

DELEGATED REPORT

Item Number:
Application Number: S/16/1832

Ward: Lydiard And Freshbrook
Parish:
West Swindon

Proposal: Erection of 4no. dwellings and associated works.
Location: Land at Brook Cottage, Hay Lane, Grange Park

Agent:
Ian Pople
Wills & Co.
30 The Causeway
Chippenham
SN15 3DB

Applicant:
Mr D. Grieves
C/O Agent

Officer Report

1 Background: No pre application enquiry was received by the Borough Council for this proposal. The application was originally received in February 2017 but validation issues and the need for further information has delayed consideration of the application. It was fully validated August 8th 2017.

Summary of Recommendation:

2 That planning permission be **REFUSED**

The Proposal:

3 The proposed development is for the construction of 4 large detached dwellings accessed from the existing track leading from the Lydiard Park driveway to Brook Cottage. The dwellings would comprise three five-bedroom properties and one six-bedroom property. Each dwelling would have a detached triple garage (except Plot 2 where it would be an attached double garage) with storage accommodation. The dwellings would be arranged around a central driveway.

The Site and Surroundings:

4 The site is part of the wider garden of Brook Cottage. It was apparent at the site visit that the land has been left and now has the appearance of being somewhat overgrown.

5 The north of the site is bounded by the tree-lined main driveway of Lydiard Park. The driveway is part of the wider Grade II Registered Park and Garden. The driveway leads to the Grade I listed Church of St Mary and Lydiard Mansion, together with numerous other listed structures.

6 To the south and west of the site is Lydiard Park. A small group of buildings, centred on Brook Cottage, is to the south west of the site. To the north, beyond the driveway, is agricultural land lying within Wiltshire unitary authority area. To the east of the site is public open space along Hay Lane. Public footpaths run along the driveway to the north of the site and through the public open space to the east.

Representations:

7 West Swindon Parish Council Comments: Object on grounds of overdevelopment, negative impact on the essential setting of Lydiard Park which is a highly valued asset for local residents in Swindon and neighbouring parts of Wiltshire, precedent for further housing development and contrary to Policy EN10 of the Swindon Borough Local Plan, impact on landscape and trees and biodiversity.

8 Lydiard Millicent Parish Council: Object on the grounds of impact on the historic environment and landscape of Lydiard Park, many more suitable sites for housing development within Swindon and Wiltshire, importance of area for recreation, as a green space separating Swindon from its rural hinterland and impact on biodiversity.

9 Friends of Lydiard Park: Object on the grounds of lack of heritage, ecology, landscape and archaeological assessments and a proficient Design and Access statement, impact on designated heritage assets at Lydiard Park, impact on the tree lined road by suburban development, views from the listed buildings and restored revetments and ornamental lake towards the proposed large houses would cause substantial harm to the historic setting, impact on ecological corridor, blot on the landscape and dangerous precedent if development allowed within the boundary of the historic park.

10 Shaw Residents Association: Object on the grounds of impact on the heritage experience of the registered Park and Grade 1 listed house and church, trees would not be able to screen the intrusion and would be under pressure by the potential occupiers of the dwellings to be cut down for extra light and views, impact on views from the Dam wall, the statement does not address the issues sufficiently, impact on parking levels within the vicinity and the parking for Plot 1 50 m from dwelling.

11 Lydiard Park Heritage Trust: Object on the grounds of the impact on the historic setting of Lydiard Park, impact on the heritage experience, reject the applicant's view that any harm caused would be minimal due entirely to the hedge that he has allowed to grow into what can only be called an eyesore and no mention is made of the visual impact, and if allowed would encourage Taylor Wimpey to reapply with their proposal within the setting of Lydiard Park.

12 Lydiard Fields Action Group and Love Lydiard Trust: Object on the following grounds:- harm caused to the rural approach to Lydiard Park contrary to Policy EN10 relating to the protection of heritage assets, urbanisation, close to Lydiard Country Park, sets a precedent for further building, development not in accordance with Swindon or Wiltshire's Local Plan, increase noise and light pollution, traffic and impacts on biodiversity.

13 The Gardens Trust:- Object on the following grounds:- February 2017 -impact on the setting and significance of the dam, the Planning Design and Access Statement does not mention the words 'Registered Park and Garden', outside development boundary, sets a precedent for development outside the settlement boundary, no other application (the Taylor Wimpey application) the Gardens Trust has looked at over the past few years has generated such a volume of comments from the community which shows the great regard the local community holds for this designated country park. August 2017- stand by our objection originally made in February. Again a Heritage Impact Statement has still not been carried out by the agent/applicant. Also a recent Court decision (Steer v SSCLG 22nd June 2017) ruled that a Planning Inspector had adopted an artificially narrow approach to the issue of setting which treated visual connections as essential and determinative and this had amounted to an error in law and we would draw attention to Historic England's (HE) Historic Environment Good Practice Advice in Planning No.3, The Setting of Heritage Assets (GPA3).

14 Historic England:- Object on the grounds of intrusion of built form into the Park undermining the rural landscape that forms its setting. The agricultural character of the land to the north and the woodland character of the development site reinforces the position of the park in its landscape setting providing a rural backdrop to more formal elements and features. The undeveloped parts of its rural setting contribute positively to the registered park and the designated assets situated within. Development here would be highly visible and an incongruous addition where the land is read as being part of the estate and building here would detract from the sense of arrival and expectation experienced by visitors to the Park and the harm would extend to appreciation of component features of the parkland and principal heritage assets and their settings. The castellated dam wall is a prominent historic feature within the landscape and the first to be experienced on arriving at Lydiard Park via the eastern drive – development of the site will have a direct impact on how this important feature is experienced as well as cause unnecessary harm to the setting of important designated assets including a number of highly graded listed buildings. It would cause harm to the setting of Lydiard Park and therefore the principle of development on this site is wholly unacceptable. The proposal does not meet the requirements of the NPPF, in particular paragraph numbers 131,132 and 134. In determining the application the LPA should bear in mind the statutory duty of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and Section 38 (6) of the Planning And Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

15 Neighbours and members of the public:- 89 letters of objection have been received on some or all of the following grounds:- harm to historic setting, views of Park compromised, sets a precedent for further housing development within the area, impact on character of Limes Avenue, urbanisation, harms the setting of mansion and church, fast growing leylandii out of keeping , impact on rural character, no heritage statement submitted, takes no account of the possibility of archaeological remains, architecturally undistinguished dwellings with poor detailing, dwellings of a suburban cul de sac type, impact on traffic movements at entrance to the park, trees can and would be removed by any time and against Policies of the Local Plan, serious harm to amenity of

community, would ruin the landscape, plenty of earmarked sites for housing in Swindon, one day Park may be expanded and enhanced for visitors – would be impossible if developed for housing, impact on parking near entrance, green space important for physical and mental health, not the type of dwellings which would benefit Swindon, development would spoil transition from dense housing into the Park itself, will bring additional noise, lighting and be visually intrusive, should be purchased by the Council to protect it, existing cottage has been modified considerably and has a negative impact on the site – development will only augment the harm, no economic benefits could outweigh the environmental harm, site lies within the boundaries of the publically notified area where no development would be possible, impact on trees and wild life, need to use brownfield sites for housing if necessary to build more, will not address need for affordable housing for young families, recent court ruling with regard to setting must be taken into account, land will never be reclaimed if allowed to be built on, previous archaeological interest of a stone road was removed on the site, existing damage to the setting should not be exacerbated, road infrastructure not suited to more dwellings, further strain on local services and must protect for future generations.

16 On letter of support received from 3 Nuffield Close on the following grounds:- houses will not be seen by the public as all the large trees will remain along the access road as it is now. Prosperity is needed in Swindon and we should encourage entrepreneurs to bring business and money into the town.

Planning Considerations:

17 The Swindon Borough Local Plan 2026 (2015) is part of the development plan for the Borough. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Local Plan Policy

Principle of Development

18 Local Plan Policy SD2 states that, in rural and countryside locations outside the Swindon urban area boundary, development will be permitted where it is in accordance with other policies of the Local Plan permitting specific development in the countryside. The 4 new residential units proposed are not supported by any such policy. The principle of the proposed development is therefore not in accordance with the Local Plan.

Green Infrastructure Corridor

19 The application site lies within a Strategic Green Infrastructure Corridor, as defined on the Local Plan Policies Map for the purposes of Local Plan Policy EN1. Local Plan Policy EN1 states that “development shall protect and enhance green Infrastructure” including visually or ecologically important existing trees, hedges and woodlands. It is considered that the proposed development within the Green Infrastructure Corridor does not protect or enhance it.

Design

20 Design is an important consideration. Local Plan Policy DE1 and the Swindon Residential Design Guide SPD should be applied.

Landscape

21 Local Plan Policy EN5 (Landscape Character and Historic Landscape) is applicable.

Historic environment

22 Local Plan Policy EN10 (Historic Environment and Heritage Assets) applies. Policies applicable to heritage assets are considered in more detail below.

Other material considerations

23 The principle of the proposed development is not in accordance with the Swindon Borough Local Plan 2026.

24 As noted above, planning law requires that applications for planning permission should be determined in accordance with the development plan unless other material considerations indicate otherwise. The National Planning Policy Framework (NPPF), which sets out national government planning policy, is an important other material consideration. This is confirmed in paragraph 2 of the NPPF.

25 The NPPF requires local planning authorities to seek to maintain and update annually a five year supply of deliverable housing land.

26 Paragraph 49 states that where it is not possible to demonstrate a deliverable five year housing land supply, policies for the supply of housing should not be regarded as up to date. Paragraph 14 states that where relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, or specific policies in the framework indicate that development should be restricted.

27 The Secretary of State for Communities and Local Government in his 13 July 2017 recovered appeal decision in respect of a proposed residential development at land east of Marlborough Road, Wroughton (APP/U3935/W/16/3147902), found that the housing land supply in Swindon Borough as at an April 2016 base date was less than 2.5 years.

28 Accordingly, permission for this development should be granted unless:

- it is shown that specific policies of the NPPF (such as those applicable to designated heritage assets, considered below) indicate that development should be restricted, OR
- the adverse impacts of granting permission significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF read as a whole.

29 Footnote 9 of the NPPF identifies those policies applicable to designated heritage assets as an example of a specific policy of the Framework which (under paragraph 14) may indicate that development should be restricted.

Landscape and Trees

30 The site has a Public Right of Way to the immediate north and south of the site and is clearly visible from those highly sensitive receptors. The change from open paddock (irrespective of its state of management) to a residential development will cause significant adverse impact on both landscape character and visual amenity. This scheme would be in direct contravention of Policy EN5 of the Local Plan, whose primary purpose (a) is to 'conserve and enhance the intrinsic character' of these valued landscapes.

31 The scheme is not accompanied by any detailed Landscape and Visual Impact Assessment nor does it properly take into account Landscape Character Assessments EN5b) – whether the property can be seen or not does not alter the damage it does to the character of the area.

32 It is difficult to understand how the change from open pasture to developed site would not affect the integrity of the green corridor. It is also difficult to ascertain with no redline plan provided as an overlay to the tree constraints plan how many trees will be compromised by the development. Nevertheless there would be considerable pressure to remove trees or branches to increase levels of light and open up views by any occupiers of the proposed dwellings given the overshadowing these trees would likely cause. The Arboricultural Officer has expressed concerns about the development.

33 It is considered that there are significant adverse impacts on the character of the landscape, visual harm to users of Public Rights of Way and (landscape) harm to the setting of adjacent historic assets.

Historic Environment

34 The main conservation-based considerations are the effect of the proposed development upon the historic environment in particular the setting of listed buildings and the setting of the Registered Park and Garden. It is noted that the application submission does not contain a specific heritage statement/ heritage impact assessment or similar and is restricted to the paragraph contained in the Design and Access Statement.

35 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This is a legal duty, not a material consideration. It is a matter to which considerable importance and weight should be given.

36 This message is reinforced by part 12 of the National Planning Policy Framework (NPPF) and by Local Plan Policy EN10.

37 NPPF paragraph 132 makes clear that the significance of heritage assets can be harmed or lost through development within their settings. The recent decision of the High Court in *Steer v SSCLG* [2017] EWHC 1456 (Admin) confirms that the setting of heritage assets is not defined in purely visual terms. The NPPF refers to the setting as the “surroundings in which a heritage asset is experienced” and the word “experienced” has a broad meaning, which is capable of extending beyond the purely visual. The Planning Practice Guidance makes that clear:

38 “Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not.

The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance.

When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change.”

39 As heritage assets are irreplaceable, any harm should require clear and convincing justification. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. The Church of St Mary and Lydiard House are heritage assets of the highest significance and therefore the weight that should be given to their conservation is very high.

40 The proposed development site is situated adjacent to the Registered Park and Garden of Lydiard Park (National Heritage List, NHL 1001238) hereafter ‘the registered park’) to the eastern side and directly to the south side of the eastern drive access of the park.

41 Whilst there are no Listed Buildings within the proposed development site boundary, there are a significant number situated within and directly associated with, the registered park. The listed buildings include those that are highly graded such as the Church of St Mary (the Church) and Lydiard Mansion (Lydiard House).

Lydiard House is designated at a Grade I (National Heritage List, NHL1198420) and it is characteristic of its high status mansion and a significant component of the estate. It is a substantial mansion house and demonstrates 17th century construction periods. It was remodelled in the 18th century. This remodelling extended to the park and its features, including the revetments to the dam (National Heritage List, NHL 1352665) and the erection of the walled garden (National Heritage List, NHL 1023478) and these are situated to the north east and north west of the mansion respectively.

42 The Church of St Mary (Grade I), a Parish Church dating from the 13th century (National Heritage List, NHL 1023470) and also a significant component in the registered park is situated immediately to the north of the mansion.

43 Other listed buildings of consideration in respect of this application by virtue of their location and group association include the walled garden, dam wall (revetments) and those structures within and associated with the churchyard.

44 All the assets have a relationship historically and functionally and this contributes to the overall significance. The registered park and its setting reinforces and positively contributes to the setting of listed buildings and the ability for them to be experienced. There is also strong communal value, not least the Lydiard House and park was bought by the Corporation of Swindon in the early 1940's and this ownership has great significance to the community and wider afield.

45 An "essential setting" was identified within the Lydiard Park Restoration & Development Plan (LPRDP 2003, Figure 20, Nicholas Pearson Associates for SBC). That identified *essential setting* includes the proposed development site. The east drive is a main access to the park from Hay Lane and is clearly defined in the landscape by a lime avenue¹ and is included specifically in the formally registered park boundary. Furthermore the registered park boundary was enlarged following a review in August 2013 and now includes former glebe land purchased in the early 19th century by Lord Bolingbroke enabling "*the replacement of the parsonage, new stables and the new separate drive to the church*" – the eastern drive.

46 The proposed development site is identified as "*agriculture pasture*" upon figure 21 of the LPRDP (2003). Further east of the proposal site is (public) open space and this continues across Hay Lane.

47 As well as the main eastern drive there are a number of footpaths etc which enter into the park from the eastern side. This include the path which runs to the south side of Brook Cottage² eventually joining the path that runs along the dam revetments, and another which runs alongside the immediate east of the proposal site.

48 Nonetheless the proposal site is relatively well tree'd upon its southern and eastern boundaries with glimpses available beyond. This is especially apparent external to the proposal site including from the aforementioned footpaths and green spaces etc.

¹ Previous to the new drive, access to the church from the east was via the route adjacent to the dam wall continuing from the ancient track way. The lime trees have replaced earlier elms in the 1970's.

² It is worthy to note that within the green space to the east of Hay Lane are earthworks commensurate with a hollow way visible. These are in the same alignment of this footpath.

49 From the eastern drive (within the park boundary) it is apparent that the topography of the site follows a similar land profile, and at the access point from the drive into Brook Cottage it is significantly lower. This is the point where the stream, which flows from beyond the dam wall continues to flow northwards.

50 Also, from above and below the dam revetments the visibility and experience of the site and its tree'd rural character is also appreciated. Below the dam revetments "*being the old church lane route*" (LPRDP para 7.4, page 87).

51 Brook Cottage itself is situated to the SW of the proposal site and it is understood to be the former gamekeepers lodge, presumably to the park itself; the pheasantry is sited just south of the cottage, east of the lakes. Further references also note that a park gardener also lived at Brook Cottage (LPRDP,p21). As such there appears to be a historic connection which also reinforces the contribution to the significance of the registered park and associated elements.

52 The drive from Hay Lane contributes to the historic significance of the park and church with its creation to allow specific access for the church congregation but also to the park stables beyond. The planting of the avenue accentuates its status by aesthetically forming a deliberately designed and formal approach. In entering and progressing along the drive there is no ambiguity that the experience is one that was deliberately intended and contributes to the formal landscape and its gradual reveal. All these assets form an important group and historic aesthetic interrelationship.

53 The varying elements reinforce the status of the park contributing to its hierarchy and supremacy not only in the wider landscape but in how the varying elements of the park functioned. These make a positive contribution to the significance of the registered park; they contribute to its rural context and in this officers would include the land that forms the proposed development site in maintaining a rural setting.

54 Whilst there has been some development in the 20th century within the setting of the park this is acknowledged to have been harmful. This was highlighted in the appeal decision APP/U3935/A/13/2195124 which noted that "*urban elements which are not sympathetic to the historic interest of the Park, but which are now an established part of its surroundings and the outlook from viewpoints within it*". That is to say they are within the setting but make a negative contribution to its significance.

55 The proposed development details four large houses in a cul-de-sac arrangement. The development utilises the formal eastern access to the park to gain access, via the existing access to Brook Cottage. Notwithstanding the degradation of the experience of the formal access and its intended primacy, development in the area shown would be seen as an intrusion of built form into the established rural setting.

56 The scale and siting of the proposed development would ensure that an unacceptable suburban character would replace the positive existing rural one. It would be visible from vantages external to and from within the registered park boundary including the deliberate experience that the varying accesses afford.

57 Erosion of the established rural landscape setting of the registered park, which positively contributes to its significance would be harmful. That harm would extend to the appreciation of component features and buildings, many of which are designated as listed buildings.

58 It is considered that the proposed development by virtue of its location, siting and design would cause harm to the setting of designated heritage assets (DHA's) *including* the listed buildings of the Church of St Mary's (Grade I), associated with Lydiard House (Mansion) and Park. It would also cause harm to the setting of Lydiard Park, a Registered Park & Garden, within which those listed buildings are situated.

59 The application submission is significantly lacking in information demonstrating analysis or assessment as to the impact of the proposed development upon designated heritage asset and their settings. Nonetheless the application however does note that some harm will be experienced albeit "*minimal*".

60 Officers agree with that view that harm will be caused. However officers do not agree that any harm is minimised by the overall design response including the merger of the site into the street scene. The proposal fails to preserve the setting of the registered park and the setting of listed buildings contained within and would cause less than substantial harm.

61 The presumption in favour of preserving the setting of listed buildings, afforded by the 1990 Act (as relevant) is not met. Furthermore the conservation of heritage assets is a core planning principle as detailed in the NPPF and afforded great weight in decision making and relates to all designated heritage assets. Where harm is identified this should be weighed in the appropriate balancing exercise.

62 The local development plan echoes the requirements of the NPPF with Policy EN10: Historic Environment & Heritage Assets which states that Swindon Borough's historic environment shall be sustained and enhanced:-

63 EN10b. Proposals for development affecting heritage assets shall conserve and, where appropriate, enhance their significance and setting. Any harm to the significance of a designated or non-designated heritage asset, or their loss, must be justified. Proposals will be weighed against the public benefits of the proposal, whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset; and whether the works proposed are the minimum required to secure the long term use of the asset.

EN10c. Any alterations, extensions or changes of use to a listed building, or development in the vicinity of a listed building, shall not be permitted where there will be an adverse impact on those elements which contribute to their special architectural or historic significance, including their setting.

EN10f. *Features which form an integral part of a Park or Garden's historic interest and significance will be conserved and development will not detract from the enjoyment, layout, design, character, appearance or setting of them, including key views into and*

out from, or prejudice future restoration.

64 No heritage based benefits of the proposed development have been identified to outweigh the harm.

65 Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Local Plan Policy EN10 incorporates a similar public benefit test.

66 In the event that harm to the significance of heritage assets is identified, an assessment against paragraph 134 will need to be made by the decision maker. In our view the principal benefit of the proposed development would be the provision of 4 additional market houses. There is a public interest in houses being built, and the NPPF seeks to boost the supply of housing. However, it is not considered that these houses provide any benefits that could not be delivered by housing elsewhere in the Borough that would not harm designated heritage assets. Moreover, as the proposed development would comprise of only four dwellings, its contribution to addressing the housing land supply position in the Borough is marginal.

67 Overall, officers do not consider that the public benefits of the scheme show a public interest in the proposal that is likely to be sufficient to outweigh harm to designated heritage assets.

68 As the Garden Trust observe, the recent groundswell of local opposition among Swindon Borough residents to development that would harm the setting of Lydiard Park (see Wiltshire Council planning application reference 16/06978/FUL) makes clear the very high significance attached to the park by Borough residents. Lydiard Park is clearly a heritage asset that is very important to the people of Swindon. It would, in my view, be unlikely that a decision maker should conclude that the public interest in preserving the park would be outweighed by the public interest in four private market houses being built.

69 Harm to designated heritage assets has been identified and it is considered that this is not outweighed by any public benefits of the proposed development. In these circumstances, specific policies of the NPPF would indicate that development should be restricted and the 'tilted balance' in paragraph 14 NPPF would not apply.

Archaeology

70 The County Archaeologist has noted that the location is archaeologically sensitive, being within 150m of where a Roman building was revealed during work on the northern car park at Lydiard Park. There is also a medieval settlement at Wick Farm within 100m of the proposed development site. It is advised that an archaeological evaluation is undertaken across the site and reported on prior to the determination of the planning application. No archaeological evaluation has been received.

Ecology

71 An Ecology report has been submitted with the application - Phase 1 Ecological Assessment, Wessex Ecology. The report is undated, but the report states that the site was surveyed on 10 March 2014. The survey information is more than 3 years old, so the survey data is out of date and conditions on site may have changed.

72 The report has many gaps. It is recommended that ecological surveys are undertaken by a member of the Chartered Institute of Ecology and Environmental Management, as this provides quality assurance. There is no evidence that the recommendations for further ecological surveys have been carried out.

The boundaries of the site surveyed for ecology need to be clearer. Figure 1 in the report is illegible, and there is no red line shown as per the caption. Figure 2 shows two boundaries. There is no scale. From the Site Plan the neighbouring land is in the same ownership so this land should have been surveyed so the ecological context of the site could be better understood. The results of the Wiltshire and Swindon Biological Records Centre data search should have been listed in full. The data search radius should be 1km minimum, and 2km for bats, as bats are numerous locally. In view of the importance of the adjacent Lydiard Park for bats, bat surveys are necessary to understand how bats are using the site. The site forms part of a large area of linear habitat of woodland and water, which is likely to be intensively used by bats. Many bat boxes have been installed at Lydiard Park, and the dam wall immediately to the south of the application site is likely to be a significant bat roost. Presence/absence in the adjacent brook for water voles needed to be established. We need to understand more about the relationship between the stream and the site itself. A reptile survey is necessary as was recommended at 6.4. The whole site needs to be inspected for badgers. The presence or absence of great crested newts in water bodies within 500m of the site needs to be established, as the photographs indicate that the site provides good terrestrial habitat for newts.

73 Overall insufficient information has been submitted with the application in respect of its ecological value contrary to the provision as set out in Policy EN4 of the Swindon Borough Local Plan 2026 (2015).

Design

74 Policy DE1 of the Swindon Borough Local Plan 2026 (2015) requires development to be in context with the existing, natural, built and historic environment, and to respond positively to enhance or create distinctive character and identity. The Swindon Residential Design Guide denotes in paragraph 2.6 "...Where features of natural and historic significance exist, they should be fully considered and opportunities realised..." Due consideration of assigned value of historical and public open space has not been appropriately explored or allocated in this proposal.

75 Paragraph 2.10 expresses "In rural areas a different approach should be considered to ensure the design relates to context and character as required by DE1. To accord with Policy DE1 and the NPPF development must respond to and respect existing context and character without proposing a poor copy of an existing architectural style." The features described by the Design & Access Statement suggests that the scheme is

intended to be empathetic of existing features of historic assets in the vicinity but goes to no lengths as to describe them or the features that are intended to be emulated. Emulating old architectural styles or eras often results in pastiche and unpleasant design and the distinct lack of analysis, description or demonstrated value suggests a poorly thought out approach to design.

76 Policy DE1 specifies "*Detailing - relates to the articulation of individual or common elements of a development. Attention to how these elements come together and shape the public and private space is important to delivering high quality design. These include: boundary treatments, enclosures for refuse and recycling provision, landscaping, street lighting and street furniture, building elements such as entrances, doors, windows, cills, lintels, surrounds, porches, bays, balconies, chimneys, roofing details, dormer windows, brick detailing, construction details, etc.*"

These design details have not been sufficiently explored with this proposal and this adds to my concerns with the overall design.

77 Policy DE1 sets out at length the numerous ways any proposal should respect historical assets and retain public open space that is valuable to the setting. Paragraph 4.8 notes that schemes will be assessed by "...what benefits the development will bring to the urban environment (quality of the public realm)". No benefits have been identified in this respect and I am not convinced that development of this land for residential purposes could provide such benefits.

78 In summary the proposal is not suited to the existing character and context of the site, owing to its historic, landscape and ecological value and public appreciation of the wider area which benefits the amenity of both residents and visitors.

Affordable Housing

79 The site area is 0.64Ha - so Policy HA2 of the Swindon Borough Local Plan applies, as on all developments of 15 homes or more, or on sites larger than 0.5Ha (subject to economic viability assessment) with a target of 30% affordable housing to be provided on site.

80 Furthermore the gross internal floor space of the proposed 4no. units exceeds 1,000sqm - so PPG Small Scale Developments Guidance of restrictions on use of S106 obligations does not apply, as although the proposal is for 4 x 5/6-bed houses, the combined floor space is 1,467sqm, so this triggers affordable housing provision in line with Policy HA2.

81 There is no reference to a viability issue within the information submitted with the planning application. That being said if the development were acceptable in principle, given that 4no. very large houses are being proposed on this site, it is likely that an off-site Affordable Housing contribution for 1.2 AH units may well be preferable in this particular situation rather than on-site provision. The proposal does not comply with Policy HA2 and government guidance in this respect.

Highways

Access

82 Previous comments made by the Highways Officer highlighted that the submitted plan only detailed the 'red line' site boundary around the proposed development site and that it did not extend to the Public Highway as is required, this has now been amended within the submitted Ordnance Survey (Revision A). It appears the access includes the crossing of third party private land, thus the applicant must ensure they have permission from all land owners for Right of Access over this land if the proposal were to be considered acceptable in principle. The onus would be on the applicant to ensure they had this permission.

83 Use of the private access track from Hay Lane (via Tregoze Way) would not be significantly intensified through this development as the private track is already used to access public car parks on the neighbouring land. Therefore this is not of concern.

Refuse Storage and Collection

84 The Revised Site Layout (Revision A) has not been changed from what was previously submitted in February. The provision of a turning circle may aid the movement of a refuse vehicle throughout the site, however details of the collection of refuse have not been confirmed. Please be aware that if the refuse vehicle is proposed to enter private land then authorisation must be given from the land owner. A swept path analysis has not been provided at this time to demonstrate the manoeuvring of a refuse vehicle (10.6m long, mid-steer) through the site.

85 Alternatively if the principle of the proposal were to be acceptable the applicant may consider the engagement of services of a private contractor for the refuse collection. The existing Brook Cottage is likely to have a refuse collection plan in place, therefore there is potential that this could be utilised for the proposed development also.

Residential Parking

86 No revised plans regarding the garages have been submitted addressing the size issues as indicated previously for Plots 1, 3 & 4. The garages do not meet the internal dimension criteria set out in the Swindon Borough Council's adopted Parking Standard and they cannot therefore formally count towards the parking provision, and as such would have to be marketed accordingly. However all Plots provide a minimum of 3 external parking spaces (of adequate size), thus meeting the provision requirement without considering the potential parking within the garages. Therefore the parking provision is acceptable.

87 Whilst of inadequate internal dimensions, the proposed garages do provide adequate space for cycle storage for each of the properties without impacting the required parking provision.

88 As was previously indicated, Plot 1 is required to have rear access from the detached garage and driveway to the property in order to prevent indiscriminate parking.

89 The Highway Officer has no objections to the proposed development subject to condition.

Concluding Comments:

90 The proposal is not compliant with Policies SD1, SD2, HA2, EN1, EN4, EN5, EN10 and DE1 of the Swindon Borough Local Plan 2026(2015), the Swindon Residential Design Guide and the NPPF. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The presumption is a statutory one. It can be outweighed by material considerations powerful enough to do so yet there are none in this case. Furthermore permission for this development could make it difficult to resist similar development within the Registered Park & Garden the repetition of which would be extremely harmful to the character and setting of Lydiard Park.

Recommendation

91 That planning permission be **REFUSED**

Conditions/Reasons

1 The proposed development by virtue of its location, siting and design would cause harm to and fails to preserve the setting of designated heritage assets including the listed buildings of the Church of St Mary's (Grade 1), associated with Lydiard House(Mansion) and Park. It would also cause harm to the setting of Lydiard Park, a Registered Park & Garden, within which those listed buildings are situated. The proposal is contrary to Policies SD1, DE1 and EN10 of the Swindon Borough Local Plan 2026 (2015) and the National Planning Policy Framework.

2 The proposed development would be located outside of the settlement policy boundary for the Borough of Swindon and does not satisfy a local need, does not support the expansion of tourist and visitor facilities or any other local rural needs or exceptions as set out in Policies HA5 and HA6 of the Swindon Borough Local Plan. The development is therefore contrary to Policy SD2 of the Swindon Borough Local Plan 2026 (2015).The development would make a negligible contribution towards meeting the Borough's housing land supply deficit, but the benefits are not outweighed by the adverse impacts that the development will have contrary to the National Planning Policy Framework.

3 The proposed development site is situated within a strategic green corridor where development shall protect and enhance green infrastructure including visually or ecologically important existing trees, hedges and woodlands. It is considered that the

proposal does not protect or enhance it and furthermore the applicant has failed to demonstrate how the significant trees adjacent to the development would be safeguarded from any potentially adverse effects of the development contrary to Policy EN1 and EN5 of the Swindon Borough Local Plan 2026 (2015).

4 The proposal has failed to secure either a target of 30% affordable homes on-site or a proportionate contribution towards affordable homes off-site as the site exceeds 0.5 hectares in area. An economic viability assessment to demonstrate that development would otherwise be unviable has not been submitted, contrary to Policy HA2 of the Swindon Borough Local Plan 2026 (2015) and the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the written ministerial statement of 28 November 2014.

5 The proposed development has failed to pay regard to the objectives of place making in achieving high quality design and is out of character with the existing built context by virtue of its density, massing, details, layout and orientation, plot size, building lines, roofscape, built form and scale. This is contrary to policies SD1 and DE1 of the Swindon Borough Local Plan 2026 (2015) and the Swindon Residential Design Guide Supplementary Planning Document (2016) and the NPPF.

6 Insufficient information has been provided to enable the Local Planning Authority to be satisfied that the development will not have a negative impact upon the ecological value of the site contrary to Policy EN4b of the Swindon Borough Local Plan 2026 (2015) and the NPPF.

7 An archaeological evaluation has not been undertaken to enable the Local Planning Authority to be satisfied that the development will not result in harm to, or the significance of any heritage assets or the historic environment, contrary to Policy EN10d of the Swindon Borough Local Plan 2026 (2015).



Informatives

1 CIL Liable Development: This development constitutes Community Infrastructure Levy (CIL) liable development. CIL is a mandatory financial charge on development. For more information on CIL visit www.swindon.gov.uk/cil or telephone the SBC CIL Team on 01793 466289 or 466397 or email cil@swindon.gov.uk. To avoid additional financial penalties the requirements of the impact of CIL must be managed before development is commenced and subsequently payment made in accordance with the requirements of the CIL Demand Notice issued. Information on possible exemptions that may be capable of being applied for can be found at: https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy and <https://www.gov.uk/guidance/community-infrastructure-levy>. CIL remains relevant in the event that planning permission is allowed by Planning Appeal.

2 This decision is in respect of Ordnance Survey Location Plan (Rev A) at scale 1:1250, Proposed Site Plan (Rev A) at scale 1:500, Drawing Number 18111-200-01 at scale 1:200, Drawing Number 18111-200-01 (Tree Constraints Plan) at scale 1:200 and Arboricultural Assessment dated June 2017 received by the Local Planning

Authority 8th August 2017 and Planning Design and Access Statement dated September 2016, Sketch Proposals (Plot 1) at scales 1:100 and 1:50, Sketch Proposals (Plot 2) at scales 1:100 and 1:50, Sketch Proposals (Plot 3) at scales 1:100 and 1:50, Sketch Proposals (Plot 4) at scales 1:100 and 1:50 and Sketch Proposals (Detached Garage) at scales 1:100 and 1:50 received by the Local Planning Authority 7th February 2017.

3 Should sufficient and satisfactory information be submitted in terms of Reasons for Refusal 6 and 7 then these reasons may be overcome.

Case officer: (Mrs Sarah Smith)		Authorised Officer:	
Date: 3rd October 2017		Date:	3/10/17

10-10-1964

The following information was obtained from the records of the State Department of Health, Division of Health Statistics, regarding the number of deaths from cancer in the State of New York during the period 1950-1963. The data are presented in the following table.

The total number of deaths from cancer in the State of New York during the period 1950-1963 was 108,452. The number of deaths from cancer in the State of New York during the period 1950-1963 is shown in the following table.

Year	Number of Deaths
1950	10,000
1951	10,500
1952	11,000
1953	11,500
1954	12,000
1955	12,500
1956	13,000
1957	13,500
1958	14,000
1959	14,500
1960	15,000
1961	15,500
1962	16,000
1963	16,500
Total	108,452