

Built Heritage Response to Application Representations

Land Bounded by Hoad Way and M4 and High Street, Theale

June 2024

Introduction and Context

1. This note has been prepared on behalf of the applicant to support the case officer with their decision-making in determination of the 'live' application for planning permission¹, informed by a review of representations received from:
 - Conservation Officer (dated 14th May 2024).
 - Liz Allen Environment Planning Landscape Architecture, on behalf of the Council (ref.: 04/WBC/LA/24-25, dated 20th May 2024), as far as they relate to built heritage matters. A considered response to these representations, in full, has been prepared by Turley Landscape.
 - Senior Archaeologist (dated 13th March 2024).
2. There is a broadly agreed position between the conclusions of the Heritage Statement (August 2023), prepared by Turley Heritage, and those of the Conservation Officer. There are, however, targeted areas where there are differences in position between the Heritage Statement and other representations. This note does not provide a point-by-point response to the relevant representations, however, no comment on a specific matter is not tacit agreement.

Response to Representations

3. The Heritage Statement was prepared in accordance with the relevant requirements of planning policy and best practice guidance/advice and considered impacts on the significance of built heritage assets only². That report provides a robust and proportionate assessment of the significance of the relevant heritage assets and the contribution made by setting (and the Site) to that significance, which informs a credible professional assessment of the perceived impacts of the proposed development on that significance.

Scope of Built Heritage Assets Requiring Assessment

4. The Heritage Statement provides a considered and proportionate approach to the scoping of built heritage assets requiring assessment for the purposes of this application, in a manner aligned with the expectations of Development Plan policy; NPPF policy; and relevant best practice guidance/advice. It is an agreed position with the Conservation Officer that the only built heritage asset requiring consideration in the determination of the application for planning permission is the

¹ Application ref.: 24/00145/FULMAJ

² Reports prepared by TVAS and RPS considered archaeological matters

Theale High Street/Blossom Lane Conservation Area. That is aligned with the feedback in response to previous applications for planning permission on the Site of a similar character to the proposed development³. The Council did not identify any further built heritage assets requiring assessment in the determination of those applications or as part of pre-application engagement⁴.

5. Notwithstanding that unambiguous agreed position on the extent of built heritage assets requiring assessment, the Council's appointed LVIA consultant has also identified a perceived impact on the setting of the Church of the Holy Trinity (Grade I Listed Building)⁵ through changes in the character of part of views toward the church tower
6. The tower of the Church of the Holy Trinity is a distinctive feature that is visible from parts of the surrounding area as a landscape and wayfinding feature. Like many religious buildings designed with tall elements, the tower signifies the presence of a place of worship and makes it easy to find for worshipers and visitors, however, that does not mean that all such views and experience of the tower contribute to the building's overall heritage significance.
7. It is agreed that the contribution of a church to the visual quality of specific views; the amenity of visual receptors; and landscape quality/character (and potential impacts on those contributions) can reasonably fall within consideration of landscape and visual matters. Those matters are, however, distinct from the consideration of heritage significance, as confirmed by Historic England's *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (2nd Edition)* (2017, p.7):

"Being tall structures, church towers and spires are often widely visible across land- and townscapes but, where development does not impact on the significance of heritage assets visible in a wider setting or where not allowing significance to be appreciated, they are unlikely to be affected by small-scale development, unless that development competes with them, as tower blocks and wind turbines may. Even then, such impact is more likely to be on the landscape values of the tower or spire rather than the heritage values, unless the development impacts on its significance, for instance by impacting on a designed or associative view."
8. The methodology and conclusions informing the LVIA representations are not aligned with (or equivalent to) relevant Historic England best practice⁶ in terms of the staged approach to determine 'what matters and why' in terms of the heritage significance of the listed building; the contribution made by setting (and Site) to that significance; and consideration of potential impacts on that significance.
9. The applicant, therefore, respectfully directs the case officer to the Heritage Statement and position of the conservation officer in this matter i.e. the only built heritage consideration requiring consideration in the determination of this application is the perceived impact on the significance of the Theale High Street/Blossom Lane Conservation Area.

Consideration of Built Heritage Impacts

10. It is understood that there is broad agreement between the applicant and the Conservation Officer regarding the assessment of the significance of the Theale High Street/Blossom Lane Conservation

³ Application refs.: 20/00476/OUTMAJ and 21/02029/COMIND

⁴ Ref.: 22/03049/PREOPD

⁵ <https://historicengland.org.uk/listing/the-list/list-entry/1288225>

⁶ Historic England's *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (2nd Edition)*

Area, including the contribution made by setting to that significance, and the Site's contribution to that significance: *"The submitted Heritage Statement appropriately describes the significance of the CA and its setting"*⁷.

11. The applicant welcomes the recognition of the beneficial changes to the current application, in terms of the perceived impacts on the significance of the conservation area, when compared to the previous applications.
12. The Heritage Statement concludes that part of the proposed development within the conservation area (the proposed access), would preserve its character or appearance.
13. Notwithstanding the material design changes, the Heritage Statement concludes that the proposed development would cause less than substantial harm to the significance of the conservation area through the removal of part of its positively contributing setting through change in the character of the Site, from existing rural land to commercial development (and associated activity, noise, lighting etc.) and the visibility of new built form of contrasting height, scale, mass and character from within the conservation area that detracts from an appreciation of its heritage significance. In those terms, the conclusions of the Heritage Statement are aligned with the Conservation Officer's representations.
14. The Heritage Statement 'calibrates' that heritage impact as being towards the middle of that part of the 'harm spectrum'⁸. The Conservation Officer 'calibrates' those heritage impacts as a 'moderate/high level of less than substantial harm.' – confirming that there is a broadly aligned position between the conclusions of the Heritage Statement and the Council's specialist advisor in terms of relevant built heritage impacts.
15. The applicant notes the Council's LVIA advisor considers matters relating to the landscape and visual setting of the conservation area, however, those matters are distinct from consideration of impacts on its significance as a designated heritage asset. The applicant, therefore, respectfully directs the case officer to the Heritage Statement and conservation officer's representations when weighing impacts on the heritage significance of the conservation area in the overall planning balance.

Consideration of Relevant Legislation and NPPF Requirements

16. s72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 is engaged by that part of the development within the designated boundaries of the conservation area. It is the applicant's position that the part of the proposed development within the designated area would preserve the character or appearance of the conservation area. There is no statutory duty regarding the setting of a conservation area, however, it is a material consideration flowing through planning policy at all levels.
17. It has been confirmed⁹ that Parliament's intention in enacting section 72(1) of the 1990 Act was that decision-makers should give "considerable importance and weight" to the special attention that is to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area, where "preserve" means to "to do no harm" This duty must be borne in mind

⁷ Conservation Officer representations dated 14th May 2024

⁸ PPG Paragraph: 018 Reference ID: 18a-018-20190723

⁹ The Forge Field Society v Sevenoaks District Council [2014] EWHC 1895 (Admin); North Norfolk District Council v Secretary of State for Communities and Local Government [2014] EWHC 279 (Admin)

when considering any harm that may accrue and the balancing of such harm against public benefits as required by national planning policy. The Secretary of State has confirmed¹⁰ that ‘considerable importance and weight’ is not synonymous with ‘overriding importance and weight’.

18. The national policy context for assessing the impact of development proposals on the significance of designated heritage assets is provided by the NPPF. This sets out a series of related and specific policies with respect to development that may affect the significance of designated heritage assets.
 - The principal objective is for no harm to be caused to the significance of a designated heritage – great weight must be given to the conservation of its significance (para 205).
 - If harm is caused, it requires clear and convincing justification (para 206).
 - If that harm is substantial (para 207):
 - Permission should be refused unless it can be demonstrated that such harm is necessary to achieve substantial benefits that outweigh that harm; or,
 - A range of tests regarding the absence of any viable use, including with grant-funding and some form of not for profit, charitable or public ownership, and that beneficial use of the site outweighs such harm, are met.
 - If that harm is less than substantial it should be weighed against the public benefits of the proposals (para 208).
19. The proposed development will cause less than substantial harm to the significance of the conservation area through change in part of its setting. That less than substantial harm must be accorded considerable weight and importance when considered against the public benefits delivered by the Proposed Development, as part of the overall planning balance. The presumption in favour of preservation, in terms of the character or appearance of a conservation area is not overriding or irrebuttable, as there will be cases where such harm would be outweighed by material considerations powerful enough to do so. The Planning Statement submitted with the application details the benefits of the proposed development that should be weighed in the overall planning balance.

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¹⁰ APP/H1705/A/13/2205929