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Minutes of the meeting of the **PLANNING PANEL** held on **THURSDAY 18 AUGUST 2022** at 7:00 pm.

Present: Councillor Legg (Chair)

Councillors Exon, Lancaster, Smith (substituting for Cryer-Whitehead) and Taylor.

Officers: E Verdegem (Team Leader (West) - Development Management), L Peacock (Senior Planning Officer), J Lyall (Principal Solicitor - Planning), P Brown (Head of Democratic Services), A Melia (Senior Governance Officer) and G Vincent (Democratic and Electoral Services Officer).

Apologies: Councillor Cryer-Whitehead

PP11 INTRODUCTIONS AND WELCOME

The Chair welcomed Members of the Public and Councillors, advising that the meeting was being held both in the Civic Offices and remotely and would be broadcast live on YouTube, further explaining the procedures to be adopted.

PP12 APOLOGIES

Councillor Cryer-Whitehead gave apologies and was substituted by Councillor Smith.

PP13 DECLARATIONS OF INTEREST

Councillor Taylor advised for transparency that he had previously worked for Hutchinson 3G, the applicants for Item 5a but was not predetermined.

PP14 REPRESENTATIONS ON APPLICATIONS

For Item 5a, objections were made by Cllr Bhatti (Walton Community Council), A McBurnie, C Page and V Currall. The Right of Reply was held by R Maslen, but was not exercised.

For Item 5b, objections were made by Councillors K Bradburn and Crooks, as well as by D Mason. The Right of Reply was exercised by Mr L Sideras.

PP15 APPLICATIONS

5a) 22/01636/PRIOR - PRIOR APPROVAL FOR THE INSTALLATION OF A 15 METRE-HIGH MONOPOLE SUPPORTING 6NO. ANTENNAS, 3NO. EQUIPMENT CABINETS AND DEVELOPMENT WORKS ANCILLARY THERETO AT WALTON ROAD, WALNUT TREE, MILTON KEYNES.

The Development Management Team Leader introduced the application with a presentation. Since the publication of the agenda an update paper had been published setting out detail of additional representations and responses, this was summarised by the Officer, but did not raise any additional matters that were not covered in the report.

The recommendation remained to grant the application subject to the conditions detailed in the Panel report.

Councillor Aamir Bhatti of Walton Community Council spoke in objection to the application.

His objection began by stating that Walton Community Council was not opposed to 5G technology, but strongly objected to the application.

He commented that there was no pre-consultation exercise, and that some local residents had not been informed.

The Councillor raised concerns regarding the positioning of the mast, in particular that it was only 9m from residential properties, in addition the closeness of the mast to a large tree was raised, and the objector inquired if this had been properly assessed when considering the application.

He continued by stating that it was contrary to MK's communication Policy, and that it would have a negative visual impact, the impact of which had not been minimised.

Moreover, the Councillor commented that alternative sites had not been properly considered, as well as that 100's of residents had objected to the development.

3 Members of the Public spoke in objection to the application, the key points of their representations were as follows:

- Concern over distance from homes, in particular due to the need for them to be constructed over 100m from schools or nurseries.
- Unknown effects and dangers of 5g technology.
- The location of the site, in particular due to the possible risk to pedestrians and the impact on the large oak tree.
- Lack of a need for 5G, and as such no social benefit to residents.

Members queried two matters with Officers, namely what could be considered when assessing the application, and were informed that only the siting and appearance were being considered.

The Chair commented on the need to decide today due to deemed consent, as well as remarking upon the unfortunate inability to conduct a site visit due to this.

Councillor Legg, Seconded by Councillor Exon, proposed that the Officer recommendation be approved and opened the item up for debate.

Councillor Lancaster expressed his concern over the proximity of the development to the tree, and its potential impact. Moreover, the Councillor commented upon the negative impact on local residents, and the lack of benefit to them, whilst there would be a change of character to the area, as well a loss of amenity and a negative visual impact. He then concluded by stating that alternative sites should have been considered and that he would oppose the application.

Councillor Taylor proceeded to state that he would be against the proposal, as there would be a negative visual impact, and no social benefit to local residents.

Adding to the debate, Councillor Smith voiced her concerns over the proximity of the development to properties, especially due to the availability of alternative more suitable locations.

The Chair then concluded the debate, highlighting the areas a decision could be made on, and stated that whilst understanding the concerns of residents, he was aware of the risks of appeal.

On being put to the vote, the proposal to grant the application subject to the conditions detailed in the Panel report and update was refused unanimously.

Following this, Councillor Legg, Seconded by Councillor Taylor, proposed that the application be refused for the reasons detailed here:

- Negative impact on the visual and residential amenity of surrounding residents,
- Lack of public benefit,
- Lack of information regarding alternatives that would demonstrate the necessity of the proposed development in this location.

On being put to the vote, the proposal to refuse the application due to the reasons detailed above was carried unanimously.

RESOLVED –

That the application be rejected, due to the unacceptable impact on the visual and residential amenity of the surrounding residents, as well as the lack of public benefit of providing improved telecommunications infrastructure. Furthermore, due to the lack of information to demonstrate that alternative sites have been considered, and therefore no evidence to demonstrate the necessity of the proposed development in this location. The application was contrary to the requirements of paragraph 115 of the NPPF (2019), Policy D1 and D5 of Plan:MK (2019) and the guidance set out in Milton

PP16

5b) 22/00910/FUL - RETROSPECTIVE CHANGE OF USE FROM CLASS C3 (RESIDENTIAL) TO CLASS C4 (HMO) AT 144 & 146 NEWPORT ROAD, BROUGHTON, MILTON KEYNES, MK10 7AP

The Senior Planning Officer introduced the application with a presentation. Since the publication of the agenda an update paper had been published setting out details of additional representations, the recommendation remained to grant the application subject to the conditions detailed in the Panel report.

One Member of the Public, David Mason, spoke in objection to this application, his representation raised concerns regarding multiple occupancy houses in newer estates, as well as a possible overconcentration in the area. Furthermore, he commented upon the potential increased risk regarding traffic, as well as the fact that the development would result in a parking shortfall, with the fall in parking provision going against Policy CT10 of Plan MK.

Councillor K Bradburn also spoke in objection to the application. She began by detailing the failure to comply with Policy CT10 of Plan MK, whilst also highlighting the cumulative impact of parking provision, which was intended to mitigate future issues. In addition, she commented upon condition 5, stating that bin storage provisions should already be in place.

Following this, Councillor Crooks voiced his objection to the proposal. He commented on the violation of Policy CT10, stating in particular that the council must adhere to its own policies. Moreover, Councillor Crooks informed the Panel of historic issues with the properties, including a waste disposal incident, and the installation of double yellow lines to avoid dangerous parking.

The applicant, Louis Sideras then exercised his right of reply. His representation addressed the comments regarding parking, stating that there were no issues relating to parking with the property, as there was already enforcement in the form of the yellow lines.

Following this, the applicant stated that a parking survey had been carried out, which showed that there was street parking available at peak times, and that there had been no need for said street parking.

He also stated that he had been awarded his HMO license, to whom they had demonstrated suitable parking provision, in addition, he told the panel that he had invested much of his savings into finding and developing a property that would adhere to council standards for an HMO.

He then proceeded to request that if the panel was minded to approve the application, that they remove the noise mitigation condition as the

Environmental Health Officer had not deemed it necessary and it was already part of HMO law.

The applicant continued by informing the panel of the need for HMO accommodation in the area, citing the high demand for their vacancies, as well as the lack of affordable one-bedroom apartments in the area.

Further to this, he addressed the points raised by Councillor Crooks, stating that they had not had complaints or problems previously, and that all the tenants were in full time employment. He addressed the waste disposal issue, saying that he was unaware of any fly tipping, but had previously not had waste collected for 8 consecutive collections.

Officers then clarified some points raised by speakers; these points included:

- That HMO's were deemed a good thing in Plan Mk, and the age of an estate did not affect this.
- That the actions of previous occupants and applicants could not be taken into consideration.
- That the Officer report contained detailed assessments of parking provision and the character of the area.
- That there were conditions regarding bin storage provision in the report, and that condition 1 regarding noise mitigation was a Policy requirement, and as such was included in the report.

Member's then asked Officer's points of clarification.

One Member addressed the inclusion of 1 electric charging point per each dwelling, but could only see one on the submission. The Panel was informed that there ought to be two, and this could be conditioned.

Another question was raised regarding the decision to grant an HMO license, and if this should affect the Panel's decision. The Officer response was that it was a separate matter, and should not be taken into consideration

Member's further questioned Officer's regarding why the application had been brought to Panel, and were informed by both Officers and the Chair that it was due to the lack of objection from Highways.

Member's questions also addressed the issue of parking, in particular what time the photos of the parking provision were taken, and as such what it would be like at peak times. The Panel were informed that Officer's had visited repeatedly, and that whilst those photographs were from the afternoon, full detail was included within the report. In addition, Officers were asked if disabled parking provision was necessary, but responded that it was not necessary,

Councillor Legg, Seconded by Councillor Taylor, proposed that the

Officer recommendation be approved and opened the item for debate.

Councillor Lancaster stated that whilst he had listened to all the information, the Panel was obliged to adhere to their own policies and parking standards and doubted whether six cars would fit in the according to the proposals.

Councillor Taylor echoed Councillor Lancaster concerns, stating that he was unhappy that there had been numerous applications which failed to meet parking standards, and that this application would take up more street parking. He also raised the issue of a loss of amenities, as there wouldn't be access for bikes or bins.

The Chair summarised the application by stating that whilst he understood the concerns raised, this application must be assessed in its own merits, and due to no formal objection from Highways and the availability of parking demonstrated by the parking survey, did not think it should be refused.

On being put to the vote, the proposal to grant the application subject to the conditions detailed in the Panel report was refused with Councillor Legg voting in favour, and Councillors Exon, Lancaster, Smith and Taylor voting against.

Following this, Councillor Legg, Seconded by Councillor Taylor, proposed that the application be refused for not complying with Policy CT10 of Plan MK.

In the ensuing vote, the proposal to refuse the application due to the shortfall of parking provision above was carried with four Councillors Exon, Lancaster, Smith and Taylor in favour, and Councillor Legg abstaining .

RESOLVED –

That the application be rejected, due to the shortfall of parking provision, which was contrary to Policies CT10 and HN7 of Plan:MK and the Parking Standards SPD.

PP17

5c) 21/01898/OUT - OUTLINE APPLICATION WITH MATTERS OF LANDSCAPE RESERVED FOR THE REDEVELOPMENT OF THE SITE INCLUDING THE ERECTION OF A DETACHED BUILDING TO ACCOMMODATE 5 RESIDENTIAL UNITS (3 X 2 BEDS AND 2 X 1 BED) WITH MATTERS OF LANDSCAPE RESERVED AT D J C AUTOS, STATION ROAD, NEWPORT PAGNELL, MK16 0AG

RESOLVED –

The applicant had withdrawn the application from consideration by the Local Planning Authority. The Panel was no longer able to reach a resolution on the item, and no decision could be issued.

PP18

5d) 22/00314/FUL - THE ERECTION OF A FIRST STOREY SIDE EXTENSION WITH GABLE ROOF OVER AT 25 NEVILL CLOSE, HANSLOPE, MILTON KEYNES, MK19 7NY.

The Development Management Team Leader introduced the application with a presentation.

The recommendation remained to grant the application subject to the conditions detailed in the Panel report.

There was no Public Speaking for this application.

Members asked Officers if this development was for personal use of the applicant or not, and were informed that it could not be taken into account.

A Member then inquired as to why this had been brought to committee, and was told by Officers that it was due to the addition of a bedroom, which increased the need for parking spaces.

Councillor Legg, Seconded by Councillor Exon proposed that the Officer recommendation be approved and opened the item for debate.

Councillor Taylor opened the discussion by telling the Panel that whilst he believes Policy CT10 ought to be adhered to, they must be flexible when dealing with these applications and consider their nature and the potential impact on families.

Councillor Legg then concluded the debate by stating that he did not believe a refusal could be justified at appeal, and then each application must be taken on its own merits.

On being put to the vote, the proposal to grant the application subject to the conditions detailed in the Panel report was carried unanimously.

RESOLVED –

That the application be granted subject to the conditions as detailed in the Panel report.

THE CHAIR CLOSED THE MEETING AT 20:33 PM.