

WEST SWINDON SHADOW PARISH COUNCIL

06 SEPTEMBER 2017

Dear Councillor

You are invited to attend a meeting of the
PLANNING & ENVIRONMENT COMMITTEE
to be held on **MONDAY 11th SEPTEMBER** at **6.00pm**
in the **WEST SWINDON LIBRARY**



Joyce Holman
Transitions Parish Clerk

AGENDA

Public Questions, Comments or Representations (**maximum of 10 minutes**).

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST & APPLICATIONS FOR DISPENSATION**
To receive any Declarations of Interest required by the Code of Conduct adopted by the Parish Council on 18 May 2017.
3. **TREE POLICY DRAFT**
To consider a draft policy on Tree Maintenance for West Swindon Parish Council. Copy attached.
4. **BROOK COTTAGE PLANNING APPLICATION**
To consider a draft response for application ref: S/16/1832 | Erection of 4no. dwellings and associated works, copy attached.
5. **PLANNING REPORT**
Parish Manager's report attached. Planning Applications to consider

S/ADV/17/1426
Kia Motors (UK) Fish Brothers,
Ashworth Road
Bridgemead Swindon

**Display of 1no. internally
illuminated totem sign**

S/HOU/17/1455

3 Pearl Road,
Middleleaze
SN5 5TD

**Erection of a two storey side and
single storey rear extension**

S/HOU/17/1452

12 Pioneer Close,
Middleleaze
SN5 5TU

**Erection of single story rear and
side extensions.**

Members of the Planning and Environment Committee:

Nigel Gibbons
Ellen Heavens (Vice Chair)
Vinay Kumar
John Lenton
Timothy Makofu
Nick Martin
Caryl Sydney Smith
Tim Swinyard
Keith Williams (Chair)

Members are reminded that the Council has a general duty to consider the following matters in the exercise of any of its functions: Equal Opportunities (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation), Crime and Disorder, Health & Safety and Human Rights.

WEST SWINDON PARISH COUNCIL

Minutes of the
PLANNING & ENVIRONMENT COMMITTEE
on **MONDAY 14 AUGUST 2017** at **6.00pm** at **WEST SWINDON LIBRARY**

Present:

Cllr Keith Williams (Chair)
Cllr Ellen Heavens (Vice Chair)
Cllr Nigel Gibbons
Cllr Vinay Kumar
Cllr John Lenton
Cllr Nick Martin
Cllr Mary Martin
Cllr Caryl Sydney Smith
Cllr Tim Swinyard

Officers:

Paula Harrison (Parish Manager)

Public: Seven

Public Session:

Kareen Boyd representing Toothill Big Local asked What is the Scope, objectives, timings and desired outcome of the Asset Working Party and the Chair's role? How much Borough Council and/or Parish funded resource the Asset Working Party can call upon e.g., planning, architecture, project management and community engagement to assist the Toothill Community Centre Committee? When will the Asset Working Party Chair be providing links to, or copies of, the Charities Commission's recent visits and findings? The Chair advised that a written response would be provided to Toothill Big Local.

Kevin Fisher representing Shaw Residents Association asked Who is responsible for the maintenance of Shaw Village Centre? If it is owned by Swindon Borough Council, who is overseeing any contract maintenance work? Is there money going in to maintain it? For example, the recent quality of the replacement block paving which took a very long time to be done, has been done very poorly. We need to know where to put the pressure for better maintenance. The Chair stated that work would be undertaken to clarify the relationships and responsibilities. A reply will be provided shortly.

A resident asked that as part of the discussion on pavement parking, could there also be a focus on illegal and obstructive parking around schools. The Chair stated that this would be considered as part of that item on the Agenda.

Mr Brooks, Crawford Close provided information about tall trees on the boundary of his property. Despite many attempts, Mr Brooks reported that Swindon Borough Council would not take action as it was too low a priority. The Chair stated that trees will be an ongoing issue as the Council responds to a fraction of the requests for work it receives. The Chair indicated that it would be considered as part of the item on the Agenda.

106. Apologies

Cllr Tim Makofu

107. Declarations Of Interest & Applications For Dispensation

Cllr Nick Martin - Planning Committee. (Cllr Martin declared an interest as a Swindon Borough Councillor and took no part in the discussions thereof.)

108. School Crossing Hazelwood Academy

The Chair stated that a report from the School and Toothill Big Local had been circulated. A copy of which appears as **Appendix A** in the Minute Book. The Chair summarised the non replacement of the retired school crossing patrol person. Joint work had been undertaken to work on options available including a petition to the Highways Committee. Councillors discussed the proposal that the Parish Council part fund a new school crossing patrol person. The Chair summarised three options; Option 1, the Parish does not fund, Option 2, the Parish grants £1,000 (capped) or Option 3 the Parish agrees match funding based on the school's contribution.

RESOLVED that

- a) the Parish Manager works with Hazelwood Academy and Toothill Big Local to determine exact costs and funding sources with a report to this Committee.
- b) Costs are identified for a zebra crossing in this location

109. Pavement Parking

The Parish Manager circulated a report, a copy of which appears as **Appendix B** in the Minute Book. Councillors considered options to address pavement parking issues. Councillors agreed that action could be undertaken for a trial period. Councillors agreed that any flyer or letter should be distributed by Parish Councillors or Parish Officers. The flyer should include space to write the number plate of offending vehicles. Work would be undertaken to monitor whether there is a positive impact and to review whether paper flyers are creating litter. Information will be collated by the Parish Manager and reported to a future meeting.

RESOLVED that

- a) A low cost flyer from West Swindon Parish Council is agreed and produced
- b) Targeted use of the flyer for 3 months on Crawford Close and Langstone Way
- c) Councillors to complete a report log to summarise activity the week before the trial, number of vehicles during the trial and level of repeat parking offenders.

110. Tree maintenance

The Parish Manager gave a verbal update on costs to reduce trees at Paulet Close. Councillors debated whether the parish should fund or part fund additional work on trees in public spaces. Cllr Lenton indicated that the quote of £480 from Streetsmart was very competitive, based on responses from other companies who do similar work.

RESOLVED that the Committee approves in principle to part fund up to two thirds of the total Cost (£480) from the Tree Maintenance budget.

111. Planning Report

The Parish Manager submitted a planning report outlining planning applications in West Swindon, a copy of which appears as **Appendix C** in the Minute Book. Councillors agreed the following:

111.1 S/HOU/17/1040 Conversion of garage into habitable space and erection of a garage and carport.
3 Beaumaris Road, Toothill
SN5 8LW

RESOLVED: No Objection

111.2 S/17/1080 Installation of ventilation
The Harvester West Swindon
Centre
Whitehill Way SN5 7DL

RESOLVED: No Objection

111.3 S/HOU/17/1131 Erection of a two storey side extension
15 Ransome Close,
Shaw SN5 5SE

RESOLVED: No Objection

111.4 S/HOU/17/1146 Erection of a two storey front extension
12 Friesian Close, Ramleaze
SN5 5RA

RESOLVED: No Objection

111.5 S/17/1142 Erection of new restaurant unit for flexible use within Class A3/A5, including drive through lane, photo-voltaic panels at roof level, provision of car parking, landscaping, plant and associated works. (Variation of conditions 2, 3 and 14, (implementation of an alternative landscaping scheme) from Planning Permission S/16/0970)
Unit 100, Welton Road
Westlea
SN5 7XP

RESOLVED: No Objection

111.6 S/HOU/17/1148 Erection of a conservatory
11 Bevil, Freshbrook

RESOLVED: No Objection

111.7 S/HOU/17/1193 Erection of a first floor side extension and construction of vehicle access
1 Markenfield, Toothill
SN5 8AA

RESOLVED: No Objection

111.8 S/HOU/17/1256 Erection of a single storey rear extension
6 Keycroft Copse,
Peatmoor SN5 5AE

RESOLVED: No Objection

111.9 S/HOU/17/1262 Erection of a single storey rear extension
9 Plattes Close, Shaw
SN5 5SA

RESOLVED: No Objection

111.10 S/HOU/17/1263 Erection of a single storey rear extension
11 Tye Gardens,
Grange Park
SN5 6ES

RESOLVED: No Objection

Meeting closed 7.00 pm.

Signed:
Chair, Planning & Environment Committee

Date:

INTRODUCTION

Trees are a highly valued feature of the West Swindon Parish; they make an important contribution to the character of our local landscape and create environments rich in biodiversity.

We also recognise that although trees are a positive feature, they can be the cause of a range of problems, from being a nuisance or inconvenience, to potentially causing serious injury. Trees are the responsibility of Swindon Borough Council but are managed jointly with the West Swindon Parish Council. This policy sets out West Swindon Parish Council's approach to tree management.

1. THE IMPORTANCE OF TREES IN THE URBAN LANDSCAPE

Trees are important features in the landscape. Not only do trees have a visual quality, but they also enhance the environment in less obvious ways:

- they improve air quality by filtering airborne dust, smoke and fumes;
- they absorb traffic noise in built-up areas and can help limit noise pollution;
- they reduce temperature extremes by providing shelter in hot weather and insulation in cold weather; trees adjacent to buildings can reduce air conditioning and heating costs;
- they act as a screen, increasing privacy in residential roads and gardens;
- they provide food and habitat for birds and other wildlife, thus supporting nature conservation value and biodiversity;
- research has shown that trees provide many psychological and health benefits and have been shown to reduce stress significantly.

2. TREES MANAGED BY WEST SWINDON PARISH COUNCIL

The West Swindon Parish Council has discretionary power to provide and maintain trees on open spaces and amenity land under the Open Space Act 1906. As such we have a responsibility to maintain trees within our management to ensure they are in a safe condition and not causing an unreasonable danger or actionable nuisance.

This policy applies to all trees under West Swindon Parish Council maintenance responsibilities.

The majority of tree services are currently maintained by Streetsmart within Swindon Borough Council within the West Swindon Parish Council's service level agreement. Maintenance that falls outside of the service level agreement is the responsibility of Swindon Borough Council – www.swindon.gov.uk tel: 01793 445500. Trees growing on land which forms part of the adopted highway are the responsibility of the Highways Authority, Swindon Borough Council.

The Parish Council contracts work that is able to be undertaken at ground level and up to head height. Swindon Borough Council maintains work on trees outside of that work.

Swindon Borough Council is responsible for over 40,000 street and park trees, including the pruning and maintenance of trees that are situated along the roadside, in publicly owned parks and green/open spaces.

Trees are generally maintained as part of a continuous programme of work. The normal standards are:

- Trees along the main roads are all inspected on an annual basis.
- The majority of street trees are pruned on a cyclical basis every 1, 3 or 5 years depending on species and location.
- Parks and green spaces trees are pruned on an ad-hoc basis.

Any problems reported are assessed by Swindon Borough Council's expert Tree Officer and any remedial work is determined on a priority basis, depending on the nature of the request. Situations where there is a potential risk to public safety will be given the highest level of priority.

All enquiries regarding trees in West Swindon should be directed Swindon Borough Council on 01793 445500, www.swindon.gov.uk, email: streetsmart@swindon.gov.uk

3. TREE MAINTENANCE

Tree maintenance is currently mostly 'reactive' in nature and conducted in response to inspections and reports from the public.

While works are sometimes necessary to ensure that trees are in a safe and healthy condition, Both West Swindon Parish Council and Swindon Borough Council receive requests and complaints regarding trees. It is important that individual issues are dealt with consistently and that decisions are balanced against the positive contribution that trees make to the environment and enjoyment of the Parish by local residents and visitors. Many of the complaints received involve minor or seasonal issues that are generally considered to be foreseeable or social

problems associated with living near trees.

To ensure that requests for works to trees are dealt with efficiently, consistently and fairly, our policy in relation to the more common types of request is outlined below:

- ***Obstructing/ Overhanging Tree Branches***

Tree branches can cause obstructions to public footpaths, roadways / signs, streetlights and open spaces. The West Swindon Parish Council will respond to reports where work can be undertaken at ground level by the maintenance team, to eliminate hazards caused by obstructive branches.

Adjacent Landowners do have a common law right to prune back tree branches **to their boundary**, providing that this would not lead to tree death and providing that the tree in question is not protected by a Tree Preservation Order (TPO) or situated within a Conservation Area.

- ***Shading and Loss of Light***

Trees are often perceived to block light to nearby properties. However, pruning or removal of trees will often have a negligible impact on the amount of light reaching a house or garden. Therefore, tree works to improve light levels will not normally be considered.

Where elderly, infirm or disabled persons who spend a significant amount of time within their home are affected by loss of light, or it can be established that the presence of trees is detrimental to the health of such residents, further consideration will be given to the management approach to trees. This consideration will also take into account the quality and importance of the tree in question, as well as the benefits to the wider community.

- ***Loss of View***

Trees will only be pruned or removed to restore views when necessary to retain important public viewpoints or there is potential to bring about significant public benefit and/or enhance the local landscape or townscape. Pruning of trees for highway sight-line requirements will be dealt with on a case by case basis.

- ***Trees affecting reception {Television, Satellite or Solar Panels}***

Pruning in the short term may help improve television reception. However in the long term the flush of quick, extra growth associated with pruning can exacerbate the problem. In most cases the problem can be resolved by relocating the aerial or satellite dish, or alternatively using a booster. Residents are advised to contact their satellite or TV provider for specialist advice. Removal or pruning of trees to enable a clear television reception would only be considered in exceptional circumstances.

Similarly we will not prune to improve natural light to a solar panel.

- ***Overhead Cables/ Telephone Wires***

Utility companies have certain legal rights to carry out works to public or privately owned trees to address health and safety problems and to maintain a clearance between trees and their apparatus to ensure continuity of supply. This may sometimes involve the loss of trees. Where works to trees are necessary as a result of proximity or conflict, we will encourage utility operators to adopt the most appropriate long term solution, giving consideration to tree health, local tree cover and visual amenity.

We will not prune a tree within our maintenance work in order to prevent or reduce interference with telephone wires. We would recommend contacting the telephone service provider in such circumstances.

- ***General/ Minor Nuisances***

We will not prune trees solely to alleviate problems caused by natural and/or seasonal phenomena, which are largely outside of our control. There are a variety of potential nuisances associated with trees, most of which are minor or seasonal and considered to be normal and acceptable consequences of living near trees. Examples of such problems are:

- falling leaves, sap, blossom, fruit, nuts, bird and insect droppings;
- insects associated with trees (spiders, wasps, flies etc);
- reduction or increase of moisture to gardens;
- suckers or germinating seedlings in gardens;
- leaves falling into gutters, drains or onto flat roofs;
- the build-up of algae on fences, paths or other structures.

Clearing of leaves from gutters and pathways and weeding of set seeds are considered to be normal routine seasonal maintenance which property owners are expected to carry out.

Falling leaves, sap, blossom, fruit, nuts, bird and insect droppings are not readily controllable by pruning and cleaning of affected surfaces can be considered to be routine maintenance. Pruning will not normally be considered solely as a way of alleviating problems with these issues alone.

We would not normally prune or fell a tree under our maintenance that bears poisonous fruit/ foliage (such as laburnum or yew).

However, where it is known that unsupervised young children are likely to be exposed to berries or foliage that will make them ill if eaten, we will investigate and take action, where appropriate.

- ***Trees considered too big/ too tall***

Felling trees sits within the remit of Swindon Borough Council.

4. DAMAGE AND TREE ROOTS

Many tree conflicts arise because of the presence of tree roots and the perception that they are causing damage. Where damage is alleged, each complaint will be investigated on an individual basis. The following guidance will be used in assessing levels of nuisance and identifying appropriate action.

Root invasion in gardens; tree roots in gardens are a natural occurrence and root presence is unlikely to be affected by tree pruning or removal. Landowners do have a common law right to prune back tree roots to their boundary, providing that this would not lead to tree death and providing that the tree in question is not protected by a Tree Preservation Order (TPO) or situated within a Conservation Area.

All issues relating to tree roots from land maintained by the Parish Council should be directed to Swindon Borough Council.

- ***Damage to walls and fences***

Any issues where trees are considered to be causing damage to walls or fences should be referred to Swindon Borough Council.

- ***Damage to paths***

It is often possible to repair paths to take account of adjacent trees and tree roots. Where roots protrude they can be root pruned, or the path re-laid around the tree with flexible materials such as asphalt to provide a smooth surface. Where trees are considered to be causing damage to paths or footpaths, West Swindon Parish Council will work jointly with Swindon Borough Council to address the issue.

- ***Damage to drains or water pipes***

There is no evidence to suggest that the tree roots can actively penetrate an intact pipe or drain, but they can find their way into drains by any existing fault and increase damage. In these situations, the owner of the drain should seek to get the drain repaired at their own expense.

- ***Trip Hazards***

West Swindon Parish Council will work with Swindon Borough Council to make safe an unacceptable trip hazard in a street, road or highway which is caused by a tree in our ownership / management.

5. OTHER FACTORS CONSTRAINING WORK TO TREES

- **Birds**

Under the Wildlife & Conservation Act 1981 (as amended) it is an offence to kill, injure or take wild birds, their young, their eggs or nests. Non-urgent major tree work involving tree removal, reduction and hedge cutting operations should not normally be undertaken during bird nesting and breeding season, which is considered to be from 1st March to 31st July.

- **Bats**

Bats are a European Protected Species and are protected by the Conservation of Habitats and Species Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). Causing damage to a roosting/nesting site is a criminal offence which can lead to imprisonment. Trees displaying signs of roosting bats will be referred to an Ecologist before any work commences. Any trees supporting roosting bats will not be worked on until Natural England is consulted.

- **Restrictive covenants**

Occasionally, restrictive covenants attached to the deeds for a property may restrict what work can be undertaken to trees.

- **Unadopted land**

There are areas in West Swindon that may not be adopted by Swindon Borough Council and may not have ownership recognised by neighbouring properties. The West Swindon Parish Council does not have the authority or responsibility to maintain private land. Some instances may be considered on a case by case basis as exceptional circumstances.

6. DAMAGE RELATING TO TREES

- **Direct Damage to Property**

Tree roots, stems and branches get thicker each year via a process called secondary thickening. Over time as they increase in size, they can disrupt or distort adjacent structures and surfaces. This is generally limited to 'lightly loaded' structures such as low walls, fences and paving. Trees generally deflect around more 'heavily loaded' structures such as houses. Any reports of damage to property need to be reported to Swindon Borough Council in the first instance.

- **Indirect Damage to Property (Subsidence)**

Incidents of subsidence related damage involving H&DPC trees are rare; however there are areas of shrinkable clay soil within the Parish. Any reports of indirect damage to property to Swindon Borough Council.

- **Subsidence**

Any incidents relating to trees and subsidence should be reported to Swindon Borough Council.

- **Heave**

When a tree is removed in a clay sub-soil, the soil will rehydrate and swell in volume. The expansion may lift the foundations and cause cracking to the property. This is known as 'heave'. This is more likely to occur if the removed tree was mature and had a high water demand such as an oak tree. No liability, at present, falls upon a local authority for damage due to heave resulting from tree removal where this is requested by the third party.

7. INSURANCE CLAIMS

Where trees are alleged to have caused direct or indirect damage to property and a formal claim is submitted the matter will be referred to the Swindon Borough Council's insurers.

Members of the public who are concerned about tree related subsidence are advised to contact their insurers.

8. EXCEPTIONAL CIRCUMSTANCES

In exceptional circumstances the West Swindon Parish Council's Planning and Environment Committee will consider applications to the Parish for assistance with tree work. The Parish Council will ask Swindon Borough Council to assess and price the work to be undertaken.

If the Committee agree that the work is exceptional, it will consider offering a financial contribution of up to two thirds of the total cost.

WEST SWINDON PARISH COUNCIL

West Swindon Parish Office
c/o West Swindon Library
Link Centre
Whitehill Way
Swindon SN5 7DL

Please ask for: Paula Harrison

Ms Sarah Smith
Planning
Swindon Borough Council
Civic Offices
Euclid Street
Swindon SN1 2JH

Direct Dial No: 01793 466418

Email: Parishmanager@westswindon.org.uk

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 22nd 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.

Yours sincerely

Nigel Gibbons
Chair
West Swindon Parish Council

WEST SWINDON PARISH COUNCIL

Planning & Environment Committee

Planning Applications

1 Introduction:

- 1.1 The West Swindon Parish Full Council is a consultee for planning applications in the West Swindon Parish.

2. Planning Applications to be examined:

- 2.1 **S/ADV/17/1426** Display of 1 no. internally illuminated totem sign
Kia Motors (UK) Fish Brothers,
Ashworth Road
Bridgemoor Swindon
- 2.2 **S/HOU/17/1455** Erection of a two storey side and single storey rear extension
3 Pearl Road,
Middleleaze
SN5 5TD
- 2.3 **S/HOU/17/1452** Erection of single story rear and side extensions.
12 Pioneer Close,
Middleleaze
SN5 5TU

3. Planning Application Decisions

S/HOU/17/1040/CHHO Conversion of garage into habitable space and erection of a garage and carport. **GRANTED/ DEL**
3 Beaumaris Road
Toothill
Swindon
SN5 8LW

S/HOU/17/1148/CHHO Erection of a conservatory. **GRANTED/ DEL**
11 Bevil
Freshbrook
Swindon
SN5 8QS

S/17/1080/CHHO Installation of ventilation **GRANTED**
The Harvester
West Swindon Centre

Whitehill Way
Swindon
SN5 7DL

4. Recommendations

- 4.1 Comments and observations of the West Swindon Parish Council are recorded.

**Paula Harrison
Parish Manager**