

READING BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURE) (ENGLAND) RULES

2000

SECTION 78 APPEALS

PROOF OF EVIDENCE ON REASON FOR REFUSAL No. 9

**NICK BRIDGLAND, Heritage Director (Lichfields); MA (Hons), MA, FSA
Scot, IHBC, MCIfA**

Appeal by: AVIVA LIFE & PENSIONS UK LIMITED

Appeal Site: Vastern Court, Vastern Road, Reading

Appeal Against: Refusal of Planning Permission by Reading Borough Council for: Outline planning permission with the details of access, appearance, landscaping, layout and scale reserved for later determination. A demolition phase and phased redevelopment (each phase being an independent act of development) comprising a flexible mix of the following uses: Residential (Class C3 and including PRS); Offices (Use Class B1(a); development in Use Classes A1, A2, A3 (retail), A4 (public house), A5 (take away), D1 and D2 (community and leisure); car parking; provision of new plant and renewable energy equipment; creation of servicing areas and provision of associated services, including waste, refuse, cycle storage, and lighting; and for the laying out of the buildings; routes and open spaces within the development; and all associated works and operations including but not limited to: demolition; earthworks; provision of attenuation infrastructure; engineering operations.

Planning Inspectorate Reference: APP/E0345/W/21/3289748

Reading Borough Council Reference: 200328/OUT

Date: March 2022

Contents

1.0	Qualifications and Experience	1
2.0	Proposed Development	3
3.0	Legislative and planning policy framework	4
4.0	Heritage Impact	12
5.0	Policy Tests	19
6.0	Summary and Conclusions	21

Appendices

**Appendix 1 R. (on the application of James Hall and Co Ltd) v City of
Bradford MDC (Case No: CO/1863/2019)**

Appendix 2 Heritage Impact Assessment

1.0 **Qualifications and Experience**

- 1.1 My name is Nick Bridgland and I am a Heritage Director at Lichfields.
- 1.2 I hold an honours degree in Art History from the University of Edinburgh and Master of Arts in Museum Studies from the Courtauld Institute of Art, University of London. I am a full Member of the Institute of Historic Building Conservation, a Fellow of the Society of Antiquaries of Scotland and a full Member of the Chartered Institute for Archaeologists. In total I have worked in the field of heritage for 28 years and during my professional career have looked at many heritage assets of national importance.
- 1.3 Prior to joining Lichfields I led Historic England's Listing team for the North of England for 10 years and before that was an Inspector of Ancient Monuments for Historic Scotland for 13 years. Over my time with national heritage agencies I have advised on the protection and management of the widest possible range of historic buildings, landscapes and archaeological sites.
- 1.4 Using my experience of assessments of heritage significance, conservation planning and historic site management, I have advised on the heritage implications of a broad range of redevelopments; from the reuse of individual buildings to the creation of whole new neighbourhoods in cities as varied as London, Birmingham and Sunderland.
- 1.5 I was not involved in the initial evaluation of the planning application but, since the appeal was lodged, I have reviewed the proposals and the assessments submitted by the appellant.

Scope of my evidence

- 1.6 My evidence focuses on the heritage impact of the proposed development and presents my own assessment of the issues relating to heritage, based on my professional experience in these matters.
- 1.7 My evidence commences with my qualifications and experience. I then introduce the focus my evidence, the heritage implications of the proposals, particularly addressing reason for refusal No.5 (RfR5).
- 1.8 In section 3 I set out the legislation, policy and guidance which is of relevance in assessing the heritage impact of these proposals, explaining how they interrelate, which elements of policy and guidance are particularly pertinent to this case and any particular caselaw which may affect their interpretation.
- 1.9 Section 4 is supported by a Heritage Impact Assessment at Appendix 2 and this informs my evidence relating to the heritage impact of the proposals. At the start of this section, I address issues arising from the heritage impact assessment documentation submitted as part of the application, particularly in the light of the discussion of policy and guidance in Section

3. I then move on to set out what I consider to be a more reliable understanding of the heritage impact of the proposals.

1.10 In Section 5 I set out my findings relating to heritage harm against the key policy tests in the Development Plan and the National Planning Policy Framework before, in Section 6, I provide a summary and conclusion of my evidence.

2.0 Proposed Development

2.1 The appeal relates to the non-determination by Reading Borough Council (RBC) for the following development at Vastern Court, Vastern Road, Reading, planning application reference 200328/OUT:

Outline planning permission with the details of access, appearance, landscaping, layout and scale reserved for later determination. Demolition and redevelopment to comprise: up to 115,000 sqm GEA in one or more land uses comprising: Residential (Class C3 and including PRS); Offices (Use Class B1(a); development in Use Classes A1, A2, A3 (retail), A4 (public house), A5 (take away), C1 (hotel), D1 and D2 (community and leisure); car parking; provision of new plant and renewable energy equipment; creation of servicing areas and provision of associated services, including waste, refuse, cycle storage, and lighting; and for the laying out of the buildings; routes and open spaces within the development; and all associated works and operations including but not limited to: demolition; earthworks; provision of attenuation infrastructure; engineering operations. All development, works and operations to be in accordance with the approved Development Parameters Schedule and Plans.

2.2 Following submission of the appeal, the application was considered at Planning Applications Committee (PAC) on 15 February 2022 where members agreed that had they been able to determine the planning application, they would have refused it for the reasons set out in the report. 12 reasons for refusal were recommended by Officers. Of relevance to my evidence is reason for refusal No. 5 (RfR5), which states:

By virtue of the proposed maximum height and siting of Blocks C and D the proposal would result in a detrimental effect on the setting of and therefore, the significance of the Grade II listed Main building of Reading General Station, the Market Place/London Street Conservation Area and the Grade II Town Council Chamber. The public benefits of the proposals are not considered to outweigh the less than substantial harm caused to the significance of these designated heritage assets. Therefore, the development is contrary to Reading Borough Local Plan (2019) Policies EN1, EN3, EN5, EN6 and Section 16 of the NPPF.*

2.3 My evidence builds on elements within the SoC dated February 2022.

3.0 **Legislative and planning policy framework**

3.1 In this section I summarise the legislation concerning heritage matters relevant to a consideration of the appeal. I also discuss policy and guidance at national and local levels.

Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

3.2 The Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest. As well as setting out the designation of listed buildings and conservation areas this legislation also brings with it a duty regarding the weight which should be accorded to the conservation of these assets in the planning system.

3.3 Section 66(1) of the Act states that in the consideration of proposals for planning permission which affect a listed building or its setting, the local planning authority “*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*”.

3.4 Section 72(1) of the Act requires that when local authorities carry out their planning duties in relation to conservation areas “*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*”.

Historic Buildings and Ancient Monuments Act 1953

3.5 Section 8c of this Act (as amended by the National Heritage Act, 1983) empowers Historic England (Historic Buildings and Monuments Commission for England) to “*compile a register of gardens and other land situated in England and appearing to them to be special historic interest*”. This is the basis for the Register of Parks and Gardens and, unlike the provisions above for listed buildings and conservation areas, there is no requirement in statute for the protection of entries on the Register or how they should be considered in the planning process.

Planning policy

3.6 The detailed heritage policy considerations are set out in the report to committee dated 15 February (CD3.1). This identifies the relevant policies for addressing the heritage considerations concerned with this application (paras 8.103 ff).

National Planning Policy Framework (July 2021) (CD7.36)

3.7 The National Planning Policy Framework (NPPF) (paragraph 189) states that heritage assets “*are an irreplaceable resource, and should be conserved in a manner appropriate to their significance*”.

3.8 NPPF (paragraph 199) requires 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 (and 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.

3.9 This can be seen as responding to the legal duty to have special regard or attention to the preservation of listed building and conservation areas and extending such weighting to all designated heritage assets.

3.10 Significance is defined by the glossary of the NPPF as:

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

3.11 The NPPF (para 200) requires that any harm to the significance of a designated heritage asset should require clear and convincing justification. Para 202 continues that *"where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal"*.

3.12 The policies of the NPPF only recognise two categories of harm to designated heritage assets:

- Substantial Harm: the PPG on Historic Environment July 2019 (CD7.37) para 018¹ advises that *"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"*.
- Less than Substantial Harm: this covers all other harm. The PPG (CD7.37), para 018, explains that *"within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated"*.

3.13 In the NPPF the policy tests for Substantial Harm are the same as for total loss of significance of an asset (Para 201). This underscores that Substantial Harm is a high test and that it is therefore unlikely to be met purely on the grounds of setting.

3.14 As established by caselaw in R. (on the application of James Hall and Co Ltd) v City of Bradford MDC (Case No: CO/1863/2019) (Appendix 1) there

¹ Paragraph: 018 Reference ID: 18a-018-20190723

is no further categorisation below Less than Substantial Harm. In this case, the nature of “negligible harm” was debated. In her findings, Judge Belcher stated that:

There is no intermediate bracket at the bottom end of the less than substantial category of harm for something which is limited, or even negligible, but nevertheless has a harmful impact. The fact that the harm may be limited or negligible will plainly go to the weight to be given to it as recognised in Paragraph 193 NPPF. However, in my judgment, minimal harm must fall to be considered within the category of less than substantial harm.

- 3.15 It follows from this that while an instance of what might be termed “negligible” harm may require only the smallest degree of public benefit to balance it, a balance is still required. It also follows that multiple instances of less than substantial harm might, in aggregate, require greater benefits to balance them. Despite the meaning of the word, *negligible*, instances of such a low degree of less than substantial harm cannot be ignored.

Reading Borough Local Plan 2019 (CD4.1)

- 3.16 Policy EN1 (CD4.11): Protection and Enhancement of the Historic Environment requires that historic features, areas of historic importance and other elements of the historic environment, including their settings will be protected and where possible enhanced. Policy EN1 expects all proposals to protect and where possible enhance the significance of heritage assets and their settings, the historic character and local distinctiveness of the area in which they are located. Proposals should seek to avoid harm in the first instance. Any harm to or loss of a heritage asset should require clear and convincing justification, usually in the form of public benefits.
- 3.17 Policy EN3 (CD4.13): Enhancement of Conservation Areas states that “*the special interest, character and architecture of Conservation Areas will be conserved and enhanced. Development proposals within Conservation Areas must make a positive contribution to local character and distinctiveness. Positive consideration will be given to proposals which take opportunities to enhance the character of conservation areas*”. The proposed development is not within a conservation area and is not therefore required to make a positive contribution to local character and distinctiveness. However, in keeping with the requirements of the NPPF, the rest of this policy is applicable to any development which may affect the *special interest, character and architecture* of a conservation area.
- 3.18 EN5 (CD4.15): Protection of Significant Views with Heritage Interest requires that new development should not harm and, where possible, should make a positive contribution to views of acknowledged historical significance. The policy identified nine views which merit special protection. However, the explanatory text (para 4.2.2 2) states: “*This list is not comprehensive, but aims to include the most significant heritage views in the Borough that are not protected by other policies,*

for instance within a Conservation Area. There are a number of other views in the Borough that are important for other reasons, and these are covered by other designations and documents. ... There are also a number of views of central Reading, in particular including the station area. The Reading Station Area Framework (chapter 7) identifies both longer and shorter distance views that are of importance.”

- 3.19 Policy EN6 (CD4.16): New Development in a Historic Context requires that in areas characterised by heritage assets, the historic environment will inform and shape new development. New development will make a contribution to the historic character of the area by respecting and enhancing its architectural and visual qualities and considering how heritage considerations can influence the design of new development. When determining planning applications for new development, Policy EN6 lists a number of factors which will be taken into consideration.

Other RBC Guidance:

- 3.20 Two documents are of particular relevance to this case:
- Reading Station Area Framework SPD (RSAF) (CD7.1)
 - Reading Tall Buildings Strategy (RTBS) (CD7.44)
- 3.21 Both of these documents identify the site of the development proposals as being suitable for tall buildings. However, both documents caveat this with protection for the historic environment.
- 3.22 The Reading Station Area Framework is an SPD intended to outline broad development principles to guide the planned redevelopment of the area, individual sites, the public realm, and new transport infrastructure.
- 3.23 The Reading Station Area Framework includes references to the Core Strategy Policies that formed part of the development plan when it was drafted. These have now been replaced by the policies in the Reading Borough Local Plan. The RSAF is clear that proposals coming forward within this area are still subject to the policies of the development plan. The RSAF when considering the heritage context of the immediate area reinforces the importance of the station to Reading in Para 12.6.
- The grade II listed Station building is one of Reading’s most prominent historic buildings. The Station Area Framework therefore places the building at the centre of the strategy for the area.*
- 3.24 The Reading Tall Buildings Strategy was prepared in 2008 to determine which locations in Reading would be appropriate for the development of tall buildings. It identified three areas, one of which is the “Station Cluster”, as preferred locations for tall buildings, noting *“that the entirety of these areas would not be appropriate for tall buildings both in terms of potential environmental impacts, and also with regard to market demand”* (p.1).
- 3.25 Para 6.3 of the Reading Tall Buildings Strategy sets as a general principle that *“All tall buildings proposals should ... avoid detrimental impacts*

upon conservation areas and listed buildings ...”. Para 6.2 states that general principles “*are good practice which should always be adhered to when developing tall buildings*”.

- 3.26 Accordingly, while the RSAF and the RTBS allow for the possibility of tall buildings on the site of the proposed development, this does not enable consideration of the impact of development on the site to set aside the issues relating to heritage. Indeed, both documents reiterate that development of tall buildings will still be expected to avoid harm to listed buildings and conservation areas.

Historic England Guidance

- 3.27 Historic England has produced guidance which relates to the management of significance in decision-taking (GPA2) (CD7.22) and the setting of heritage assets (GPA3) (CD7.42). These are all intended to assist the decision-taking of those working with heritage assets, particularly through the planning process. It is common practice to refer to and use these GPAs when assessing planning applications that affect heritage assets.
- 3.28 Additional advice on how to prepare a Statement of Significance is provided in an advice note (HEAN12) (CD7.56).
- 3.29 Historic England has also produced an Advice Note on Tall Buildings (HEAN4) (7.24) which provided more detailed advice on the heritage considerations relating to the location, design and impact of tall buildings.

Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning Note 2 (GPA2) (CD7.22)

- 3.30 Historic England has produced GPA2 to give practical guidance to local authorities and applicants in how to manage significance in the planning process. While, much of the document addresses specific issues such as best practice in managing archaeological sites and the involvement of suitably qualified specialists, it has two particular recommendations which are more fundamental to the issue.
- 3.31 It recommends that a full appraisal of significance should address the nature of significance, the extent of significance and the level of significance. By considering significance in this way it is possible to get a better understanding of the way in which an asset’s significance can be managed, the extent to which it is vulnerable to change and the balance between different aspects of significance and different assets or parts thereof.
- 3.32 It recommends a structured approach to gathering and evaluating the information which can support sound decision-making as required by the NPPF. GPA2 recognises that not all of the stages will be relevant for each case:

- Understand the significance of the affected assets
- Understand the impact of the proposal on that significance
- Avoid, minimise and mitigate impact in a way that meets the objectives of the NPPF
- Justify any harmful impacts in terms of the sustainable development objective of conserving significance and the need for change

The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (GPA3) (7.42)

- 3.33 This guidance from Historic England provides more detailed guidance on the treatment of setting in the planning process. As with the overall thrust of the treatment of heritage in the NPPF, the assessment of impact on setting is not just a question of visual impact but needs to consider the degree to which the setting of a heritage asset contributes to its significance.
- 3.34 The document divides into two parts, the first of which discusses what setting is, how it relates to a variety of related issues including views, curtilage and amenity value. The second half of the document sets out a sequence of steps modelled on the procedures for Environmental Impact Assessment.
- Step 1: Identify which heritage assets and their settings are affected
 - Step 2: Assess the degree to which these settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated
 - Step 3: Assess the effects of the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate it
 - Step 4: Explore ways to maximise enhancement and avoid or minimise harm
 - Step 5: Make and document the decision and monitor outcomes
- 3.35 The processes set out in these documents have been aggregated within the Statement of Common Ground (para 5.55). In order to understand the impact of the proposals it is important to determine:
- The scope of heritage assets which may be affected by the proposals
 - The nature of the significance of these assets (including the contribution made by setting)
 - The nature of the impact on these assets and their setting.
 - The extent to which this impact affects the significance of the heritage assets

HEAN 12 Statements of Significance (CD7.56)

- 3.36 This advice is aimed that the preparation of the initial study of heritage significance which forms the baseline for documents such as Heritage Impact Assessments. It “*emphasises that the level of detail in support of applications for planning permission and listed building consent should be no more than is necessary to reach an informed decision*” (para 2).
- 3.37 The document is not proscriptive in that its recommendations are simply advice and that other approaches may be acceptable, provided they meet legal and policy requirements. However, it does make the point that a statement of significance is less an advocacy document than “*an objective analysis of significance, an opportunity to describe what matters and why, in terms of heritage significance*” (para 10).
- 3.38 It goes on to advise that even in cases of complex analysis the focus of any statement should be qualitative and expert judgement, setting out clear reasoning.

Cases involving more significant assets, multiple assets, or changes considered likely to have a major effect on significance will require a more detailed approach to analysis. Analysis may involve detailed assessment techniques and more complex forms of analysis such as sensitivity matrices and scoring systems. Whilst these may assist analysis to some degree, as significance and impact are matters of qualitative and expert judgement, they cannot provide a systematic answer. Historic England recommends that technical analyses of this type should be seen primarily as material supporting a clearly expressed and non-technical narrative argument that sets out ‘what matters and why’ in terms of the heritage significance of the assets affected, together with the impact of the proposal upon them. (para 14)

HEAN 4 Tall Buildings March 2022 (CD7.24)

- 3.39 This document has been very recently updated. While it has essentially been rewritten, its recommendations for the purposes of assessing the impact of tall buildings remains consistent with the other policy and guidance discussed here.

Conclusion

- 3.40 The legislation, policy and guidance set out above is consistent in its approach.
- The aim of the planning process in relation to heritage is to conserve and enhance its significance.
 - Decisions need to be based on an understanding of the significance of the heritage assets the contribution made to it by setting and the effect that proposed development might have.

- All less than substantial harm to heritage assets needs to be balanced against public benefits
- While the development site has been identified as being suitable for tall buildings, this does not override legal duties and policies regarding the protection the heritage assets.

4.0 Heritage Impact

4.1 This section of my evidence commences with a commentary on the heritage impact assessment submitted in support of the application before moving on to an assessment of impact drawing on Appendix 2.

Issues with the application documentation

4.2 The Application was accompanied by:

- ES Volume 2, Chapter 2A *Built Heritage* (CD1.43)
- Montague Evans, *Baseline Study: Built Heritage Statement - Reading Station Park October 2021* (CD1.41)

4.3 The Baseline Study forms an appendix to the ES Chapter. Under its section on Methodology, it recognises the value of GPA2 and GPA3, identifying the sequence of assessment referred to above (see 3.34 above).

4.4 As agreed in the Statement of Common Ground (para 5.55) for the purposes of this assessment a series of tailored assessment stages (consistent with Historic England guidance) are important for effective assessment. The documentation supporting the application is considered in the light of each of these stages.

The scope of heritage assets which may be affected by the proposals

4.5 The first step of this process is to determine the scope of assets potentially affected. The Baseline Study sets a 500m study area (para 2.5) on the basis of desk-based analysis and site inspection. No Zone of Theoretical Visibility (ZTV) was prepared (despite the recommendations of GPA3, Para 21). The appellant's Townscape and Visual Impact Assessment states at Paragraph 1.18 that "*Zone of Theoretical Visibility (ZTV) mapping was not undertaken due to the urban nature and location of the application site meaning that results would be difficult to interpret*". The HIA which forms Appendix 2 to my evidence makes use of a ZTV map in accordance with the guidance set out here.

4.6 Had such a study been done it might have allowed the appellant to scope out Nos 29 & 31 Caversham Road. It would also have highlighted the potential exposure of Forbury Garden to the development and the framed view from Duke Street (beyond the applicant's study area of 500m).

The nature of the significance of these assets (including the contribution made by setting)

4.7 The Baseline Study having determined a list of assets within scope, set out to identify their significance and the contribution that setting makes to this significance. This is set out in Section 6 of the Baseline Study, taking each heritage asset in turn. However, while the subheadings for each asset are reasonable (Historic Value, Architectural Value, Aesthetic Value, Summary of Significance), the content is in many cases entirely

descriptive, failing to identify the “what matters and why” of each heritage asset sought by HEAN 12 (see 3.37 above); describing a building is not the same as identifying its architectural value.

- 4.8 The entry for each asset does touch on the setting of the particular asset but, again, this is largely descriptive, and does not identify the contribution that setting makes to significance.
- 4.9 Producing a reliable understanding of the significance of heritage assets is the crux of a Statement of Significance and without this, the thread of reasoning in a Heritage Impact Assessment is broken.

The nature of the impact on these assets and their setting.

- 4.10 The assessment of impact is set out in the ES Chapter. This is a highly technical document whose clarity is not helped by having been written by MoLA and then amended by Montagu Evans (Para 2.1A).
- 4.11 However, having been based on a deficient assessment of significance, the assessment of impact on that significance must be questionable. The document does not explain how it has reached its conclusions for each asset, relying heavily on tables which, for each asset accord a ranking for Sensitivity, Magnitude of Impact and Scale of Effect. However, while this process produces a scoring for scale of effect for each heritage asset, there is little explanation of what this actually means for the significance of each asset. Because of the report’s heavy reliance on matrices and scoring, it is not possible to follow a narrative argument which can justify the conclusions reached; what it is about the development which causes this impact and how it affects the significance of the asset .
- 4.12 For a number of buildings (but not the conservation area) there is some discussion of impact but because this does not relate back to a statement of significance it is largely a description of likely visual impact rather than addressing the impact on significance (CD1.43 paras 2.71A to 2.76A). Confusingly, the assessment for 55 Vastern Road claims that the new proposals “*would improve the character of the application site, introduce new high quality public realm and thereby improve the ability to appreciate the locally listed building*” (para 2.76A) but still concludes that this would be a “minor adverse” effect without explaining why.

The extent to which this impact affects the significance of the heritage assets

- 4.13 The ES Chapter concludes that for every asset assessed the effect will be at least “negligible” adverse but none of the impacts are significant effects. Because this is based on an unreliable assessment of significance, it is not possible to interrogate how the conclusions have been reached.
- 4.14 As noted above (para 3.12) the PPG recommends that it is important for the operation of the NPPF policies, to articulate explicitly the extent of harm within the categories of Substantial, or Less Than Substantial. Even though it has identified adverse effects of some degree on all heritage

assets assessed, the documentation has failed to identify what this means in terms of substantial or less than substantial harm.

- 4.15 For the reasons set out here, I find the application documentation to be a partial and unreliable assessment of the heritage impact of the proposed development.

Impact of the proposals

- 4.16 Appendix 2 contains an assessment of the impact of the proposed development on all those heritage assets identified in the appellant's information but also including Forbury Gardens.

- 4.17 The report explains its methodology in relation to government policy and Historic England guidance.

- 4.18 The report sets a scope making use of a ZTV as recommended by Historic England before assessing for each heritage asset:

- Its significance, particularly focusing on the nature and importance of its significance
- The contribution to significance made by setting
- The role of the site in that setting

- 4.19 The proposed development has then been assessed against this baseline concluding that there will be harm to the following assets :

- a moderate degree of less than substantial harm to the Main Building of Reading General Station
- a minor degree of less than substantial harm to the significance of Market Place and London Street Conservation Area
- a minor degree of less than substantial harm to and the Town Council Chamber and Offices with Clock Tower.

- 4.20 As set out in the HIA, in all cases the harm is caused by the taller blocks at the east end of the site; Block C and particularly Block D.

- 4.21 The Main Building of Reading General was built in 1865-7 as a replacement to Brunel's earlier Up Station. It dates from a period in railway development which saw the maturing of the network after the rapid expansion and innovation of the 2nd quarter of the nineteenth century. The combined incentives of civic pressure and commercial rivalry seems to have spurred the Great Western Railway Company to commission a new station which took its place as a public building. Built to face out over a forecourt, considerable attention was given to the detail of the façade and the silhouette with the prominent lantern clock tower. It also originally had finials flanking the pediment and ten well detailed chimneys which added further to its visual impact.

- 4.22 The proposed development will not harm the station's relationship with the nearby Statue of King Edward VII or Great Western House with which it shares group value but its prominence looking over the forecourt will

be greatly reduced by the proposed development (particularly Blocks C and D) rising directly behind it.

- 4.23 This is illustrated in the applicant's Environmental Statement Volume 2, Chapter 1a (CD1.9.13) reproduced below.

Figure 4.1 Visualisation Viewpoint 3: Viewpoint North from Station Square



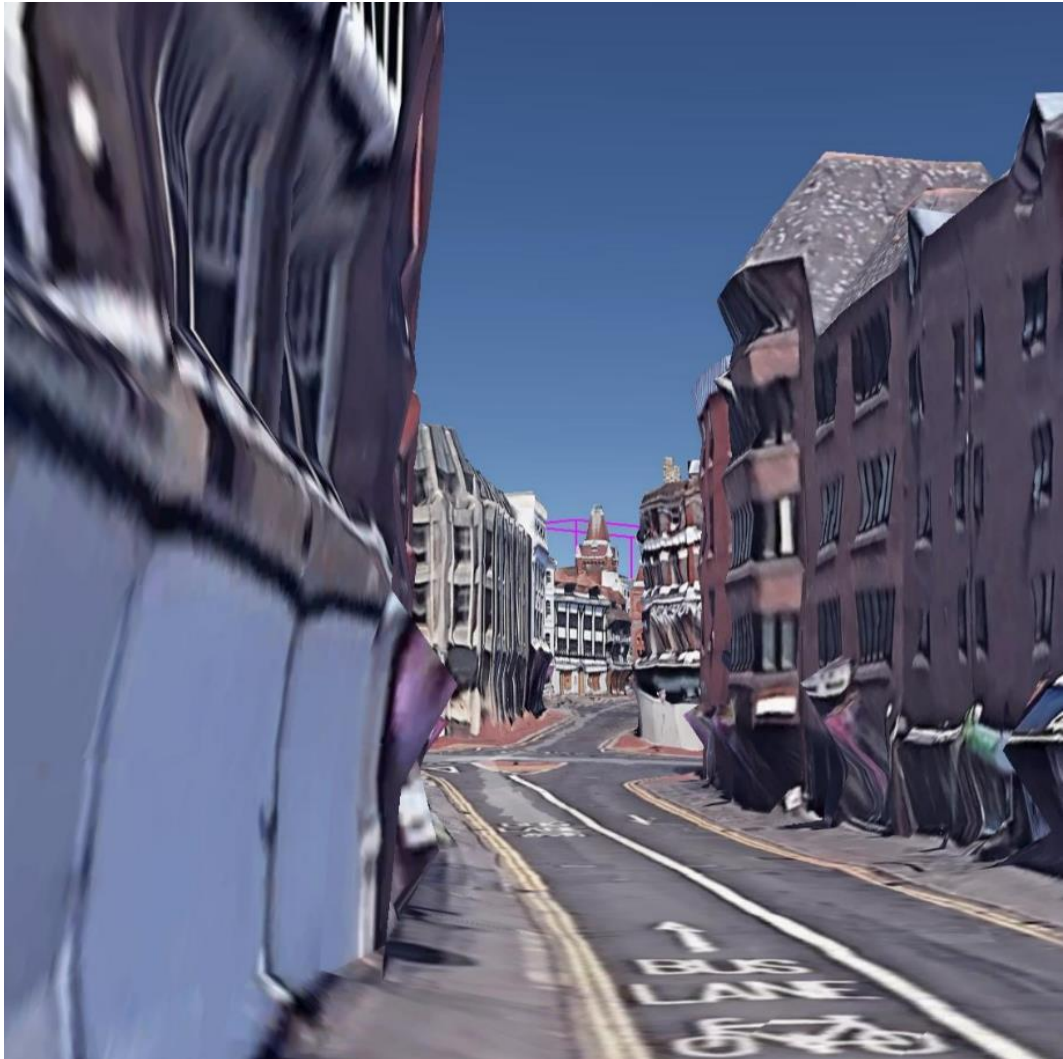
- 4.24 The Market Place and London Street Conservation Area is focused on one of the key north-south routes in medieval Reading, leading from the south directly to the Market Place near the gates of the Abbey. From the bridge over the River Kennet the street pattern tightens and is, effectively a medieval street pattern clothed in later buildings, illustrative of Reading's long history. Key buildings in the conservation area include the Town Hall complex and the medieval churches. Key views in this closely packed area tend to be along streets, particularly where they capture landmark buildings. The view from Duke Street up the High Street to the Market Place is an attractive one with the road winding slightly between a variety of buildings of differing date but unified by a consistent scale. This narrow view frames the tower of the Town Hall Chamber as a marker of the centre of the town.

Figure 4.2 View North from Duke Street



- 4.25 As shown in the ZTV in the Heritage Impact Assessment (Appendix 2) this narrow view will be affected by Block D with the proposed tower rising directly behind the tower of the Town Hall Chamber in this view. While this would not be the only modern building in this view, it would be the first which is out of keeping with the traditional scale of the town and the first to challenge the place of the Town Council Chamber in this view.
- 4.26 The applicant has provided no visualisation of this view (it lies beyond the 500m study area they set themselves) and but rudimentary visualisation was illustrated in the Report to Committee (CD3.1). This is not a verified view, but the modelling used is consistent with the verified views created for the Townscape and Visual chapter of the Environmental Statement. Taken in the context of the Conservation Area as a whole this represents a minor degree of less than substantial harm to the Conservation Area.

Figure 4.3 Visualisation of the Development looking North along Duke Street/High Street



- 4.27 The Town Council Chamber and Offices with Clock Tower is Reading's most important historic civic building dating to the 1870s. By commissioning Alfred Waterhouse to design their new building the town's leaders demonstrated real ambition for Reading. Waterhouse designed a building which is not only highly distinguished in itself but which skilfully recognises its place in the town. The position of the main tower, visible along Friar Street, Blagrove Street and from Duke Street, acts as a beacon marking the centre of town. However, the building also responds to its immediate neighbours, particularly St. Laurence's, creating Town Hall Square which flows into Market Place.
- 4.28 While the view along Duke Street is a secondary view of the Town Council Chamber tower, the intrusion of Block D into this view diminishes this aspect of the listed building's design. As with the Market Place and London Street Conservation area, this represents a minor degree of less than substantial harm.
- 4.29 The Applicant's assessment of impact concludes that there would negligible adverse effect to all assets other than:

- Minor adverse effect to 55 Vastern Road
- Minor/Moderate adverse effect to the Main Building of Reading Station

4.30 As set out above, the applicant's assessment of heritage impact in CD1.41 and CD1.43 has numerous methodological failings which means that it does not follow established guidance from Historic England on the management of significance in decision-taking and should not be relied upon.

4.31 This proposed development, particularly Blocks C and D, will dominate views of the Grade II-listed Main Building of Reading General Station reducing the ability of appreciate it as the prominent public building it was designed to be.

4.32 The impact of Block D in particular on views along Duke Street towards the centre of town will intrude into this view bringing a jarring change of scale to this historic view at the heart of the Conservation Area. This intrusion will also challenge the prominence of the Grade II*-listed Town Hall Chamber building as the symbolic marker of the centre of the town.

5.0 Policy Tests

5.1 This section sets out the implications for the HIA conclusions in terms of the policy test in Section 3 above.

National Planning Policy Framework

5.2 Since the HIA concludes that there will be a degree of less than substantial harm to designated heritage assets this triggers;

- Para 200: requiring clear and convincing justification for harm
- Para 202: requiring the harm to be weighed against the public benefits of the proposal

5.3 In undertaking this balancing exercise, the requirement of paragraph 199 should be borne in mind. This requires that great weight should be placed on the asset's conservation. Irrespective of the degree of harm, the more important the asset the greater this weight should be. In this context, the Town Council Chamber building is a highly regarded building by one of the leading architects of the second half of the nineteenth century which very successfully expresses its role when built as the key civic building in the heart of Reading. Its importance is reflected in its listed status at Grade II*, placing it in the top 9% of listed buildings nationally.

Reading Borough Local Plan

5.4 Policy EN1 requires development in the first instance to protect and, where possible, enhance, the significance of heritage assets. As set out above the proposed development does not achieve this, particularly because of the impact of Blocks C and D. Their visual dominance will reduce the ability to view the Main Building of Reading General Station as a prominent public building. Block D's appearance in views north from Duke Street will represent jarring intrusion into the historic town and reduce the Town Council Chamber's prominence as the symbolic centre of the historic town. As set out in this policy, this is a matter which needs to be addressed through the planning balance which should place great weight on the conservation of designated heritage asset when considering:

- a moderate level of less than substantial harm to the Grade II-listed Railway Station building and
- a low level of less than substantial harm to the Grade II*-listed Town Council Chamber
- a low level of less than substantial harm to the Market Place and London Street Conservation Area.

5.5 Policy EN3 requires the protection and enhancement of conservation areas and Policy EN5 requires that significant views with heritage interest should not be harmed. Para 4.2.22 of the Local Plan notes the relevance

of both longer and shorter distance views, as identified in the Reading Station Area Framework.

- 5.6 The character of a conservation area is made up of a number of contributory factors including its topography, morphology, scale, grain, materials, key building and views. By introducing the jarring scale of Block D into the Duke Street view at the heart of the Market Place and London Street Conservation Area, this proposed development does not achieve the protection and enhancement of the conservation area and harms a significant view with heritage interest.
- 5.7 Policy EN6 requires new development to be sensitive to its historic context, respecting and enhancing its architectural qualities. The proposed development will harm the significance of these designated heritage assets, reducing the ability to appreciate qualities that contribute to their significance. In so doing the proposed development has not shown sensitivity to its historic context and thereby fails to meet the requirements of this policy.
- 5.8 The local plan policies above (EN1, EN3, EN5 and EN6) are those which are noted in the Reason for Refusal No.5. Taken together they address various ways of considering the impact on the historic environment and their application presents a consistent picture of a proposed development which is harmful to the historic environment of Reading.

6.0 Summary and Conclusions

Legislation

- 6.1 The Planning (Listed Building and Conservation Areas) Act 1990 provides the legal basis for the identification and protection of Listed Buildings and Conservation Areas. S.66(1) requires that planning authorities should have “*special regard to the desirability of preserving the [listed] building or its setting or any features of special architectural or historic interest which it possesses*”. Similar provision is made for conservation areas where S.72(1) requires that “*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*”. This places a legal duty relating to the care required to be paid to these heritage assets by local authorities.

Policy Context

- 6.2 The National Planning Policy Framework translates this legal duty into policy requiring that “*great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be)*” (Para 191).
- 6.3 The National Planning Policy Framework also establishes that heritage assets should be conserved in a manner appropriate to their significance (para 189) which the glossary describes as:
- The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting*
- 6.4 When determining the impact of proposals on heritage assets, it is the impact of the development on significance which should be the focus of attention.
- 6.5 The NPPF identifies only two categories of harm to significance: Substantial Harm and Less than Substantial Harm. As the Planning Practice Guidance for the Built Environment (para 018) advises, Substantial Harm is a high test and in the NPPF the tests to justify Substantial Harm are the same as for total loss of the significance of a heritage asset.
- 6.6 Less than Substantial Harm is broader category spanning the full range between no harm and Substantial Harm. The NPPF (para 200) requires that all harm should require clear and convincing justification. For less than substantial harm this may be in the form of other public benefits.
- 6.7 The Reading Local Development Plan (2019) has a suite of historic environment policies which are consistent with those of the NPPF; they seek to ensure that the historic environment is protected and enhanced in accordance with its significance. In addition to a general policy on

the Historic Environment, it includes policies on conservation areas, significant views with heritage Interest and new development in a historic context.

- 6.8 The site of the proposed development lies in an area identified as being suitable for tall buildings in 2008 in the Reading Tall Buildings Strategy. However, on page 1 of this Strategy it is clear that not every part of the identified area will be suitable for a tall building and sets as a general principle that tall buildings should avoid harm to listed buildings and conservation area.
- 6.9 The Reading Station Area Framework is a SPD which sets broad development principles for the area in which the site of the proposed development sits. It emphasises the importance of Reading Station as one of the town's most prominent historic buildings.
- 6.10 Taken together these policies require that the any development should avoid all harm to the significance of relevant heritage assets (including through impact on setting). Where it is not possible to avoid harm to the significance of heritage assets this will require clear and convincing justification.

Guidance

- 6.11 Historic England's guidance sets out the basis for a methodology to assess the significance of heritage assets and the impact that proposed developments may have on that significance. This has informed the methodological steps set out in the Statement of Common Ground (para 5.55). In order to understand the impact of the proposals it is important to determine:
- The scope of heritage assets which may be affected by the proposals
 - The nature of the significance of these assets (including the contribution made by setting)
 - The nature of the impact on these assets and their setting.
 - The extent to which this impact affects the significance of the heritage assets
- 6.12 If this process is followed and set out clearly it should present an understanding of "what matters and why". Establishing the significance of heritage assets and the role that setting contributes to that significance is fundamental to then assessing the impact that a set of proposals might have on that significance. Failing to follow each of these steps could lead to flawed conclusions.

Applicant's Heritage Impact Assessment

- 6.13 The proposals have been accompanied by an assessment of heritage impact which has shortcomings in terms of each of the steps set out above.

- 6.14 In identifying the scope of assessment, the applicant has set a limit of 500m without generating a Zone of Theoretical Visibility of the proposals. This is a recommendation of Historic England in both their guidance on Setting and on Tall Buildings. It would appear that this may explain the omission of the view North from Duke Street in the Market Place and London Street Conservation area from their assessment.
- 6.15 Having identified a number of assets, the assessment of their significance focuses largely on brief descriptions of each asset and its setting, almost completely failing to consider what it is about the asset and its setting that contributes to its significance. Description is not the same as assessing significance and without this the applicant's documentation has presented a seriously flawed baseline of the significance of these heritage assets against which to judge impact.
- 6.16 When addressing impact, the applicant's documentation is highly technical relying on a series of scoring and matrices. While this can be a useful way to address complex situations with large amounts of data, Historic England's advises that an over-reliance on this approach is not a suitable substitute for a clearly expressed and non-technical narrative argument. In this case, having been hampered by the failure to set a clear understanding of the significance of the heritage assets, the assessment appears to focus on visual impact (regardless of its relationship with significance) and draws conclusions which cannot be readily followed.
- 6.17 As a consequence of this flawed approach to defining the scope of assets for assessment, identifying their significance and the contribution made to it by setting and assessing the impact of the proposals on that significance, the applicant's documentation should be relied upon.

Impact of the Proposed Development

- 6.18 Appendix 2 sets out a fuller assessment of the heritage impact of the proposed development aiming to adhere closely to Historic England guidance. It sets out a scope of assessment making use of a Zone of Theoretical Visibility before identifying in turn the significance of each heritage assets and the contribution that setting makes to that significance. This then provides a baseline against which the impact of the proposals can be judged.
- 6.19 The assessment concludes that harm will be caused to three designated heritage assets.
- a moderate degree of less than substantial harm to the Main Building of Reading General Station
 - a minor degree of less than substantial harm to the significance of Market Place and London Street Conservation Area
 - a minor degree of less than substantial harm to and the Town Council Chamber and Offices with Clock Tower.

- 6.20 The Main Building of Reading General is listed at Grade II. It was built in 1865-7 as a replacement to Brunel's earlier Up Station. It dates from a period in railway development which saw the maturing of the railway network after the rapid expansion and innovation of the 2nd quarter of the nineteenth century. The combined incentives of civic pressure and commercial rivalry seems to have spurred the Great Western Railway Company to commission a building which took its place as a public building. Built to face out over a forecourt, attention was given to the detail of the façade and the silhouette with the prominent lantern clock tower. It also originally had finials flanking the pediment and ten well detailed chimneys which added further to its visual impact. The proposed development would introduce two tall buildings directly behind the station building when viewed from the forecourt, greatly reducing the prominence that the stations was designed to have. I regard this as representing a moderate degree of less than substantial harm to this Grade II listed building.
- 6.21 The Market Place and London Street Conservation Area is focussed on one of Reading's key medieval streets, leading from the south into the town directly to the Market Place and the vicinity of the Abbey gates. It is a varied streetscape. North of the River Kennet it is essentially a medieval streetplan populated by later buildings. There is considerable variety of building styles in this part of the conservation area but general consistency of scale and grain. Key views within this part of the conservation area are generally along the streets, particularly where they frame key buildings such as the Town Hall complex or the churches of the conservation area. The view north from Duke Street is an attractive one as the road winds slightly uphill toward Market Place with the tower of the Town Hall Chamber framed in the distance. Block D of the proposed development will intrude in this view directly behind the tower of the Town Hall Chamber. While this would not be the first modern building in this view, it would be the first to disrupt the traditional scale and grain seen here. This needs to be seen in the context of the significance of the conservation area as a whole and I regard this as representing a low degree of less than substantial harm to the conservation area.
- 6.22 The Town Hall Chamber and Offices with Clock Tower is a Grade II* listed building. It is Reading's most important historic civic building reflecting the energy and ambition of the Victorian authorities. It was constructed in 1872-6 to designs by Alfred Waterhouse, one of the leading architects of his generation. It is a highly distinguished building in terms of its design and ornamentation but also in how it responds to its place in the town. The tower, in particular, is visible from a number of key streets, including Duke Street/High Street, where it acts a symbolic marker for the centre of the town. The appearance of the Block D in this view from Duke Street will reduce the ability to appreciate this carefully contrived landmark role of the Town Hall Chamber. In the context of the Town Hall Chamber's overall significance, I regard this as a low level of less than substantial harm to this Grade II* listed building.

Assessment against policy

- 6.23 By causing harm to the significance of these designated heritage assets means the proposals do not meet the requirements of the local plan policies aimed at safeguarding the historic environment. This is a proposal which:
- fails to protect or enhance the significance of heritage assets (EN1);
 - fails to protect and enhance conservation areas (EN3);
 - harms significant views with heritage interest (EN5); and
 - is not sensitive to its historic context (EN6)
- 6.24 Both Local Development Plan Policy EN1 and paragraph 202 of the NPPF allow for harm to be justified through the other benefits of a scheme. This is part of the planning balance. However, as paragraph 199 of the NPPF states great weight should be placed on the asset's conservation and the more important the asset the greater this weight should be. The effected assets area all designated heritage assets and the Town Hall Chamber is listed at Grade II*. It is therefore of High value and any harm it is significance should be accorded greater weight in the balance.

Conclusions

- 6.25 The application for the proposed development has been accompanied by an unreliable assessment heritage impact.
- 6.26 My evidence has provided a heritage impact assessment which conforms with Historic England guidance and sets out its reasoning for each conclusion.
- 6.27 This has concluded that the proposed development at Vastern Road would result in:
- a moderate degree of less than substantial harm to the Main Building of Reading General Station (Grade II). This is one of Reading's most prominent public buildings, of interest in the development of railways and Reading more specifically.
 - a minor degree of less than substantial harm to the significance of Market Place and London Street Conservation Area. This is the core the medieval town and the intrusion of Block D into the key view along Duke Street toward the Market Place would represent a jarring change to the current scale of buildings in this view.
 - a minor degree of less than substantial harm to the significance of and the Town Council Chamber and Offices with Clock Tower (Grade II*). This is Reading's most important civic building designed to express the energy and ambition of the town council and act as the symbolic centre for of the town. By disrupting its prominence in views from Duke Street this aspect of the Town Hall Chamber's significance would be reduced.

- 6.28 On this basis the proposed development fails to meet the requirements of the NPPF or identified policies of the Reading Borough Local Plan.
- 6.29 Whether such harm may be justified is a matter which needs to be addressed through the planning balance; placing great weight on the conservation of designated heritage assets: a moderate level of less than substantial harm to the Grade II-listed Railway Station building and a low level of less than substantial harm to the Grade II*-listed Town Council Chamber and the Market Place and London Street Conservation Area. Mr Jupp's evidence addresses this planning balance.

**Appendix 1 R. (on the application of James Hall
and Co Ltd) v City of Bradford MDC (Case No:
CO/1863/2019)**

Appendix 2 Heritage Impact Assessment

Lichfields. Vastern Court, Heritage Impact Assessment, March 2022

