

Minutes

Name of meeting	PLANNING COMMITTEE
Date and time	TUESDAY, 21 DECEMBER 2010 COMMENCING AT 2.00 PM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Ivan Bulwer (Chairman), Reg Barry, Stuart Dyer, Paul Fuller, John Hobart, Richard Hollis, Julie Jones-Evans, David Knowles, Susan Scoccia, Arthur Taylor, Jerry White
Also Present (non-voting)	Cllr Dawn Cousins
Officers Present	Roy Little, Bill Murphy, Phil Salmon, Justin Thorne, Andrew White, Simon Wiggins, Stephen Wiltshire
Apologies	Cllr Roger Dixcey

29. [Minutes](#)

It was noted that on page A - 6, the comment should read "A statement from the adjoining member, Councillor Edward Giles, was read out".

RESOLVED :

THAT, subject to the above, the Minutes of the meeting held on [23 November 2010](#) be confirmed.

30. [Declarations of Interest](#)

There were no declarations received at this stage.

31. **Report of the Head of Planning Services**

Planning Applications and Related Matters

Consideration was given to items 1 - 3 of the report of the Head of Planning Services.

RESOLVED :

THAT the applications be determined as detailed below :

The reasons for the resolutions made in accordance with Officer recommendation were given in the Planning report. Where resolutions are made contrary to Officer recommendation the reasons for doing so are contained in the minutes.

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 Members when considering the application. A note is made to that effect in the minutes.

Application: [LDC/10506/H](#)

Details: Lawful Development Certificate to seek compliance with condition no. 1 on TCP/10506/F/P/02364/02 to establish a legal commencement of works for this development.

Le Veness, Esplanade, Ventnor, Isle of Wight

Site Visits: The site was visited by members of the Planning Committee on Friday, 17 December 2010.

Public Participants: Mr M Fletcher (Objector)
A statement of objection from Mr James Toogood was also read out by Mr Fletcher.

Debby Robinson (On behalf of Ventnor Town Council)

Additional Representations: A supplementary letter had been received from Campaign to Protect Rural England (CPRE), which believed the legal opinion obtained by the Council to be flawed and that Condition 2 of the planning permission represented a condition precedent.

Officers believed it was a matter of law as to whether condition 2 constituted a condition precedent and having taken into regard counsels opinion, it was their view that it was not and that the recommendation should not be altered.

Comment: There was some discussion in regard to the legal interpretation of the wording of the condition and its initial intent. Members were advised by the Principal Lawyer that whilst the authority had successfully defended an appeal against the discharging of condition 2, this application was to be considered as a wholly new application. It was clarified that in order to deem that condition 2 was prohibitive and could therefore be considered as a condition precedent, a number of legal tests had to be met.

The Head of Planning services stated that should the certificate be granted, an informative would be provided to the applicant drawing attention to the need to enter a formal agreement to secure a phased approach to the discharge of condition 2.

In compliance with the Council's Constitution the local member, Cllr Susan Scoccia, did not vote.

Decision: The Committee had taken into consideration and agreed with the reasons for the recommendation as set out under paragraph entitled Justification for Recommendation of the report and resolved:

THAT the Lawful Development Certificate be granted.

Reasons: As per report
(Item 1)

Application: [TCP/24908/L](#)

Details: Alteration and conversion of vacant barn into residential dwelling to include single storey extension on south east elevation.

Isle of Wight Lavender, Staplehurst Grange, Long Lane, Newport, Isle of Wight.

Site Visits: The site was visited by members of the Planning Committee on Friday, 17 December 2010.

Comment: The Local Member, Cllr Dawn Cousins, spoke on this item.

Decision: The Committee had taken into consideration and agreed with the reasons for the recommendation as set out under paragraph entitled Justification for Recommendation of the report and resolved:

THAT the application be refused.

Reasons: As per report
(Item 3)

Application: [TCP/28035/B](#)

Details: Bungalow; formation of vehicular access and parking area; formation of vehicular access for no. 41 Winston Avenue.

Land at and adjacent to 41, Winston Avenue, Ryde, Isle of Wight.

Site Visits: The site was visited by members of the Planning Committee on Friday, 17 December 2010.

Additional Representations: Highway Engineers confirmed that the means of access had been considered as part of the outline application and as there were no proposed changes in respect to this detailed application, they confirmed they had no objections.

Decision:

The Committee had taken into consideration and agreed with the reasons for the recommendation as set out under paragraph entitled Justification for Recommendation of the report and resolved:

THAT the application be approved.

Conditions:

As per report
(Item 2)

CHAIRMAN