

READING MARKET

PLANNING AND HERITAGE STATEMENT

PREPARED BY PEGASUS GROUP
ON BEHALF OF BLUE COLLAR VENTURES

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

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1. Introduction

- 1.1 Pegasus Group have been commissioned by Blue Collar Ventures to prepare a Planning and Heritage Statement to consider the proposed new food and drink quarter at Hosier Street Market, Reading, as shown on the Site Location Plan provided at Plate 1.

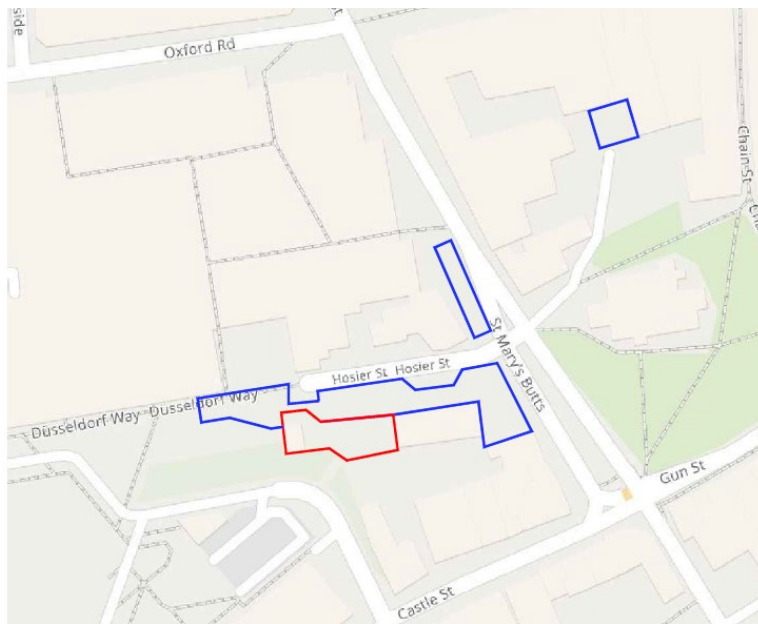


Plate 1: Site Location Plan.
Site outlined in red.

- 1.2 The Site is located within the Reading Minster Quarter Area on

the south side of Hosier Street. It is currently used as a storage area for the Hosier Street Market.

- 1.3 There are no designated heritage assets within the Site, however it does abut the boundary of the St Mary's Butts and Castle Street Conservation Area and is located c. 10m north-west of the Grade II* Listed St Mary's Church, Castle Street.
- 1.4 This statement considers the planning merits of the proposed development and also provides information with regards to the significance of the historic environment to fulfil the requirement given in paragraph 189 of the Government's National Planning Policy Framework (the NPPF¹) which requires:

*"an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting."*²

- 1.5 In order to inform an assessment of the acceptability of the scheme in relation to impacts to the historic environment, following paragraphs 193 to 197 of the NPPF, any harm to the historic environment resulting from the proposed development is also described, including impacts to significance through changes to setting.

¹ Ministry of Housing, Communities and Local Government (MHCLG), *National Planning Policy Framework (NPPF)* (London, February 2019).

² MHCLG, *NPPF*, paragraph 189.

- 1.6 As required by paragraph 189 of the NPPF, the detail and assessment in this Report is considered to be “*proportionate to the asset’s importance*”³.

Company Background

- 1.7 Blue Collar Ventures are award-winning, Reading based, event organisers, with experience in running large scale events and markets. Alongside their summer events in Forbury Gardens, they have successfully brought The British Street Food Awards to Reading (hosting both the Southern Heats and UK Final), previously managed and operated the outside catering at Reading Football Club on match days and run regular street food markets across Reading: in Market Place every Wednesday & Friday and monthly at Thames Valley Park and Winnersh Triangle. They run a number of high-profile events and have established partnerships with community sector partners including theatre groups, music festivals & family led events.
- 1.8 They have:
- Extensive experience in managing street food traders and creating innovative & unique spaces.
 - Over 100 different street food traders on their waiting list for events.
 - A strong existing relationship with Reading Borough

Council.

- Consistently high footfall at their street food events and markets across Reading.
- An existing customer base in Reading that attracted an approximate footfall of over 30,000 people over the course of six street food festivals in Forbury Gardens in 2017, and a further 36,000 people across their events in 2018 and 40,000 in 2019.
- A mailing list and combined social media following of over 9,000 people - predominately through the success of their Reading events.
- Employed local people (every member of staff employed lives in the Reading area), alongside providing work for local street food traders and independent businesses at their events.
- Pride of Reading Award Winners in 2018.
- Working relationships with partners including Reading Borough Council Licensing, Events Team, Environmental Health & Protection, Leisure & Recreation service & members of Reading’s Safety Advisory Group, including blue light services.

³ MHCLG, NPPF, paragraph 189.

2. Site Description and Planning History

- 2.1 The Site covers an area of 542.6 m² (0.054 ha) and is currently hard standing used for storage in association with the Hosier Street Market (Plate 2).
- 2.2 Its boundary is defined by modern brick walling, metal fencing and timber boarding.
- 2.3 There are two portacabins within the easternmost part of the Site, while the remainder of the Site contains discarded materials and rubbish.



Plate 2: View to the Site from Hosier Street.

Site Development

- 2.4 The Site is located to the south of Hosier Street, historically known as Hosier Lane, which was a former medieval trade street.⁴
- 2.5 The 1838 Tithe Map for the Parish of St Mary, Reading (Plate 3), indicates that the Site was located within Plot 316. This plot is listed in the tithe apportionment as being exempt from payment of any portion of the rent-charge. The function of the Site at that time is unclear, although it appears to have been associated with St Mary's Church, Castle Street (unlabelled), to the south-east, which would explain its exemption from the tithe.



Plate 3: 1838 Tithe Map for the Parish of St Mary, Reading. Site outlined in red. Source: The Genealogist.

⁴ Ron Baxter, *The Royal Abbey of Reading* (Woodbridge, 2016), p. 15.

2.6 The First Edition (1879) Ordnance Survey map (Plate 4) shows that the western part of the Site was occupied by a Methodist Chapel. Meanwhile, the central and eastern parts of the Site contained various buildings and yards. An 1879 Ordnance Survey Town Plan of Reading (not reproduced due to copyright) labels the yard immediately east of the Methodist Chapel (within the central part of the Site) as 'White Lion Yard', which suggests some association with the Lion Brewery located north of the Site on the opposite side of Hosier Street.

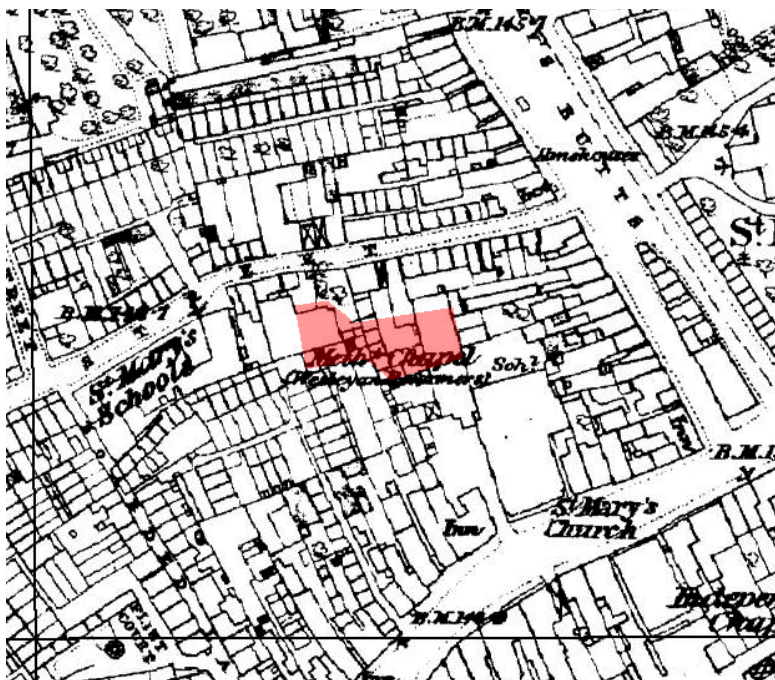


Plate 4: 1879 First Edition Ordnance Survey map.
Site shaded red.

2.7 The Second Edition (1899) Ordnance Survey map (Plate 5) shows that the Methodist Chapel had been extended on its eastern elevation and there had been a reconfiguration of the structures located within the centre of the Site (unlabelled). A fire station is labelled beyond the Site to the north, but otherwise there had been little change in the surrounding area.

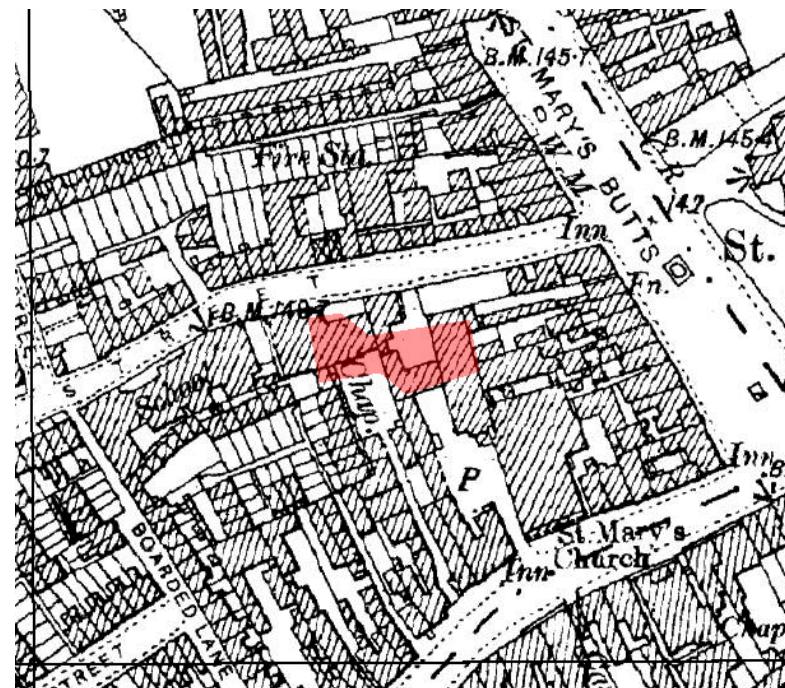


Plate 5: 1899 Second Edition Ordnance Survey map.
Site shaded red.

2.8 The 1912 and 1931 Ordnance Survey maps and an aerial photograph taken in 1928 (Plate 6 & Plate 7) illustrate increased built development within the central part of the Site, however these new buildings are unlabelled on the maps. Within the vicinity of the Site, there had been little change and nothing of special note.

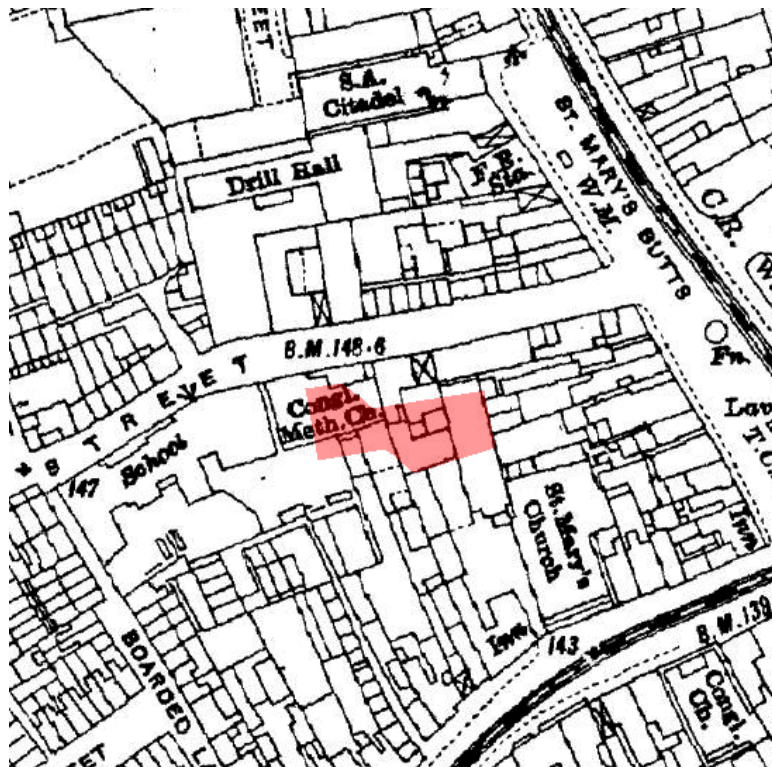


*Plate 6: 1931 Ordnance Survey map.
Site shaded red.*



*Plate 7: 1928 aerial photograph of Reading looking north.
Approximate location of Site shaded red.
Source: Britain From Above, ref. EPW022681.*

2.9 The 1957-60 Ordnance Survey map (Plate 8) illustrates two notable changes within the Site, namely the reconfiguration of the structures within the central part and their conversion to a public house called the Butcher's Arms, and the demolition of the large rectangular building that previously stood in the eastern part of the Site.

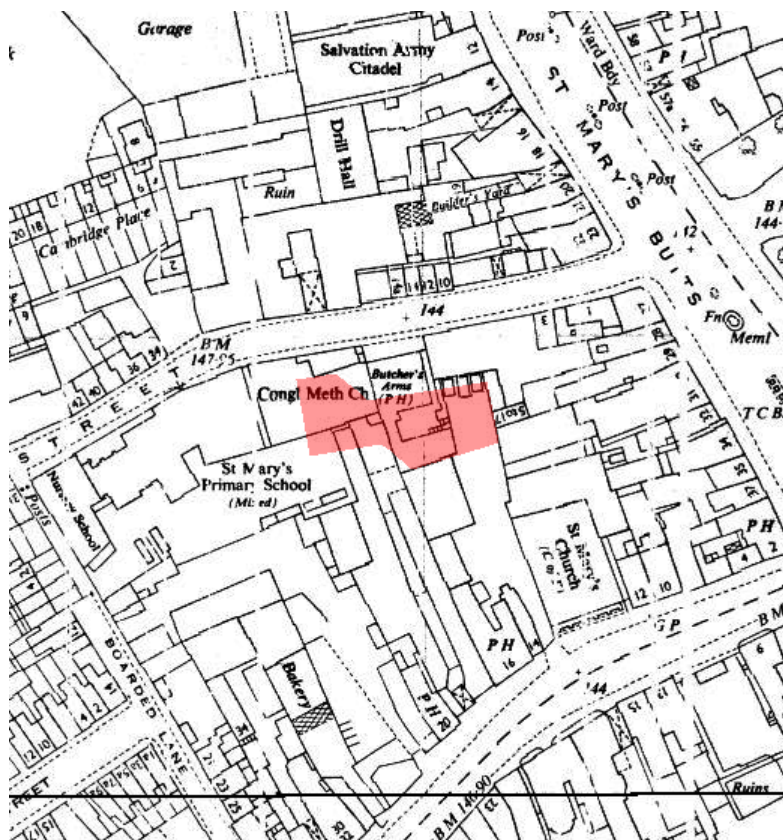


Plate 8: 1957–60 Ordnance Survey map.
Site shaded red.

2.10 A major redevelopment of the Site and its immediate surrounds took place in the 1970s (Plate 9): the Site was cleared of all existing buildings; Hosier Street was severed; an electricity substation was erected to the east of the Site; the Broad Street Mall and associated multi-storey car park were built to the north-west; the Civic Centre was established to the west; and a new access road and Magistrates Court were constructed to the south. The 1972–1988 Ordnance Survey map shows that a public toilet block had been built within the western part of the Site.

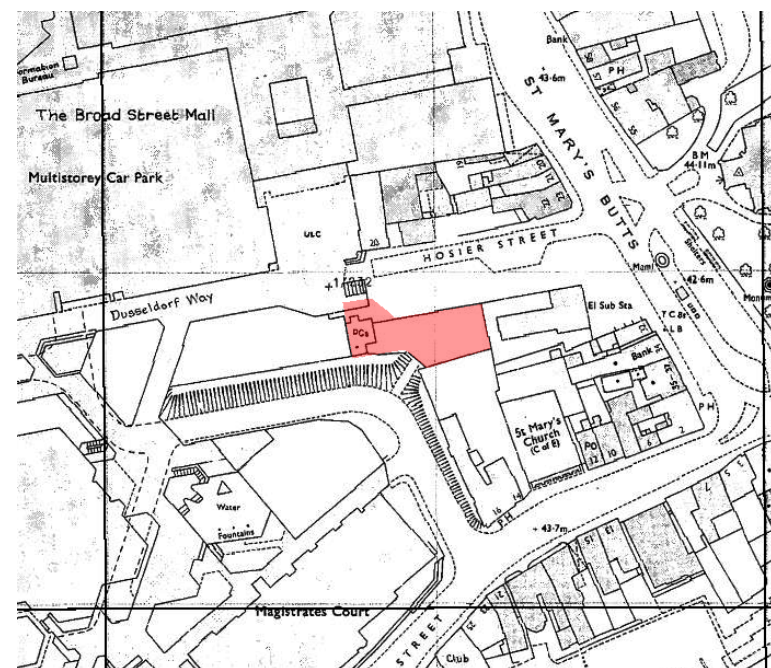


Plate 9: 1972–88 Ordnance Survey map.
Site shaded red.

- 2.11 Satellite imagery shows that the Site has changed very little since 2003. Two portacabin buildings (still extant) were erected within the easternmost part of the Site in the late 20th century or the beginning of the 21st century. It appears that the Site has predominantly been used for parking vehicles in association with market stalls to the north. The public toilets within the western part of the Site were demolished c. 2017.



*Plate 10: 2018 satellite image.
Site outlined in red.
Source: Google Earth Pro.*

Planning History

- 2.12 No site specific planning history for the Site was identified within recent planning history records held online by Reading Borough Council.
- 2.13 However, temporary Planning Permission was granted for a similar operation within the south court of the Broad Street Mall, to the north west of the application site, under application reference 171230, approved in January 2018. This permission was for a fixed period of 5 years and has yet to be implemented.

3. Proposed Development

3.1 The application seeks Planning Permission for the redevelopment of a 542.6 m² (0.054 ha) storage area into a food and drink quarter with associated structures and hard and soft landscaping. The proposals would operate alongside the existing market outside of the site boundaries, but which form part of the wider site under the control of the applicant.

3.2 The full schedule of works is as follows:

- **The clearing of the Site, which is currently hard standing containing two portacabins, metal and timber fencing, and rubbish;**
- **The installation of 7no. shipping containers and the refurbishment and decoration of these to provide permanent commercial units, a bar and toilet facilities;**
- **The installation of 5no. beach huts for use in association with the commercial units;**
- **The provision of outside seating at ground floor level and additional seating at first floor level (on top of the shipping containers);**
- **The erection of 2no. staircases to enable access to additional seating areas above the shipping containers;**
- **The construction of a covered pergola structure across most of the ground floor level, with this to be decorated with plant, vines and festoon lighting;**

- **The creation of a pedestrian access point at the northern boundary of the Site (to accompany existing disabled and emergency vehicle access points) with an entrance gate and signage;**
- **The erection of 6ft-high fencing around the perimeter of the Site, to be decorated with artwork/graphics;**
- **The construction of a partitioned refuse store and storage in the north-west corner of the Site; and**
- **The introduction of soft landscaping throughout the site.**

3.3 The proposals are detailed on the following plans which form the application package and which this assessment considers:

- **Block Plan and Site Location Plan**
- **Proposed Site Plan**
- **Proposed Ground Floor Plan**
- **Proposed First Floor Plan**
- **Proposed Elevations**
- **Visualisations**

- 3.4 Overall, the proposals will bring greenery and vibrancy to an area that is currently a run-down and unattractive storage area.
- 3.5 The proposals are illustrated on the submitted plans, as well as the following artists impressions.

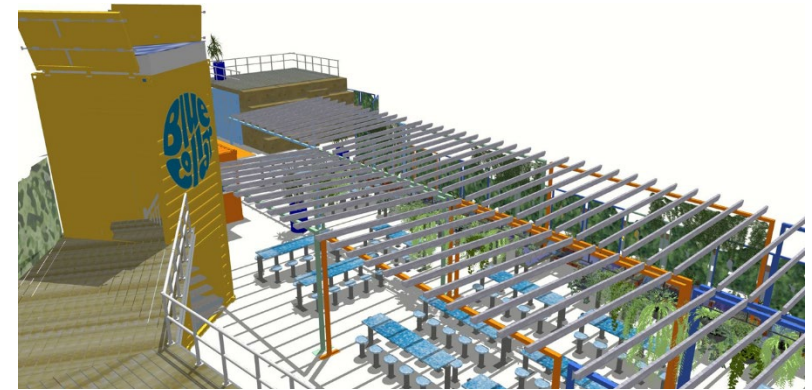
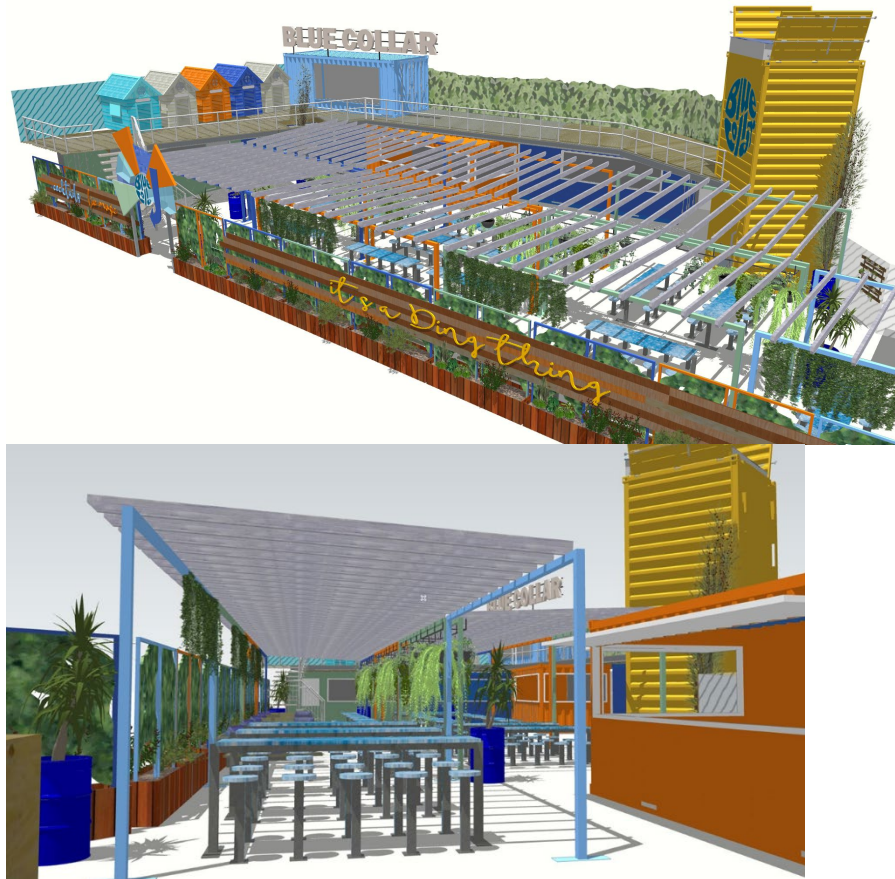


Plate 11: 3d Visualisations

4. Heritage Assessment Methodology

- 4.1 The aims of this Statement are to set out the planning merits of the proposals and to assess the contribution that the site makes to the heritage significance of the surrounding identified heritage assets. It will also identify any harm or benefit to them which may result from the implementation of the development proposals, along with the level of any harm caused, if relevant, and provide a balanced judgement as to the acceptability of the proposals.

Sources

- 4.2 The following key sources have been consulted as part of this assessment:

- **The National Heritage List for England for information on designated heritage assets;**
- **Historic Environment Record (HER) data accessed online via Heritage Gateway;**
- **The St Mary's Butts/Castle Street Conservation Area Appraisal as prepared by Reading Borough Council⁵;**
- **Historic cartographic sources; and**
- **Online resources including aerial photographs**

⁵ Reading Borough Council, *St Mary's Butts/Castle Street Conservation Area Appraisal* (March 2008).

and Google Earth satellite imagery.

- 4.3 Heritage assets in the wider area were assessed as deemed appropriate (see Section 6).

Site Visit

- 4.4 A site visit was undertaken by a Heritage Consultant from Pegasus Group on 4th February 2020, during which the site and its surrounds were assessed. Selected heritage assets were assessed from publicly accessible areas.

- 4.5 The visibility on this day was clear. Surrounding vegetation was not fully in leaf at the time of the site visit and thus a clear indication as to potential intervisibility between the site and the surrounding areas could be established.

Assessment of significance

- 4.6 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.”⁶

4.7 Historic England’s *Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2*⁷ (hereafter GPA 2) 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.

4.8 In order to do this, GPA 2 also advocates considering the four types of heritage value an asset may hold, as identified in English Heritage’s *Conservation Principles*.⁸ These essentially cover the heritage ‘interests’ given in the glossary of the NPPF⁹ and the online Planning Practice Guidance on the Historic Environment¹⁰ (hereafter ‘PPG’) which are **archaeological**, **architectural and artistic** and **historic**.

4.9 The PPG provides further information on the interests it identifies:

- **Archaeological interest:** “As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past

⁶ MHCLG, *NPPF*, p. 71.

⁷ Historic England, *Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2* (2nd edition, Swindon, July 2015).

⁸ English Heritage, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008). These heritage values are identified as being ‘aesthetic’, ‘communal’, ‘historical’ and ‘evidential’, see *idem* pp. 28–32.

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.”
- **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.”¹¹

4.10 Significance results from a combination of any, some or all of the interests described above.

4.11 The most-recently issued guidance on assessing heritage significance, Historic England’s *Statements of Heritage Significance: Analysing Significance in Heritage Assets*, Historic

⁹ MHCLG, *NPPF*, p. 71.

¹⁰ Ministry of Housing Communities and Local Government (MHCLG), *Planning Practice Guidance: Historic Environment (PPG)* (revised edition, 23rd July 2019), <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>.

¹¹ MHCLG, *PPG*, paragraph 006, reference ID: 18a-006-20190723.

England Advice Note 12,¹² advises using the terminology of the NPPF and PPG, and thus it is that terminology which is used in this Report.

- 4.12 Listed Buildings and Conservation Areas are generally designated for their special architectural and historic interest. Scheduling is predominantly, although not exclusively, associated with archaeological interest.

Setting and significance

- 4.13 As defined in the NPPF:

*"Significance derives not only from a heritage asset's physical presence, but also from its setting."*¹³

- 4.14 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 make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."*¹⁴

- 4.15 Therefore, setting can contribute to, affect an appreciation of significance, or be neutral with regards to heritage values.

¹² Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets*, Historic England Advice Note 12 (Swindon, October 2019).

¹³ MHCLG, *NPPF*, p. 71.

¹⁴ MHCLG, *NPPF*, p. 71.

Assessing change through alteration to setting

- 4.16 How setting might contribute to these values has been assessed within this Report with reference to *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3*¹⁵ (henceforth referred to as 'GPA 3'), particularly the checklist given on page 11. This advocates the clear articulation of "what matters and why".¹⁶
- 4.17 In GPA 3, 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 whether, how and to what degree settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated. The guidance includes a (non-exhaustive) checklist of elements of the physical surroundings of an asset that might be considered when undertaking the assessment including, among other things: topography, other heritage assets, green space, functional relationships and degree of change over time. It also lists aspects associated with the experience of the asset which might be considered, including: views, intentional intervisibility, tranquillity, sense of enclosure, accessibility, rarity and land use.
- 4.18 Step 3 is to assess the effect of the proposed development on the significance of the asset(s). Step 4 is to explore ways to

¹⁵ Historic England, *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3* (2nd edition, Swindon, December 2017).

¹⁶ Historic England, *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3* (2nd edition, Swindon, December 2017), p. 8.

maximise enhancement and minimise harm. Step 5 is to make and document the decision and monitor outcomes.

- 4.19 A Court of Appeal judgement has confirmed that whilst issues of visibility are important when assessing setting, visibility does not necessarily confer a contribution to significance and also that factors other than visibility should also be considered, with Lindblom LJ stating at paragraphs 25 and 26 of the judgement (referring to an earlier Court of Appeal judgement)¹⁷:

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

- 4.20 Descriptions of significance will naturally anticipate the ways in which impacts will be considered. Hence descriptions of the significance of Conservation Areas will make reference to their special interest and character and appearance, and the significance of Listed Buildings will be discussed with reference to the building, its setting and any features of special architectural or historic interest which it possesses.
- 4.21 In accordance with the levels of significance articulated in the NPPF and the PPG, three 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, World Heritage Sites and Registered Battlefields (and also including some Conservation Areas) and non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments, as identified in footnote 63 of the NPPF;
 - **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

¹⁷ *Catesby Estates Ltd. V. Steer* [2018] EWCA Civ 1697, para. 25 and 26.

some Conservation Areas); and

- **Non-designated heritage assets.** Non-designated heritage assets are defined within the PPG as "buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets".¹⁸

4.22 Additionally, it is of course possible that sites, buildings or areas have **no heritage significance**.

Assessment of harm

4.23 Assessment of any harm will be articulated in terms of the policy and law that the proposed development will be assessed against, such as whether a proposed development preserves or enhances the character or appearance of a Conservation Area, and articulating the scale of any harm in order to inform a balanced judgement/weighting exercise as required by the NPPF.

4.24 In order to relate to key policy, the following levels of harm may potentially be identified for designated heritage assets:

- **Substantial harm or total loss.** It has been clarified in a High Court Judgement of 2013 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";¹⁹ and

- **Less than substantial harm.** Harm of a lesser level than that defined above.

4.25 With regards to these two categories, the PPG states:

*"Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated."*²⁰

4.26 Hence, for example, harm that is less than substantial would be further described with reference to where it lies on that spectrum or scale of harm, for example low end, middle of the spectrum and upper end of the less than substantial harm scale.

4.27 With regards to non-designated heritage assets, there is no basis in policy for describing harm to them as substantial or less than substantial, rather the NPPF requires that the scale of any harm or loss is articulated. As such, harm to such assets is articulated as a level of harm to their overall significance, with levels such as negligible, minor, moderate and major harm identified.

4.28 It is also possible that development proposals will cause **no harm or preserve** the significance of heritage assets. A High Court Judgement of 2014 is relevant to this. This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation

¹⁸ MHCLG, PPG, paragraph 039, reference ID: 18a-039-20190723.

¹⁹ *Bedford Borough Council v Secretary of State for Communities and Local Government* [2013] EWHC 2847 (Admin), para. 25.

²⁰ MHCLG, PPG, paragraph 018, reference ID: 18a-018-20190723.

Area, 'preserving' means doing 'no harm'.²¹

4.29 Preservation does not mean no change; it specifically means no harm. GPA 2 states that "*Change to heritage assets is inevitable but it is only harmful when significance is damaged*".²² Thus, change is accepted in Historic England's guidance as part of the evolution of the landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.

4.30 As part of this, setting may be a key consideration. For an evaluation of any harm to significance through changes to setting, this assessment follows the methodology given in GPA 3, described above. Again, 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 3.

4.31 It should be noted that this key document also states that:

*"Setting is not itself a heritage asset, nor a heritage designation..."*²³

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

²¹ *R (Forge Field Society) v Sevenoaks District Council* [2014] EWHC 1895 (Admin).

²² Historic England, GPA 2, p. 9.

4.33 With regards to changes in setting, GPA 3 states that:

*"Conserving or enhancing heritage assets by taking their settings into account need not prevent change".*²⁴

4.34 Additionally, it is also important to note that, as clarified in the Court of Appeal, whilst the statutory duty requires that special regard should be paid to the desirability of not harming the setting of a Listed Building, that cannot mean that any harm, however minor, would necessarily require Planning Permission to be refused.²⁵

Benefits

4.35 Proposed development may also result in benefits to heritage assets, and these are articulated in terms of how they enhance the heritage values and hence the significance of the assets concerned.

4.36 As detailed further in Section 6, the NPPF (at Paragraphs 195 and 196) requires harm to a designated heritage asset to be weighed against the public benefits of the development proposals.

4.37 Recent High Court Decisions have confirmed that enhancement to the historic environment should be considered as a public

²³ Historic England, GPA 3, p. 4.

²⁴ Historic England, GPA 3., p. 8.

²⁵ *Palmer v Herefordshire Council & Anor* [2016] EWCA Civ 1061.

benefit under the provisions of Paragraphs 195 and 196.

- 4.38 The PPG provides further clarity on what is meant by the term 'public benefit', including how these may be derived from enhancement to the historic environment ('heritage benefits'), as follows:

"Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- reducing or removing risks to a heritage asset*
- securing the optimum viable use of a heritage asset in support of its long term conservation."*

- 4.39 Any 'heritage benefits' arising from the proposed development, in line with the narrative above, will be clearly articulated in order for them to be taken into account by the Decision Maker.

5. Planning Policy Framework

5.1 This section of the Report sets out the legislation and planning policy considerations and guidance contained within both national and local planning guidance which specifically relate to the site, with a focus on those policies relating to the protection of the historic environment.

Legislation

5.2 Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*,²⁶ which provides statutory protection for Listed Buildings and Conservation Areas.

5.3 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."*²⁷

²⁶ UK Public General Acts, *Planning (Listed Buildings and Conservation Areas) Act 1990*.

²⁷ *Planning (Listed Buildings and Conservation Areas) Act 1990*, Section 66(1).

5.4 In the 2014 Court of Appeal judgement in relation to the Barnwell Manor case, 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."*²⁸

5.5 A judgement in the Court of Appeal ('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.²⁹

5.6 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

²⁸ *Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others* [2014] EWCA Civ 137. para. 24.

²⁹ *Jones v Mordue* [2015] EWCA Civ 1243.

of preserving or enhancing the character or appearance of that area.”

- 5.7 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.
- 5.8 In addition to the statutory obligations set out within the Planning (Listed Buildings and Conservations Area) Act 1990, Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that all planning applications, including those for Listed Building Consent, are determined in accordance with the Development Plan unless material considerations indicate otherwise.³⁰

National Planning Policy Guidance

The National Planning Policy Framework (February 2019)

- 5.9 National policy and guidance is set out in the Government’s National Planning Policy Framework (NPPF) published in February 2019. This replaced and updated the previous NPPF 2018 which in turn had amended and superseded the 2012 version. The NPPF needs to be read as a whole and is intended to promote the concept of delivering sustainable development.
- 5.10 The NPPF sets out the Government’s economic, environmental and social planning policies for England. Taken together, these

policies articulate the Government’s vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. The NPPF continues to recognise that the planning system is plan-led and that therefore Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application, including those which relate to the historic environment.

- 5.11 The overarching policy change applicable to the proposed development is the presumption in favour of sustainable development. This presumption in favour of sustainable development (the ‘presumption’) sets out the tone of the Government’s overall stance and operates with and through the other policies of the NPPF. Its purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers. Conserving historic assets in a manner appropriate to their significance forms part of this drive towards sustainable development.
- 5.12 The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF sets out three ‘objectives’ to facilitate sustainable development: an economic objective, a social objective, and an environmental

³⁰ UK Public General Acts, *Planning and Compulsory Purchase Act 2004*, Section 38(6).

objective. The presumption is key to delivering these objectives, by creating a positive pro-development framework which is underpinned by the wider economic, environmental and social provisions of the NPPF. The presumption is set out in full at paragraph 11 of the NPPF and reads as follows:

"Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a. plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;*
- b. strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

For decision-taking this means:

- a. approving development proposals that accord with an up-to-date development plan without delay; or*
- b. where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. the application policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."³¹*

5.13 However, it is important to note that footnote 6 of the NPPF applies in relation to the final bullet of paragraph 11. This provides a context for paragraph 11 and reads as follows:

"The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in

³¹ MHCLG, NPPF, para. 11.

*footnote 63); and areas at risk of flooding or coastal change.*³² (our emphasis)

5.14 The NPPF continues to recognise that the planning system is plan-led and that therefore, Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application.

5.15 Heritage Assets are defined in the NPPF as:

*"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)."*³³

5.16 The NPPF goes on to define a Designated Heritage Asset as a:

*"World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under relevant legislation."*³⁴ (our emphasis)

5.17 As set out above, significance is also defined 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. For World Heritage Sites, the cultural value

*described within each site's Statement of Outstanding Universal Value forms part of its significance."*³⁵

5.18 Section 16 of the NPPF relates to 'Conserving and enhancing the historic environment' and states at paragraph 190 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 into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."*³⁶

5.19 Paragraph 192 goes on to state that:

"In determining planning applications, local planning authorities should take account of:

- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

³² MHCLG, *NPPF*, para. 11, fn. 6.

³³ MHCLG, *NPPF*, p. 67.

³⁴ MHCLG, *NPPF*, p. 66.

³⁵ MHCLG, *NPPF*, p. 71.

³⁶ MHCLG, *NPPF*, para. 190.

- c. *the desirability of new development making a positive contribution to local character and distinctiveness.*³⁷

5.20 With regard to the impact of proposals on the significance of a heritage asset, paragraphs 193 and 194 are relevant and read as follows:

*"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."*³⁸

"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. Substantial harm to or loss of:

- a. *grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b. *assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*³⁹

³⁷ MHCLG, *NPPF*, para. 192.

³⁸ MHCLG, *NPPF*, para. 193.

³⁹ MHCLG, *NPPF*, para. 194.

5.21 In the context of the above, it should be noted that paragraph 195 reads as follows:

"Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a. *the nature of the heritage asset prevents all reasonable uses of the site; and*
- b. *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c. *conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d. *the harm or loss is outweighed by the benefit of bringing the site back into use.*⁴⁰

5.22 Paragraph 196 goes on to state:

*"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 including, where appropriate, securing its optimum viable use."*⁴¹

⁴⁰ MHCLG, *NPPF*, para. 195.

⁴¹ MHCLG, *NPPF*, para. 196.

- 5.23 As set out later in this Report, it can be demonstrated that the proposals would serve to enhance the heritage significance of the St Mary's Butts and Castle Street Conservation Area through improvement to its setting, and preserve the heritage significance of all other designated heritage assets in the vicinity of the Site in terms of setting. Thus, planning permission should be granted as per the requirements of paragraph 38 which state that:

*"Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decisions-makers at every level should seek to approve applications for sustainable development where possible."*⁴²

National Planning Practice Guidance

- 5.24 The then Department for Communities and Local Government (now the Ministry for Housing, Communities and Local Government (MHCLG)) launched the planning practice guidance web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.
- 5.25 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.

- 5.26 The PPG has a discrete section on the subject of the Historic Environment, which confirms that the consideration of 'significance' in decision taking is important 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."*⁴³

- 5.27 In terms of assessment of substantial harm, the PPG 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."

⁴² MHCLG, *NPPF*, para. 38.

⁴³ MHCLG, *PPG*, paragraph 007, reference ID: 18a-007-20190723.

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.”⁴⁴ (our emphasis)

Local Planning Policy

- 5.28 Planning applications within Reading are currently considered against the policy and guidance set out within the *Reading Borough Local Plan* which was adopted on 4th November 2019.
- 5.29 Policy EN1 ‘Protection and Enhancement of the Historic Environment’ states:

“Historic features, areas of historic importance and other elements of the historic environment, including their settings will be protected and where possible enhanced. This will include:

- Listed Buildings;*
- Conservation Areas;*
- Scheduled Monuments;*
- Historic parks and gardens; and*
- Other features with local or national significance, such as sites and features of*

archaeological importance, and assets on the Local List.

All proposals will be expected 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.

Applications which affect Listed Buildings will not have an adverse impact on those elements which contribute to their special architectural or historic interest including, where appropriate, their settings.

Applications which affect Historic Parks and Gardens will safeguard features which form an integral part of the special character or appearance of the park or garden. Development will not detract from the enjoyment, layout, design, character, appearance, features or setting of the park or garden, key views out from the park, or prejudice its future restoration.

Applications which affect, or have the potential to affect, the significant features of heritage assets should be justified by a Heritage Statement.

The Council will monitor buildings and other heritage assets at risk through neglect, decay or other threats, proactively seeking solutions for assets at risk including consideration of appropriate development schemes that will ensure the repair and maintenance of the asset, and, as a last resort, using its statutory powers.

⁴⁴ MHCLG, *PPG*, paragraph 018, reference ID: 18a-018-20190723.

Where there is evidence of deliberate neglect or of damage to a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.”⁴⁵

5.30 Policy EN3 ‘Enhancement of Conservation Areas’ only addresses development proposals within Conservation Areas,⁴⁶ therefore the policy is not relevant to the current proposals.

5.31 Policy EN5 identifies ‘significant views with heritage interest’, however none of these involve or include the Site.⁴⁷

5.32 The site is also within an area of Archaeological Potential whereby Policy EN2 of the Local Plan is relevant. This states:

“Applicants should identify and evaluate sites of archaeological significance by consulting the Historic Environment Record. This will require an assessment of the archaeological impacts of development proposals to be submitted before the planning application is determined. Planning permission will not be granted in cases where the assessment of the archaeological impacts is inadequate.

Where remains cannot be preserved ‘in situ,’ remains should be properly excavated, investigated and recorded. This will require adequate provision for the identification, investigation, recording and publication of the archaeological resource. Where appropriate, Section 106 agreements will be negotiated to protect, enhance and interpret archaeological remains.

⁴⁵ Reading Borough Council, *Reading Borough Local Plan* (November 2019), p. 37.

Development proposals which will have an adverse effect on scheduled monuments and other nationally important archaeological remains and their settings will not be allowed unless there is clear and convincing justification in the form of overriding public benefits.”

5.33 Policy EN6 ‘New Development in a Historic Context’ states:

“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, the following factors will be taken into consideration:

a. The positive contribution of the development to the existing historic townscape (scale, height, mass, proportion, plot size, street form, materials, significant vistas and views, and open space);

b. Sensitivity to historic context;

c. Reflection of borough-wide major heritage themes that contribute to local distinctiveness (e.g. patterned brickwork or former worker terraced housing);

⁴⁶ Ibid., pp. 39–40.

⁴⁷ Ibid., p. 41.

d. Whether development promotes and/or improves access to previously undiscovered or neglected historic significance.”⁴⁸

- 5.34 The Site is also located within the West Side Major Opportunity Area which is covered by Policy CR12 of the Local Plan which sets out a number of criteria against which development within the boundary will be considered as follows:

"Development in the West Side Major Opportunity Area will:

i) Contribute towards providing a mix of uses including residential. Development for education will be an acceptable part of the mix;

ii) Help facilitate greater pedestrian and cycle permeability, in particular on key movement corridors and east-west links through the area and between development areas and the station, including improved crossings of the IDR where achievable;

iii) Safeguard land which is needed for mass rapid transit routes and stops;

iv) Provide additional or improved areas of open space where possible, generally in the form of town squares, and provide additional green infrastructure where possible;

v) Give careful consideration to the areas of transition to low and medium density residential and conservation areas and conserve and, where

possible, enhance listed buildings and conservation areas and their settings;

vi) Give careful consideration to the archaeological potential of the area and be supported by appropriate archaeological assessment which should inform the development;

vii) Demonstrate that it is part of a comprehensive approach to its sub-area, which does not prevent neighbouring sites from fulfilling the aspirations of this policy, and which contributes towards the provision of policy requirements that benefit the whole area, such as open space; and

vii) Give early consideration to the potential impact on water and wastewater infrastructure in conjunction with Thames Water, and make provision for upgrades where required."

- 5.35 It also specifically refers to redevelopment opportunities in the Hosier Street area (where the Site is located), under Policy CR12e, stating:

"Development on this site will result in a new residential community centred around an improved area of public open space and a high-quality environment, with an improved entrance to the site from St Mary's Butts. The edges of the open space will be activated with retail, leisure and/or other main town centre uses such as hotel use, and development may also include some limited offices uses. The Hexagon theatre will only be developed if a replacement facility for Reading, expected to be in the same area, is provided, and approaches to the theatre will be improved. Development will also include a replacement site for the street market. The

⁴⁸ Ibid., p. 42.

car parking below ground level will be retained and incorporated into the development."⁴⁹

- 5.36 Reading Borough Council have also published the *Minster Quarter Area: Outline Development Framework* which advocates the redevelopment of the Hosier Street area to make way for new restaurant, bar, retail and leisure facilities, and to increase connectivity between Hosier Street and other parts of Reading's historic core⁵⁰. This document indicatively also shows a proposed 5 storey mixed use building on the Site, indicating that the presence of built form on this currently vacant site would be acceptable.

Local Plan Policies with regards to the NPPF and the 1990 Act

- 5.37 With regard to Local Plan policies, paragraph 213 of NPPF states that:

*"...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."*⁵¹

- 5.38 In this context, where local plan policy was adopted well before the NPPF, and does not allow for the weighing of harm against public benefit for designated heritage assets (as set out within

paragraph 196 of the NPPF) or a balanced judgement with regards to harm to non-designated heritage assets (see NPPF paragraph 197) then local planning policies would be considered to be overly restrictive compared to the NPPF, thus limiting the weight they may be given in the decision-making process.

- 5.39 In this case, the local policies were adopted after the publication of the latest edition of the NPPF and are considered to be in line with national policy since they allow for a balanced judgement to be undertaken by the decision maker.

⁴⁹ Ibid., p. 152.

⁵⁰ Reading Borough Council, *Minster Quarter Area: Outline Development Framework* (December 2018).

⁵¹ MHCLG, *NPPF*, p. 213.

6. The Historic Environment

6.1 This Section describes the elements of the historic environment that are relevant to this application.

6.2 The Site contains no designated heritage assets, however it lies adjacent to the northern boundary of the St Mary's Butts and Castle Street Conservation Area and c. 10m north-west of the Grade II* Listed Church of St Mary (NHLE 1113427), at its nearest point. These designated heritage assets will be assessed below.

6.3 It is widely accepted (paragraph 201 of the NPPF) that not all parts of a heritage asset will necessarily be of equal significance. In some cases, certain elements of a heritage asset can accommodate substantial changes whilst preserving the significance of any asset which may potentially be affected by development proposals. Significance can be derived from many elements, including the historic fabric of a building, the layout of space, or land use associated with a building or an area.

6.4 Other heritage assets in the vicinity of the Site that have been assessed but will not be taken forward for individual setting assessments, rather any potential impacts being assessed as part of the wider discussions on the Conservation Area, include:

- **Grade II Listed Sun Inn (NHLE 1321964), located c. 15m south of the Site;**
- **Grade II Listed Queen Victoria Jubilee Fountain**

(NHLE 1113571), c. 55m east of the Site;

- **Grade II* Listed No. 17 Castle Street (NHLE 1113413), c. 65m south of the Site; and**
- **Grade I Listed Church of St Mary (Reading Minster, NHLE 1113573), c. 85m east of the Site.**

6.5 A map of all designated heritage assets in the vicinity of the Site is included at Appendix 1.

APPENDIX 1: MAP OF DESIGNATED HERITAGE ASSETS

St Mary's Butts and Castle Street Conservation Area

- 6.6 The Site is located beyond the St Mary's Butts and Castle Street Conservation Area (Plate 12), therefore any contribution that the Site makes to the heritage significance of the Conservation Area will be through setting only, which is notably not subject to statutory protection through the Planning (Listed Buildings and Conservation Areas) Act 1990.

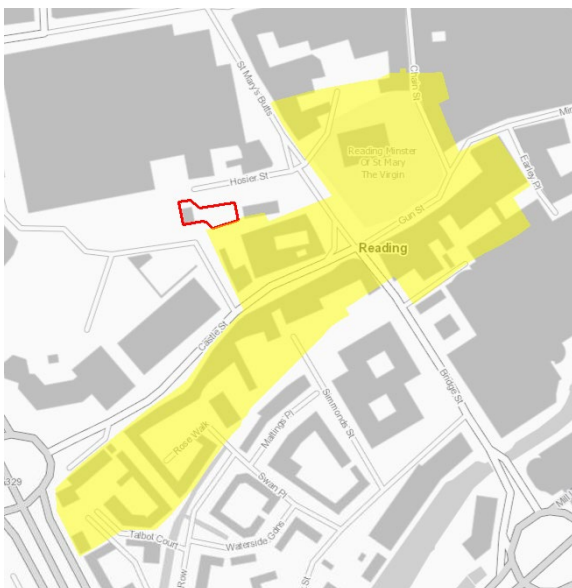


Plate 12: Map showing the location of the Site relative to the Conservation Area

Site outlined in red and Conservation Area shaded yellow.

- 6.7 The St Mary's Butts and Castle Street Conservation Area was designated in 1972.
- 6.8 In terms of approaches, the Conservation Area can be entered by road and on foot from multiple directions, although St Mary's Butts, Castle Street, Bridge Street and Minster Street constitute the main approaching thoroughfares.
- 6.9 The *St Mary's Butts/Castle Street Conservation Area Appraisal* identifies key views within and towards the Conservation Area, with these views principally directed towards Reading Minster and along Castle Street⁵². A plan of these key views is reproduced at Appendix 2.

APPENDIX 2: ST MARY'S BUTTS AND CASTLE STREET CONSERVATION AREA APPRAISAL MAP

Statement of significance

- 6.10 The *St Mary's Butts/Castle Street Conservation Area Appraisal* identifies and describes the special interest of the Conservation Area. Those elements of character, appearance and special interest from which the Conservation Area derives its heritage significance are summarised as follows:

⁵² Reading Borough Council, *St Mary's Butts/Castle Street Conservation Area Appraisal* (March 2008), pp. 11–12.

"

- *Its position at the Saxon centre of Reading at a cross-roads of the main east-west and north-south routes through the town, just north of an original crossing point across the River Kennet, upon which river the town grew.*
- *The Grade I listed Church of St Mary in St Mary's Butts, a Reading landmark, originally Norman, and mentioned in the Domesday Book, but now mostly Medieval in origin, which is the focal building of the Conservation Area.*
- *St Mary's Churchyard, an important open space in the centre of town.*
- *Other important landmark buildings including the Grade II* listed St Mary's Church in Castle Street.*
- *The architectural and historic interest of the area's other buildings, with examples dating from the sixteenth century to the present day, but the majority of which show a coherence of scale within their various architectural styles.*
- *The presence of some of the oldest surviving buildings in Reading, including 3 existing public houses ("The Allied Arms", "The Horn" and "The Sun") dating from the 16th and 17th centuries, and the former "Shades" public house at 15 Gun Street dating from the 17th*

century. "The Sun" is also reputed to be on the site of the former Reading Gaol.

- *Important Grade II* listed buildings at 15 and 17 Castle Street (both 16th century), 19 Castle Street (early 18th century), 63 Castle Street (circa 1750) and the Church of St Mary, Castle Street (1798).*
- *35-37 St Mary's Butts ("County Delicacies") and 57 St Mary's Butts ("The Allied Arms"), which also date from the 16th century.*
- *The Queen Victoria Jubilee Fountain in St Mary's Butts, a local landmark.*
- *The Grade II* listed Holy Brook Culvert to the rear of numbers 1-31(odd) Castle Street, plus the remainder of the Holy Brook which links the rear of the properties on the south side of the conservation area.*
- *A high percentage of listed buildings, listed individually and for their group value, dating from before 1875."⁵³*

6.11 The immediate surrounds of the Conservation Area are considered to make, at most, a neutral contribution to the heritage significance of the designated heritage asset through setting, with some elements clearly detracting i.e. the surrounding 1970s multi-storey car parks and shopping centres. More specifically, the setting of the Conservation Area comprises post-1970s redevelopment in all directions with just a sliver of

⁵³ Ibid., pp. 4-5.

more historic development around Broad Street to the north.⁵⁴

The contribution of the Site

- 6.12 The Site is located in a semi-secluded location flanked by built form, boundary walling and vegetation, making it inconspicuous while traversing the main routes through the Conservation Area. For example, there is only a glimpsed view to the southern boundary wall of the Site from Castle Street when looking through the gap between the Sun Inn and St Mary's Church, Castle Street (Plate 13).
- 6.13 The Site is therefore most visible when approaching the Conservation Area on foot from the west via Hosier Street Market. On this approach, the Site can be glimpsed in the foreground of views into the Conservation Area.
- 6.14 Overall, the Site is considered to detract from the heritage significance of the Conservation Area via setting, being an unattractive and run-down storage area that abuts the Conservation Area boundary.



Plate 13: North-facing view towards the Site when stood between the Sun Inn and St Mary's Church (within the Conservation Area). There is a glimpsed view to the southern boundary wall of the Site.

⁵⁴ Ibid., pp. 6–7.

Church of St Mary, Castle Street

- 6.15 St Mary's Church (Plate 14) is a Grade II* Listed Building that was added to the National List on 22nd March 1957. The List Entry for the church was last amended on 14th December 1978 and this describes the asset as follows:

"Opened 1798. (Episcopalian). Architect R Billing. Originally a simple Georgian building but in 1840 the present hexastyle portico in Greek Corinthian style (fluted columns) was added to the designs of "Mr Briant" (Henry and Nathaniel Briant were prominent local architect/builders, responsible for the King Street Bank and the Royal Berkshire Hospital). Stucco with large stone pedimented portico (whose capitals probably are of Coade stone). 3 stepped doorways with architrave surrounds. The bell turret (designed by Briant and inspired from the Tower of the Winds) is now only a solid plinth with rebated corners and moulded cornice. 5 bay nave with round headed windows. This building which stands on the site of the former Reading gaol is of considerable importance to the street, One of Reading's best church interiors: late C18 galleried in 5 bays with marbled Doric ground floor and Ionic gallery columns. Modillion cornice to coved central ceiling. Raised and fielded panelling to box piers. Small projecting chancel with bay for mid C19 organ to left. 2 mid C19 cast-iron chandeliers."

- 6.16 A full copy of the List Entry is included at Appendix 3.

APPENDIX 3: CHURCH OF ST MARY LIST ENTRY



Plate 14: Grade II Listed St Mary's Church, principal (southern) elevation viewed from Castle Street.*

- 6.17 St Mary's Church can be approached via Castle Street from the east and south-west. The southern elevation of the Listed Building, which fronts onto Castle Street, is surrounded by historic buildings that date from the 16th to 19th centuries, while the area to the rear of the church has been much altered during the modern era, particularly in the 1970s when the area around

Hosier Street was redeveloped (see Section 2 of this Report).

- 6.18 The Listed Building is best viewed from Castle Street to the immediate south. From this location, the imposing, primary southern elevation with its Georgian and neo-classical features can be fully appreciated. From Hosier Street to the north there are glimpsed views to the modified, and less imposing, northern elevation of the building.
- 6.19 As a place of worship, the Listed Building was not designed to facilitate any key outward facing views, rather it was designed to be a prominent local landmark on Castle Street, which it still is.

Statement of significance

- 6.20 The Grade II* Listing of St Mary's Church highlights that it is a heritage asset of the highest significance as defined by the NPPF. This significance is consolidated by the asset's inclusion within the boundaries of the St Mary's Butts and Castle Street Conservation Area.
- 6.21 The heritage significance of the Listed Building is principally embodied in its physical fabric. More specifically, it is the grand southern elevation, with its pedimented portico supported by Greek Corinthian-style columns and remnant bell turret, and original Georgian interior from which the building principally derives its historic, architectural and artistic interest.
- 6.22 The Listed Building also possesses some archaeological interest being located on the site of the former Reading County Gaol.

Consequently, there is potential for buried remains of the gaol below the foundations of the present-day church.

- 6.23 The setting of the asset also contributes to the significance of the asset, although the significance derived from the setting is less than that from its historic fabric. The principal element of the physical surrounds and experience of the asset (its 'setting'), which is considered to contribute to its heritage significance, is Castle Street. As noted above, it is Castle Street from where the Listed Building can be best viewed and approached, and evidently the church was designed to be a prominent landmark when traversing this road.
- 6.24 Older and near-contemporary neighbouring buildings (i.e. the Georgian Grade II Listed Nos. 10 and 12 Castle Street) also contribute to the heritage significance of the church via setting, being illustrative of the historic townscape setting of the asset.

The contribution of the Site

- 6.25 The Site may have possessed a historic association with St Mary's Church in terms of landownership, as evidenced by the 1838 Tithe map (see Section 2 of this Report). However, any such association has long since been severed, and there is no legible visual or spatial association between the Site and the church owing to the strong boundary wall separation.
- 6.26 From within and across the Site, there are glimpsed views to the rear (northern) elevation of the church. As noted above, the rear elevation of the Listed Building was extended/modified, and this elevation lacks architectural and artistic interest when compared

to the more prominent and architecturally accomplished southern façade. Evidently the northern elevation was not designed to be readily visible.

6.27 Moreover, there are no designed views from the church towards or across the Site.

6.28 Therefore, despite the proximity, the Site is not considered to contribute to the heritage significance of St Mary's Church through setting.

7. Heritage and Planning Assessment

7.1 This Section will consider the proposals against the relevant planning and heritage policy framework, including the principle of development and the impact upon both the Conservation Area and setting of the Listed Buildings identified above.

Principle of Development

7.2 As noted above, the application site is located within the West Side Major Opportunity Area, within the centre of Reading, where it is established that new development should be welcomed.

7.3 The proposals would accord with the various criteria set out within Policy CR12 of the Local Plan in that they will serve to reinvigorate the area, contribute to providing a mix of uses (criterion i), facilitate greater pedestrian permeability (criterion ii), provide additional or improved areas of open space (criterion iv) and form part of a comprehensive approach to the area (criterion vii).

7.4 The proposals will also accord with the specific details set out within Policy CR12e in that they would improve the area and provide a high quality environment in a retail and leisure use, and will maintain and enhance the existing street market which will have a direct relationship with the uses proposed for the site and see associated upgrading of the public realm associated with the market.

7.5 The proposals will serve to positively enhance this area of the town centre, with the proposed uses being compatible with those which are currently located within the vicinity.

7.6 The ramifications of the Covid-19 pandemic on the economy and the viability of both town centres and the food and drink industry are yet to be fully understood, but it is clear that the impacts will be felt for many years to come. The proposals however, represent both an investment into the town centre, and will also provide an critical jobs in a sector which has been hit hard by the events of the past 12 months providing an economic boost to the area in a manner which is entirely compatible with both e locality and the conditions in which business are likely to be required to operate in the near future.

7.7 Restaurants and food establishments have had to adapt to the various requirements imposed upon them in order to maintain social distancing and still remain viable businesses by both reducing the number of covers provided within their establishments and also by seeking to utilise additional external seating areas, something which has been supported by Government through the introduction of measures to easily and simply facilitate the creation of external seating areas.

7.8 The proposals entirely embrace these constraints, but in a considered and well thought out manner, focussing on outdoor

seating, embracing the growing street food and food market industry.

Impact on the St Mary's Butts and Castle Street Conservation Area

- 7.9 It should be reiterated that there is currently no statutory protection for the settings of Conservation Areas, with emphasis instead being given to the protection of their intrinsic character and appearance.
- 7.10 The *St Mary's Butts/Castle Street Conservation Area Appraisal* explicitly states that redevelopment of the area around Hosier Street Market (which includes the Site) “*presents considerable potential to improve the appearance and setting of this part of the Conservation Area*”.⁵⁵
- 7.11 It was established in Section 6 of this Report that the present appearance and use of the Site constitutes a negative element of the Conservation Area's setting which detracts from the heritage significance of the designated heritage asset.
- 7.12 The proposals will visually enhance the Site through the introduction of greenery and artwork, while the food kitchens, bar and seating areas will create a vibrant atmosphere in a currently neglected and run-down area.
- 7.13 The visual improvement to the Site will be most appreciable from Hosier Street and will form a peripheral element of east-

facing views along Hosier Street into the Conservation Area, and specifically to the tower of Reading Minster. The proposals will not only preserve but also minimally enhance these views by replacing the current unattractive northern boundary treatment of the Site with more aesthetically pleasing perimeter fencing enriched with artwork and graphics.

- 7.14 As a result of the proposals, there would be a negligible change to the glimpsed view in the direction of the Site from Castle Street (see Plate 13 above). It should be reiterated that this is not a key view out from the Conservation Area and the only change will be a glimpse to the proposed barrier at the southern boundary of the Site which will augment the existing brick wall.
- 7.15 Overall, the proposals will result in a benefit to the heritage significance of the St Mary's Butts and Castle Street Conservation Area through the enhancement of its setting.

Impact on the Church of St Mary, Castle Street

- 7.16 It was established in Section 6 of this Report that the Site makes no contribution to the heritage significance of the Grade II* Listed St Mary's Church through setting.
- 7.17 The proposals will only impact on incidental views to the rear (northern) elevation of the church from Hosier Street and from within the Site itself: the placement of shipping containers and the erection of boundary fencing and the open pergola structure

⁵⁵ Ibid., p. 7. Also see idem, p. 11.

are anticipated to slightly restrict these views. However, it should be emphasised that such views are immaterial to the heritage significance of the Listed Building, while key views to the asset from Castle Street will be unaltered as a result of the proposals.

- 7.18 Therefore, the proposals will cause no harm to the heritage significance of St Mary's Church through change to its setting.

Other Material Considerations

Archaeology

- 7.19 As noted above, the site is located within an area of Archaeological Potential as identified on the Local Plan proposals map. However, it is important to note the past context of the site which is built up and has seen successive building and demolition over the past 100 years.

- 7.20 The proposals also do not involve ground works which would impact upon the archaeological potential of the site.

Flooding

- 7.21 As shown on the extract of the Environment Agency mapping provided at Plate 15, the application site lies outside of any flood risk areas.

Highway Safety, Parking and Access

- 7.22 The proposals seek to utilise the existing road network to access the site, and is located in a town centre location which is served by existing parking provision.

- 7.23 The market traders currently utilise a separate parking yard as shown on the site Location Plan and this arrangement will not change.

- 7.24 The secondary vehicular access to the rear of the site will be closed off except for emergency access.

- 7.25 Pedestrian access to the site will be from a new set of demountable stairs which will access the site from Hosier Street. A separate level access will also be provided which will utilise the existing ramped access.

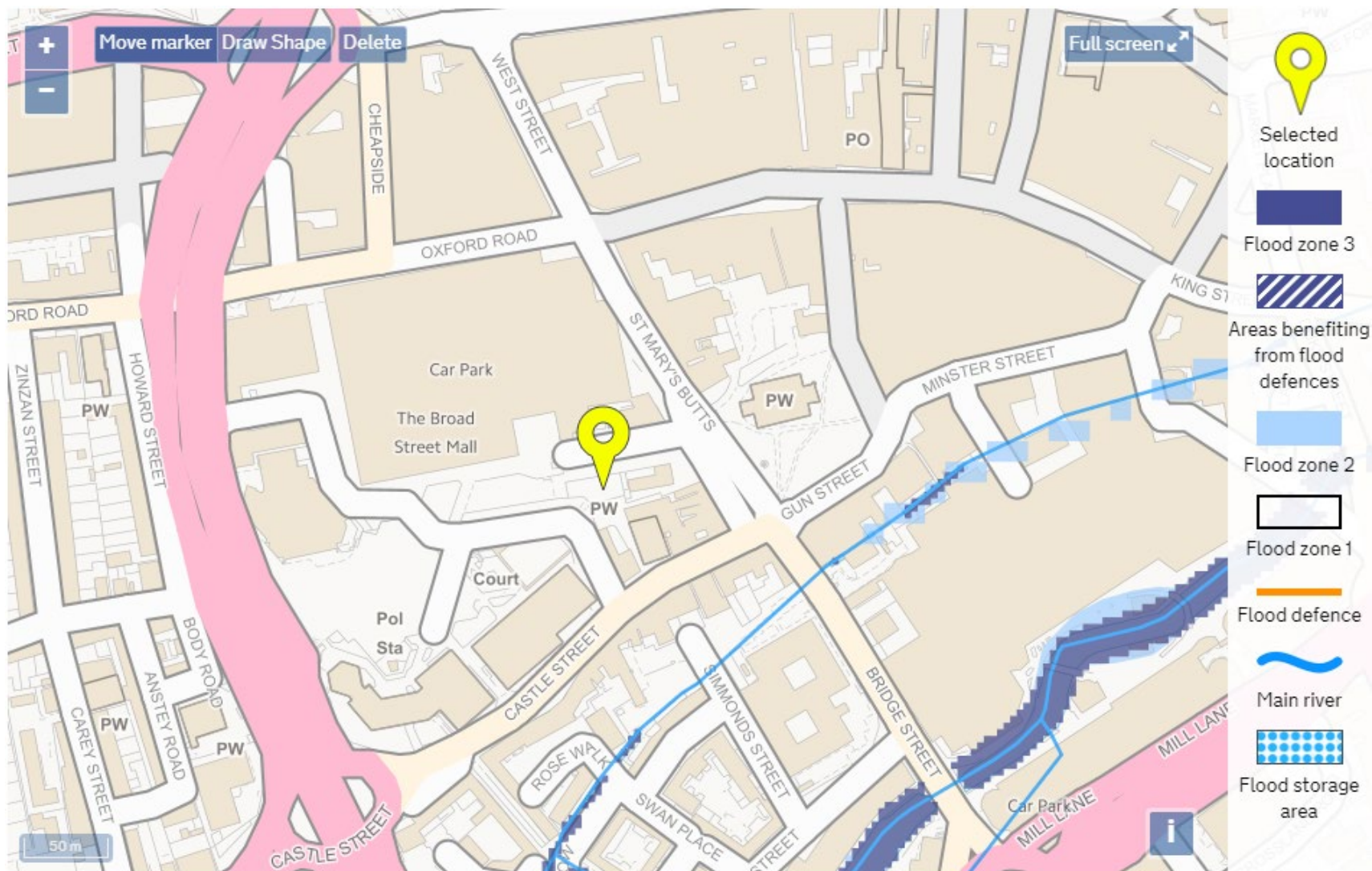


Plate 15: Environment Agency Map Extract

8. Conclusions

- 8.1 This Planning and Heritage Statement accompanies an application seeking Planning Permission for the redevelopment of a 542.6 m² (0.054 ha) storage area into a food and drink quarter.
- 8.2 Overall, it is considered that the application proposals represent an acceptable form of development when considered against the current site context and the relevant local and national planning policies.
- 8.3 The proposals are considered to accord with the provisions of the site specific Local Plan Policy CR12e, and will be compatible and not preclude the remainder of the development area coming forward.
- 8.4 The proposals will protect and work alongside the existing market, providing tandem investment into the site, market provision and wider area.
- 8.5 These proposals have been considered against the potential for harm and benefits to the heritage significance of designated heritage assets in the vicinity of the Site, specifically the St Mary's Butts and Castle Street Conservation Area and the Grade II* Listed St Mary's Church, Castle Street.
- 8.6 It has been concluded that the proposals would result in a benefit to the heritage significance of the St Mary's Butts and Castle Street Conservation Area through the enhancement of its setting, with this benefit principally arising from aesthetic enhancements to the peripheral content of east-facing views along Hosier Street to the tower of Reading Minster (Grade I Listed St Mary's Church).
- 8.7 The Site is not currently considered to contribute to the heritage significance of the Grade II* Listed St Mary's Church, Castle Street, through setting. Therefore, it has been concluded that the proposals would preserve the setting of the Listed Building and cause no harm to its heritage significance.
- 8.8 Overall, the proposals for the redevelopment of the storage area at Hosier Street, Reading, are in line with statutory legislation, national planning policy and guidance, and local planning policies, in that the principle of development is acceptable and they will preserve and enhance the heritage significance of the identified designated heritage assets.

Sources

Legislation, Policy Guidance and Local Planning Policy Documents

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Reading Borough Council, *St Mary's Butts/Castle Street Conservation Area Appraisal* (March 2008).

UK Public General Acts, *Ancient Monuments and Archaeological Areas Act 1979*.

UK Public General Acts, *Planning (Listed Buildings and Conservation Areas) Act 1990*.

UK Public General Acts, *Planning and Compulsory Purchase Act 2004*.

Court and Appeal Decisions

Catesby Estates Ltd. V. Steer [2018] EWCA Civ 1697.

Bedford Borough Council v Secretary of State for Communities and Local Government [2013] EWHC 2847 (Admin).

R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin).

Palmer v Herefordshire Council & Anor [2016] EWCA Civ 1061.

Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others [2014] EWCA Civ 137.

Jones v Mordue [2015] EWCA Civ 1243.

Cartographic Sources

1838 Tithe Map for the Parish of St Mary, Reading

1879 First Edition Ordnance Survey

1899 Second Edition Ordnance Survey

1912 Third Edition Ordnance Survey

1931 Ordnance Survey

1957–60 Ordnance Survey

1972–88 Ordnance Survey

Aerial Photography References

1928 St Mary's Church and St Mary's Butts, Reading, *Britain From Above*, ref. EPW022681.

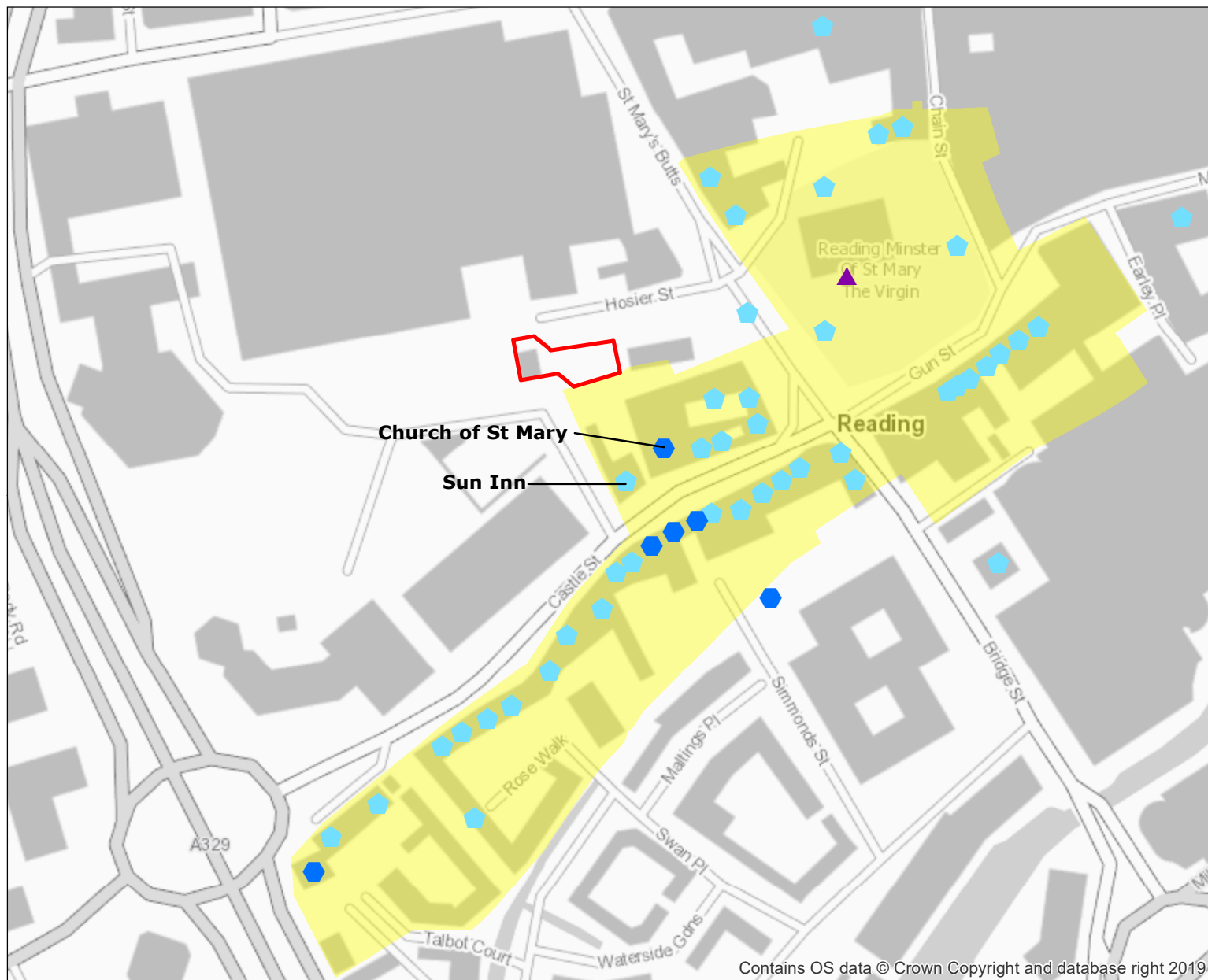
1928 St Mary's Church and St Mary's Butts, Reading, *Britain From Above*, ref. EPW022687.

Secondary Literature

Baxter, R., *The Royal Abbey of Reading* (Woodbridge, 2016).

Ditchfield, P. H., and Page, W., *A History of the County of Berkshire: Volume 3* (London, 1923).

Appendix 1: Map of Designated Heritage Assets



KEY

- Site
- St Mary's Butts and Castle Street Conservation Area

Listed Buildings

- ▲ Grade I
- Grade II*
- Grade II

Appendix 1: Map of Designated Heritage Assets

Market Stallage at Hosier Street, Reading

Client: Blue Collar Ventures
 DRWG No: P20-0271 Sheet No: - REV: -
 Drawn by: JT Approved by: AR
 Date: 17/02/2020
 Scale: 1:2,500 @ A4

Appendix 2: St Mary's Butts and Castle Street Conservation Area Appraisal Map

Appendix 2 - Townscape Appraisal Maps

Map 1: Appraisal Map

Key



Conservation Area Boundary



Proposed Area for Future Addition



Proposed Area for Future Deletion



Listed Buildings



Buildings of Townscape Merit



Significant Open Space / Green Area



Holy Brook



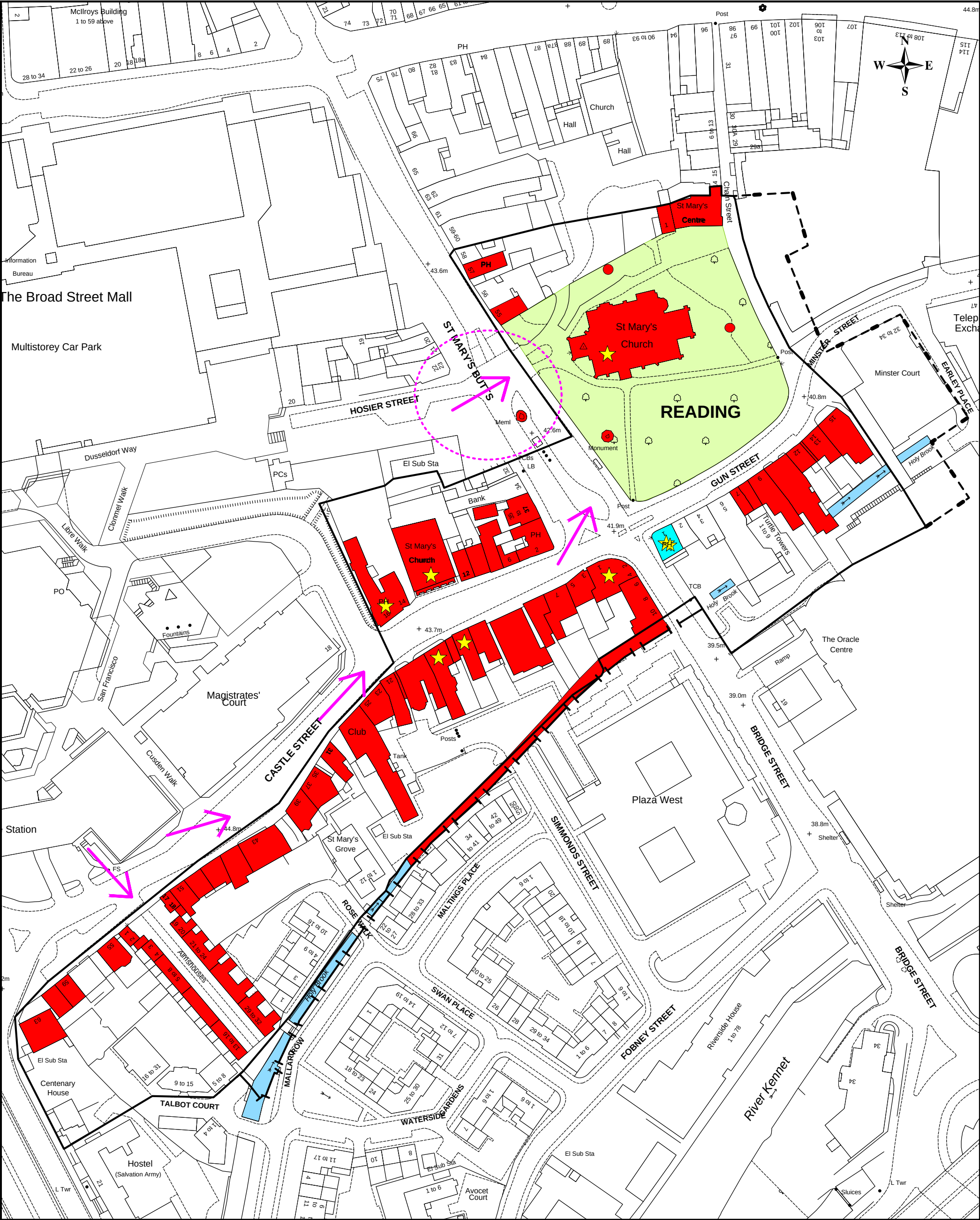
Landmark Buildings



Significant Views



Focal Point / Opportunity Area



Title: Saint Mary's Butts Castle Street Conservation Area

Drg.No.:
Produced by Planning Section

Scale at A3 : 1:1350
Ref : LAP33291

Date: 04/08/2008



Appendix 3: Church of St Mary List Entry

CHURCH OF SAINT MARY

Overview

Heritage Category: Listed Building

Grade: II*

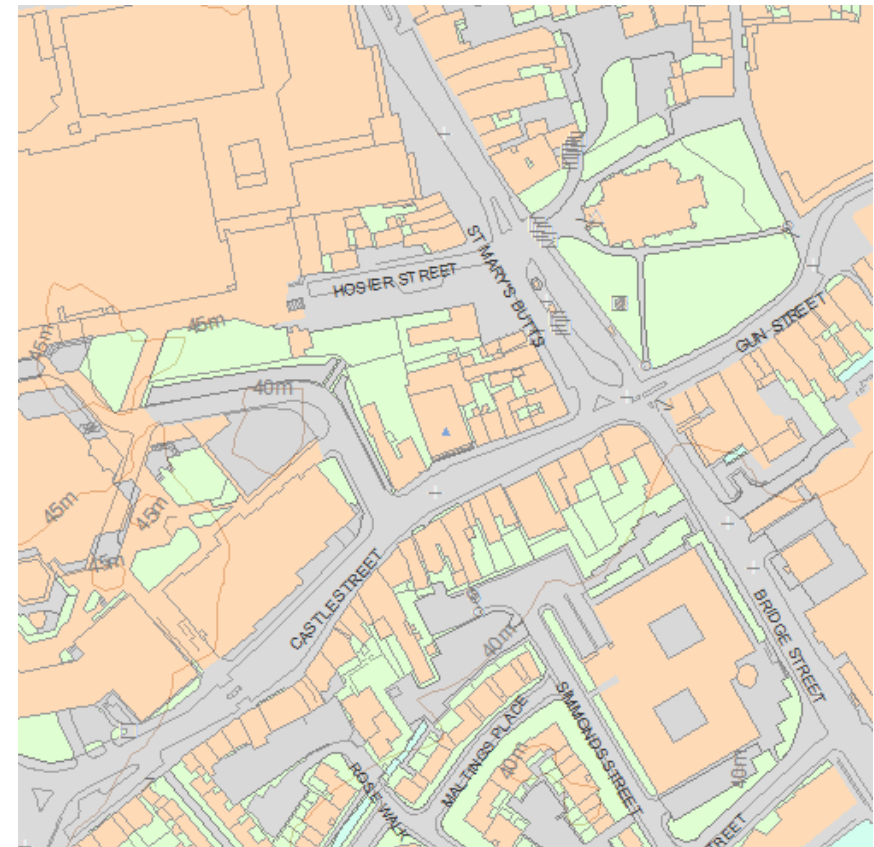
List Entry Number: 1113427

Date first listed: 22-Mar-1957

Date of most recent amendment: 14-Dec-1978

Statutory Address: CHURCH OF SAINT MARY, CASTLE STREET

Map



Location

Statutory Address: CHURCH OF SAINT MARY, CASTLE STREET

The building or site itself may lie within the boundary of more than one authority.

District: Reading (Unitary Authority)

National Grid Reference: SU 71334 73246

Details

CASTLE STREET 1. 5128 (North Side) Church of St Mary (Formerly listed as Chapel of St Mary) SU 7173 SW 2/72 22.3.57. II* GV 2. Opened 1798. (Episcopalian). Architect R Billing. Originally a simple Georgian building but in 1840 the present hexastyle portico in Greek Corinthian style (fluted columns) was added to the designs of "Mr Briant" (Henry and Nathaniel Briant were prominent local architect/builders, responsible for the King Street Bank and the Royal Berkshire Hospital). Stucco with large stone pedimented portico (whose capitals probably are of Coade stone). 3 stepped doorways with architrave surrounds. The bell turret (designed by Briant and inspired from the Tower of the Winds) is now only a solid plinth with rebated corners and moulded cornice. 5 bay nave with round headed windows. This building which stands on the site of the former Reading gaol is of considerable importance to the street, One of Reading's best church interiors: late C18 galleried in 5 bays with marbled Doric ground floor and Ionic gallery columns. Modillion cornice

to coved central ceiling. Raised and fielded panelling to box piers. Small projecting chancel with bay for mid C19 organ to left. 2 mid C19 cast-iron chandeliers.

Listing NGR: SU7133173259

Legacy

The contents of this record have been generated from a legacy data system.

Legacy System number: 38821

Legacy System: LBS

Legal

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.

End of official listing

www.pegasusgroup.co.uk



DESIGN



ENVIRONMENT



PLANNING



ECONOMICS



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