940s (pre-1948) barns would be considered to be curtilage listed, but are clearly of no historic or architectural interest.

8.47 Historic England provide some guidance on curtilage listing (CD.K26), which identifies that the Courts have defined three main criteria when considering curtilage listing:
• Physical layout of listed building and structure
• Ownership historically and at date of listing
• Use/ function relevant building historically and at date of listing

8.48 I have applied this guidance to the former ice house, as follows:

• Date of buildings: main house 1830s. Former ice house likely to be of the same date, certainly pre-1846 when work on a surrounding fence was carried out.
• Date of listing of principal building: 1983.
• Physical layout: former ice house located c. 120m to the north of the main house, closest to the service range.
• Past and present ownership: all are within the same ownership.
• Previous and current uses: the principal building was originally a single family dwelling, and the ice house was ancillary to it. The principal building is now and since the date of listing has been in use as a school. The icehouse was disused and infilled by the date of listing and is now an archaeological feature.

8.49 The age and proximity of the former ice house to the main building would suggest that it is curtilage listed, if it were intact, a standing structure and in ancillary use to the main building. However, the former ice house is disused, so the use is not ancillary to the principal building, nor was it at the date of listing. The HE curtilage listing guidance does not envisage a situation where an archaeological feature would be curtilage listed and normally below-ground features are covered by scheduling, not listing. I therefore conclude that it is not curtilage listed.

8.50 The HE guidance states that:

“*It will be for the local planning authority to reach a conclusion as to whether or not buildings are within a particular curtilage, and ultimately a matter for the court to determine if that decision is thought unreasonable.*” (CD. K26, p. 3)

8.51 In this case the corporate position of the Council is that the former ice house is an archaeological feature of local interest, and is not curtilage listed, as set out in the Committee Report (CD.A58, para 6.4.12), Council’s SoC, the main SoCG and heritage SOCG (CD.D7).

8.52 Even if the ice house were curtilage listed this would not change my assessment of that it is of low significance, given its degree of alteration and level of intactness.

**Summerhouse and drive piers, grade II listed**

8.53 In his consultation response Mr Morris identified the grade II listed summerhouse and drive piers as relevant heritage assets, but did not comment on the effect on them; I understand from this he did not identify harm (CD.A59, p. 54-56). Nor did the R.6 Party allege harm to these assets in their representations. Both parties requested that the
summerhouse and drive piers be included as relevant heritage assets in the heritage SOCG (CD.D7, para 3.1), so I assess both listed structures.

8.54 The summerhouse was constructed c. 1837 as part of Nathaniel Baker’s improvements to the Regency villa, and was probably also designed by Charles Baker, an accomplished Regency architect. It was originally paired with a gazebo but this was demolished when the house was converted into a school. It is an octagonal building of rendered brick with a tented lead roof and corner pilasters. The windows are alternately blind and one over one sashes, with a door to the east. The summerhouse is of considerable historic and architectural significance as an example of a Regency ornamental garden structure.

8.55 The drive piers date from c. 1832 so are associated with the first phase of the Regency villa. They are short ashlar (stone) piers with a shield in panel on each face, and a moulded capping. They are of design interest primarily for their relationship with the former villa, marking the formal carriage approach to the house. The age of the fabric is also of historic interest.

8.56 The summerhouse and drive piers have group value with the former villa, each other and the listed boundary wall and gate piers.

8.57 The summerhouse and drive piers are part of the designed landscape to the S of the Appeal Site, and the spatial relationship with the former villa, the carriage drive and landform makes a very important contribution to their historic and architectural significance. Removed from this context it would be difficult to understand their role in the Regency designed landscape.

8.58 The conversion of the former villa to a school has also degraded their setting. Tennis courts, a rubbish bin and car parking form the immediate setting of the summerhouse (see photographs 31 and 32 in Appendix 1). A sign has been erected in front of the northern drive pier and the pedestrian crossing road markings also detract from the appreciation of their significance (see photograph 41 in Appendix 1).

8.59 The Appeal Site is separated from the listed landscape structures by a treed boundary, and while they can be seen together in glimpsed views from the carriage drive, the Appeal Site makes no contribution to the appreciation of their significance, for the same reasons that it does not contribute to the significance of the principal building, the grade II* listed former villa.

Charlton Manor, grade II listed

Description

8.60 Charlton Manor was constructed in 1864, possibly to designs by the borough engineer Henry Dangerfield. It is a Victorian mansion, broadly Gothic in style. It is constructed from stone rubble laid “crazily” with ashlar dressings. The house is two storeys, with pitched roofs and decorative barge boarded gables. It has an ornate tile roof with ashlar chimneystacks with cornices. The former early C20 stable range to the N is mock timber and render. Planning records indicate that the house is much altered internally. The
former stables was subject to alterations in 1985, 1993, 2004 and 2013. There is a C21 glazed link between the main house and former stables.

8.61 Analysis of the historic plan form indicates that the house was orientated primarily to the S. The main entrance to the house is in the centre of the S elevation, with a gabled porch; this was accessed via a carriage drive to the S (see the 1887 OS, Appendix 1, and floor plans in Appendix 3). There were principal rooms to both sides of the entrance, with the principal stair to the NW, with other principal rooms to the S and W. The list entry describes an octagonal bay link to the former billiard room, which is single storey, located on the W elevation. The service area was evidently to the NE, with the former stables to the NW beyond.

8.62 The S elevation was the designed to be the primary elevation. It is the longest elevation with most windows and most principal rooms. The main entrance was in the S elevation, which indicates it was designed to be the front. When the house was first constructed it had an enormous plot (covering 4 lots of the Battledown Estate). The house was situated in the N of this huge plot, orientated S to take advantage of the views of the large garden to the S and the Cotswold escarpment beyond, in a similar way as the grade II* listed Regency villa.

8.63 The W and E elevations were secondary, but nevertheless were treated with care, indicated by the architectural detailing. The E elevation was the street elevation, with one principal room. The W elevation was a garden elevation with two principal rooms (both double aspect, so S facing too). I note that the wall above the billiard room is blank, favouring instead a window in the S elevation for a principal first floor bedroom.

Assessment of Significance

8.64 Charlton Manor is of architectural interest as an example of a mid-Victorian mansion, constructed in stone, with some attractive detailing, such as the barge boards and prominent chimney stacks. 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.

8.65 It was 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.

8.66 The house was speculatively developed by Charles Andrews, who was also responsible for the construction of Avalon and Battledown Tower, also on the Estate, so there is an historic relationship and group value with these other buildings.

8.67 Furthermore Battledown Tower was designed by Henry Dangerfield, who may have designed Charlton Manor. The Tower is in a broadly similar style, although more emphatically Gothic Revival, in the same materials (crazy rubble stone). The Tower is also grade II listed.

8.68 The house was originally called Simla Lodge, named by the first owner who grew up in India. I understand from Pevsner (p. 228) that Cheltenham was a popular retirement destination for Army officers and civil servants from India, so the original name is of
historic interest in illustrating this trend, although there is nothing in the architecture to indicate an Indian connection, which limits the level of historic interest.

8.69 Generally the association with the Battledown Estate, the borough engineer and local speculative builders is of local historic interest. The building is primarily listed for its historic and architectural interest as an example of a mid-Victorian mansion. It was not listed for archaeological or artistic interest.

**Contribution of Setting to Significance**

8.70 The Appeal Site is located to the W of Charlton Manor, and forms part of its setting, but as I will explain it does not contribute to the appreciation of the significance of the grade II listed building. I will first consider the setting of the listed building as a whole, before providing a detailed assessment of the contribution of the Appeal Site.

8.71 Battledown Hill was likely to have been selected for speculative development of the Battledown Estate because of its elevated position and the attractive views it provided of Cheltenham and the surrounding Cotswold landscape.

8.72 O’Connor (1992) provides some useful commentary on the most favoured plots:

“The order in which the lots were sold and in which houses were subsequently built clearly showed the orientation of the Estate towards Cheltenham and away from Charlton Kings. Although there were, and are, fine views to be seen from virtually all sides of the Hill, the favoured lots were those on the north-east slope between the Diagonal and Lower Roads, sufficiently high to provide the views over the Town and out to the Malverns, but with ready access to the facilities of the Town via the Battledown Approach Road.” (p. 27)

“On the road leading down to Charlton Kings, later Ashley Road, one house, Simla Lodge, later The Leasowe and Charlton Manor, was built in about 1864, but it had no near neighbours for another 50 years. Its owner a retired sea captain who had been brought up in India, was exceptional in his liking for open spaces and the more rugged charms of Leckhampton Hill.” (p. 28).

8.73 Nevertheless the elevated location of Charlton Manor was undoubtedly selected for its views over the Cotswold escarpment. The 1878 sales notice in the Times sourced by Asset HC (Appendix 4) indicated that the views were marketable, although unsurprisingly the description focused primarily on the building and garden.

8.74 I have explained that Charlton Manor once occupied a much larger plot, originally intended to be four separate lots, in Dangerfield’s estate plans (see Appendix 1). The house was situated at the northern end of the plot to take advantage of views over the extensive garden to the S and Cotswold escarpment beyond. For this reason the house was orientated to the south, with the main entrance and most principal rooms to the S.
8.75 The elevated site of Charlton Manor within the Battledown Estate therefore makes a contribution to its historic interest, as the preferred site for a middle class mid Victorian villa. The orientation of the house to face south is part of its architectural interest.

8.76 After WWII the southern part of the garden was sold and subdivided to construct four detached houses. There is now mature vegetation along the S boundary, presumably to screen views of the houses, and both the vegetation and buildings are likely to provide more restricted views to the S than when first built. The setting relationship to the landscape to the S has therefore diminished over time, and now contributes less to the special interest of the listed building.

8.77 There have also been some more recent changes to the immediate setting of the house, most notably the excavation of an outside swimming pool between the former stables and W of the main house, which I understand from discussion with the owner’s heritage consultant (who is acting for the R.6 Party) was created in the 1980s, although there was a 2004 consent for alterations, which were apparently not implemented. This has introduced a modern feature in the immediate setting of the house, although it is consistent with its continued use as a middle class villa.

8.78 The boundary is enclosed to the E to provide privacy. I have already mentioned the heavily planted S boundary. To the W there is generally a hard boundary, a low brick wall surmounted with railings and a gate, although to the SW there is a mature hedge. The immediate setting of the house therefore generally has an enclosed character.

8.79 The house is accessed from Ashley Road and the surrounding townscape character is of a low density, high quality housing development. Detached houses are set in spacious, mature gardens. The setting of the listed house is primarily suburban in character, with movement and noise typical of suburban development. This suburban development is part of the Battledown Estate so contributes to the appreciation of the historic interest of Charlton Manor as being part of the development of the Estate.

8.80 To conclude, the garden makes the strongest contribution to the appreciation of the significance of Charlton Manor, because it forms its immediate setting and provides a space to sit and appreciate the building. The function of the garden is related to that of the house. The context in the Battledown Estate also aids appreciation of both the historic and architectural significance of the listed house, and characterises its suburban setting.

**Contribution of the Appeal Site**

8.81 The Appeal Site forms part of the setting of Charlton Manor. The Appeal Site is an area of open, undeveloped land adjacent to the plot of Charlton Manor to the W.

8.82 There are views of the Appeal Site from the garden and swimming pool area to the W of the main house. It is likely that there are partial views of the Appeal Site from windows in the west elevation, which is a secondary elevation, including of the former ice house which is an earthen mound with mature trees growing on top of it. There may be some oblique views of the Appeal Site from windows in the south elevation, although these are likely to be mostly screened by the mature edge along the S part of the W boundary.
I expect that there are glimpses of the Cotswold escarpment beyond in some of these views, although the mature hedge along the S part of the W boundary, presumably planted to screen the modern school development, would restrict these views.

8.83 I have no doubt that these views of the green field site are attractive, but this is an amenity consideration. The building was listed for the special interest of its architectural design and the age of its fabric. These are incidental and not designed views, and do not contribute to the appreciation of the historic and architectural significance of the listed building.

8.84 The owners of Charlton Manor claim that there is a historic relationship between their house and the Appeal Site (in their letter of 19 January 2019, reproduced at Appendix 4). I address each of these claims in turn.

8.85 First, they provided what they said was the original sales notice for the land which advertises “its magnificent views”. This 1897 sales notice is actually for the plot adjacent to the north.

8.86 Second, they claim that the Appeal Site was labelled “The Leasowe” on the first OS, implying that the house name derived from the field name, or a historic connection because of the shared name. This misinterprets the OS map: the name Leasowe relates to the house not the field. I note Dr Fry made the same error.

8.87 Third, they provide what appears to be an extract from a deed of 1912 with a plan of the house and its grounds and claim that this identifies access points into the Appeal Site. I disagree that this plan shows any such access points, and reproduce it in Appendix 4 so the Inspector can form his own view.

8.88 Fourth, they provide an extract from lease of 1887 between Sir Frederick Dixon-Hartland (then the owner of the school site) and George Edwin Hewlett (the owner of Charlton Manor, then known as Leasowe). It is not clear what land the lease relates to, although they claim it is the Appeal Site, and that the lease of the land continued until 1942 at least. Even if the lease relates to the Appeal Site, this does not indicate that the Appeal Site contributes to the appreciation of the significance of the listed building. There is no evidence that the former ice house was used by the owners of Charlton Manor, and I do not consider that the former ice house and Charlton Manor have group value, because they are not functionally related. The R.6 Party agree that the ice house is not curtilage listed to Charlton Manor, because “the ice house has always been part of the Ashley Manor estate” (email correspondence, 22 July 2019). There may be other areas of land leased that were leased by former owners of the listed building, but I cannot see why this would add to our understanding of the significance of the listed building, and the same logic applies to the Appeal Site.

8.89 I conclude that the Appeal Site does not contribute to the appreciation of the historic or architectural significance of Charlton Manor.
9.0 ASSESSMENT AND PERFORMANCE AGAINST POLICY

9.1 This section of my evidence assesses the heritage effects of the proposed development at the land adjacent to Oakhurst Rise, with consideration of the heritage RfR, and the comments from Historic England, the conservation officer and other consultees. I have applied the Historic England setting guidance, GPA3, when carrying out the assessment.

Common Ground and Points of Difference

9.2 Before considering the effect of the proposed development, I thought it would be helpful to summarise for the Inspector my understanding of the common ground and points of difference between the Council and the Appellant. I have focused on the consultation response from the conservation officer, because the Council’s SoC is high level, and the heritage SOCGs.

9.3 I would like to draw the Inspector’s attention to what I understand to be common ground with the Council:

- 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.
- The Appeal Site is not part of the designed landscape of the former Regency villa. I note that this point is not agreed in the main SOCG, but is agreed in the heritage SOCG with the Council (CD.D7).
- The ice house was a functional structure set away from the villa within the landscape, and is of lower hierarchical status.
- 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.

9.4 I understand the points of contention are as follows. The Council contends that:

- The Appeal Site provides a rural backdrop to the listed school administration block. I have already explained why I disagree in section 8.0.
- The topography exaggerates the contribution of the Appeal Site to the listed building; I have explained why I think the landform screens views of the listed building from the Appeal Site.
- 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.
- The connection between the former ice house and grade II* listed building would be “nearly sever their connection and unacceptably compromise their rural setting”.
- The proposals would harm the setting of Charlton Manor because of the loss of views from the listed building, because the density is not in keeping with
that of the Battledown Estate and it would result in excessive enclosure of the listed building to the rear.

The Proposals

9.5 The proposed development is for outline planning permission for 69 dwellings. The Proposed Site Layout (drawing PL005 Rev A) provides an indicative layout, showing terraced, semi-detached and detached houses of between 2 and 2.5 storeys, accessed from Oakhurst Rise to the west of the Site.

9.6 The Appeal scheme responded to the Council’s feedback on an earlier, denser scheme for 90 dwellings (application reference 17/00710/OUT, refused), by reducing the density, increasing the public open space, retaining protected and veteran trees and the majority of the central hedgerow and pulling built form back from the south-west and western boundary. Detached houses are shown to the E and S on the Proposed Site Layout, closest to the listed buildings.

9.7 I explained in section 4 that during the Examination in Public of the draft Cheltenham Local Plan, the Examining Inspector reviewed the proposal for 69 dwellings and visited site. The Inspector’s Post-Hearing Advice Note (CD.C10) provided a detailed response to Historic England’s representations and the design approach to the Site, with her advice on how to “safeguard” the listed buildings.

9.8 The revised Proposed Site Layout (Rev D) responded to the Examining Inspector’s advice as follows:

- HE’s requirement to keep the west of the Site clear of development was not justified. I agree.
- New housing should be located away from the west elevation of the grade II* listed building which could be achieved through amendment of the southern boundary so that it continues in a straight line westwards from the rear of the northern most school building (the kindergarten). The southern extent of the built form has been moved northwards in the way the Inspector suggested.
- An undeveloped buffer of 30m should be retained from the boundary of the garden of Charlton Manor. The layout of the detached houses to the W of the Site has been rearranged to provide this 30m buffer.
- The future of the ice house should be secured through improvements. These improvements were not defined but could be secured through planning condition. Given the ice house has been infilled and is now an archaeological feature, a scheme of interpretation to explain its historic role and interest might be the best solution.
- Trees should be planted along and E and S boundary. Increased planting is shown on the revised Layout, and could be secured via condition.

9.9 The Appellant has requested that the revised Proposed Site Layout (drawing PL005 Rev D, CD.13) substitute the earlier version under the Wheatcroft principle. The description of development would therefore been revised to 68 dwellings.
**Impact Assessment**

**Administration Block of St Edward's School**

9.10 The Appeal Site forms part of the setting of the school administration block, but I have explained why I think it makes a very limited contribution to the appreciation of the significance of the listed building. Historic England’s setting guidance, GPA3, is clear that change to the setting of a heritage asset is not necessarily harmful, and indeed can be positive (CD.K14, paragraph 18).

9.11 In response to the Examining Inspector’s comments the proposed built form has been moved northwards, to “safeguard” the setting of the grade II* listed school administration block, so that it is north of the modern kindergarten building to the north of the listed building. The Appellant is seeking outline planning permission, however the site layout and scale are not Reserved Matters and the Proposed Site Layout (drawing PL005) shows the proposals in detail. Both iterations of the design incorporate a considerable separating distance between the listed building and the closest proposed building (between 56.17m and 56.59m). The most southerly of the proposed buildings is at least 24.05m from the southern boundary of the Site, which is increased to 31.78m in the Wheatcroft amendment (PL005 Rev D). It is clear with this degree of separation, the proposed buildings will not “crowd” the listed buildings as alleged by Mr Morris in his consultation response.

9.12 The existing modern school buildings are much closer, and even form extensions to the listed building. There is existing housing development c. 75m to the NE of the listed building (or c. 85m from the historic part of the listed building, to Fairfax Court on Ashley Road). Historic England recognise that the listed building has already lost its “historic isolation”.

9.13 In both iterations of the design, the proposed development would result in a permanent change in the land cover and in the use of the land to residential. It would change the character of the land, so that it is suburbanised. However, the setting of the listed school administration block is already suburbanised. I disagree with Mr Morris’s claim that the proposed development would be incongruous, it is consistent with the character of development in the surrounding streets.

9.14 The proposals would bring activity, movement and noise associated with a residential development closer to the listed building to the north. There is already such activity, movement and noise associated with the existing surrounding housing, and more so associated with its use as a school.

9.15 The steep change in level between the Appeal Site and listed building means that even without the landscape screening, the landform will partially screen the proposed development from view, directly north of the listed building where earth appears to have been excavated to create a level site for the listed building and modern kindergarten. Photographs 25, 26 and 29 in Appendix 1 illustrate this point.
Even without the landscape screening, the architecturally undistinguished kindergarten is a single storey building with a large footprint between the listed building and Appeal Site, which will partially screen the proposed development from view.

Before the landscape screening is mature it will be possible to see the proposed buildings in conjunction with the listed building from the carriage drive, and proposed buildings would be visible on the skyline. However, the proposed buildings would be relatively low scale (2 or 2.5 storeys) and a minor element of the view, they would be partially screened and filtered by the existing trees along the boundary and the listed building will remain prominent and the focus of the views. The relationship between the listed building, the carriage way and designed landscape will be unaltered, which serve to emphasise that the listed building is the focal point of the designed landscape.

Nevertheless I have identified a temporary harmful effect on the listed school administration block because of these visual effects from the carriage drive, until the landscape screening is mature. A planning condition on the landscape screening could require it to be planted early in the construction process to reduce the length of time until it is mature.

I have explained that a shelter belt along the S boundary of the Appeal Site was part of the landscape design to “provide shelter from the adjacent country” (Papworth, 1823, p. 34), but this has thinned over time. The proposed landscape screening along the S boundary would reinstate this element of the designed landscape, with appropriate historic species, including specimen trees of Oak and Scots Pine under-planted with Holly, Butchers Broom and Laurel. The proposals therefore restore this aspect of the designed landscape and setting of the listed building, to focus attention on the listed villa. This would be of heritage benefit, regardless of whether housing was proposed on the Site or not.

The original setting of the house had a wooded character, derived from the shelter belts and tree planting along the carriage drive. This is evident in the former names of the property, “Woodlands” and “Oaklands”. The reinstatement of the shelter belt along the S boundary of the Appeal Site is consistent with the historic character of the villa.

I appreciate that the HE setting guidance states that “screening can only mitigate negative impacts, rather than removing impacts or providing enhancement” (CD.K14, paragraph 40). However, I don’t think this envisaged a situation when the proposals would reinstate a designed landscape feature, while also providing landscape screening.

Once the landscape screening is mature, views of the proposed development from the carriageway, to the W of the listed building and elsewhere in the school grounds would be heavily filtered and mostly, if not entirely screened from view.

Mr Morris has expressed concerns about the effect on the listed building when viewed from the carriage drive. Between the apex of the carriage drive and turning circle, and further south, it is already possible to see the roofs and chimneys of some houses on the south side of Birchley Road, across the Appeal Site. The existing animal enclosure, associated shed and car parking to the W of the school administration block are noticeable features in the setting of the listed building. The existing kindergarten is
visible with and in the backdrop of the listed building. When the landscape screening is mature, the proposed buildings would be almost entirely screened from view by the replanted shelter belt. There may be some glimpses of the roofs and the upper parts of the proposed buildings where the planting provides less complete cover at upper level, although any such glimpses would be heavily filtered by the vegetation, even in winter. This potential, very limited visual effect would not distract from the listed building or compete with it; in fact the sense of visual enclosure would be increased, so one's attention would focus on the grade II* listed building, as per the original design intent, when the shelter belt was in place. The visual effect would be the same in both design iterations.

9.23 Both iterations of the proposed development would entail a change in land ownership, so that the Appeal Site would no longer be in the same ownership as the listed building. Historic England claim that this would result in the:

“loss of half of the villa’s grounds – which form an important contribution to the original architectural and aesthetic design conception - will adversely affect the significance of the heritage asset”.

9.24 The fact that the land has historically been in the same ownership does not mean that it automatically contributes to the special interest or appreciation of the significance of the listed building. The Appeal Site was not part of a country estate, which funded the construction of the house, but was owned and improved in the 1830s by a banker. The proposed development would be located on low status, functional land to the rear of the listed building, which the Council agree in the heritage SOCG (CD.D7) is outside of the designed landscape to its S front. I consider the effect on the relationship between the former ice house and the grade II* listed building below.

9.25 Neither design iteration of the proposals would not physically or visually isolate the listed building. Clearly a housing development on the designed landscape to the S of the villa would physically and visually isolate the listed building and be harmful, but this is not proposed.

9.26 The Trustees of the Carmelite Charitable Trust have agreed to gift the freehold of the school site to St Edward’s School (who I understand currently rent it) if planning permission is granted for the proposed development. There is not a planning obligation associated with this, nevertheless this would be a major improvement the economic viability of the school, which would contribute to the maintenance of the listed building and secure its long term use.

Former Ice House

9.27 Before drawing my conclusions on the grade II* listed administration block, I consider the former ice house, because the matters are interrelated.

9.28 The former ice house would be retained in situ, in open ground. In both design iterations, it would form a focal point of a new public open space, with housing facing
it. The appealed proposals (PL005, Rev A) place the former ice house in a slightly larger open space; the arrangement of housing in the E of the Site is altered in the Wheatcroft amendment (Rev D), so that the proposed houses are slightly closer to the former ice house, but I do not identify a harmful effect from this change. In both design iterations, there would be a corridor of open space between the former ice house and the grade II* listed building.

9.29 The County Archaeologist concluded that there would be no impact on archaeological remains, and there was no need for further investigation or recording. The Council takes no issue with the archaeological impacts, and it is not referred to in the RfRs.

9.30 The Council’s objection relates to the setting effect on this archaeological feature (of local interest), and its setting relationship with the grade II* listed school administration block. In his consultation response Mr Morris recognised that the submitted (69 dwelling) scheme was an improvement on the previous 90 dwelling scheme, recognising that some effort had been made to make a feature of the ice house in the development, but concluding that the proposals would “nearly sever” the connection with the grade II* listed building and “unacceptably compromise their rural setting”. This is an improvement on their assessment of the previous 90 dwelling scheme where the relationship was considered to be “severed”.

9.31 I have already responded to their claims that the Appeal Site constitutes a rural setting. This is an exaggerated claim for two fields, when the setting of the listed building and former ice house is clearly suburbanised.

9.32 I also disagree with the claim that the proposals would “nearly sever” the relationship between the former ice house and listed building, and take issue with this emotive language. I have explained that the historic connection between the two structures is not readily apparent to most people because the ice house has been infilled and is now only an archaeological feature. An area of open land will be retained between them. I recognise that there will no longer be direct access between the listed building and the ice house; however, the public will be able to access the former ice house for the first time. This is of heritage benefit.

9.33 Historic England’s representations on the draft Cheltenham Local Plan sought to secure improvements to the former ice house. The Examining Inspector agreed in her Post-Inquiry Advice Note (CD.C10). These improvements have not been defined but could be secured by planning condition. I am not convinced that restoration of the ice house would be possible, although this could, of course, be explored. I would recommend a programme of interpretation, such as a board near the mound, and potentially some online resources, to explain the historic connection between the ice house and former Regency villa. This would make it much easier to understand that connection between the two structures for the uninitiated and would enhance the appreciation of the significance of both the former ice house and the former villa.

9.34 Dr Fry argued that the corridor of open space would preserve sightlines between the former Regency villa and former ice house. I am not convinced that this would be the case when the shelter belt is restored. I do not think that it is necessary to preserve these sightlines in order to understand the relationship between the listed building and
former ice house, and that the programme of interpretation would do more to enhance the understanding of the relationship between the structures. Nevertheless if the Inspector or Council takes a different view, there is potential for the discharge of condition on the landscape screening to secure this opening in the planting.

9.35 I conclude that the proposed development has been carefully designed to respect the setting of the former ice house, so that it will form a focal point of the new public open space, with open land between it and the former Regency villa. There will be no direct effects on its archaeology, which is its primary value. The proposed development will provide public access to the former ice house for the first time, and with a programme of interpretation will improve people’s understanding of it. I therefore conclude that the proposed development will enhance the appreciation of the significance of the ice house. My conclusion is the same whether it is considered to be a local archaeological feature (my view) or curtilage listed (the view of the R.6 Party).

9.36 The Council claim that there is no evidence that the ice house has been infilled. Even if were not infilled, the ice house has been covered with earth and there are no standing remains, so my conclusion that it is not recognisable as an ice house remains, and the proposed development would still provide public access to it and help interpret its significance, so my conclusion that the proposals would enhance appreciation of the ice house would be the same.

Conclusions on School Administration Block

9.37 Until the landscape screening on the S boundary is mature, there would be a degree of harm resulting from the proposed development, in both design iterations, because it would be visible with the listed building and distract attention from it to an extent. This harm would be less than substantial and very limited for the reasons set out above, and summarised as follows:

- the setting of the listed building is already considerably altered as a result of its conversion to a school, with modern extensions and modern school buildings in its immediate setting and housing c. 75m to the NE and around its perimeter;
- there would be a considerably separating distance to the closest proposed house (c. 56m);
- the modern kindergarten in the N of the school site forms interposing development;
- the landform will partially screen views of the proposed housing, particularly directly N of the listed building;
- existing trees along the boundary would filter and partially screen the views;
- the Appeal Site is not part of the designed landscape, but located on functional land to the rear of the property;
- it would not physically or visually isolate the listed building or reduce its prominence as the focal point of the designed landscape; and
- it would improve the economic viability of the school, who occupy and maintain the listed building, thereby helping secure the long term future of the listed building.
9.38 This low degree of harm would be removed when the landscape screening is in place, because it would reduce the visual effects to the extent they would be *de minimis*. Furthermore the reinstatement of the shelter belt to the north of the grade II* listed building would restore this element of the designed landscape, which would be of heritage benefit.

9.39 The former ice house has been carefully integrated into the proposed site layout. Public access to it will be provided for the first time. A programme of interpretation, secured by condition, could explain the historic connection with the grade II* listed building, and enhance appreciation of the historic significance of both heritage assets. The public access and interpretation are two further heritage benefits.

9.40 I conclude that the proposed development would therefore preserve the special interest of the grade II* listed building and the local interest of the former ice house. My conclusion is the same for both design iterations (Rev A and Rev D of PL005).

9.41 I understand that the Appellant’s Statement of Case considered that this was a paragraph 196 case, where there was a degree of harm, albeit very small, to the listed buildings. However, this SoC was written prior to my involvement.

9.42 Dr Fry concluded that the 68 dwelling scheme (the Wheatcroft amendment) would have a “negligible” effect on the grade II* listed building (CD.C23), which I understand to mean such a minimal effect as to be immaterial. Dr Fry did not consider the heritage benefit of providing public access and interpretation of the ice house, which are part of the rationale for my conclusion that there is no residual harm to the listed building.

*Summerhouse and Drive Piers*

9.43 Until the landscape screening is mature, the proposed housing would be visible with the drive piers from the carriage drive. The summerhouse is located further east, so from the carriage drive one might first see the summerhouse, and then turn one’s head towards the Appeal Site, rather than seeing them together, but it would be experienced in similar terms. Once the landscape screening is mature the proposed buildings would be largely screened from view, with possible glimpses of the roofs of upper floors visible through and heavily filtered by the trees. There may be other views, for example from the tennis courts where the proposed buildings would be visible with the summerhouse, although it would again be largely screened and heavily filtered once the landscape mitigation is in place.

9.44 I do not consider that these visual effects would be harmful because the proposed development would not directly affect the designed landscape to the S of the Appeal Site, which forms the setting of the listed summerhouse and drive piers. Nor would it affect their spatial and historic relationship with the school administration block, nor their group value. The proposals would therefore not impact the aspect of the setting of the listed garden structures that contributes to the appreciation of their significance.
Charlton Manor

9.45 The Appeal Site forms part of the setting of Charlton Manor, but I have explained why I think it does not contribute to the appreciation of the significance of the listed building. I have already explained that GPA3 is clear that change to the setting of a heritage asset is not necessarily harmful.

9.46 In both design iterations, the change in land cover and use would also affect the setting of the listed Charlton Manor, so that it is more suburbanised. There is likely to be activity, movement, noise and light spill associated with this residential development. However, Charlton Manor was conceived as part of a housing development, the Battledown Estate, so its setting is already experienced in these terms to the N, S and E.

9.47 In his consultation response Mr Morris has claimed that the proposed density is not in keeping with the generous plot sizes and houses sizes within the Battledown Estate, but does not explain why this would harm the special interest of Charlton Manor, and as I will explain the separating distances from the proposed neighbouring houses are actually considerably greater than the existing neighbours. The Estate is not designated as a conservation area.

9.48 The proposed scale of the buildings is 2 or 2.5 storeys for both design iterations, so similar to that of Charlton Manor, although the listed building is likely to be taller, given the higher floor to ceiling heights in historic buildings. Certainly the listed building has a much larger footprint. The proposed housing will therefore not compete with the scale of the listed building.

9.49 Both iterations of the proposed development would not physically or visually isolate the listed building. Charlton Manor is accessed from Ashley Road; this will be unaffected by the proposals. There are not PROWs and no public access to the Appeal Site at present.

9.50 The proposed development is located at a similar elevation as Charlton Manor. Following the advice of the Examining Inspector, the Wheatcroft amendment would incorporate a larger buffer of clear land to the W of the garden boundary of the listed house (32.45m as opposed to 21.7m in the appealed scheme, Rev A). As a result the proposed buildings are located further from the listed building in the Wheatcroft amendment. The Wheatcroft site layout illustrates that the closest proposed building would be 47.1m from the former stables, which are a later addition and much altered, while the Rev A layout is 28.5m. The separating distance from the main house is greater, 52.6m in the Wheatcroft amendment, versus 37.26m in the appealed scheme.

9.51 The separating distances of the proposed buildings from Charlton Manor, in both design iterations, are considerably more than its existing neighbours: Savoy House is only 14.13m to the N, Tor is 36.15m to the S.

9.52 The owners of Charlton Manor have alleged that the proposed development would affect their spring water supply. The spring water supply does not contribute to the special interest of the listed building, so even if the water supply was affected, which I
understand is disputed, this would have no effect on the significance of the listed building.

9.53 The principal effect of the proposed development on Charlton Manor is the effect on views from the property to the W. The proposed development would change the character of the land from a green field site to a housing development, so would affect views of the Appeal Site from the garden and windows in the west elevation, and oblique views, to the extent that there are any, in the south elevation. The planting along the E boundary would largely screen the proposed housing from view; some glimpsed views of the Cotswold escarpment beyond the Appeal Site from the house or garden may also be occluded. There may be some glimpsed partial views of the roofs and upper parts of the proposed houses from the listed building and its garden, although these would be heavily filtered by the vegetation, even in winter, and would not be seen with the listed building. The potential for these glimpsed views of the built form would decrease in the Wheatcroft amendment, where there is a larger landscape buffer.

9.54 I have explained that the house was orientated to the south, to maximise views over the once extensive garden and the Cotswold hills beyond. The garden was gradually sold off to construct four detached houses in separate plots to the south. The effect of this and associated landscaped boundaries to the south have changed views to the S. The proposed development would have no effect on the views to the S.

9.55 I consider that the effect on the outlook of the property is an amenity effect. Paragraph 16 of GPA3 is clear that:

"setting is different from general amenity. Views out from heritage assets that neither contribute to significance nor allow appreciation of significance are a matter of amenity rather than of setting."

9.56 The elevated location of the house is still obvious from the topography of Ashley Road and there are glimpses of the Cotswold escarpment as one travels southwards down the street. The proposed development will not affect people’s ability to understand why this elevated site was selected, nor harm the significance of this mid Victorian mansion, which derives from its architectural design and historic fabric.

9.57 The views of the former ice house would also be occluded, although I have explained that the former ice house was not built for Charlton Manor. There would therefore be no harmful effect arising from this.

9.58 The planted boundary would be c. 17m from the main house, at its closest point, which is further than its neighbour to the N. It is a large rear garden. The planting would not "excessively" enclose the listed building to the rear as alleged by Mr Morris in his consultation response on the application. I note that the Council granted planning permission for a hedge in this location as part of the 2006 re-landscaping, so it is inconsistent that they are now consider planting in this location to be unacceptable (application reference 06/01587/FUL and 06/01588/LBC, see drawing W154 in my Appendix 3).
9.59 I conclude that neither iteration of the proposed development would harm the appreciation of the significance of Charlton Manor. The landscape screening would preserve the privacy of the house and garden, but I do not consider this to be necessary as heritage mitigation, because the listed house is already experienced with other housing in its setting, and indeed was conceived as part of a speculative housing development.

9.60 I understand that Dr Fry reached a different conclusion and identified less than substantial harm "of the lowest level" in the appealed scheme, which was reduced to a "negligible" effect in the Wheatcroft amendment. My conclusion differs because I do not consider that development in the setting of a listed building is necessarily harmful, which is consistent with the GPA3 guidance and case law. The Appellant's Statement of Case, which identifies a low level of less than substantial harm, was based on Dr Fry's assessment, prior to my involvement.

Policy Assessment

9.61 My evidence provides a detailed assessment of the significance of listed school administration block, Charlton Manor and the former ice house, to fulfil the requirements of paragraph 189 of the NPPF.

9.62 Prior to the landscape screening being in place, the proposed development would cause less than substantial harm to the listed school administration block, but for the reasons set out above, this would be very limited. Once the landscape screening is mature it would mitigate this harm.

9.63 I do not identify any harm to the significance of Charlton Manor, nor to the listed summerhouse and drive piers in the school grounds.

9.64 The scheme would reinstate the shelter belt to the N of the grade II* listed school, so restore this element of the historic landscape. The proposals would provide public access to the former ice house for the first time. There is also potential for a scheme of interpretation to be agreed via condition to explain the historic connection between the former ice house and Regency villa. These are all heritage benefits.

9.65 I therefore conclude that having undertaken this 'internal' heritage balance there is no residual harm, so there is no need to engage paragraph 196 of the NPPF. I note my interpretation is supported by the Palmer decision.

9.66 The proposals therefore do not engage the set of Framework policies that deal with harm, notably paragraphs 193, 194 and 196, and are consistent with Policy SD8 and draft Policies HE1 and HD4 (the site specific policy).

9.67 The recommendations of the Examining Inspector for the draft Cheltenham Local Plan have been incorporated into the revised Proposed Site Layout. She made clear these amendments would "safeguard" the setting of the listed buildings.

9.68 So notwithstanding my view that the proposals are not harmful, should the Appeal Inspector take a different view and find some harm to the listed building then this can
only be on the facts of the case, less than substantial harm and very limited in any event. Overall I still do not consider that the proposals would be harmful when undertaking the ‘internal’ heritage balance.

9.69 Whilst any harmful effect attracts “great weight” in the planning balance, not all harmful development has the same effect on significance. An awareness of the relative impact should be taken into account in applying the Barnwell/Forge Field approach. In the event that any limited harm is identified, contrary to my assessment above, I refer the Inspector to Mr Frampton’s evidence, which sets out what I understand to be the weighty public benefits of the appeal proposals.

9.70 The proposals would preserve the remains of the ice house in situ, as required by Policy BE20 and draft Policy HE2.

9.71 Accordingly, I do not see that allowing the appeals violate the terms of section 66 (1) or paragraph 196 of the NPPF, but even if a different view is formed then the impact on significance must be very limited indeed.
10.0 SIGNED AFFIRMATION

10.1 I confirm that, insofar as the facts stated in my Proof of Evidence are within my own knowledge, I have made clear which they are and that I believe them to be true, and that the opinions I have expressed represent my true and complete professional opinion.

10.2 I confirm that my Proof of Evidence includes all facts which I regard as being relevant to the opinions that I have expressed and that attention has been drawn to any matter which would affect the validity of those opinions.

10.3 I confirm that my duty to the Inspector and the Secretary of State as an expert witness overrides any duty to those instructing or paying me, that I have understood this duty and complied with it in giving my Evidence impartially and objectively, and that I will continue to comply with that duty as required.

10.4 I confirm that I am neither instructed, nor paid, under any conditional fee arrangement by the appellant.

10.5 I confirm that I have no conflicts of interest of any kind other than any already disclosed in my Proof of Evidence.

10.6 I confirm that my Proof of Evidence complies with the requirements of the Royal Town Planning Institute, as set down in the Ethics and Professional Standards Advice for RTPI Members (2017).

Lucy Markham IHBC MRTPI
Associate, Montagu Evans LLP
25 July 2019