

WEST SWINDON PARISH COUNCIL

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Please ask for: Paula Harrison

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11 September 2017

Dear Ms Smith

**Re: S/16/1832 - Erection of 4 no. dwellings and associated works. At: Land At Brook Cottage, Hay Lane, Grange Park, Swindon SN5 3PA**

On behalf of the West Swindon Parish Council, this letter proposes objections to the proposed development named above around the principal planning issues that the application is considered to raise, namely:

- Heritage
- Landscape
- Biodiversity

### **Heritage**

The proposed development site is situated within the boundary of the Registered Park and Garden of Lydiard Park (National Heritage List, NHL 1001238) adjacent to the east entrance to the Park. Lydiard Park is included on the Register of Parks and Gardens of Special Historic Interest. The proposed development, by virtue of its location, siting and design, would cause harm to the setting of designated heritage assets including a number of listed buildings, amongst them the Church of St Mary's (Grade I). It would also cause harm to the setting of Lydiard Park and Garden, within which those listed buildings are situated.

This application will not protect, conserve or enhance this historic environment. The development will be visible from the dam wall within the Park. Whilst there are no listed buildings within the proposed development site boundary, there are a high number situated within the immediate vicinity of the neighbouring park. The listed buildings include the highly graded Church of St Mary and Lydiard Mansion.

The Swindon Borough Council Local Plan 2026, Policy EN10: Historic Environment and Heritage Assets, p.133 states

*a. Swindon Borough's historic environment shall be sustained and enhanced. This includes all heritage assets including historic buildings, conservation areas, historic parks and gardens, landscape and archaeology.*

*b. 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. . . .*

*f. 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.*

In this setting, the development proposed will not conserve or enhance the historic environment, it will not conserve or enhance this setting's significance and, will have a detrimental impact on the key views within this area. In addition, the application site lies directly adjacent to the east drive entrance to the park, and so the issue of setting takes on an even greater importance.

The proposed development also conflicts with the presumption in favour of preserving the setting of listed buildings, set out in Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states

*In considering whether to grant planning permission 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*

This development is also in conflict with the National Planning Policy Framework, paragraph 129, which states

*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 assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.*

This development application needs to be refused in order to minimise the conflict with this heritage asset's conservation.

## **Landscape**

From a landscape position, the site of this development is visible from parts of the Park and as result the proposed development would have a negative impact effect on the established and historical landscape. As a result the proposed development conflicts with National Planning Policy Framework paragraph 109, which states that

*The planning system should contribute to and enhance the natural and local environment by:*

- *protecting and enhancing valued landscapes . . .*
- *identify and protect areas of tranquility which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason*

The trees adjacent to and within the proposed development can be removed, thinned or may die and not be replaced. This would further expose the development within the historic setting and would be counter to efforts to conserve important views and visual amenity.

The Swindon Borough Local Plan 2026 (Design Principles, p.33. 4.9) states that

*As such, all development must be in context with the existing natural, built and historic environment and proposals must respond positively to enhance or create distinctive character and identity. Appreciating and responding to the context and character of a site and its surrounds requires the following aspects to be positively addressed by development.*

- **Existing built characteristics** such as views & vistas, points of access, rights of way, servicing requirements, buildings, density, scale, form, access and street patterns;
- **Acknowledged** features of importance (natural and historic) such as: landscape character, historic landscape, flood protection, tree and hedgerow protection, protected habitats, archaeology and heritage assets;

This proposed development is not in context with the existing natural, built and historical environment and does not appreciate or respond to the context and character of the site.

It is also important to note recent Planning Court Judgement. On 22<sup>nd</sup> June 2017 the Planning Court handed down judgment in **Steer v SSCLG**, a s.288 challenge to a Planning Inspector's decision to grant planning permission for housing development on a site located less than 1km away from Kedleston Hall, a Grade I listed building standing within a Grade I Registered Park and Garden and co-extensive Conservation Area. The Court (Mrs Justice Lang DBE) agreed with the Claimant and Historic England (which joined as an Interested Party) that the Inspector had "adopted an artificially narrow approach to the issue of setting which treated visual connections as essential and determinative", and that this had amounted to an error of law.

The assessment of harm to heritage assets includes harm from the development in their settings without there necessarily being any visual impact. In this instance the creation of this new housing will be out of context with the setting and will be visible. The visibility could also be more significant should any changes be made to the tree boundary, and in winter months. Additionally approval of this development will set an unwanted and potentially damaging precedent for development within this setting.

### **Biodiversity**

The development is sited with a wooded park. There is natural wildlife such as badgers and bats within this setting. It would be impossible for this development not to impact on the natural habitat.

### **Summary**

In summary, Lydiard Park is a respected and highly valued asset for local residents in Swindon and neighbouring parts of Wiltshire. The Swindon Borough Local Plan 2026 states that 'where heritage assets are not protected by national designations but are valued locally, policies within this theme can afford them some protection'. This site is at high risk from the negative impacts of development within and adjacent to its borders. It requires protection in order to preserve and sustain its unique and historical character.

Please give due consideration to the detail of this letter in consideration of these **objections** to this planning application. West Swindon Parish Council requests that this planning application is called in to the Planning Committee.

Yours sincerely

*PHarrison*

p.p. Nigel Gibbons

Chair

West Swindon Parish Council