

FINAL

OUTLINE APPLICATION FOR DEVELOPMENT COMPRISING OF UP TO 250 RESIDENTIAL DWELLINGS INCLUDING PROVISION OF ASSOCIATED INFRASTRUCTURE, ANCILLARY FACILITIES, OPEN SPACE AND LANDSCAPING, DEMOLITION OF EXISTING BUILDINGS AND FORMATION OF NEW VEHICULAR ACCESS FROM HARP HILL. ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS TO SITE FROM HARP HILL.

**OAKLEY FARM, PRIORS ROAD, CHELTENHAM
GLOUCESTERSHIRE GL52 5AQ**

PROOF OF EVIDENCE ON HERITAGE

ON BEHALF OF ROBERT HITCHINS LTD

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DESIGN | **ENVIRONMENT** | **PLANNING** | **ECONOMICS** | **HERITAGE**

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1. AUTHOR'S STATEMENT

- 1.1 The evidence which I have prepared and provided for this appeal in this Proof of Evidence is true and has been prepared and given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true professional opinions and are provided irrespective of by whom I am instructed.
- 1.2 Full details of my qualifications and experience are given at Appendix 1.

2. INTRODUCTION

- 2.1 This Proof of Evidence has been prepared following the non-determination of a planning application for a residential scheme at Oakley Farm, Priors Road, Cheltenham. This proof of evidence considers those matters relating to heritage. Matters relating to the planning balance are considered in the proof of Mr David Hutchison
- 2.2 Planning Application No. 20/01069/OUT was submitted to Cheltenham Borough Council and validated on 16th July 2020. The submission sought outline planning permission for development comprising of up to 250 residential dwellings including provision of associated infrastructure, ancillary facilities, open space and landscaping, demolition of existing buildings and formation of a new vehicular access from Harp Hill. All matters were reserved except for means of access to site from Harp Hill.
- 2.3 The planning application was accompanied by a Built Heritage Statement produced by RPS (November 2019). This concluded that the proposals would result in a minor degree of harm to Listed heritage assets at the Hewlett's reservoir complex, although it should be noted that key sources were not consulted for this assessment and the authors do not appear to have visited the reservoir complex itself. The assessment of setting given below in this Proof of Evidence supersedes the RPS Built Heritage Statement.

Consultation

CBC Conservation

- 2.4 In a response dated 20th October 2020, the CBC Conservation Officer provided comments on the application. The Conservation Officer stated that the proposed

development is not considered to affect the Scheduled Hewlett's Camp to the north, or other assets comprising Bouncer's Lane Cemetery Registered Park and Garden and its associated Listed structures.

- 2.5 The Conservation Officer did however consider that the site forms part of the *"incidental wider rural context"* of Hewlett's Reservoir. Harm was identified to the *"heritage assets within Hewlett's Reservoir"* (it should be noted they were not considered individually), as *"the development proposal will result in encroachment of built form on the sense of openness that defines how the heritage assets are experienced in their rural setting, intruding into the countryside north-west from Hewlett's Reservoir."* A cumulative impact on the rural setting in conjunction with the development on the former GCHQ Oakley site was also asserted.
- 2.6 The Conservation Officer did not consider that the mitigation would be adequate, with the open space in the southern area of the site not considered to be sufficient to allow a sense of open countryside character to be retained, and the character being urbanised amenity space with footpaths and access roads.
- 2.7 The Conservation Officer went on to state that the public benefits were not considered to outweigh the harm caused to the heritage assets.

Historic England

- 2.8 A consultation response was received from Historic England dated 28th July 2020. The response is explicit that they were not able to visit site prior to providing their advice. They went on to identify less than substantial harm at the lower end of the scale to the Scheduled Monument, later terming this harm *'modest'*. It should be noted that no justification or explanation for this harm was given. Historic England nonetheless confirmed at the end of their advice that they have *'no objection to the application on heritage grounds'*.
- 2.9 Historic England also noted potential for more significant impacts to the Grade II Listed structures at Hewlett's Reservoir, but did not consider the assets separately or in any detail, and noted that the Grade II Listed structures are outside of their statutory remit.

County Archaeology

- 2.10 A consultation response was received from the County Archaeology Service dated 31st July 2020. This noted the archaeological investigations that had taken place within the site to inform the application and stated that there was a low risk that significant archaeological remains will be adversely affected by this proposal. No further mitigation or recording works were requested, and no objection was made on the basis of archaeological remains.
- 2.11 It should be noted that no harm was identified to the Scheduled Monument to the north through changes in setting.
- 2.12 No concerns were raised with regards to ridge and furrow earthworks within the site by the Archaeological Officer.

The Civic Society

- 2.13 In a response dated 18th August 2020, the Society objected to the application, but cited no harm to Listed structures at the Reservoir complex.

Officer's Report

- 2.14 The Officer's report largely reproduces the comments from the Conservation Officer and Historic England. The Officer considered that the impacts upon the heritage assets would be unacceptable in heritage terms (paragraph 7.11), seemingly before undertaking any weighing of harm against public benefits. A reason for refusal based on harm to the Listed Reservoir Structures was proposed.

Reason for Refusal

- 2.15 The application was reported to the Council's Planning Committee on 20th May 2021 in order to seek a resolution from the committee as to how it would have determined the proposals if the Council had remained the determining authority. The committee accepted the officer recommendation that the Council be minded to refuse the application proposals for reasons including the following:

Reason for Refusal 4

4) The application site lies adjacent to designated heritage assets (grade II listed Hewlett's Reservoir and Pavilion). The proposals would have an unacceptable

harmful impact on the setting of the heritage assets within Hewlett's Reservoir. As such, the proposed works are considered not to sustain or enhance the designated heritage assets and would cause harm to the significance of the affected designated heritage assets. In weighing this harm against the public benefits of the proposal, through the provision of housing, the public benefits of the proposals are not considered to outweigh the harm caused to the significance of the affected heritage assets. The proposed development is therefore contrary to Section 66(1) of the Planning (Listed Building and Conservation Area) Act 1990, Policy SD8 of the Joint Core Strategy 2017, Policy CE6 of the Cotswolds AONB Management Plan 2018-23 and Chapter 16 of the National Planning Policy Framework.

Council's Statement of Case

2.16 With regards to the fourth Reason for Refusal, the Council's Statement of Case confirmed that their case relates to the four Grade II Listed structures at the reservoir and the Stone Lodge, which they consider to be curtilage Listed.

2.17 The Council confirm that:

Other Heritage Assets (some of which are noted in the Heritage Statement submitted with the application, including Battledown Ancient Scheduled Monument and Bouncers Lane Cemetery and associated ecclesiastical structures) are considered too distant to be meaningfully and/or adversely affected by the proposal. The agricultural buildings forming Oakley Farm located on the site and proposed to be demolished are in a poor state of repair, are of low to no significance. Their loss is not contested.

2.18 The Council also cite the harm that they consider will occur to the Listed and curtilage Listed structures at the Reservoir as material to their first Reason for Refusal relating to the AONB and Principal Urban Area.

Agreed Common Ground with the Council

2.19 At point of exchange, it is anticipated that the following common ground will be agreed with the council (although the actual document is not yet signed).

- No harm will be caused to the heritage significance of any designated heritage assets beyond the Hewlett's Reservoir complex, including the

Battledown Scheduled Monument, Bouncer's Lane Cemetery (Registered Park & Garden and the listed buildings and structures within it), and Conservation Areas in Cheltenham and Prestbury.

- If there is harm to the heritage significance of the Grade II Listed assets within the Reservoir Complex (and it is not agreed that there would be to all of them), the development as proposed would result in less than substantial harm at most.
- It is a reasonable assumption that the Pavilion was originally constructed as a valve house.
- The Stone Lodge and No. 3 Reservoir are considered to be curtilage Listed
- The remaining farm buildings on the appeal site are not of special interest, and are not regarded as non-designated heritage assets.

Rule 6 Parties

- 2.20 Three other Parties have Rule 6 Status. These are Gloucestershire County Council, Cotswold Conservation Board and the Friends of Oakley Farm Pasture Slopes.
- 2.21 Gloucestershire County Council are concerned about matters relating to Education, Highways and Transportation only, and make no case with regards to heritage.
- 2.22 The Cotswold Conservation Board state at paragraph 6.1.3 of their Statement of Case that they support the Council's assertion that the proposed development would have an unacceptable harmful impact on the setting of the designated heritage assets associated with Hewlett's Reservoir. No other heritage assets are mentioned in their Statement of Case.
- 2.23 The Friends of Oakley Farm Pasture Slopes state in paragraph 2.11 of their Statement of Case that the proposal will adversely affect the appreciation of, and create substantial harm to, the significance and setting of the Grade II Listed Heritage Assets at Hewlett's Reservoir.

- 2.24 No other designated heritage assets are mentioned in the Friends of Oakley Farm Pasture Slopes Statement of Case, but they state that they will '*raise the issue of harm to non-designated heritage assets and why they are worthy of protection*'. Regrettably no further particulars are provided as to which non-designated assets are being referred to and I will necessarily only be in a position to respond when this issue is clarified.

Further Discussions

- 2.25 During discussions with the Heritage Witness for the Council, it is understood that the Council are expanding their case to include a consideration of No. 3 Reservoir and ridge and furrow earthworks within the site. A consideration of these is given below, although I may need to respond further to specific issues.

3. KEY ISSUES

- 3.1 In light of the absence of reference to any other assets in the Reason for Refusal, the key issues are considered to be the following:
- Does the Appeal Site contribute to the heritage significance of the Grade II Listed assets at Hewlett's Reservoir and the curtilage Listed Stone House and No. 3 Reservoir through setting?
 - Will the significance of these assets be harmed by the proposed development?

4. LEGISLATION AND PLANNING POLICY

- 4.1 The legislation and planning policies are considered relevant to this proposal is given in Appendix 2 of this Proof of Evidence.

5. METHODOLOGY

- 5.1 A full methodology is given in Appendix 3 of this Proof of Evidence.

6. HERITAGE ASSETS AT HEWLETT'S RESERVOIR

- 6.1 I set out a brief history of the reservoirs at Hewlett's for context, following which I describe each asset, including an assessment of its significance and any contribution to this made by setting; whether the site contributes to each assets' significance; and if so whether the significance of each asset would be harmed by the proposed development.

Background History

- 6.2 The need for an enhanced water supply for Cheltenham was apparent by the early 19th century. This was in part due to the discovery of mineral springs in the 18th century, which generated a need for water to keep down the dust on the streets (considered to be particularly offensive to fine ladies coming to take the waters¹), and also due to the number of households increasing, in the late 18th century but particularly in the early 19th century². Residential development expanded beyond areas of sand geology, where adequate wells could be sunk, into areas of clay substrate, where they could not, including Pittville, Marle Hill, Lansdown, Bayshill, Montpellier, areas of Charlton Kings and Battledown. In addition, the expanded areas of built form reduced rainfall percolation into the sand substrate areas, decreasing supply. The supply of piped water was considered to be the only solution to avoid stifling development. With a strong economic incentive to solve the problem, the Cheltenham Water Works Company was formed in 1824³.
- 6.3 Engineering works of the 19th century were completed in the national context of the ravages of the water-borne disease cholera, although opinion was divided on how cholera was spread and it was not until the 1850s that John Snow's work cast doubt on the prevailing theory that it was an airborne disease⁴. In any case, Cheltenham escaped the worst effects of the cholera epidemics, as its growth was

¹ O'Connor, D, 2007, *Troubled Waters, the Great Cheltenham Water Controversy*, p1. Core Document H10

² O'Connor, D, 2007, *Troubled Waters, the Great Cheltenham Water Controversy*, p1-2. Core Document H10

³ O'Connor, D, 2007, *Troubled Waters, the Great Cheltenham Water Controversy*, p2. Core Document H10

⁴ Halliday, S 1999, *The Great Stink of London*, p129-132.

not precipitated by industrial expansion and, as such, the town did not possess the crowded slums of more industrial towns and cities⁵.

- 6.4 The Cheltenham Water Works Company raised capital through the auctioning of shares⁶ and under an Act of 1824 (*"An Act for the better supplying of the Town and Neighbourhood of Cheltenham, in the county of Gloucester, with Water"*) was permitted to purchase land up to 20ha.
- 6.5 The company fixed on 5ha of land at Hewlett's Road. The area was chosen because it was 100ft higher than the highest point then required to be supplied, Bayshill, and 240ft higher than the lowest point to be supplied, the General Hospital⁷. As such, the water could be supplied through gravity and without the aid of machinery.
- 6.6 The site was supplied with water from the Northfield Spring, which was said to be of high quality and, as such, the first reservoirs were built with no filtration system. The first reservoir constructed was Number 1 Reservoir, an underground reservoir built in 1824 of stone, 80ft square and 12ft deep overall but comprising four chambers connected by arched openings. It was designed by James Walker of Limehouse. Two miles of iron mains extended from the reservoir down the verge of Hewlett's Road (now Harp Hill) to the High Street, from where pipes and conduits took water on to customers⁸. The Custodian's House (referred to henceforth as the Stone Lodge) at Hewlett's was also constructed in 1824⁹.
- 6.7 Demand was high, including for filling water closets, and the Company could not guarantee a constant supply of mains water. The standard supply to households was in the region of two to three hours a day, and on some days there would be

⁵ O'Connor, D, 2007, Troubled Waters, the Great Cheltenham Water Controversy, p3. Core Document H10

⁶ O'Connor, D, 2007, Troubled Waters, the Great Cheltenham Water Controversy, p4. Core Document H10

⁷ O'Connor, D, 2007, Troubled Waters, the Great Cheltenham Water Controversy, p6. Core Document H10

⁸ O'Connor, D, 2007, Troubled Waters, the Great Cheltenham Water Controversy, p6. Core Document H10

⁹ O'Connor, D, 2007, Troubled Waters, the Great Cheltenham Water Controversy, p192. Core Document H10

no supply at all. This made water closets unusable, which was thereby seen as inhibiting the growth of the town¹⁰.

- 6.8 Designs were drawn up for increasing supply through capturing water from several springs with their use being replaced by compensation reservoirs. These were proposed at Prestbury, Dowdeswell and Lilley Brook. However, the plans were largely abandoned in the face of opposition from landowners, with only the piping of some water from Dowdeswell to Hewlett's carried out. With the plans for extra supply greatly reduced, it was decided to increase storage capacity at Hewlett's and in 1839 another Act of Parliament was passed enabling the construction of the larger No. 2 Reservoir, which was 150ft by 160ft and 12ft deep, being constructed of seven interconnecting chambers. It was constructed of brick excavated at the site, and fed by the Northfield Spring and piped water from Dowdeswell¹¹.
- 6.9 Even this structure was insufficient to constantly supply water to the greatly increased Cheltenham population. The supply of the town from wells in the sandbeds was threatened by sewers and railway cuttings lowering the water table, further exacerbating the need for piped 'hill water'.
- 6.10 In 1847 an Inquiry was held into investigating a bill to allow the Water Works Company to raise money to complete works to enable a better supply, specifically the construction of a third reservoir at Hewlett's. This third reservoir was completed in 1847. It was designed by Henry Dangerfield, the Borough Surveyor. This was open when constructed, and covered three acres and was 17ft 6 inches deep¹².
- 6.11 A larger fourth reservoir with mass-arched brick walls, with the arches curving outwards, was completed in 1858¹³. Access to new springs in the area was secured at this time.

¹⁰ O'Connor, D, 2007, Troubled Waters, the Great Cheltenham Water Controversy, p6. Core Document H10

¹¹ O'Connor, D, 2007, Troubled Waters, the Great Cheltenham Water Controversy, p6-9. Core Document H10

¹² O'Connor, D, 2007, Troubled Waters, the Great Cheltenham Water Controversy, p11 Core Document H10

¹³ O'Connor, D, 2007, Troubled Waters, the Great Cheltenham Water Controversy, p23. Core Document H10

- 6.12 In the 1950s, it became apparent that the reservoir complex at Hewlett's as constructed was no longer necessary or cost effective, in light of the abundance of high-quality water that could then be extracted, purified and pumped from the Severn. Most of the reservoirs were later used for storing water pumped from the Severn¹⁴.
- 6.13 The Number 1 Reservoir at Hewletts later became the supply for the Cheltenham Brewery. This extracted a large amount of water and in the 1960s, in order to maintain supply to Battledown, an additional reservoir for water pumped from the Severn was constructed just uphill of Hewletts at Northfield Springs¹⁵. When the brewery (then Whitbreads) closed in the 1990s, No. 1 Reservoir was abandoned. No. 2 Reservoir was in use up until at least 2007, and No. 3 Reservoir was covered in 1966, and remains in use. The large uncovered Number 4 reservoir was abandoned in 1965 following bacterial pollution. It was demolished in the 1990s, because of its proximity to GCHQ¹⁶.

No. 1 and No. 2 Reservoirs

Form and Functions

- 6.14 As discussed above, No. 1 Reservoir was constructed in 1824. It is of Limestone with brick roofing, and has a portal in rubblestone with ashlar dressings (Plate 1). The reservoir is underground, and is turfed on top (Plate 2). There is no access to the interior (See photograph of interior, Core Document 10, p7).
- 6.15 No. 2 Reservoir was constructed in 1839, in an attempt to alleviate ongoing water supply issues to the town on Cheltenham. It is of wholly brick construction with a brick access chamber, apart from which it is wholly underground (Plate 3).

¹⁴ O'Connor, D, 2007, Troubled Waters, the Great Cheltenham Water Controversy, p190 Core Document H10

¹⁵ O'Connor, D, 2007, Troubled Waters, the Great Cheltenham Water Controversy, p192 Core Document H10

¹⁶ O'Connor, D, 2007, Troubled Waters, the Great Cheltenham Water Controversy, p192. Core Document H10



Plate 1 Looking east to the portal of No. 1 Reservoir



Plate 2: Looking south-west across the reservoir area, with the area of the reservoir showing as a parch mark.



Plate 3: Looking south-west across No. 2 Reservoir, again with the structure showing as a parch mark.

Views

- 6.16 From the top of the reservoirs, there are views back to the escarpment where the Northfield Springs, the feeder springs, rise and are piped down to the reservoirs (Plate 4).



Plate 4: Looking east from No. 1 Reservoir to the escarpment.

- 6.17 Views from on top of the reservoirs also take in the other extant reservoir (No. 3), and other later reservoir infrastructure including the pavilion and perimeter wall. As can be seen in Plates 2 and 3, above, the contemporary lodge is adjacent and intervisible with the reservoirs, although the contemporary nature of the lodge is not readily legible in this view, which is to the much altered rear of the structure.
- 6.18 When standing at the northern edges of the area of the structures, there are views over land to the west, with distant views to Cheltenham beyond (Plates 5 and 6).



Plate 5: Looking west form the northern edge of No. 1 Reservoir.



Plate 6: Looking west from the northern edge of No. 2 Reservoir.

Significance

- 6.19 As Grade II Listed assets, No. 1 and No. 2 Reservoirs are designated heritage assets of national importance but less than the highest level of significance defined by the NPPF.
- 6.20 The designation descriptions are clear that the assets were designated for the following reasons:
- Technological Interest – the reservoirs are the earliest surviving underground reservoir so far identified and were designed by James Walker (1781-1862), one of the most distinguished civil engineers of the C19.
 - Architectural interest (No. 1 Reservoir) – the chambers are constructed largely in stone rather than more common brick, and the reservoir has a good above ground portal with sweeping flanks.
 - Intactness – the reservoirs remain largely unaltered since their completion.
 - Group value – as important components in this early reservoir complex, forming part of a good group of buildings, which also includes the other Listed reservoir for each, the gates, piers and boundary walls, and the pavilion, all Listed at Grade II.
- 6.21 Hence it is apparent that the assets largely derive their significance from their physical forms which have significant historical and architectural interests.
- 6.22 Setting also contributes to their heritage significance, but to a much lesser degree than their physical form. As is apparent from the Designation Descriptions, the elements of the setting of the assets that make the greatest contribution to their heritage significance are the other elements of the Reservoir complex that are Listed in their own right; each other, the pavilion, gates and walls. In addition to this, the contemporary Stone Lodge also contributes to the heritage significance of the assets, as a surviving structure relating to the earliest phase of the complex.
- 6.23 The escarpment where the springs which fed the reservoirs rise is also visible from the asset, and has illustrative value in terms of understanding the historical

operation of the reservoir. This also illustrates other functional aspects, as the reservoirs appear to have been built without a filtration system as they were fed by pure spring water.

- 6.24 There are views from the reservoirs and complex as a whole to the settlement of Cheltenham. These are incidental rather than designed views, but do have some illustrative value in understanding the function of the complex in terms of supplying Cheltenham with water. Better views which put this relationship in context are possible from higher up on the escarpment, from where the reservoir complex and the town of Cheltenham are co-visible (Plate 6), and from further north within the reservoir complex itself (Plate 13).



Plate 7: Looking west from the escarpment towards Cheltenham over the reservoir complex.

- 6.25 With regards to other aspects of the reservoirs' setting, it is clear from the history of the development of the complex that the reservoirs were sited to be at a particular elevation so as to allow the water to be distributed from it using gravity alone, whilst also being below the spring line to allow the ready collection of water from springs, again by gravity alone. They were not sited to be remote from settlement nor to have wide ranging views – their siting was on a functional basis.

- 6.26 No. 2 Reservoir was sited to be part of the established Reservoir complex, and also to take advantage of the geology there which allowed the structure to be constructed from bricks made of in situ clay deposits.

The Site

- 6.27 The site lies to the north-west of the reservoir complex. The current and historic agricultural character of the site does not relate to any aspect of the historic function of the reservoir. Water was collected from land on the other side of the asset, where spring water was captured and piped to the reservoirs. The water supply onwards to Cheltenham was piped along the verge of Harp Hill. The open nature of the site is not illustrative of any aspect of the reservoir that contributes to the understanding of its heritage significance.
- 6.28 There are views over the site when standing on top of the reservoirs, and some of these are over falling topography with views to Cheltenham beyond but these are largely screened, and clearer views to Cheltenham are possible from further north within the complex, and higher on the escarpment. The latter view has the benefit of being publicly accessible, which views from the reservoirs themselves are not.
- 6.29 The reservoirs are not clearly intelligible in views back towards them from the site (Plate 8).



Plate 8: Looking south-east from within the site towards No. 1 Reservoir.

- 6.30 The site makes only a minimal contribution to the heritage significance of the reservoirs in terms of being part of the topography that falls to the west with the town of Cheltenham beyond. The agricultural character of the site itself does not contribute to the heritage significance of the asset through setting.

Impact

- 6.31 The proposed development comprises residential development in the northern area of the site. However, the southern area of the site will remain open, as shown by the parameters plan, and this and gaps in built form will allow appreciation of the topography of the area and appreciation of the reservoir in relation to the town of Cheltenham, albeit reduced by the proposed built form and planting. The location of planting can be controlled at the Reserved Matters stage. The proposed development will cause a slight reduction in historic illustrative interest of the reservoirs.
- 6.32 This change should be seen in the context of the development causing no harm to the physical forms of the reservoirs, from which they derive most of their significance, and no harm to the elements of the setting of the assets that make

the greatest contribution to their significance: the other elements of the reservoir complex and the escarpment where the feeder springs rise. Nor will the proposed development remove views to Cheltenham and falling ground, but rather will reduce the extent of the view. As such, the harm caused to the heritage significance of the asset is anticipated to be less than substantial and at the very lowermost end of that spectrum.

Previous Assessment and Consultation Responses

- 6.33 The RPS Built Heritage Assessment which accompanied the application identified minor harm to the reservoirs, but this assessment was not informed by a site visit nor reference to key sources. The area of water collection for the reservoirs was not understood in this assessment and the photograph provided does not show the Listed reservoirs. The assessment given above supersedes the RPS assessment.
- 6.34 In the consultation response from the Conservation Officer, it was stated that *"the development proposal will result in encroachment of built form on the sense of openness that defines how the heritage assets are experienced in their rural setting, intruding into the countryside north-west from Hewlett's Reservoir."* Also, the Conservation Officer did not consider that the mitigation would be adequate, with the open space in the southern area of the site not considered to be sufficient to allow a sense of open countryside character to be retained, and the character being urbanised amenity space with footpaths and access roads.
- 6.35 With regards to this, having considered the historic development of the complex and the reasons for the siting of the reservoirs, I do not consider that the open, rural character of land present in some directions from the asset (built form is present to the south and north) contributes to the significance of the asset beyond facilitating an appreciation of the topography which falls towards Cheltenham. The reservoirs were sited for practical reasons and the character of their immediate surrounds was incidental. As such, the retention of open space within southern part of the site is adequate mitigation to allow a sense of falling ground, and will preserve some views to Cheltenham.
- 6.36 A cumulative impact on the rural setting in conjunction with the development on the former GCHQ Oakley site was also asserted by the Conservation Officer. However, the recently-constructed houses are not readily visible from No. 1 and

2 Reservoirs, and as stated above, the character of the immediate surrounds of the reservoirs was incidental as they were sited for practical reasons. I disagree that there is a cumulative effect.

The Pavilion

Form and Function

- 6.37 The Pavilion was constructed as part of the Reservoir Complex. This is referred to as dating from the 1870s in the Listing description¹⁷, but being of early to mid 19th-century date in other Historic England records¹⁸.
- 6.38 It is a decorative structure constructed of red brick with 'quoins' of clinker impressed in cement to give the impression of vermiculated stonework, and is octagonal in plan. Its roof extends on all sides to form a wrap-around veranda, supported by colonettes, and with fine metal decoration to the eaves (Plate 9).
- 6.39 Its only doorway faces south, towards the Stone Lodge. This is arched, as are the seven windows on the other faces of the structure. The windows are now rather unfortunate uPVC replacements (and were so at the time of Listing).

¹⁷ Historic England Listing Description, Core Document H13

¹⁸ Historic England Research Record Summary, Core Document H12



Plate 9: Looking north to the Pavilion.

- 6.40 It has a fish-scale slate roof. It was once topped by a weathervane, which survives in fragmentary form.
- 6.41 The Listing description suggests that it was possibly a valve house, and this would fit with other examples of such structures in terms of size, form (multi-sided and often octagonal), and also its decorative nature. Such structures often appear to have been elements which had relatively rich architectural treatment within reservoir complexes. See Plate 10 for a photograph of one of the two valve houses at Northfields Reservoir, Frankley.
- 6.42 The Historic England Listing Selection Guide on Infrastructure: Utilities and Communication states:

"Reservoirs often necessitated the provision of ancillary structures such as pump, valve, gauge, and meter houses, often made in the image of gate lodges or modest castles to complement the carefully designed landscape."



Plate 10: Valve house at Northfield, Frankley.

- 6.43 The interior of the pavilion at Hewlett's has a cornice and plastered walls, with timber cladding to the ceiling (Plate 11).



Plate 11: The interior of the Pavilion, looking west.

- 6.44 The application of fine architectural treatments to elements within Victorian engineering complexes, specifically those relating to water supply, was not uncommon. Two of the best examples of this are the Abbey Mills pumping station, which opened in 1868, the exterior and interior of which was given rich architectural treatment and the Papplewick Pumping Station in Nottinghamshire,

which is now a Registered Park and Garden and Scheduled Monument. Indeed, within the Hewlett's Complex, the portal to Number 1 Reservoir and the main historic gateway were also given relatively rich architectural treatment (see Plate 1, above).

- 6.45 It has been suggested within the Listing description for the pavilion and the Listed gates, gatepiers and walls that the architectural treatment of these elements was designed to belie their functional purposes and give the impression of a county house estate. However, the architectural investment in such structures was very often a reflection of the importance placed upon the provision of clean water and general improvement works during this period, celebrating the endeavours and founded upon civic pride rather than trying to disguise them. This appears to be the case at Hewlett's as evidenced by the prominent incorporation of the crest of the Waterworks Company on the gatepiers and Stone Lodge.
- 6.46 The Historic England Register of Parks and Gardens Selection Guide on Institutional Landscapes¹⁹ is explicit on this point, stating with regards to utilities and public infrastructure:

"As ever-more public utilities were provided from the mid nineteenth century onwards, architecture and setting were sometimes used to impress and reassure. The late nineteenth-century Papplewick and Bestwood pumping stations in Nottinghamshire, where the cooling ponds were designed for ornamental effect and surrounded by lawns and shrubberies, are both registered Grade II."

- 6.47 The high profile of the Cheltenham Waterworks Company is attested by the catalogue of its often contentious operations in *Troubled Waters: The Great Cheltenham Water Controversy*²⁰, which cites numerous public meetings and press coverage concerning their endeavours. The need for them to impress and reassure is evident. As discussed below, the gatepiers of the complex bear the crest of the Water Works Company, as does the Stone Lodge.
- 6.48 There is no evidence that the Company wished to disguise the reservoirs as something else, indeed there was nothing offensive or even readily visible to hide,

¹⁹ Historic England, 2017, Institutional Landscapes Register of Parks and Gardens Selection Guide, p9, section 1.5, Core Document H11

²⁰ O'Connor, D, 2007, Core Document H10

as can be seen from the reservoirs today (Plates 2 and 3, above). Rather the fine gates and architectural treatment of the pavilion are eye-catching and celebratory, more fitting with the aspiration to 'impress and reassure'. This also fits with the profile of the Cheltenham Waterworks Company that periodically sought to raise capital through share sales.

- 6.49 As a valve house (or housing for meters, gauges or other purpose) the pavilion would have been sited for functional purposes to control water supply leaving one or more of the reservoirs, and its siting between the corners of two of the reservoirs appears to corroborate this interpretation.
- 6.50 Its general siting was, of course, to be within the reservoir complex, sited for the reasons discussed above at paragraph 6.25, and as such the intrinsic character of the wider surrounds was incidental.
- 6.51 The weathervane which was on top of the structure would also have been functional. Although the use of chlorine to kill bacteria within water at Hewlett's is likely to have post-dated the construction of the pavilion (being used in England from the very late 19th century onwards), knowing wind direction is of great importance in dealing with gas leaks, and until recently a windsock was present at the Hewlett's site for this purpose, presumably superseding the weathervane. Even prior to the gas-related issues, the weathervane would have been useful in predicting weather in this relatively exposed location.
- 6.52 The pavilion has latterly been used as an office, although it is currently unused. It is very unlikely to have been used for an office historically, in such an exposed location with no source of heat.

Views

- 6.53 There are extensive views from the pavilion and its veranda, back to the escarpment which fed the reservoirs, across the reservoirs themselves (Plate 12), and over the falling ground to Cheltenham (Plate 13).



Plate 12: Panoramic view from the Pavilion from north through east to south.



Plate 13: Looking west from the Pavilion.

- 6.54 In the view westwards, the spire of Cheltenham Minster (St Mary's) is particularly noticeable as a landmark (Plate 13).
- 6.55 There are no publicly accessible views from where the Pavilion can be appreciated in close proximity (there being no public access to the reservoir complex). The closest public views are from Harp Hill, where there are glimpsed views from a gateway and through a lower section of hedge (Plates 14 and 15).



Plate 14: Looking north to the Pavilion from Harp Hill.



Plate 15: Looking north-east to the Pavilion from Harp Hill.

Significance

- 6.56 As a Grade II Listed asset, the Pavilion is a designated heritage asset of national importance but of less than the highest level of significance defined by the NPPF. The Designation Description states that it was designated for architectural interest and group value.
- 6.57 Its significance is primarily derived from its built form, which has architectural, artistic and historic illustrative values.
- 6.58 Setting also contributes to the heritage significance of the asset, but to a lesser degree than its physical form.
- 6.59 Clearly, the asset has group value both with the Listed structures of the Reservoir complex (Nos. 1 and 2 Reservoirs and the walls and gates etc), and the later surviving reservoir, No. 3 Reservoir, with which it may have had a functional association as a valve house. The Stone Lodge also contributes to its significance through setting, and the primary façade of the asset faces the house.
- 6.60 The rich architectural treatment of the structure suggests that it was designed to be viewed and appreciated. It would have been best appreciated from within the complex, with fine elements such as the treatment of the eaves only appreciable in close-range views, but there were and are distant glimpses of it from the road. As discussed above, the architecture of the asset is considered most likely to be a celebration of the works to impress, rather than an attempt to disguise the complex. It would be an odd endeavour to construct an eye-catching pavilion to disguise a little-visible reservoir complex.
- 6.61 There are some more distant public views from Harp Hill, but the detail of the asset, such as the ironwork on the eaves of the structure, is not appreciable from such locations. The asset is best appreciated from within the reservoir complex itself, although relatively close up views are possible from the fields to the west.
- 6.62 In terms of views from the asset, whilst these are wide ranging, they are most likely to be incidental, with the asset most likely to have been sited for practical reasons at the corner of a reservoir, and the reservoirs sited for functional reasons discussed above.

- 6.63 Views to other associated reservoir features contribute to its significance through historic illustrative value, and views to the rising ground of the escarpment and falling ground with Cheltenham beyond also have some illustrative value. The intrinsic character of the immediate surrounds beyond the reservoir complex are not considered to make any contribution to the significance of the asset through setting.

The Site

- 6.64 With regards to the site, there are views of the closest field of the site from the asset and in conjunction with it (see plate 13 above). As with the reservoirs, the current and historic agricultural character of the site does not relate to any aspect of the historic function of the complex and the open nature of the site is not illustrative of any aspect of the asset that contributes to the understanding of its heritage significance. The falling topography and views to Cheltenham beyond make a very small contribution to the understanding of the overall function of the complex.
- 6.65 The open nature of the south-eastern field of the site also contributes to the prominence of the asset in views from within the reservoir complex (plate 16), although built form is currently part of this view, both close by and distant, and the open nature of this part of the site allows views across to the asset from Harp Hill (Plates 14 and 15 above).



Plate 16: Looking east to the pavilion from within the reservoir complex.

- 6.66 There are close ranging views to the pavilion from within this south-eastern area of the site, in which the architectural detail of the site can be appreciated (Plate 17).



Plate 17: Looking east to the Pavilion from the south-eastern field of the site.

- 6.67 As such, the site is considered to make a minor contribution to the heritage significance of the asset through setting.

Impact

- 6.68 The proposed development in line with the parameters plans includes built form in the northern area of the site, but has open space proposed in the southern area. Some additional built form will be visible in conjunction with and in views from the asset. The proposed development and landscaping (which will be controlled through a reserved matters application) will reduce the extent of the views over falling ground to Cheltenham beyond the pavilion, but will not remove such views. In addition to the placement of built form within the parameters, the detailed design of landscaping can be formulated to retain the view west from the pavilion to the spire of Cheltenham Minster.
- 6.69 The character of the open space will change from agricultural to public open space, but as discussed above, the intrinsic character of the land is considered to be incidental, and does not itself contribute to the heritage significance of the asset.

Its open nature will be retained, allowing the prominence of the asset to be retained in views from within the reservoir and from Harp Hill. The presence of public open space next to an institutional designed landscape is not incongruous, and does not in itself detract from the heritage significance of the asset.

- 6.70 Rather, the proposed development and associated public open space offers the opportunity to not only create publicly accessible close-range views to the asset from where the architectural detail of the structure can be appreciated from the south-eastern field of the site (see plate 17 above) and sequential views from Harp Hill into the site, but to bring the land into a programme of maintenance that will see the vegetation that is currently obscuring the perimeter wall in these and other views, removed and managed. This will significantly enhance the appreciation and understanding of the asset, with the publicly accessible area offering opportunities for interpretative material to further enhance the appreciation of the pavilion (the appellant is willing to commit a sum for the provision of this).
- 6.71 In summary, minimal harm would be caused to the asset through the reduction of views to Cheltenham and additional visibility of built form, reducing historic illustrative interests. As with the reservoirs, this change should be seen in the context of the development causing no harm to the physical form of the pavilion, from which it derives most of its significance, and no harm to the elements of the setting of the asset that make the greatest contribution to its significance: the other elements of the reservoir complex. Nor will the proposed development remove views to Cheltenham and falling ground, but rather will reduce the extent of the view. As such, the harm caused to the heritage significance of the asset is anticipated to be less than substantial and at the very lowermost end of that spectrum.
- 6.72 However, the proposed scheme will also deliver clear benefits to the asset, comprising the creation of close-range and sequential publicly accessible views, the better revealing of the perimeter walls in these and other views, and interpretive material in the adjacent public open space. These benefits are considered to outweigh the harm, and taken in aggregate²¹, no harm will be caused to the heritage significance of the asset overall.

²¹ An approach found to be acceptable in Bramshill, Core Document K34

Previous Assessment and Consultation Responses

- 6.73 The RPS Built Heritage Assessment which accompanied the application identified minor harm to the pavillion, but this assessment was not informed by a site visit nor reference to key sources. This is clear from the assessment of the structure as isolated, whereas if a visit to the reservoir complex had been made, it would have been better understood in the reservoir complex context. The assessment given above supersedes the RPS assessment.
- 6.74 The Conservation Officer's comments for the pavilion are the same as those for the reservoirs, as they did not consider the assets separately. As for the reservoirs, I do not consider that the intrinsic agricultural character of the site itself contributes to the significance of the pavilion through setting, as this was and is incidental to its siting and likely function.
- 6.75 With regards to cumulative harm, the existing baseline conditions have been considered, including the extant housing to the north. The presence of housing to the north does not result in the minimal harm caused by the proposed development (if considered without the benefits) being any greater in magnitude as the character of the immediate surrounds of the asset is incidental.

The Gates, Gatepiers and Boundary Walls

Form and Function

- 6.76 The gates and gatepiers were constructed as part of the initial phase of reservoir construction in 1824, and the boundary walls were constructed partly in this initial phase and partly in c. 1850²².

²² Listing Description, Core Document 13



Plate 18: Looking north to the main entrance of the reservoir complex, to the Gates and Gatepiers and side entrance.

- 6.77 The gatepiers are constructed in Tudor Revival style of square section ashlar (Plate 18). They are 2m high with pyramidal capping and inserted traceried panels. The capping incorporates the crest of the Cheltenham Water Works Company (Plates 19 and 20). The gates are cast iron with pyramidal heads to the rails.



Plate 19: Gatepier with 'CWW' crest on capping.



Plate 20 'CWW' Crest

- 6.78 The site gate, also shown above on Plate 19, has a Tudor-Arched Head and chamfered edges.

- 6.79 The full height brick walls extend along the western and northern limits and parts of the southern and eastern edges of the complex, with the south-eastern section formed by a lower wall topped by railings. A section of modern security railings and gateway form the principal entrance on the eastern side, interrupting the historic circuit.
- 6.80 The full height brick wall elements include a high brick plinth and buttresses with offsets and coped tops. These were clearly elements that were kept on the interior to avoid them being used to aid climbing the walls from the outside.



Plate 21: Western section of wall, looking south.



Plate 22: South-eastern section of wall, looking south.

- 6.81 Clearly the walls were constructed to keep people out of the reservoir complex, but were also given architectural investment through the gates and gatepiers to impress, as discussed above.

Views

- 6.82 The gatepiers and pavilion are just co-visible in views from Harp Hill (see plate 14, above).
- 6.83 At point of construction in 1824, the reservoirs then present would have been minimally visible, and the Stone Lodge and walling not incongruous. Rather than disguising the complex, the architectural treatment of the gatepiers (and pavilion) appear to be purposefully eye-catching and impressive, celebrating the works of the Company and displaying their crest (Plates 19 and 20, above).
- 6.84 The Listed enclosing works are best experienced from Harp Hill, from where the gatepiers and gates are publicly visible in conjunction with full height walls and a glimpse of the pavilion, and from within the complex itself (not publicly accessible). Public views of the walls are also possible from Aggs Hill and Birdlip

Road, and private views are possible from the housing development to the north of the reservoir complex and the eastern area of the site.

- 6.85 Some views of the walls are obscured by vegetation that has grown up immediately adjacent to the structures in places, and may have impacted their integrity.

Significance

- 6.86 As a Grade II Listed asset, the Gates, Gatepiers and Walls are together a designated heritage asset of national importance, but of less than the highest level of significance defined by the NPPF. Its significance is primarily derived from its built form, which has architectural, artistic and historic illustrative values. The designation description states that the asset was designated for architectural interest and group value.
- 6.87 Setting also contributes to the heritage significance of the asset, but to a lesser degree than its physical form.
- 6.88 The asset has group value both with the Listed structures of the Reservoir complex (Nos. 1 and 2 Reservoirs and the pavilion), and the later surviving reservoir, No. 3 Reservoir, all of which contribute to the significance of the asset through setting. The Stone Lodge also contributes to its significance through setting, and lies immediately adjacent to the wall, with the gates now functioning as an access to the house and its curtilage, and the main entrance to the reservoir complex now further east.
- 6.89 The architectural treatment of the gatepiers in particular show that they were designed to be viewed and appreciated from Harp Hill. The Designation description states that *'their appearance belies their functional purpose and instead gives the complex the appearance of a country house and garden'*. However, as discussed above, I consider that the architectural treatment is most likely to be a celebration of the works to impress, rather than an attempt to disguise the complex – there was little visible to disguise when they were constructed and the gatepiers prominently bear the crest of the Waterworks Company. Views from Harp Hill contribute to the significance of the asset through setting.
- 6.90 Public views are also possible from Aggs Hill and Birdlip Road, and private views are possible from the housing development to the north of the reservoir complex

and the eastern area of the site. These views make a lesser contribution to the significance of the asset through setting.

- 6.91 Vegetation adjacent to the listed walls which obscures their appreciation currently detracts from the heritage significance of the asset.
- 6.92 The intrinsic character of the immediate surrounds beyond the reservoir complex are not considered to make any contribution to the significance of the asset through setting, but some of the undeveloped land in their vicinity, that allows their appreciation, does contribute.

The Site

- 6.93 The site lies adjacent to the western stretch of the circuit. The walls are largely overgrown in views from the site (Plate 23).



Plate 23: Looking east towards the largely overgrown Listed walls from within the site.

- 6.94 Some more southern stretches of the wall are visible, including adjacent to the Stone Lodge (Plate 24).



Plate 24: Looking south-east to the Listed wall and Stone Lodge from within the site.

- 6.95 The site is also visible in conjunction with the walls from within the reservoir complex (Plate 25).



Plate 25: Looking north-west from within the reservoir complex to the walls with the site beyond.

- 6.96 The south-eastern area of the site contributes to the heritage significance of the asset in as much as the undeveloped nature of it allows the wall to be clearly appreciated from within the reservoir complex with a largely open but mixed backdrop, and some sections of the wall to be seen from within the site and in the context of other elements is the reservoir complex, although neither set of views is publicly accessible and the wall is largely overgrown in views from the site.
- 6.97 The site is co-visible with the walls, gates and gatepiers in views from Harp Hill.
- 6.98 In these views, the agricultural character of the site does not contribute to the heritage significance of the asset, but the undeveloped nature of the south-eastern area of the site gives space for the appreciation of the walls and allows views to them.
- 6.99 As such, the site is considered to make a very minor contribution to the heritage significance of the asset through setting.

Impact

- 6.100 The proposed development includes built form in the northern area of the site, but has open space proposed in the southern area. Built form is not proposed to the west of the Listed wall, and the detailed design of planting can be formulated to ensure it is not obscured.
- 6.101 Some additional built form will be visible in conjunction with the wall in views from within the site and the reservoir complex, but sufficient breathing room will be given to the asset to ensure that this is not incongruous where co-visible with the wall or behind it.
- 6.102 The character of the open space to the west of the wall will change from agricultural to public open space, but as discussed above, the intrinsic character of the land is considered to be incidental, and does not itself contribute to the heritage significance of the asset. The presence of public open space next to an institutional designed landscape is not incongruous, and does not in itself detract from the heritage significance of the assets.
- 6.103 The proposed development and associated public open space offer the opportunity for better management of the immediate vicinity of the asset, removing

vegetation and creating publicly accessible close-range views. This will enhance the appreciation and understanding of the asset, with the publicly accessible area offering opportunities for the creation of sequential views starting from Harp Hill, where the gates can be appreciated in detail, and leading north into the site from where the walls can be appreciated in the context of the Stone Lodge, No. 3 Reservoir and pavilion. The escarpment and falling topography to Cheltenham will also be intelligible from this area, and interpretive material in the history of the complex can be provided within the public open space.

- 6.104 In summary, no harm is anticipated and the scheme can deliver the better understanding and appreciation of the asset in context in publicly accessible dynamic views and on-site interpretation.
- 6.105 In the event that vegetation removal reveals any issues with the fabric of the wall, an offer would be made to the owner of the walls for the repairs by the appellant.
- 6.106 The RPS report identified minor harm to the Listed Gates, Gatepiers and Walls, but again this assessment was not informed by a visit to the reservoir complex or reference to key documents. The assessment given above supersedes that given in the RPS assessment.
- 6.107 The Conservation Officer's comments for the gates, gatepiers and walls are the same as for the reservoirs, as they did not consider the assets separately. As with the reservoirs, I do not consider that the intrinsic agricultural character of the site itself contributes to the significance of the gate piers, gates and walls through setting, as this was and is incidental to their siting and likely function.
- 6.108 With regards to cumulative harm, the existing baseline conditions have been considered, including the extant housing to the north. The presence of housing to the north does not result in the harm being generated by the proposed development. The proposals involve the extension of the existing line of built form.

The Stone Lodge

Form and Function

- 6.109 The Lodge was constructed in 1824 at the same time as No. 1 Reservoir and part of the walls. It is a two-storey building of which the main east-west range is the historic element, with a stone-built principal south-facing façade. This has a Cheltenham Water Works crest centrally above the porch.



Plate 26 Looking north-west to the southern façade of the Stone Lodge

- 6.110 The rear extensions are 20th-century in date and not of historic interest (Plate 27). The windows on the primary façade are uPVC replacements (Plate 26).



Plate 27: Looking south-east to the Lodge from within the Reservoir complex.

6.111 The large scale Ordnance Survey Map of 1885 shows the Lodge as accessed through the main gates, and having a discrete curtilage to the north (Plate 28).

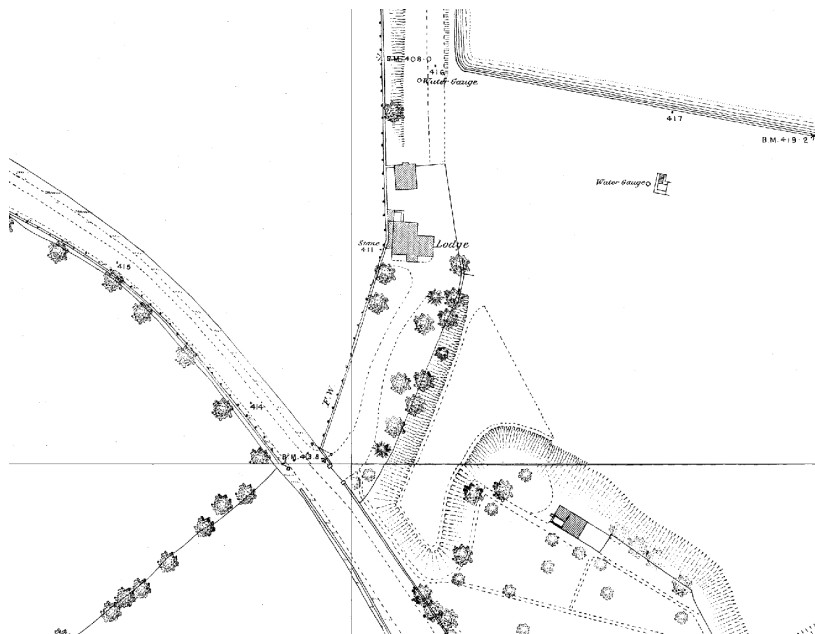


Plate 28: Extract from the 1885 Ordnance Survey Map.

6.112 The Lodge has a similar curtilage today.

- 6.113 The asset had a functional relationship with the reservoir, being accommodation for the custodian, but was again given an architectural treatment, apparently focussed on the southern principal façade, with ashlar stone facing, and detailing to the porch and windows.

Views

- 6.114 A glimpse of the principal façade is possible from Harp Hill, through the historic gates of the reservoir.
- 6.115 Views from within the reservoir complex are mainly to the side and rear, which have lesser architectural interest, although an oriel window is present on the east facing elevation of the historic range of the building (Plate 27, above).
- 6.116 The west elevation and rear extensions are visible from land to the west of the asset (Plate 29).



Plate 29 Looking south-east to the Stone Lodge

- 6.117 The historic element of the asset visible in this view – the stone-built west elevation – appears to be blind. The asset is separated from the land to the west

by the high perimeter wall of the complex. When standing by the primary façade, there are no views out to the wider landscape (see plate 26 above).

- 6.118 The asset is anticipated to have views to the reservoir complex to its north and east, and will also have views to the agricultural land to the west, in the periphery of north facing views, as well as views to the recent development to its north.

Significance

- 6.119 The Council consider that the Stone Lodge is curtilage Listed and I agree with this, as it was ancillary to the purpose of No. 1 Reservoir. Curtilage Listing does not itself engender any particular level of significance to a structure, but the architectural and historic interest of the asset suggest that it should be considered as a non-designated heritage asset in its own right. This is clear from guidance given in Historic England's GPA2:

"Some curtilage structures are of high significance, which should be taken fully into account in decisions, but some are of little or none. Thus, like other forms of heritage asset, curtilage structures should be considered in proportion to their significance."

- 6.120 The significance of the asset is considered to be commensurate to a non-designated heritage asset of moderate value. The significance of the asset is primarily embodied in its built form, which has architectural interest and historic illustrative value. Setting does contribute to the heritage significance of the asset, but to a lesser degree than its physical form.
- 6.121 Those elements of the setting of the asset that make the greatest contribution to its significance are the other elements of the reservoir complex, including the reservoirs (including the immediately adjacent and contemporary No. 1 Reservoir), the pavilion (which faces the lodge), and the gatepiers, gates and walls (which all have an immediate relationship with the asset).
- 6.122 The Lodge is best appreciated from within its curtilage from where the southern principal façade can be appreciated, with a glimpse of this from Harp Hill. Other views from within the reservoir complex and land to the west make a lesser contribution.

- 6.123 Land to the west is visible from the asset, beyond the perimeter wall, but it does not appear to have been sited to have views over this area, as the western façade is blank and the principal elevation is the south facing one.

The Site

- 6.124 The south-eastern area of the site makes a minimal contribution to the heritage significance of the Stone Lodge in terms of providing non-publicly accessible views to the asset and being visible in views from the asset, beyond the perimeter wall of the complex.
- 6.125 The agricultural character of the site is not itself considered to contribute to the heritage significance of the asset through setting.

Impact

- 6.126 The proposed development in line with the parameters plan includes in built form in the northern area of the site, but has open space proposed in the southern area, including the south-eastern area closest to the Lodge.
- 6.127 Some additional built form will be visible in conjunction with the Lodge in views from within the site and the reservoir complex, and in views from the lodge, but sufficient breathing room will be given to the asset to ensure that this is not incongruous or over-shadowing.
- 6.128 The character of the open space to the west of the lodge will change from agricultural to public open space, but as discussed above, the intrinsic character of the land is considered to be incidental, and not itself contribute to the heritage significance of the asset.
- 6.129 The proposed development and associated public open space offer the opportunity for creating publicly accessible views to the asset, in conjunction with the reservoir and pavilion, as well as dynamic views which include the Listed Gatepiers and Gates. This will enhance the appreciation and understanding of the asset itself and its context. The removal of the vegetation from the perimeter walls will enable them to be better understood in conjunction with the lodge.
- 6.130 In summary, no harm is anticipated and the scheme can deliver the better understanding and appreciation of the asset in context in publicly accessible dynamic views and on-site interpretation.

No. 3 Reservoir

Form and Function

6.131 As discussed above, No. 3 Reservoir was constructed in 1847, having been designed by Henry Dangerfield, the Borough Surveyor. This was open when constructed, and covers three acres and was 17ft 6 inches deep²³. The reservoir was covered in 1966, as when its supply had been changed from spring water to already-treated water from the Severn, pumped from Mythe, the quality of which deteriorated rapidly in the open-reservoir. It was covered with a concrete roof containing a water-proof membrane, and turfed²⁴.



Plate 30: Looking south-west across the No. 3 Reservoir

Views

6.132 From the top of the reservoir and its vicinity, there are views back to the escarpment where the Northfield Springs, the feeder springs, rise and are piped down to the reservoirs (See plate 4, above).

²³ O'Connor, D, 2007, Troubled Waters, the Great Cheltenham Water Controversy, p11

²⁴ O'Connor, D, 2007, Troubled Waters, the Great Cheltenham Water Controversy, p192

- 6.133 Views from on top of the reservoir and adjacent to it include the tops of Nos. 1 and 2 Reservoirs, and the site of No. 4 reservoir, and other reservoir infrastructure including the pavilion, Stone Lodge and perimeter wall.
- 6.134 When standing at the northern edges of the area of the structure, there are views over land to the west, with distant views to Cheltenham beyond (Plate 31).



Plate 31: Looking west from the northern edge of No. 3 Reservoir.

Significance

- 6.135 No. 3 Reservoir is not listed in its own right, but as it was constructed before 1948 and was probably ancillary to the Listed valve house, it may be considered to be curtilage Listed.
- 6.136 As stated above, curtilage Listing does not confer any particular intrinsic level of significance to an element (see quoted section from GPA2 in paragraph 6.119, above). Thus, the intrinsic significance of the asset should be considered.
- 6.137 No. 3 Reservoir was considered for Listing, but rejected for the following reasons²⁵:
- Lack of innovation: as an open reservoir constructed in brick, the structure was not particularly innovative for its date; and

²⁵ Core Document H12, Historic England Research Summary

- Alteration: the addition of concrete piers and the concrete roof, and the construction of a small above-ground wall, has dramatically altered the structure.

6.138 It should also be noted that it is later in date than the two Listed reservoirs.

6.139 The above suggests that it fell well short of the criteria for Listing, with the structure having been dramatically altered in the 1960s and lacking innovation in the first place.

6.140 As such, intrinsically, it is considered to have a significance commensurate with a non-designated heritage asset of relatively low value.

6.141 It is apparent that the asset largely derives the significance it does have from its physical form which has historical interest.

6.142 Setting also contributes to its heritage significance, but to a much lesser degree than its physical form. The setting of the asset that make the greatest contribution to its heritage significance are the other elements of the Reservoir complex: the other reservoirs, the pavilion, gates and walls, and the Stone Lodge.

6.143 The escarpment where the springs which fed the reservoirs rise is also visible from the asset, and has illustrative value in terms of understanding the historical operation of the reservoir.

6.144 There are views from the reservoir and complex as a whole to the settlement of Cheltenham. These are incidental rather than designed views, but do have some illustrative value in understanding the function of the complex in terms of supplying Cheltenham with water. Better views which put this relationship in context are possible from higher up on the escarpment, from where the reservoir complex and the town of Cheltenham are co-visible (Plate 7).

6.145 With regards to other aspects of the reservoir's setting, the reservoir was sited to be part of the established complex at Hewlett's, with this originally sited to be at a particular elevation so as to allow the water to be distributed from it using gravity alone, whilst also being below the spring line to allow the ready collection of water from springs, again by gravity alone. The complex was not sited to be remote from settlement nor to have wide ranging views – its siting was on a functional basis.

The Site

- 6.146 The site lies to the north-west of the reservoir complex. The current and historic agricultural character of the site does not relate to any aspect of the historic function of the reservoir. Water was collected from land on the other side of the asset, where spring water was captured and piped to the reservoirs. The open nature of the site is not illustrative of any aspect of the reservoir that contributes to the understanding of its heritage significance.
- 6.147 There are views over the site when standing on top of the reservoir and adjacent to it, and some of these are over falling topography with views to Cheltenham beyond. These views are not publicly accessible.
- 6.148 The reservoir is intelligible in views back towards it from the site (Plate 32).



Plate 32: Looking south-east from within the site towards No. 3 Reservoir.

- 6.149 The site makes only a small contribution to the heritage significance of the reservoir in terms of being part of the topography that falls to the west with the town of Cheltenham beyond, and facilitating views back to it in which the scale of the asset is intelligible, albeit not publicly accessible. The agricultural character of

the site itself does not contribute to the heritage significance of the asset through setting.

Impact

- 6.150 The proposed development in line with the parameters plan comprises residential development in the northern area of the site. However, the southern area of the site will remain open, and this will allow appreciation of the topography of the area and appreciation of the reservoir in relation to the town of Cheltenham, albeit reduced by the proposed built form. The location of planting can be controlled at the Reserved Matters stage. This will cause a slight reduction in historic illustrative interest.
- 6.151 This change should be seen in the context of the development causing no harm to the physical forms of the reservoir, from which it derives most of its limited significance, and no harm to the elements of the setting of the asset that make the greatest contribution to its significance: the other elements of the reservoir complex and the escarpment where the feeder springs rise. Nor will the proposed development remove views to Cheltenham and falling ground, but rather will reduce the extent of the view. As such, the harm caused to the heritage significance of the asset is anticipated to be very minor.
- 6.152 The character of the open space to the west of the lodge will change from agricultural to public open space, but as discussed above, the intrinsic character of the land is considered to be incidental, and not itself contribute to the heritage significance of the asset.
- 6.153 The proposed development and associated public open space offer the opportunity for creating publicly accessible views to the asset, in conjunction with the reservoir and pavilion, as well as dynamic views which include the Listed Gatepiers and Gates, and interpretive material. This will enhance the appreciation and understanding of the asset itself and its context.
- 6.154 In summary, the very minor harm would be outweighed by the opening up of better public views.

Ridge and Furrow Earthworks

- 6.155 Ridge and furrow earthworks are present across most of the site. These earthworks are a series of long, narrow ridges, separated by depressions, lying parallel to each other and usually arranged in rectangular blocks. These resulted from arable cultivation, specifically the repeated ploughing of strips of land in the same direction using a heavy plough (one that overturned sods). These often, though not exclusively, formed in the large open fields cultivated from medieval times until Inclosure, where the cultivation of strips of land under individual ownership resulted in the formation of such earthworks. Hence, the blocks of ridge and furrow can be seen as relating to the furlongs of the open fields.
- 6.156 Although formed by arable cultivation, ridge and furrow earthworks now only survive in areas of pasture and other areas not subjected to modern ploughing.
- 6.157 The site is not located within the study area utilised for *Turning the Plough*²⁶, a study of ridge and furrow earthworks published in 2001 and updated in 2012. The methodology for the assessment of the significance of earthworks given in *Turning the Plough* considers various aspects of earthworks within a township unit (commonly the same as the historic parish), such as group value, survival, potential and documentation. It is important to note that it is the earthworks within the whole township that are considered as the asset, not individual blocks, fields or areas. *Turning the Plough* identified 43 priority townships (within 40 parishes), where ridge and furrow earthworks were assessed to be of relatively higher heritage significance than those within other parishes in the study area.
- 6.158 With regards to the documentation available for the earthworks within the site, it is not clear which township they lay within. The site is not covered by any available Tithe Map, which is usually the best indication of which historic township it lay within. As such, its documentation and associations are poor. Without knowing the township, its historic associations with settlement are poor.
- 6.159 What is clear is that the site cannot be considered to be part of an intelligible system of earthworks within a township that included areas of legible medieval

²⁶ Hall, D., 2001. *Turning the Plough: Midland open fields: landscape character and proposals for management*. English Heritage and Northamptonshire County Council, Core Document H9

settlement earthworks, which are characteristics that the areas of greatest significance in the Turning The Plough study had.

- 6.160 With regards to the heritage interests, the ridge and furrow earthworks within the site have little intrinsic archaeological heritage value as they are formed from worked and reworked plough soil, with furrows cut into natural bedrock. Rather they have some limited historic illustrative value through illustrating historic agricultural practices in that area (i.e. arable cultivation followed by use as pasture; such earthworks only survive in areas which were subsequently pasture and so not levelled by modern ploughing).
- 6.161 No areas of ridge and furrow in England are Scheduled in their own right, but rather some areas have been Scheduled in combination with other monuments and features such as and medieval settlement (moats, castles, deserted village earthworks, manorial complexes) and other features such as lynchets, mining remains, fishponds, gardens, Civil War earthworks, and prehistoric and Roman remains (259 Scheduled Monuments *include* the monument classification 'ridge and furrow' within their list of elements, but all of them include other features).
- 6.162 As an area of ridge and furrow which is not part of a legible system, had no known historic documentation and no legible association with medieval settlement earthworks, the earthworks within the site (and wider area, although the extent of the township is unknown) are considered to be a non-designated heritage asset of low significance, at most.
- 6.163 With regards impact, it is the earthworks within the township as a whole that are the asset, and as such the unit against which the impacts of the scheme should be considered. The extent of the township the site lay within is unknown, but taking into consideration that ridge and furrow earthworks will survive within the site within the open space following development, and that some of the ridge and furrow earthworks present in the vicinity are likely to have been part of the same township, the impact is considered to be relatively low.

7. DISCUSSION OF LAW AND PLANNING POLICY

- 7.1 The assessment given in Section 6 concluded that the proposed development would result in less than substantial harm at the lowermost end of the spectrum to the two Listed Reservoirs and the Pavilion, with that to the Pavilion outweighed by benefits that will be delivered to that asset. Other benefits to the Listed enclosing structures and the Stone Lodge have been identified.
- 7.2 Paragraph 202 of the NPPF, advises that this harm should be weighed against the public benefits of the proposal. The judgment in 'Mordue' has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied, this is in keeping with the requirements of the 1990 Act, and this has been accepted in subsequent judgments relating to cases in which harm to the heritage significance of Listed Buildings was identified, but was found to be outweighed by public benefits.
- 7.3 With regards to the No. 3 Reservoir, the harm to this should be considered under paragraph 203 of the NPPF, although this harm would be outweighed by the heritage benefits of the scheme alone.
- 7.4 With regards to the ridge and furrow earthworks, the low impact of the development on the non designated heritage asset of low significance should also be considered under paragraph 203 of the NPPF.
- 7.5 The weighing exercise of harm against public benefits is carried out by Mr David Hutchison in his Proof of Evidence. Whilst I note that the conservation officer purported to do this exercise, it is my view that this initial 'internal' balance of policy falls within the remit of planning judgment informed by the degree of harm in heritage terms.
- 7.6 With regards to Local Planning Policy, Policy SD8 Historic Environment of the Joint Core Strategy requires that "*Development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.*" The layout of the development, evidenced by the masterplan, has clearly respected the elements of the historic environment, with appropriate placing of development and offsets, and enhancements that can be delivered.

- 7.7 Policy SD8 also requires that *"Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place. Consideration will also be given to the contribution made by heritage assets to supporting sustainable communities and the local economy. Development should aim to sustain and enhance the significance of heritage assets and put them to viable uses consistent with their conservation whilst improving accessibility where appropriate."*
- 7.8 With regards to this, this cannot prohibit any harm to designated heritage assets as this would put it in conflict with the NPPF. The proposed scheme will result in some very minor harm, but also benefits which enhance significance. Access to areas from where the significance of the asset can be better understood will be delivered by the proposed development, and this increased public legibility is undoubtedly beneficial.
- 7.9 SD8 also states that *"Proposals that will secure the future conservation and maintenance of heritage assets and their settings that are at risk through neglect, decay or other threats will be encouraged. Proposals that will bring vacant or derelict heritage assets back into appropriate use will also be encouraged"*. The proposals will deliver better maintenance of the Listed walls through the removal of vegetation.
- 7.10 Hence the proposals are not considered to conflict with Policy given in SD8.

8. CONCLUSIONS

- 8.1 A careful consideration as been made of the significance of the heritage assets within and in the vicinity of the site, and any impacts and benefits that will result from the proposed scheme.
- 8.2 With regards to the Grade II Listed No. 1 and No. 2 Reservoirs, their significance is very largely derived from their physical form. Setting also contributes to their significance but to a lesser degree. The elements of the setting of the assets that make the greatest contribution to their significance through setting are the other elements of the reservoir complex; each other, the pavilion, gates, gatepiers and walls, No. 3 reservoir and the Stone Lodge. The escarpment where the springs

which fed the reservoir rise also contribute. There are also views from the complex to the settlement of Cheltenham. These are incidental rather than designed views, as the reservoir was clearly sited to be at a workable elevation, but they do have some illustrative value in terms of understanding the function of the complex, supplying Cheltenham with water. Better views are possible from higher up on the escarpment. No. 2 Reservoir was sited to be part of the existing complex, and also to take advantage of the local geology to make the bricks it was constructed from.

- 8.3 The site lies to the north-west of the reservoir complex and the current and historic agricultural character of the site does not relate to any aspect of the historic function of the reservoirs. Water was collected on the other side of the complex from the site, and was piped on to Cheltenham along the verge of Harp Hill. There are view of the falling land of the site and to Cheltenham beyond from the tops of the reservoirs, but these are largely screened and not publicly accessible, and better views are possible form elsewhere. The reservoirs are not clearly visible from the site. The site makes a minimal contribution to the heritage significance of the reservoirs through setting.
- 8.4 The parameters of the proposed development include open space in the southern area of the site, and this will allow for an appreciation of the falling topography to Cheltenham, albeit reduced by built form and potentially planting. This change should be seen in the context of the development causing no harm to the physical forms of the reservoirs, and no harm occurring to the elements of the setting of the assets which make the greatest contribution to their significance. Nor will the proposed development remove views to Cheltenham and falling ground, but rather will reduce the extent of the views. As such, the harm cause will be less than substantial and at the very lowermost end of the spectrum.
- 8.5 With regards to the Grade II Listed pavilion, this appears to have been constructed as a valve house (looking at parallels at other reservoirs) but was latterly known to have been used as an office (albeit an unheated one), and is now unused. It was given a fine architectural treatment, which fits with the importance given to civil works of this period, celebrating the improvement works and being based on civil pride, rather than attempting to disguise the works. The treatment of the complex, which includes fine architectural detailing of the gate piers and portal to No. 1 Reservoir, was likely to have originated with the Cheltenham Waterworks Company's need to impress and reassure, not least because of their periodic need

to raise capital publicly, and this is evidenced by the incorporation of their crest on the gatepiers and lodge.

- 8.6 As a valve house, the siting of the pavilion would have been functional, both within the complex as a whole (sited for its elevation) and with regards to specific siting, at the corners of two reservoirs. As such, the intrinsic character of the wider surrounds was largely incidental. The pavilion has extensive views, including back to the escarpment and over the complex, but also to falling ground and Cheltenham, in which the view to the spire of Cheltenham Minster is noticeable.
- 8.7 Again, the significance of the asset is largely embodied in its physical fabric, with setting contribution to a lesser degree. Those elements that make the greatest contribution are the remainder of the reservoir complex. Views to the escarpment and falling ground also contribute, as well as land in the vicinity that facilitates views to and from the asset, and is a backdrop to it. The asset is best appreciated from within the complex, and also from within the site, from where the architectural detailing can be appreciated.
- 8.8 The site contributes to the significance of the asset, as there are views to falling ground and Cheltenham beyond over it from the asset, and its open nature facilitates views to the asset as well as contributing to the prominence of the asset in views from within the complex.
- 8.9 The proposed development includes open space to retain views to Cheltenham, including to the spire from the asset, as well as retaining the prominence of the asset in views from the complex, and retaining views to the asset from Harp Hill. The character of the open space will change, but the intrinsic character as agricultural land is not considered to contribute to the significance of the asset. The physical form of the asset will not be harmed, nor those elements that make the greatest contribution to the significance of the asset through setting. Nor will the proposed development remove views to Cheltenham and falling ground, but rather will reduce their extent. As such the harm caused would be less than substantial and at the very lowermost end of the spectrum.
- 8.10 The scheme will also deliver benefits to the heritage significance of the pavilion, through the opening up of publicly accessible close-range views and sequential views from Harp Hill, the better revealing of the perimeter walls and provision of

interpretive material. These heritage benefits are considered to outweigh the heritage harm.

- 8.11 With regards to the Grade II Listed Gates, Gatepiers and Walls, these again were given architectural detailing to celebrate the Cheltenham Water Works complex. Again, their significance is principally embodied in their form, with the elements that make the greatest contribution to their significance being the other elements of the reservoir complex. The gates and gatepiers are best appreciated from Harp Hill. The vegetation currently present against the western side of the walls detracts from their significance.
- 8.12 The site lies adjacent to the walls, and vegetation within it detracts from their significance. The open character of the of the south-eastern area of the site allows views to the walls, and allows them to be viewed clearly from within the complex, albeit part of a mixed backdrop.
- 8.13 The proposed development has open space in the areas of the site that contribute to the significance of the asset, and no harm would be caused. The proposed development would offer benefits including the removal and management of vegetation, publicly accessible sequential views and interpretive material.
- 8.14 With regards to the Stone Lodge, this is considered to be curtilage Listed, but its intrinsic value is considered to be a non-designated heritage asset of moderate value. Its significance is primarily embodied in its built form, with setting making a lesser contribution to its significance. Those elements that contribute the most are the other elements of the reservoir complex.
- 8.15 The elevation that faces the site is blank, and the site is screened at ground level from adjacent to the primary façade by the boundary wall. The proposed development includes open space at the south-eastern area of the site, that will give the asset breathing space. No harm is anticipated, and the scheme can deliver the better appreciation and understanding of the context of the asset.
- 8.16 With regards to No. 3 Reservoir, this is also considered to be curtilage Listed, but of intrinsic significance commensurate with a non designated heritage asset of low value. Some views to falling ground and Cheltenham will be reduced, but not removed, and public views to the asset would be opened up. Overall, the very minor harm to the asset would be outweighed by the heritage benefits.

- 8.17 With regards to ridge and furrow earthworks, these are considered to be part of a wider non-designated heritage asset of low significance. It is the earthworks within the township that is the asset on which impacts should be assessed and whilst this cannot currently be defined, taking into consideration that ridge and furrow earthworks will survive within the site within the open space following development, and that some of the ridge and furrow earthworks present in the vicinity are likely to have been part of the same township, the impact is considered to be relatively low.
- 8.18 The weighing of harm and benefits is carried out by Mr David Hutchison in his evidence.

APPENDIX 1: AUTHOR'S QUALIFICATIONS AND EXPERIENCE

My name is Gail Stoten. I am a Heritage Executive Director at Pegasus Planning Group. I am a Member of the Chartered Institute for Archaeologists (MCIfA). I have been elected a Fellow of the Society of Antiquaries of London. I have a First Class Honours degree in Archaeology.

I am a Trustee of Painswick Rococo Gardens, and have been a member of the board of the charity for over five years.

I have been a heritage professional for 21 years, including 15 years working for Cotswold Archaeology and five years at Pegasus Group. I lead the Heritage Team at Pegasus Group.

I have acted as a heritage consultant on numerous large-scale developments in England and Wales, on behalf of developers, local planning authorities, and third parties. Projects I have been professionally instructed on, have included:

- Land at 'Perrybrook' to the north of Brockworth and south of the A417, Brockworth, Gloucestershire. Secretary of State decision (concurring with Inspector's recommendation) allowing the construction of up to 1500 dwellings in the wider vicinity of Listed Buildings;
- Land west of Knights Hill Village, Grimston Road, South Wotton, Norfolk. Secretary of State decision (concurring with Inspector's recommendation) allowing the construction of up to 600 dwellings and associated works in the wider vicinity of Castle Rising Castle Listed building, Scheduled Monument and Conservation Area;
- Land south of Gallows Hill/West of Europa Way, Heathcote, Warwick. Secretary of State Decision (concurring with Inspector's recommendation) allowing the construction of up to 450 residences, in the wider vicinity of Listed buildings, Scheduled Monument the Conservation Area and Registered Park and Garden associated with Warwick Castle and the town of Warwick;
- Land at Bocking Church Street, Braintree, Essex, where up to 265 residences and associated works were consented close to a Grade II Listed farmhouse;

- Land at Pope's Lane, Sturry, Kent, Inspector's Decision, not allowing the residential development of the site for 140 dwellings on transport grounds, but concurring with my assessment of less than substantial harm at the lower end of the spectrum for an adjacent Listed farmhouse complex.

I provide expert advice to clients on heritage assessment and also manage survey work (including built heritage assessments and archaeological works) carried out by our company and sub-contractors.

My role necessitates close liaison with heritage stakeholders such as Historic England and Local Authority heritage officers.

The assessment of the setting of heritage assets is an area in which I have expertise.

APPENDIX 2: LEGISLATION AND PLANNING POLICY

National Planning Legislation, Policy and Guidance

Legislation

8.1 Legislation relating to the Historic Environment is primarily set out within the Planning (Listed Buildings and Conservation Areas) Act 1990 which provides statutory protection for Listed Buildings and Conservation Areas.

8.2 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

"In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall 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".

8.3 In the 2014 Court of Appeal judgement in relation to the **Barnwell Manor** case²⁷, Sullivan LJ held that:

"Parliament in enacting section 66(1) did intend that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carries out the balancing exercise."

8.4 A judgement in the Court of Appeal²⁸ ('Mordue') has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied (in particular paragraph 134 of the 2012 draft of the NPPF, the requirements of which are now given in paragraph 196 of the revised NPPF, see below), this is in keeping with the requirements of the 1990 Act.

²⁷ *East Northamptonshire District Council v SSCLG (2015) EWCA Civ 137*, Appendix 6, paragraph 24

²⁸ *Jones v Mordue Anor (2015) EWCA Civ 1243* Appendix 7, paragraph 28

- 8.5 With regards to development within Conservation Areas, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

- 8.6 Unlike Section 66(1), Section 72(1) of the Act does not make reference to the setting of a Conservation Area. This makes it plain that it is the character and appearance of the designated Conservation Area that is the focus of special attention.

National Planning Policy Framework (February 2019)

- 8.7 The National Planning Policy Framework (NPPF) was published in July 2021 and replaces the majority of Planning Policy Guidance Notes (PPGs), Planning Policy Statements (PPSs) and the former NPPF (February 2019) which in turn superseded the former NPPFs (July 2018, March 2012).
- 8.8 **Paragraph 194** states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. In this case, no issue has been raised with regards to the level of the information provided. There is sufficient information on which a decision can be reached.
- 8.9 **Paragraph 195** states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

- 8.10 **Paragraph 197** states that, in determining planning applications, local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets by putting them to viable uses consistent with their conservation; and the desirability of new development making a positive contribution to local character and distinctiveness.
- 8.11 **Paragraphs 199 and 200** state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. This paragraph also discusses how substantial harm to different assets should be considered. Substantial harm is not alleged in this case.
- 8.12 **Paragraph 201** deals with circumstances where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset. Substantial harm is not alleged in this case.
- 8.13 **Paragraph 202** deals with circumstances where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, confirming that this harm should be weighed against public benefits of the proposal, including, where appropriate, securing its optimum viable use.
- 8.14 **Paragraph 203** deals with circumstances where a development proposal would affect the significance of a non-designated heritage asset, requiring a balanced judgement, having regard to the scale of any harm or loss and the significance of the heritage asset.

National Planning Guidance

- 8.15 The then Department for Communities and Local Government (now the Ministry for Housing, Communities and Local Government (MHCLG)) launched the planning practice web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.

8.16 This also introduced the national Planning Practice Guidance (PPG) which comprised a full and consolidated review of planning practice guidance documents to be read alongside the NPPF.

8.17 The PPG has a section on the subject of *'Conserving and enhancing the historic environment'* which at paragraph 007 (ID: 18a-007-20190723 revision date 23.07.2019) confirms that consideration of *'significance'* in decision taking and states:

"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."

8.18 In terms of assessment of substantial harm, paragraph 018 (ID: 18a-017-20190723 revision date 23.07.2019) confirms that whether a proposal causes substantial harm will be a judgement for the individual decision taker having regard to the individual circumstances and the policy set out within the NPPF. It goes on to state:

"In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting."

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm."

Local Planning Policy

- 8.19 Local planning policy relating to the Historic Environment is contained in the Joint Core Strategy of 2017, Policy SD8: Historic Environment.

POLICY SD8: HISTORIC ENVIRONMENT

1. The built, natural and cultural heritage of Gloucester City, Cheltenham town, Tewkesbury town, smaller historic settlements and the wider countryside will continue to be valued and promoted for their important contribution to local identity, quality of life and the economy;
2. Development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment;
3. Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place. Consideration will also be given to the contribution made by heritage assets to supporting sustainable communities and the local economy. Development should aim to sustain and enhance the significance of heritage assets and put them to viable uses consistent with their conservation whilst improving accessibility where appropriate;
4. Proposals that will secure the future conservation and maintenance of heritage assets and their settings that are at risk through neglect, decay or other threats will be encouraged. Proposals that will bring vacant or derelict heritage assets back into appropriate use will also be encouraged;
5. Development proposals at Strategic Allocations must have regard to the findings and recommendations of the JCS Historic Environment Assessment (or any subsequent revision) demonstrating that the potential impacts on heritage assets and appropriate mitigation measures have been addressed.

This policy contributes towards achieving Objectives 1, 2, 4 and 5'.

APPENDIX 3: METHODOLOGY

Key Documents

8.20 Key documents that have been used in the compilation of this Statement comprise:

- *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment*²⁹ (henceforth referred to as *Planning Note 2*);
- *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Second Edition)*³⁰, the key guidance of assessing setting (henceforth referred to as *The Setting of Heritage Assets*);
- *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment*³¹ (henceforth referred to as *Conservation Principles*); and
- *Statements of Heritage Significance, Analysing Significance in Heritage Assets, Historic England Advice Note 12*³².

8.21 This assessment has been informed by the documentation submitted with the planning application, and site visits in 2020.

Assessment of Significance

8.22 In the NPPF, heritage significance is defined 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. For World Heritage Sites, the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance .”

²⁹ *Historic England, 2015, Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment; Appendix 8*

³⁰ *Historic England, 2017, Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets; Core Document 6.3*

³¹ *English Heritage 2008 Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment; Appendix 9*

³² *Historic England 2019 Statements of Heritage Significance, Analysing Significance in Heritage Assets, Historic England Advice Note 12; Appendix 10*

Assessing Value

8.23 *Planning Note 2*³³ gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of significance of a heritage asset. In order to do this, *Planning Note 2* also advocates considering the four types of heritage value an asset may hold (page , as identified in *Conservation Principles*³⁴; aesthetic, communal, historic and evidential. These essentially cover the heritage 'interests' given in the glossary of the NPPF and online Planning Practice Guidance, which comprise **archaeological, architectural, artistic and historic interest**. The most-recently issued guidance on assessing heritage significance, Historic England's *Statements of Heritage Significance* (October 2019)³⁵, advises using the terminology of the NPPF and Planning Practice Guidance, and so that terminology has been used in this Proof.

8.24 *The online Planning Practice Guidance* provides further information on the heritage values it identifies³⁶:

- **Archaeological interest** There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.
- **Architectural and artistic interest** These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skills, like sculpture.

³³ Historic England, 2015, *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment*, Appendix 8

³⁴ English Heritage 2008 *Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment*, Appendix 9

³⁵ Historic England 2019 *Statements of Heritage Significance, Analysing Significance in Heritage Assets*, Historic England Advice Note 12; Appendix 10

³⁶ *Online Planning Practice Guidance on the Historic Environment*, Paragraph: 006 Reference ID: 18a-006-20190723 C

- **Historic Interest** An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.

8.25 Significance results from a combination of any, some or all of the values described above.

8.26 Listed Buildings are designated for their special architectural and historic interest.

Setting and significance

8.27 As defined in the NPPF:

"Significance derives not only from a heritage asset's physical presence, but also from its setting." (NPPF Annex 2).

8.28 Setting is defined 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 contribute to the significance of an asset, may affect the ability to appreciate that significance or may be neutral." (Annex 2)

8.29 Setting is not, in itself a heritage asset. Rather, setting can contribute to or affect an appreciation of significance or be neutral with regards to heritage values. The importance of the setting is as a component of the significance of the heritage asset.

Assessing change through alteration to setting

8.30 How setting might contribute to these values has been assessed within this report with reference to *GPA Note 3: The Setting of Heritage Assets*³⁷, particularly the checklist given on page 11. *The Setting of Heritage Assets* advocates the clear articulation of 'what matters and why'. This approach is endorsed by Historic England's most recent guidance on Statements of Significance³⁸.

³⁷ Historic England, 2017, *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets*, Core Document 6.3

³⁸ *Historic England 2019 Statements of Heritage Significance, Analysing Significance in Heritage Assets, Historic England Advice Note 12; Appendix 10*

8.31 In *The Setting of Heritage Assets*³⁹, a stepped approach is recommended, of which:

- **Step 1** is to identify which heritage assets and their settings are affected.
- **Step 2** is to assess *'the degree to which these settings and views make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated'*. Four primary considerations are listed, comprising: the asset's physical surrounds; the asset's intangible associations and patterns of use; the contribution made by noises and smells; and the ways views allow the significance of an asset to be appreciated. The guidance includes a (non-exhaustive) check-list of elements of the potential attributes of a setting that may help elucidate its contribution to significance, among other things: topography, aspect, other heritage assets, green space, formal design, functional relationships, and degree of change over time. It also lists points associated with the experience of the asset which might be considered, including: surrounding landscape/townscape character, views, intentional intervisibility, dominance, tranquillity, sense of enclosure, accessibility, rarity and cultural associations.
- **Step 3** is to assess the effect of the proposed development, whether beneficial or harmful, on the significance or on the ability to appreciate it.
- **Step 4** is *'Explore ways to maximise enhancement and avoid or minimise harm'*.
- **Step 5** is *'Make and document the decision and monitor outcomes'*.

8.32 A Court of Appeal judgement⁴⁰ has recently confirmed that whilst issues of visibility are important when assessing setting, other factors should also be considered, with Lindblom LJ stating at paragraphs 25 and 26 of the judgement (referring to an earlier Court of Appeal judgement):

³⁹ Historic England, 2017, *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets*, Core Document 6.3

⁴⁰ *Catesby Estates Ltd v. Steer*, EWCA Civ 1697, 2018, Appendix 11

Paragraph 25 - But – again in the particular context of visual effects – I said that if “a proposed development is to affect the setting of a listed building there must be a distinct visual relationship of some kind between the two – a visual relationship which is more than remote or ephemeral, and which in some way bears on one’s experience of the listed building in its surrounding landscape or townscape” (paragraph 56).

Paragraph 26 - This does not mean, however, that factors other than the visual and physical must be ignored when a decision-maker is considering the extent of a listed building’s setting. Generally, of course, the decision-maker will be concentrating on visual and physical considerations, as in Williams (see also, for example, the first instance judgment in R. (on the application of Miller) v North Yorkshire County Council [2009] EWHC 2172 (Admin), at paragraph 89). But it is clear from the relevant national policy and guidance to which I have referred, in particular the guidance in paragraph 18a-013-20140306 of the PPG, that the Government recognizes the potential relevance of other considerations – economic, social and historical. These other considerations may include, for example, “the historic relationship between places”. Historic England’s advice in GPA3 was broadly to the same effect.

Levels of significance

8.33 In accordance with the levels of significance articulated in the NPPF, four levels of significance are identified:

- **Designated heritage assets of the highest significance**, as identified in paragraph 194 of the NPPF comprising Grade I and II* Listed buildings; Grade I and II* Registered Parks and Gardens; Scheduled Monuments; Protected Wreck Sites and Registered Battlefields (and also including some Conservation Areas);
- **Designated heritage assets of less than the highest significance**, as identified in paragraph 194 of the NPPF, comprising Grade II Listed buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas);
- **Non-designated heritage assets;**

- Sites, buildings or areas of **no heritage significance**.

Assessment of harm

8.34 In order to relate to key policies, the following levels of harm may potentially be identified:

- **Substantial harm or total loss** - It has been clarified in a High Court Judgement of 2013⁴¹ that this would be harm that would 'have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced';
- **Less than substantial harm** - Harm of a lesser level than that defined above. The online Planning Practice Guide stipulates that the extent of the harm within this category should be clearly articulated⁴²; and
- **No harm (preservation)** - The principle that preserving means doing no harm was clearly articulated by the House of Lords in 1992⁴³, as well as a High Court Judgement of 2014⁴⁴ which concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, '*preserving*' means doing '*no harm*'.

8.35 For an evaluation of any harm to significance through changes to setting, this assessment follows the methodology given in *The Setting of Heritage Assets*, described above. Fundamental to the methodology set out in this document is stating '*what matters and why*'. Of particular relevance is the checklist given on page 13 of *GPA Note 3: The Setting of Heritage Assets (Second Edition)*.

8.36 It should be noted that this document states that:

"setting is not itself a heritage asset, nor a heritage designation"

⁴¹ EWHC 2847, *R DCLG and Nuon UK Ltd v. Bedford Borough Council*, Appendix 12

⁴² *Planning Practice Guidance on the Historic Environment*, Paragraph 018, reference ID Reference ID: 18a-018-20190723

⁴³ *South Lakeland District Council Appellants v Secretary of State for the Environment and Another Respondents*, [1992] 2 A.C. 14, Appendix 13

⁴⁴ EWHC 1895, *R (Forge Field Society, Barraud and Rees) v. Sevenoaks DC, West Kent Housing Association and Viscount De L'Isle*, Appendix 14

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- 8.37 Hence any impacts are described in terms of how they affect the significance of the heritage asset, and heritage values that contribute to this significance, through changes to setting.