

## Western Area Planning Committee

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### MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 17 JANUARY 2024 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

#### **Present:**

Cllr Christopher Newbury (Chairman), Cllr Bill Parks (Vice-Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Edward Kirk, Cllr Stewart Palmen, Cllr Pip Ridout, Cllr Jonathon Seed, Cllr David Vigar, and Cllr Suzanne Wickham

#### **Also Present:**

Cllr Tony Jackson

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#### 1 **Apologies**

There were no apologies for absence received.

#### 2 **Minutes of the Previous Meeting**

The minutes of the previous meeting held on 20 December 2023 were considered. Following which, it was:

#### **Resolved:**

**The Committee approved and signed the minutes of the previous meeting held on 20 December 2023 as a true and correct record.**

#### 3 **Declarations of Interest**

Although it was not considered a disclosable interest, for the sake of transparency, Councillor Pip Ridout noted that she had discussed application PL/2023/07380, Agenda Item 7, with the applicant over the course of approximately 2 years by virtue of her role as the area's Unitary Division Member.

#### 4 **Chairman's Announcements**

There were no specific Chairman's announcements.

## 5 **Public Participation**

The Chairman explained the rules of public participation and the procedure to be followed at the meeting.

There were no questions or statements submitted by Councillors or members of the public.

## 6 **Planning Appeals and Updates**

The Chairman invited Kenny Green, Development Management Team Leader, to update the Committee on the pending and determined appeals as per the appeals report included within the Agenda Pack.

Prior to providing the appeals update, the officer referred to the post meeting note as detailed within the minutes of the previous meeting of the Committee and advised Members that the Government had published a correction to the 19 December 2023 National Planning Policy Framework (NPPF) release on 20 December 2023, when the last Committee meeting was taking place. The Committee was also reminded of the Member Briefing Note that had been circulated prior to the January meeting.

In response to Member questions, the officer clarified that any granted outline application would be immune from the principle being reassessed at the reserved matters application stage. This was explained as being due to the fact that outline applications establish the principle, and reserved matters subsequently considers the details such as access, landscaping, and design. As such, the housing land supply position would not be a material determinative consideration for reserved matters applications.

It was further emphasised that several housing applications which benefited from a Committee resolution but did not yet benefit from a decision, would return to the respective Committee for Members to make a fresh assessment and resolution having due cognisance to the recently revised NPPF and all material considerations.

Mr Green then updated the Committee on the appeals report as per the Agenda Pack, with Members being informed that officers were in the process of finalising the Council's appeal statement for application PL/2022/08726, pertaining to the erection of 1 dwelling and detached garage.

The two decided appeals were then highlighted with officers briefly explaining the respective Planning Inspectors' reasoning for their decisions.

In the case of 19/00529/ENF, this related to the unauthorised installation of a balcony to a property without the benefit of planning permission. The enforcement notice was quashed, and planning permission granted by the Planning Inspector who concluded that overlooking was already present within

the urban location, and the additional extent of overlooking was not considered harmful.

Case reference PL/2022/02376 was a Listed Building Consent (LBC) application that was refused by Conservation Officers for replacement windows. However, the Planning Inspector allowed the appeal and argued that the windows to be replaced were not historic fabric and the replacement windows would not harm the protected status of the building.

Mr Francis Moreland then presented a statement to the Committee under public participation, which focussed on the revisions to the NPPF and the published Member Briefing Note, and he was pleased that Members would reconsider a number of applications afresh in the coming months following the recent changes made to the NPPF.

After which, it was:

**Resolved:**

**The Committee noted the appeals report for the period 8 December 2023 to 5 January 2024.**

7 **PL/2023/07380: The Coach House, 5c Ash Walk, Warminster, BA12 8PY**

**Public Participation**

- Mr James U'Dell, agent for the applicant, spoke in support of the application.

The Planning Officer, Jonathan Maidman, introduced the report which recommended that the Committee refuse the retrospective application for the erection of new fencing. It was noted that prior to the Committee meeting, a Member site visit had been undertaken, with the Case Officer being present.

Key material considerations were identified including design; impacts on the setting on listed buildings; the character appearance of the conservation area; and neighbour amenity.

Members of the Committee then had the opportunity to ask technical questions to the officer. Details were sought on the materials of the western boundary line, the separation distances from neighbouring properties, and the planning history of the site and previously agreed boundary treatments.

Reference was made to Paragraph 9.1.6 of the report, which stated that the Local Planning Authority (LPA) had previously approved a trellis in respect of the rear boundary treatment to the neighbouring building opposite the application site. The officer confirmed that that was not the principal elevation, and in any event, the applicant for the neighbouring property opted to install metal railings instead, which Members saw during their visit.

Officers further confirmed that neighbouring residents had been consulted on the application and no objections had been received, however the Town Council and Conservation Officer raised objection to the impact the unauthorised fencing had on the setting of the curtilage listed building and the conservation area's character and appearance. Members were also advised that the previous approval for the Coach House had been negotiated by officers to safeguard the character of the heritage asset and still provide a degree of privacy to the future occupiers. The fencing that had been erected was not in compliance with what had been negotiated and approved, and in the absence of any material public benefits, the harm fully justified a refusal.

The named public speaker as detailed above, then had the opportunity to present their views to the Committee.

The Unitary Division Member, Councillor Pip Ridout, then spoke in support of the application.

A debate followed where Members acknowledged the value of preserving the applicant's privacy but felt that the existing fencing was not sympathetic to the status of the property as a listed building and the character of the conservation area despite Members noting a lack of consistency across the general area in terms of building materials and design.

A motion to grant the retrospective application for the unauthorised fencing, contrary to officer recommendations, and subject to a planning condition capturing the approved plans, was then moved by Cllr Ridout, and was seconded by Councillor Jonathon Seed. Following a vote, the motion was lost.

A motion to refuse the application in line with officer recommendations was then moved by Councillor Christopher Newbury and was seconded by Councillor Stewart Palmen.

After which, it was:

**Resolved:**

**The Committee REFUSED the retrospective application, in line with officer recommendations, for the following reason:**

**The unauthorised fencing which has been erected with its solid non-permeable character inhibits views of the Coach House from the conservation area and also disrupts the views between it and the principal building. It has eroded the historic interdependent relationship and introduced a domestic feature which officers judge is out of character with the site and harms the setting of the curtilage listed building. With respect to the NPPF, the harm is not judged to be outweighed by any public benefits.**

The application is not in accordance with sections 2 - Achieving sustainable development (paragraph 8), 12 - Achieving well-designed places (paragraphs 131, 135, 139 and 140), and 16 - Conserving and enhancing the historic environment (paragraphs 195, 203, 205, 206, 208, 212 and 214) of the National Planning Policy Framework, the Planning (Listed Building and Conservation Areas) Act 1990 and Core Policies 57 and 58 of the Wiltshire Core Strategy.

**Informative**

The decision on this application was made against the following plans:

23068-1 (Existing Site Survey, Plans and Section - Fencing only) dated 20/07/2023

23068-2 (Location Plan) dated 04/08/2023

8 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.15 pm)

The Officer who has produced these minutes is Ellen Ghey - Democratic Services  
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