



Historic England

SOUTH WEST OFFICE

Mrs Sarah Smith
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Direct Dial: 0117 975 0667

Our ref: P00641510

18 September 2017

Dear Mrs Smith

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**LAND AT BROOK COTTAGE, HAY LANE, GRANGE PARK, SWINDON, SN5 3PA
Application No. S/16/1832**

Thank you for your letter of 14 August 2017 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Summary

Historic England is aware that the application site is not allocated for development in the Swindon Borough Local Plan 2026, adopted 26th March 2015 and is contrary to a number of local policies. These comments refer to how the scheme complies or otherwise with national objectives and policies.

The application site is located immediately south of the eastern entrance drive to Lydiard Park, a grade II Registered Park and Garden that provides the immediate setting for Lydiard Park House and the Church of St. Mary's, both grade I and of exceptionally high significance. There are a number of additional grade II listed structures and buildings within the registered park that collectively have high significance, both in terms of the individual assets and their historic and functional relationships to each other.

Development on this site would be seen as an 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 reinforce 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.

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Lydiard Park House is a substantial mansion house with 17th century origins, and remodelled in the 18th century with new south-east and south-west frontages in the Palladian style. The eastern approach to the house serves to convey the original rural setting of Lydiard Park with open farmland to the north providing a buffer and contrast to the park beyond the enclosure of the formal estate boundaries. This north-eastern section of the park is laid out on former glebe land exchanged between the Church and Lord Bollingbroke in 1812 and enabled the introduction of a new separate drive to the church. By 1839, as indicated by the Tithe Map of that date, the surrounding land was used as pasture for grazing, and by the late 19th century a number of public footpaths (OS map 1885) were established.

The drive now provides a main access to the park from Hay Lane and is defined in the landscape by a lime tree avenue laid out in 1911. It was originally planted with elm trees but replaced with lime trees in 1980. Although the drive is included within the registered park boundary the land to either side of it that includes the application site is not.

Lydiard Park can also be entered by a network of public footpaths (some of which were introduced in the 19th century) that cross the north-east part of the park. Glimpses of the proposed development will no doubt be visible from the eastern drive but the network of established footpaths surrounding the development site will further increase public awareness from numerous vantage points experienced on foot.

Whilst the drive and associated planting are later in date than other planned routes within the park the acquisition of land in that area represents an important phase in the estate's evolution and a vital component in itself within the registered park. The drive allowed specific access for the church congregation and the stables beyond and continues to serve a very specific purpose as a principal public access route leading to the house and church. Its rural character serves to reinforce and positively contribute to the setting of the primary listed buildings and the setting of the listed dam wall that was part of the 18th century enhancements of the estate and the ability for them to be experienced.

Of relevance in the consideration of this application is a recent Appeal Decision concerning a development proposal on the boundary of Lydiard Park whereby the Inspector emphasised the importance, both physical and symbolic of the Park's boundaries:

"... the peripheral woodland planting of the Park boundary is an intrinsic element of the Registered Park and Garden. It represents a strong, deliberate physical and visual barrier to mark the separation of Lydiard House and Park from the surrounding countryside, and stands as a statement to emphasise the historic status, social superiority and exclusive nature of the Park. The evergreen shrubs amongst the





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peripheral woodland may have originally been planted for ornamental purposes, but inevitably these grew to form a dense screen across the boundary which, whether intentional or not, reinforced the privacy of the Park and obscured views both out of, and into, the Park. The boundary is important in establishing two different, but equal and complementary perceptions of the historic asset; firstly of the Lydiard House and Church group in its enclosed and introspective formal parkland landscape, and secondly marking the difference or separation of this landscaped park as an assertive element in the surrounding countryside.” [App/U3935/A/10/2140734 Land North of Hook Street, Grange Park, Swindon SN5 3NY - April 2011]

The south eastern boundary consists of dense, mature planting which serves to provide a barrier between the historic estate and the settlement beyond. Development on the proposed site would physically and visually encroach on the boundary and lessen this essential sense of separation and division of being inside or outside the Park.

Consisting of an area of shrubby woodland adjacent to the drive, the application site forms a visual barrier between the drive and Brook Cottage, a former Game Keeper’s dwelling situated on the edge of the Park. The entrance to Brook Cottage is discreetly sited to the south of the drive and the cottage registers (if at all) as an ancillary building with a functional association with the estate in an appropriate context. This we feel would not be the case with the addition of four detached and sizeable buildings adjacent to Lydiard Park’s eastern drive. Development here would be highly visible and an incongruous addition where the land is read as being part of the estate. The site is clearly perceived as being within the boundary of the Registered Park and Garden and within Lydiard Park. 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. We suggest that development of the site will have a direct impact on how this important feature is experienced and therefore its setting and the impact of this proposal on it may be of interest to grant awarding organisations related to Lydiard’s recent successful funding application.

In regard to this application Historic England’s primary statutory remit is the impact of the proposals on the setting of Lydiard Park House and curtilage buildings (Grade I), and Church of St. Mary (Grade I) set within Lydiard Park. It is noted that there are additional designated heritage assets, including the registered park itself, and structures within, which will be affected by this proposal. We would recommend to your authority that the impact be assessed using our *Good Practice Advice in Planning 3: The Setting of Historic Assets*. We draw attention to the advice within Step 2 in that an



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asset's significance is not merely derived from views, but incorporates a multitude of potential attributes including the surrounding landscape character, cultural associations, land use and so forth.

For the reasons outlined in detail above, our assessment is that the proposed development, by virtue of its location would cause unnecessary harm to the setting of important designated heritage assets including a number of highly graded listed buildings. Among the designated heritage assets to which harm would be caused by the proposed development are Lydiard Park House and Church, both grade I heritage assets of exceptional significance, being among the most significant 2.5% of all listed buildings. It would also cause harm to the setting of Lydiard Park, a Registered Park and Garden, within which those listed buildings are situated. By virtue of its siting the principle of development on this site is, in Historic England's view, wholly unacceptable.

The proposal fails to preserve the setting of the registered park and the setting of listed buildings contained within the registered park and therefore conflicts with the presumption in favour of preserving the setting of listed buildings, afforded by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act. Central to our consultation advice is the requirement laid out in this Act for the local authority to "have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses". When considering the current proposals, in line with Para 132 of the NPPF, the significance of the asset's setting require consideration. It goes on to state that in considering the impact of proposed development on significance great weight should be given to the asset's conservation and that the more important the asset the greater the weight should be. Clear and convincing justification is needed if there is loss or harm.

Where harm to a designated heritage asset is identified, the NPPF requires an assessment to be made of whether the proposed development would cause 'substantial' or 'less than substantial' harm to the significance of that asset. In our assessment, the level of harm that would result from the proposed development is, for the purposes of the NPPF, 'less than substantial' but nevertheless unacceptable. As set out above, where 'less than substantial harm' to a designated heritage asset is identified, that harm should be weighed against the public benefits of the proposal. Given the exceptionally high significance of the heritage assets affected by this proposal the benefits of the development would need to be substantial and as yet, that has not been proven.

Recommendation

Historic England objects to the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 131, 132 and 134 as detailed above. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed



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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.

Your authority should take these representations into account in determining the application. If you propose to determine the application in its current form, please inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

Please contact me if we can be of further assistance.

Yours sincerely

Wendy Tomlinson

Inspector of Historic Buildings and Areas

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cc: Liz Smith-Gibbons



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