

## Conservation Comments



Masterplanning, Design & Conservation Team  
Planning Department, Swindon Borough Council

<b>Title:</b> Erection of four new dwellings	<b>Planning Ref:</b> S/16/1832
	<b>Case Officer:</b> Sarah Smith
<b>Address:</b> Land adj Brook Cottage, Hay Lane	<b>Relevant legislation/Policies:</b> <ul style="list-style-type: none"><li>• Planning (Listed Building &amp; Conservation Areas) Act 1990</li><li>• NPPF</li><li>• Swindon Local Plan Policies DE1 and EN10</li></ul>
<b>Recommendation:</b> <b>Objection</b>	<b>Date:</b> 6 <sup>th</sup> September 2017

### Consideration of proposals

The application seeks to erect 4 dwellings at Brook Cottage.

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.

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

In considering development proposals within the setting of listed buildings the Planning (Listed Building & Conservation Areas) Act 1990 (hereafter the 1990 Act) requires via S.66 (1) that *“special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

These duties are reflected in section 12 of the National Planning Policy Framework (NPPF), which sets out the government’s policies on the historic environment. The relevant Swindon Development Plan Policy is EN10.

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.

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).

In brief Lydiard House is designated at a Grade I (National Heritage List, NHL1198420) it is characteristic of its high status mansion and a significant component of the estate. It is a substantial mansion house and demonstrates 17<sup>th</sup> century construction periods. It was remodelled in the 18<sup>th</sup> 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), these are situated to the north east and north west of the mansion respectively.

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

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.

All the assets have 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 populous.

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 avenue<sup>1</sup> 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 19<sup>th</sup> century by Lord Bolingbroke enabling "*the replacement of the parsonage, new stables and the new separate drive to the church*" – the eastern drive.

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.

As well as the main eastern drive there are a number of footpaths etc which enter into the

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<sup>1</sup> 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.

park from the eastern side. This include the path which runs to the south side of Brook Cottage<sup>2</sup> eventually joining the path that runs along the dam revetments, and another which runs alongside the immediate east of the proposal site.

It was apparent upon my visit that the land has been neglected and now has the appearance of being somewhat overgrown.

Nonetheless the proposal site is relatively well tree'd upon it south and eastern boundaries with glimpses available beyond. This is especially apparent external to the proposal site (but not exclusive) including from the aforementioned footpaths and green spaces etc.

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.

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).

Brook Cottage itself is situated to the SW of the proposal site and I understand is 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.

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 once that was deliberately intended and contribute to the formal landscape and its gradual reveal. All these assets form an important group and historic aesthetic interrelationship.

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 I would include the land that forms the proposed development site in maintaining a rural setting.

Whilst there has been some development in the 20<sup>th</sup> century within the setting of the park this is acknowledged to have been harmful. This was highlighted in the appeal decision

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<sup>2</sup> 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.

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.

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.

The scale and siting of the proposed development would ensure that a 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.

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.

I recommend 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 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.

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. In this I would refer the applicant to the guidance contained in the Historic England guidance 'GPA3-The setting of Heritage Assets', and the staged approach it demonstrates. Nonetheless the application however does note that some harm will be experienced albeit “*minimal*”.

I concur that harm will be caused. I do not concur however, by the suggestion therefore 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 cause less than substantial harm.

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 National planning policy Framework (the framework), and afforded great weight in decision making and relate to all designated heritage assets. Where harm is identified this should be weighed in the appropriate balancing exercise.

The local development plan echoes the requirements of the framework requiring via Policy EN10: Historic Environment & Heritage Assets that Swindon Borough's historic environment

shall be sustained and enhanced.

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

Specifically EN10 c. 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.*

I raise a conservation **objection** to the development.

I have not identified any heritage based benefits of the proposed development to outweigh the identified harm. Any additional public benefits, cited as being the erection of 4 number houses, would be for the planning balance. I note the policy response in this regard and will not reiterate here.

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