



# Minutes

Name of meeting	<b>PLANNING COMMITTEE</b>
Date and Time	<b>TUESDAY 24 AUGUST 2021 COMMENCING AT 4.00 PM</b>
Venue	<b>COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT</b>
Present	Cllrs M Lilley (Chairman), G Brodie (Vice-Chairman), D Adams, M Beston, V Churchman, C Critchison, R Downer, W Drew, C Jarman, M Oliver, M Price, C Quirk and P Fuller (Cabinet Member)
Also Present (Non voting)	Cabinet Member for Planning and Housing: Paul Fuller (non voting)  Cllrs Julie Jones-Evans, Karl Love, John Medland, Lora Peacey-Wilcox, Ian Stephens (non voting)
Officers Present	M Bartlett, O Boulter, R Chick, B Gard, J Gibson, A Ransom (on behalf of Island Roads)

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## 17. Minutes

Councillor Jarman raised a point of order as he was aware of potential legal action involving the minutes and matters of the last meeting of the Planning Committee, this had been confirmed by the Council's legal department, it had also been reported in the press, he believed that any discussion and voting on the minutes would be reckless and undermined the Planning Committee and the Isle of Wight Council. It would protract the legal process and generated unnecessary and disrupting discourse and incur costs, it would be inappropriate to go behind the legal process and propose that the consideration of the minutes and matters therein before conclusion of those legal proceedings, which was duly seconded.

The legal officer advised the Committee that the Isle of Wight Council were in receipt of an initial letter regarding the last meeting, it was not a pre action protocol letter and therefore not accurate to say legal proceedings had commenced. The time limit for a judicial review commences once the minutes had been resolved and the Planning permission had been issued. He concluded that there was no requirement to defer the minutes pending the outcome of the legal challenge, the minutes were not absolute final, they could be challenged in court.

Councillor Brodie sought a further point of order that the Chairman had indicated in writing to both himself and the Monitoring Officer that he would not take part in the

consideration of the minutes of the previous Planning Committee and would excuse yourself from the meeting, He didn't believe that he was in a position to deal with the point of order raised by Councillor Jarman and asked that he leave the room.

The Chairman advised that he had been about to explain that he would excuse himself from the item, he accepted the conflict of interest and was unaware that the point of order was going to be proposed and wanted to seek legal advice.

A short break was taken to allow the Chairman time to consider if he felt he was able to stay in the room for the consideration of the issues being raised.

The Chairman advised that as the Committee were moving into the issues regarding the minutes of the last meeting, he would leave the room to ensure the integrity of the Planning Committee, following advice from the Monitoring Officer, he then withdrew from the meeting.

He was asked by Councillor Brodie to confirm that leaving the meeting was his own decision and not that he was being forced out by the Monitoring Officer, the Chairman was not prepared to answer the question, he advised that as he was leaving showed he was independently making the decision.

The Vice Chairman took the Chair, he asked for Councillor Adams to withdraw statements that had been made against him and requested that he leave the meeting. He called for an adjournment.

The meeting reconvened and the Chairman sought a seconder to remove Councillor Adams from the meeting under Part 4B Procedure Rule 9 (Councillor not to be heard further) the request was not seconded and therefore fell. Consequently Councillor Adams remained in the meeting.

Councillors who had not been present at the previous meeting asked to seek legal advice to ensure that they were not required to leave the meeting.

The Chairman advised that as a point of order and motion had been made and duly seconded he suggested that the Committee move onto the minutes item on the agenda.

The Chairman formally proposed to accept the minutes from the previous meeting as a true record of the meeting, which was duly seconded.

The legal advisor advised on the point of order under Part 4B of the council's Constitution. A point of order can only relate to an alleged breach of procedure rules or the law, the Councillor must indicate the rule or point of law which they consider has been broken. He advised that he had not heard anything that suggested any law or procedure had been broken.

A Councillor asked if the conduct of a Committee member be relevant if there was an outstanding code of conduct complaint, they were advised that it would be a separate matter, a clear breach of the procedure rules needed to be made. The

legal advisor also informed the Committee that in accordance with the Constitution that the only part of the minutes that can be discussed was the accuracy.

The Chairman then rejected the motion put forward by Councillor Jarman.

Councillors Jarman and Adams then left the meeting.

It was acknowledged that those members who had not been able to vote or attended the meeting virtually were able to vote on the minutes, Councillors were not required to be in attendance to vote on the minutes.

It was noted that a vote in agreement to extend the meeting was by affirmation and that no challenge was made at the time of the extension of the meeting, all Councillors had remained in the room to continue with the meeting.

A vote was taken the result of which was:

RESOLVED:

THAT the minutes of the meeting held on 27 July 2021 be confirmed as a true record.

#### 18. **Declarations of Interest**

Councillor Chris Quirk declared a non-prejudicial interest in minute number 20 (a and b) (Land west of 40-48 & 37 to 47 Broadwood Lane 17 & 24 Forest Hills 2-20 & 28 – 36 Arthur Moody Drive Carisbrooke) as he knew DM Associates.

Councillor Paul Fuller declared an interest in minute number 20 (c) (Land adjacent to 403, Newport Road, Cowes) as he was a Northwood Parish Councillor.

#### 19. **Public Question Time**

There were no public questions.

#### 20. **Report of the Strategic Manager for Planning and Infrastructure**

Consideration was given to items 1 – 3 of the report of the Strategic Manager for Planning and Infrastructure Delivery.

A schedule of additional representations received after the printing of the report were submitted at the beginning of the meeting and were drawn to the attention of the Committee members when considering the applications. A note to that effect in the minutes.

Prior to the commencement of the application a point of order was raised regarding Councillor Lilley's recent online survey where he stated as one of his priorities to stop large developments on greenfield sites and was asked if he believed he was in a position to take part in the applications on tonight's Planning Committee and risk any refusal decision.

The Chairman responded advising that he had previously provided a written response regarding this matter and referred to a letter from the Department for Communities and Local Government pre-determination advice which highlighted Section 25 of the Localism Act 2011 clarified that a councillor was not to be regarded unable to act fairly or without bias if they participate in a decision on a matter simply because they had previously expressed a view or campaigned on it. He went on to explain that he had been involved in Planning over the years and had a record of making fair decisions based on the evidence provided and been fair and open minded.

**Application:**

19/01415/OUT and 19/01426/FUL

**Details:**

Outline for residential development comprising 113 dwellings, access from Arthur Moody Drive, roads, footways, landscaping, open space and upgrading of footpath N151 to allow shared pedestrian/cycle use (updated ecological information and archaeological investigation)(revised description)(readadvertised application)

And

Proposed 2 detached house with garage; 17 pairs of semi detached houses (36 Dwellings in total); with access from Forest Hills; associated roads, footways, landscaping, open space and 2 dry ponds (Phase 1)(updated ecological information and archaeological investigation)(revised description)(readadvertised application)

At

Land West of 40 - 48 & 37 To 47 Broadwood Lane 17 & 24 Forest Hills 2-20 & 28 - 36, Arthur Moody Drive, Carisbrooke.

**Site Visit:**

The site was carried out on Friday, 20 August 2021.

**Public Participants:**

Sue Cooke (objector)

Andrew White (Agent)

Matthew Ambrosini (Newport and Carisbrooke Community Council)

**Additional Representations:**

One additional letter of representation had been received regarding the impact on wildlife, not suitable access and flooding

**Comment:**

Councillor Joe Lever spoke as Local Member

Councillor Warren Drew had not attended the site visit and therefore, in accordance with the Council's Constitution, he did not take part in the debate or vote.

The Highways representative advised the Committee that there were concerns regarding the future impact on the Waverley roundabout and acknowledged that there was no engineering solution due to the location, therefore conditions had been requested to implement Traffic Regulations Orders (TRO) in order for them to support the outline application.

Concern was raised by the Committee regarding the access road of the proposed developments and asked if contributions could be requested of developers to provide improvements to the road network in the area. The Highways representative advised that they considered a number of things including access for emergency services and waste services etc.

The Committee noted the number of approved development in the area and asked if consideration of bringing Taylor Road into use would be achievable, the Strategic Manager for Planning and Infrastructure advised that there was continued dialogue regarding Taylor Road.

Affordable housing was proposed for the site and the Committee were advised that the development provided affordable housing in accordance with the National Planning Policy Framework (NPPF).

A proposal to refuse the outline application due to the significant effect on the local access roads and local residents and the highway network in particular Priory Road which was duly seconded.

Planning Officers advised that the Highways officer had made comment to suggest that the local road network was acceptable though the implementation of TRO's being agreed and that objections related to the Waverley Roundabout alone.

Prior to the three hour point in the meeting, a proposal to extend the meeting by an hour under Part 4B paragraph 6 (Duration of meetings) and paragraph 10 (Voting) of the Council's Constitution was put to the meeting by the Chairman.

RESOLVED:

THAT the meeting be extended by up to an hour.

The Chairman took an adjournment to allow officers time to consider the concerns and formulate a sustainable reason for refusal of the application based on these.

Following the adjournment officers read out the proposed reason for refusal and in accordance with the Council Constitution a named vote was taken on the outline application the result follows:

For (8)

Cllrs Geoff Brodie, Vanessa Churchman, Claire Critchison, Rodney

Downer, Martin Oliver, Matthew Price, Chris Quirk and Michael Lilley.

Against (0)

Abstained (1)

Cllr Michael Beston

RESOLVED:

THAT for application 19/01415/OUT be refused for the following reason:

The proposed development by reason of vehicle movements, both during the construction and operational phases, would result in significantly adverse effects on the capacity of the local highway network, particularly in relation to Broadwood Lane, Forest Hills, Arthur Moody Drive and the junction from Gunville Road and the wider highway network and in particular Priory Road and the Waverley roundabout. The construction traffic would also compromise the residential amenity of surrounding properties. The development would therefore be contrary to policies SP7 (Travel) and DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

The Committee then went on to consider the application for Full permission and a proposal to approve the application in line with the officers recommendation was proposed and duly seconded, the vote was taken.

The motion fell.

A proposal to refuse the application based on the same reason as the outline application was made, officers advised caution as there were no concerns raised by the Highway authority on this application. Members removed the concerns relating to the Waverley roundabout and Priory Road but remained concerned about the impact of the development on the local highway network and residents. The proposal was seconded in accordance with the Council Constitution a named vote was taken on the Full application the result follows:

For (6)

Cllrs Geoff Brodie, Vanessa Churchman, Claire Critchison, Rodney Downer, Martin Oliver, Matthew Price.

Against (3)

Cllrs Michael Beston, Chris Quirk and Michael Lilley.

RESOLVED:

THAT for application 19/01426/FUL be refused for the following reason:

The proposed development by reason of vehicle movements, both during the construction and operational phases, would result in significantly

adverse effects on the capacity of the local highway network, particularly in relation to Broadwood Lane, Forest Hills, Arthur Moody Drive and the junction from Gunville Road. The construction traffic would also compromise the residential amenity of surrounding properties. The development would therefore be contrary to policies SP7 (Travel) and DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

**Application:**

19/00677/OUT

**Details:**

Proposed outline permission for a residential development of 4no. two storey detached dwellings with shared highway access on land to the West of Newport Road (revised plan) (readvertised)(revised location)( tree and ecology report)(revised tree and ecology information submitted)

Land Adjacent To 403, Newport Road, Cowes.

**Site Visit:**

The site visit was carried out on Friday, 20 August 2021

**Public Participants:**

James Quigley (Agent)

**Additional Representations:**

During the Site visit a new badger sett had been noted close to the application site, further consultation with the Council's Ecology Officer was undertaken and the advice provided was that the sett would be over 30m from the development, impacts could be considered via a Construction Environmental Management Plan (CEMP) could be required by condition.

It was noted that Condition 8 required further information regarding protection of wildlife over the course of the development.

**Comment:**

Councillor John Nicholson spoke as Local Member.

Councillor Warren Drew had not attended the site visit and therefore, in accordance with the Council's Constitution, he did not take part in the debate or vote.

The Committee were advised that the access to the site had been relocated to obtain the required visibility to access the development, although it was believed that 4 dwellings would not cause a significant increase in traffic.

A proposal to refuse the application on under development of the site was proposed and duly seconded, in accordance with the Council's Constitution a named vote was taken the result follows:

For (9)

Cllrs Michael Beston, Geoff Brodie, Vanessa Churchman, Claire Critchison,

Rodney Downer, Martin Oliver, Matthew Price, Chris Quirk and Michael Lilley.

**Decision:**

RESOLVED:

THAT the application be refused on under development of the site.

21. **Members' Question Time**

Councillor Warren Drew had submitted a question (MQ 12/21), he was advised he would receive a written response.

CHAIRMAN