

Heritage Assessment

59-61 Southampton Street, Reading, RG1 2QP

REF: P19-0431

DATE: 26th June 2019

Introduction

1. This Heritage Assessment has been prepared by Pegasus Group, on behalf of the applicant, Forbury Homes, to consider the proposed works to 59-61 Southampton Street, Reading, for which Planning Permission is sought for its conversion and extension.
2. The application site comprises a pair of vacant buildings which front on to Southampton Street to the west, and are located adjacent to a Grade II Listed former public house which sits to the south of the site. The property is not within the boundaries of a Conservation Area, however the Market Place / London Street Conservation Area is located to the north east, where a spur extends west to encompass no. 51 Southampton Street and St Giles Church which lie to the north of the application site.



Plate 1: Front Elevation – west facing



Plate 2: Rear Elevation – east facing

3. This Assessment 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 (NPPF) which requires:

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

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4. 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.

Methodology

5. The following assessment has been informed by *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment*¹ (henceforth referred to as *GPA 2: Managing Significance*) and English Heritage's Conservation Principles.²
6. How setting might contribute to the significance of any identified heritage assets has been assessed within this report with reference to *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets*³ (henceforth referred to as *GPA 3: The Setting of Heritage Assets*), particularly the checklist given on page 11. This advocates the clear articulation of 'what matters and why'.
7. In order to relate to key policy, the following levels of harm may potentially be identified when assessing potential impacts of development on heritage assets, including harm resulting from a change in setting:
 - **Substantial harm or total loss.** It has been clarified in a High Court Judgement of 2013⁴ that this would be harm that would 'have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced';
 - **Less than substantial harm.** Harm of a lesser level than that defined above; and
 - **No harm** (preservation). A High Court Judgement of 2014 is relevant to this⁵, in which it was held that with regard to preserving the setting of Listed building or preserving the character and appearance of a Conservation Area, preserving means doing no harm.
8. Preservation does not mean no change; it specifically means no harm. *GPA 2: Managing Significance* states that "Change to heritage assets is inevitable but it is only harmful when significance is damaged". 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.

¹ Historic England, 2015, *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment*

² English Heritage, 2008, *Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment*

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

⁴ EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council

⁵ EWHC 1895, R (Forge Field Society, Barraud and Rees) v. Sevenoaks DC, West Kent Housing Association and Viscount De L'Isle.

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9. With specific regard to the content of this assessment, Paragraph 189 of the National Planning Policy Framework 2018 states:

"...The level of detail should be proportionate to an assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance..." (our emphasis)

10. Full details of the methodology adopted are provided at **Appendix 1**.

Planning Policy Context

11. As set out above, the site is not statutorily Listed, nor is it located within the boundaries of a Conservation Area. It is however directly adjacent to the Grade II Listed 63 Southampton Street and within the vicinity of a number of other Listed Buildings and the boundary of the Market Place / London Street Conservation Area.
12. Legislation relating to the Historic Environment is primarily set out within the Planning (Listed Buildings and Conservation Areas) Act 1990 which provides statutory protection for Listed Buildings and Conservation Areas.
13. 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."

14. 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 previous draft of the NPPF, the requirements of which are now given in paragraph 196 of the revised NPPF), this is in keeping with the requirements of the 1990 Act.
15. With regard to development within Conservation Area, 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 provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"

16. It is important to note that unlike Section 66(1) in relation to Listed Buildings, Section 72(1) does not place a statutory requirement to consider the impact of a proposed development on the setting of a Conservation Area.

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17. Notwithstanding the statutory presumption set out above, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.
18. Planning applications within Reading Borough are currently considered against the policy and guidance set out within the adopted Core Strategy and Sites and Detailed Policies Document

Core Strategy

19. The Core Strategy was adopted in January 2008 in order to set out the planning strategy for the Borough. The Core Strategy was altered and subsequently adopted on 27th January 2015.
20. Policy CS33 sets out the strategic Policy Guidance in relation to the protection and enhancement of the Historic Environment and reads as follows:

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

- *Listed Buildings;*
- *Conservation Areas;*
- *Other features with local or national designation, such as sites and features of archaeological importance, and historic parks and gardens.*

Planning permission will only be granted where development has no adverse impact on historic assets and their settings. All proposals will be expected to protect and where appropriate enhance the character and appearance of the area in which they are located."

21. The Core Strategy goes on to confirm that this will be delivered through the development control process.

Sites and Detailed Policies Document

22. The original adoption of the Sites and Detailed Policies Document in October 2012 followed the adoption of the Core Strategy in 2008, and contains detailed policies to help guide decisions on planning applications, as well as identifying a number of sites and areas for different purposes.
23. Section 9 of the Document relates to the Built and Natural Environment, and it confirms that there are no specific detailed policies within the document as *"national planning policy provides an appropriate framework for considering proposals for*

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development that affects historic assets in Reading⁶, and that “the historic environment is addressed strategically by Policy CS33⁷”.

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

24. 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).”

25. 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.
26. In this case, although Policy CS33 is of relevance, it was adopted prior to the inception of the NPPF, and as so the weight which can be attributed to the policy will be determined by its consistency with the policy guidance set out within the NPPF. Since the above policy does not allow for a balanced judgement to be undertaken by the decision maker, the policy is not considered to reflect the guidance within the NPPF and therefore considered to be out of date. Thus, the weight which can be attached to it in the decision-making process is limited.
27. Details of the full national policy context are provided at **Appendix 2**.

The Site

28. The application site comprises a pair of three-storey properties with retail units on ground floor / basement level and maisonettes on the upper floors, which front on to Southampton Street. Vehicular access is to the courtyard to the rear from St Giles Close. The main body of the building is rectangular in form, with a two storey, single pitched closet wing projecting from the rear along each boundary (the northernmost of which steps down to a single storey).
29. The building is of brick construction, with the front façade being of cream bricks with red brick window surrounds and quoins. This pattern is reflected in the chimney which sits on the western roofslope.
30. The ground floor of the front façade of the property has modern shopfronts behind roller shutters which are of no interest and considered to be a negative feature of the facade, although remnants of an older timber fascia with decorative corbels are still

⁶ Paragraph 9.1.9, Sites and Detailed Policy Document, Reading Borough Council, October 2012.

⁷ IBID

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present behind the modern fascia. The first floor has four timber, plate glass sash windows each with flat gauge brick arches above with projecting brick keystone details in red brick which contrasts with the beige brick. A moulded brick string course runs along the top of the keystones.

31. The second-floor windows run along a deeper, moulded brick string course, being four pane timber sashes again set within contrasting red brick window surrounds with flat brick arches above which connect with the brick eaves above. The roof is slate.



Plate 3: Front Facade



Plate 4: Modern shop front



Plate 5: Timber Corbel Detail

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Heritage Assets

Listed Buildings

32. As noted above the application site sits directly adjacent to the Grade II Listed 63 Southampton Street/50 Crown Street, the former Red Cow Public House. The property was first Listed on 14th December 1978 with the following description:

"SOUTHAMPTON STREET 1. 5128 (East Side) No 63 SU 7172 NE 4/571 II Including No 50 Crown Street. No 63 is an early C18, small, 2½ storey house of grey brick headers with red brick quoins and dressings. Tiled roof with catslide to rear with tall chimney. 1 gabled dormer. On 1st floor a tripartite casement window to left and panel to right. On ground floor a segmental-headed former door and flanking windows. Flanking red and grey brick set back rusticated quoin pilasters (altered on right hand side). Rounded corner extension to Crow Street (No 50) probably 1860s, possibly circa 1840. 3 windows with hipped tiled roof. 2 window extension to north. A good example of early C18 brickwork."

33. A full copy of the List Entry is provided at **Appendix 3**.
34. The public house is currently in the process of being remodelled to provide a restaurant at the ground floor and residential accommodation across the upper floors, following the grant of Planning Permission (LPA ref: 170291) and Listed Building Consent (LPA ref: 170292) in August 2017. These proposals also consent the construction of a two-storey extension to the north of the building, directly adjacent to the application site, as well as extensions to the rear within the existing courtyard.
35. Given its proximity, the application site is considered to be located within the setting of the Listed Building, being part of the historic streetscene in which the property is views, and thus contributes to its significance. This contribution is however restricted to the front (west) elevation, with the rear of the property and the yard area having a neutral impact, albeit currently in a deteriorated condition.
36. There are a number of other Listed Buildings within the vicinity of the application site, including the Grade II* Listed Terrace opposite, and the Church (Grade II) and Vicarage (Grade II) within the boundaries of the Conservation Area to the north.
37. The terrace to the west was constructed in 1810 and is Grade II* Listed, making it a heritage asset of the highest significance as defined by the NPPF. The terrace was Listed on the 22nd May 1957 with the following description:

"SOUTHAMPTON STREET 1. 5128 (West side) Nos 78 to 84 (even) SU 7172 NE 4/246 22.3.57. II GV 2. 1810 by Richard Billing, Senior. 3 storey, basement and attic terrace. Brick with stucco string at 1st floor level and smaller string about 2 foot 6 inches above. Small brick cornice string formed by a course of 4½ inch headers and a course of brickwork over, projecting. Parapet with stone coping. Slate roof. Each house has 2 semi-circular headed dormer windows with radiating glazing bars to sashes. 2 ranges of*

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windows, glazing bar sashes, 1st floor tall with floor level cills, segmental headed recesses and elliptical curved balconies of wrought iron with cast lead ornament. Recessed doorway, 6 panel door with flanking fluted Greek Doric columns supporting key pattern frieze and segmental radiating fanlight. The upper windows of these houses are grouped in pairs giving a rhythm of 2-blank-2-blank etc."

38. A full copy of the List entry is provided at **Appendix 4**.
39. The terrace is undoubtedly a key feature within the streetscene along this part of Southampton Street, along with the Church and its spire on the eastern side of the road.
40. The application site, being a historic building within the streetscene, is considered to have a minor contribution to the significance of the Listed terrace, albeit it is divorced by the busy main road and the overhead signage which straddles Southampton Street.



Plate 6: The former Red Cow Public House

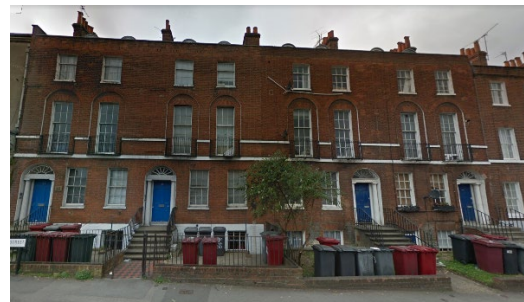


Plate 7: 78 - 84 Southampton Street

Market Place / London Street Conservation Area

41. The Market Place / London Street Conservation Area was first designated in 1972 and extended 1982 and covers a large part of the town along London Street and Market Place, with a spur extending west towards the application site (which is not within its boundaries) to encompass St Giles church, the Hall and vicarage.
42. A Conservation Area Appraisal has been prepared to consider the importance and existing character and appearance of the Conservation Area, which sets that the special interest which justifies designation of the Conservation Area as follows:
 - *Linear Conservation Area beside the planned medieval southern approach road, over the River Kennet, to a market place and church outside one of Reading Abbey's gateways;*
 - *The Hospitium of St John the Baptist, founded in 1189 (Scheduled Monument);*

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- *Two of Reading's three medieval churches: St Laurence's and St Giles', both with well treed churchyards;*
- *Isolated examples of timber-framed 16th and 17th century buildings e.g. nos 26/27 Market Place, nos 49/53 London Street and nos 3/5 London Road;*
- *Good examples of prestigious Georgian town houses in London Street;*
- *The fine collection of 19th century municipal buildings in Blagrove Street including Waterhouse's distinctive Town Hall and Victoria Hall, Concert Hall and Museum, Library and Art Gallery;*
- *Groups of historic building around Market Place;*
- *Special historic and architectural focus around St Laurence's Church and the Town Hall complex;*
- *Many examples of building with bricks (red, blue and buff) from Reading's extensive local brickworks;*
- *Fine examples of 19th century banks and commercial buildings notably Barclays Bank, King Street and NatWest Bank, Market Place;*
- *Three green open spaces namely the churchyards of St Laurence's and St Giles' and the burial ground of the Friends Meeting House;*
- *Public open space (part-pedestrianised) composed of Market Place and Town Hall Square i.e. the area around the statue of Queen Victoria;*
- *Jacksons Corner, a once busy crossroads and locally known landmark;*
- *Trees in the public realm particularly street trees in London Street, Market Place and Town Hall Square;*
- *Tranquil atmosphere of Church Street;*
- *The presence of the River Kennet and a short visible length of Holy Brook;*
- *Lengths of natural stone kerb and historic paving in the courtyard of The George Hotel, Thorn Lane and alleys off London Street;*
- *Two examples of 19th century monuments: Sir John Soane's Simeon Monument and the Queen Victoria statue.*

43. The Townscape Appraisal Map, which is contained within the Conservation Area Appraisal, does not indicate that the application site would feature in any identified important views. Aside from forming part of the wider streetscene along Southampton Street, the site is not considered to specifically, positively contribute to the setting of the Conservation Area.
44. Additionally, it should be noted that the adjacent building (15-31 St Giles Close) sits between the application site and the boundary of the Conservation Area, and is a modern building of no historic merit, which faces to the east, resulting in an inactive frontage to Southampton Street and being a negative feature in the streetscene directly adjacent to the Conservation Area boundary.

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Assessment of Impact

45. The application proposals seek the refurbishment, conversion and extension of the property to create the following quantum of development:
 - 7 x 1 bed C1 Units;
 - 1 x 2 bed maisonette;
 - 1 x 1 bed apartment.
46. The front of the property will be refurbished, the existing modern shopfront and roller shutters removed (the timber fascia and corbels will be retained and new numbering and naming added to retain the appearance of a shopfront) and a new recessed entrance to the ground floor, incorporating access to the basement level, will be installed. The windows will be replaced with UPVC units, the detail of which will reflect that of the existing windows, and the chimney replicated to match the existing in terms of design.
47. To the rear, a new extension will be added to the back of the building, incorporating the existing projecting wings of the building and new dormers will be added to the roofslope following the removal of the rear chimney. A new stair will also provide access to the first floor, whilst the rear yard will be landscaped and a parking space provided. The rear extension will be constructed of brick to match the existing rear elevation, and the roof slopes slate to match the roof of the host building.
48. The Planning and Compulsory Purchase Act (2004) requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policy guidance set out within the NPPF is considered to be a material consideration which attracts significant weight in the decision-making process.
49. The statutory requirement set out within the Planning (Listed Buildings and Conservation Areas) Act 1990, at Sections 66(1) and 72(1) confirms that considerable weight should be given to the preservation of the historic and architectural interest of Listed Buildings and their settings, as well as the protection of the character and appearance of a Conservation Area, although it should be noted that the statutory protection afforded to the setting of a Listed Building does not relate to the setting of a Conservation Area. However, the NPPF states that the impact of development proposals should be considered against the particular significance of heritage assets such as Listed Buildings and Conservation Areas, and therefore this needs to be the primary consideration when determining the proposed application. It is also important to consider where the proposals cause harm. If they do, then one must consider whether any such harm represents 'substantial harm' or 'less than substantial harm' to the Listed Buildings within the vicinity of the site and the Conservation Area as a whole, in the context of paragraphs 195 and 196 of the NPPF.
50. The guidance set out within the PPG states that substantial harm is a high test, and that it may not arise in many cases. Whilst the proposals see the renovation of the property, including some alterations to historic fabric, the PPG makes it clear that it is the degree of harm to the significance of the asset rather than the scale of development which is to be assessed. In addition, it has been clarified in both a High

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Court Judgement of 2013⁸ that substantial harm 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*”.

51. Given that the Site is located close to a number of Listed Buildings and adjacent to the boundaries of the Conservation Area, the proposals have the potential to impact upon the character and appearance of the Conservation Area and the significance of the Listed Buildings via a change in setting.
52. When considering potential impacts of the proposed development on the character and appearance of the Conservation Area, it is important to recognise that the Conservation Area covers a large area and includes a wide variety of areas of differing characters. The Site itself is outside of the boundaries of the Conservation Area and, as noted in the NPPF at paragraph 201, it is necessary to consider the relevant significance of the element which has the potential to be affected and its contribution to the significance of the designation as a whole, i.e. would the application proposals undermine the significance of the Conservation Area as a whole?
53. As set out above, it is the western façade that contributes positively to the streetscene and thus the setting of both the nearby Listed Buildings and Conservation Area. However, it should be noted that the existing shopfront (with the exception of the fascia and timber corbels) is of no interest and is not a positive feature of the front façade, and the façade as a whole is in a run-down condition. As such, the proposed works to refurbish the front façade of the building, which includes maintaining those elements of the building which positively contributes to its appearance, such as the brick work and fascia, will have a positive impact on the setting of the various heritage assets within the vicinity of the site. Similarly, whilst the chimney is to be replaced with a non-functional stack in order to reduce its load on the structure, its external appearance will be maintained. The works to the entrance will represent a change to the façade, but the proposed design and high quality of the design proposed will not impact upon the significance of the designated heritage assets identified above, particularly given that they will replace a modern shopfront of no historic interest and the large metal shutters which are an incongruous feature on the front façade.
54. Turning to the works to the rear of the property, as discussed, the rear elevation and yard is not considered to be of any specific historic interest and does not contribute to either the setting of the Listed Buildings or the Conservation Area. The proposed new extension will consolidate the existing rear extensions and will be constructed of red brick to match the host building, with slates roofs to similarly match the materials used on the existing roof.
55. The proposed extension will not be readily visible in the street scene from the west or north, being screened by existing built form, and when seen in views west from St Giles Close, it will be seen in the context of the large scale of the buildings within this area and thus will assimilate into the existing built form in these views. The height of the side elevations being set by the existing height of the rear extensions so will not further. Views along Southampton Street will be maintained, including those towards the spire of the Church, and whilst the extension would be visible in longer distant views from Crown Street to the south, this will be set behind the newly renovated and

⁸ EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council

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extended former Public House (a Listed Building), and in the context of the larger scaled buildings to which it will relate.

- 56. The rear extension is thus considered to have no impact upon the setting of the Listed Buildings or the Conservation Area.
- 57. Overall, the proposals are considered to have a positive impact to the setting of the designated heritage assets due to the works to the west facade.

Summary Conclusions

- 58. To summarise, it is considered that the application proposals, which include the renovation of the front façade of the building and the construction of a new rear extension, would serve to protect, and in the case of the works to the western façade, enhance, the setting of the Listed Buildings within the vicinity of the site, including the former Public House immediately to the south, which is itself currently undergoing a programme of renovation and extension.
- 59. As such, notwithstanding the considerable weight given to the statutory obligations set out within the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposals are considered to accord with the policy guidance set out at a local level, as well as the national guidance provided within the NPPF.

Appendix 1 – Methodology

Assessment of significance

In the NPPF, heritage significance is 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. ⁹For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance"

Historic England's Historic Environment Good Practice advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment¹⁰ (henceforth referred to as 'GPA 2: Managing Significance') gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of significance of a heritage asset. In order to do this, GPA 2: Managing Significance also advocates considering the four types of heritage value an asset may hold, as identified in Historic England's Conservation Principles¹¹; **evidential**, **historical**, **aesthetic** and **communal**. These essentially cover the heritage 'interests' given in the glossary of the NPPF, which comprise archaeological, architectural, artistic and historic interest.

Conservation *Principles* provides further information on the heritage values it identifies:

Evidential value: *the potential of a place to yield evidence about past human activity. This value is derived from physical remains, such as archaeological remains, and genetic lines.*

Historical value: *the ways in which past people, events and aspects of life can be connected through a place to the present - it tends to be illustrative or associative. Illustrative value is the perception of a place as a link between past and present people and depends on visibility. It has the power to aid interpretation of the past through making connections with and providing insights into past communities and their activities through shared experience of a place. By contrast, associative value need not necessarily be legible at an asset, but gives a particular resonance through association with a notable family, person, event or movement.*

Aesthetic value: *the ways in which people draw sensory and intellectual stimulation from a place. Aesthetic values can be the result of conscious design or fortuitous outcome or a combination of the two aspects. The latter can result from the enhancement of the appearance of a place through the passage of time.*

⁹ NPPF Annex 2, DCLG, 2019

¹⁰ Historic England, 2015, *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment*

¹¹ English Heritage 2008 *Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment*

Communal value: *the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory. This can be through widely acknowledged commemorative or symbolic value that reflects the meaning of the place, or through more informal social value as a source of identity, distinctiveness, social interaction and coherence. Spiritual value may also be part of communal value.*

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

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

As defined in the NPPF:

*"Significance derives not only from a heritage asset's physical presence, but also from its setting."*¹²

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."*¹³

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

Assessing change through alteration to setting

How setting might contribute to these values has been assessed within this report with reference to *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets*¹⁴ (henceforth referred to as *GPA 3: The Setting of Heritage Assets*), particularly the checklist given on page 11. This advocates the clear articulation of 'what matters and why'.

In *GPA 3: The Setting of Heritage Assets*, 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 appreciate". The guidance includes a (non-exhaustive) check-list 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 points associated with the experience of the asset which might be considered,

¹² NPPF Annex 2, DCLG, 2019

¹³ Ibid

¹⁴ Historic England, 2017, *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets*

including: views, intentional intervisibility, tranquillity, sense of enclosure, land use, accessibility and rarity.

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 “*maximise enhancement and avoid or minimise harm*”. Step 5 is to “*make and document the decision and monitor outcomes*”.

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.

Levels of significance

In accordance with the levels of significance articulated in the NPPF, 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 some Conservation Areas); and

Non-designated heritage assets. Non-designated heritage assets are defined within the Government’s Planning Practice Guidance as “buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets¹⁵”.

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

Assessment of harm

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.

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

¹⁵ DCLG, Planning Practice Guidance, Paragraph: 039 (ID: 18a-039-20140306, Revision date: 06 03 2014)

Substantial harm or total loss. *It has been clarified in a High Court Judgement of 2013¹⁶ 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"; and*

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

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 this¹⁷. This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, 'preserving' means doing 'no harm'.

Preservation does not mean no change; it specifically means no harm. *GPA 2: Managing Significance* states that "Change to heritage assets is inevitable but it is only harmful when significance is damaged". 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.

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: The Setting of Heritage Assets*, 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: The Setting of Heritage Assets*.

It should be noted that this key document states that:

*"setting is not itself a heritage asset, nor a heritage designation"*¹⁸

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.

With regards to changes in setting, *GPA 3: The Setting of Heritage Assets* states that "conserving or enhancing heritage assets by taking their settings into account need not prevent change".

Additionally, it is also important to note that, as clarified in the Court of Appeal¹⁹, 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.

Benefits

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 significance of the assets concerned.

¹⁶ EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council

¹⁷ EWHC 1895, R (Forge Field Society, Barraud and Rees) v. Sevenoaks DC, West Kent Housing Association and Viscount De L'Isle

¹⁸ Historic England, 2017, *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets (paragraph 9)*

¹⁹ Palmer v Herefordshire Council & Anor [2016] EWCA Civ 1061 (04 November 2016)

Appendix 2 – Planning Policy

Notwithstanding the statutory presumption 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 are determined in accordance with the Development Plan unless material considerations indicate otherwise.

The National Planning Policy Framework (February 2019)

National policy and guidance is set out in the Government's National Planning Policy Framework (NPPF) published in February 2019. This updated the previous National Planning Policy Framework 2018, which in turn had amended and superseded the previous 2012 version. The NPPF needs to be read as a whole and is intended to promote the concept of delivering sustainable development.

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.

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.

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 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:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *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 of 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."*

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

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.

Heritage Assets are defined in Annex 2 of 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)."

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."²⁰

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."²¹

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."

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

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

"193 – 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

²⁰ NPPF Annex 2, DCLG, 2019

²¹ IBID

whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

"194 – 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."*

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 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"*

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"

The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 200 that:

"Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."

Paragraph 201 goes on to recognise that "not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance" and with regard to the potential harm from a proposed development states:

"Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole" (our emphasis)

With regards to non-designated heritage assets, paragraph 197 of NPPF states that:

"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

Non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to a Scheduled Monument will be subject to the policies for designated heritage assets.

National Planning Guidance

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

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.

The PPG has a discrete section on the subject of 'Conserving and enhancing 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 proposals²²"

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

²² PPG, paragraph 009 (ID: 18a-009/20140306 revision date 06.03.2014)

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 setting²³.

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"

With regard to design the PPG states at paragraph 02 that:

"Good design should:

- ensure that development can deliver a wide range of planning objectives*
- enhance the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on well being*
- address the need for different uses sympathetically²⁴."*

Paragraph 23 goes on to explain how to consider buildings and the spaces between them and reads as follows:

"Plans, policies and decisions can effectively manage physical form at a variety of scales. This is how planning can help achieve good design and connected objectives. Where appropriate the following should be considered:

- layout – the way in which buildings and spaces relate to each other*
- form – the shape of buildings*
- scale – the size of buildings*
- detailing – the important smaller elements of buildings and spaces."²⁵*

²³ PPG, paragraph 017 (ID: 18a-017-20140306 revision date 06.03.2014)

²⁴ PPG, paragraph 02 (ID: 26-002-20140306 revision date 06.03.2014)

²⁵ PPG, Paragraph 23 (ID: 26/023/20140306 revision date 06.03.2014)

Appendix 3 – Former Red Cow Public House List Entry

63, SOUTHAMPTON STREET, 50, CROWN STREET

Overview

Heritage Category: Listed Building

Grade: II

List Entry Number: 1113580

Date first listed: 14-Dec-1978

Statutory Address: 50, CROWN STREET

Statutory Address: 63, SOUTHAMPTON STREET

Map



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This copy shows the entry on 01-May-2019 at 11:31:37.

Location

Statutory Address: 50, CROWN STREET

Statutory Address: 63, SOUTHAMPTON STREET

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

District: Reading (Unitary Authority)

National Grid Reference: SU 71683 72859

Details

SOUTHAMPTON STREET 1. 5128 (East Side) No 63 SU 7172 NE 4/571 II Including No 50 Crown Street. No 63 is an early C18, small, 2½ storey house of grey brick headers with red brick quoins and dressings. Tiled roof with catslide to rear with tall chimney. 1 gabled dormer. On 1st floor a tripartite casement window to left and panel to right. On ground floor a segmental-headed former door and flanking windows. Flanking red and grey brick set back rusticated quoin pilasters (altered on right hand side). Rounded corner extension to Crow Street (No 50) probably 1860s, possibly circa 1840. 3 windows with hipped tiled roof. 2 window extension to north. A good example of early C18 brickwork.

Listing NGR: SU7168372859

Legacy

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

Legacy System number: 39171

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

Appendix 4 – 78-84 Southampton Street List Entry

78-84, SOUTHAMPTON STREET

Overview

Heritage Category: Listed Building

Grade: II*

List Entry Number: 1113584

Date first listed: 22-Mar-1957

Statutory Address: 78-84, SOUTHAMPTON STREET

Map



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This copy shows the entry on 01-May-2019 at 11:31:46.

Location

Statutory Address: 78-84, SOUTHAMPTON STREET

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

District: Reading (Unitary Authority)

National Grid Reference: SU 71652 72846

Details

SOUTHAMPTON STREET 1. 5128 (West side) Nos 78 to 84 (even) SU 7172 NE 4/246 22.3.57. II* GV 2. 1810 by Richard Billing, Senior. 3 storey, basement and attic terrace. Brick with stucco string at 1st floor level and smaller string about 2 foot 6 inches above. Small brick

cornice string formed by a course of 4½ inch headers and a course of brickwork over, projecting. Parapet with stone coping. Slate roof. Each house has 2 semi-circular headed dormer windows with radiating glazing bars to sashes. 2 ranges of windows, glazing bar sashes, 1st floor tall with floor level cills, segmental headed recesses and elliptical curved balconies of wrought iron with cast lead ornament. Recessed doorway, 6 panel door with flanking fluted Greek Doric columns supporting key pattern frieze and segmental radiating fanlight. The upper windows of these houses are grouped in pairs giving a rhythm of 2-blank-2-blank etc.

Listing NGR: SU7165272846

Legacy

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

Legacy System number: 39178

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
