SOUTH AND WEST PLANS PANEL

THURSDAY, 19TH JANUARY, 2017

PRESENT: Councillor C Gruen in the Chair

Councillors J Akhtar, B Anderson, J Bentley, D Congreve, M Coulson, R Finnigan, E Nash, A Smart, C Towler and R Wood

55 Late Items

There were no late items. Minutes of the meeting held on 22 December 2016 had been distributed as a supplement to the agenda.

56 Declarations of Disclosable Pecuniary Interests

Councillor A Smart declared an interest in Agenda Item 9 – Application 16/03597/FU – Land adjoining St Ann's Mills, Commercial Road, Kirkstall as she was a director of the Kirkstall Valley Partnership. She withdrew from the meeting during the discussion and voting on this item.

Councillor J Akhtar declared an interest in Agenda Item 8 – Application 16/06914/FU – 7 Edwin Road, Hyde Park, Leeds as he knew the applicant. He withdrew from the meeting during the discussion and voting on this item.

57 Minutes - 22 December 2016

RESOLVED – That the minutes of the meeting held on 22 December 2016 be confirmed as a correct record.

58 Application 15/05863/FU - Victoria Road, Hyde Park, Leeds

The report of the Chief Planning Officer informed Members of an appeal decision following refusal of an application for the erection of 7 purpose built student accommodation blocks, 3 storeys in height providing 262 bed spaces in total with associated communal space, parking and landscaping including both private and public open space.

Site plans and photographs were displayed and referred to throughout the discussion of the application.

Issues highlighted form the report included the following:

- The site was part of the former Leeds Girls High School site.
- The application was refused under delegated powers following pre-application discussions with the applicant and consultation with local Ward Members.
- The following reasons were given for refusal:

    - Housing mix and community balance
    - Harm to residential amenity
    - Lack of open and public greenspace
    - Poor layout of the proposed site
    - Failure to provide sufficient car parking within the site
- The reasons for refusal were supported by the Hyde Park Neighbourhood Forum and their support for the case at the appeal demonstrated the benefits of working with the local community and the use of detailed local knowledge.
- Members were shown a map of student accommodation across Leeds. There was a high concentration of student accommodation in Headingley and Hyde Park which undermined and unbalanced local communities.
- Data was shown which demonstrated the high incidences of noise abatement notices served and anti-social behaviour that had occurred in the area. The site fell within a cumulative impact area and this data was used to demonstrate a reason for refusal. Reference was also made to the strain it caused on Council resources and it was concluded that the excessive HMO accommodation had a detrimental impact on the area.
- The Inspector concluded that the excessive HMO accommodation did have detrimental effects on the balance and wellbeing of the area which had a health impact on existing residents and harm to living conditions in the immediate area and wider locality.

In response to Members comments and questions, the following was discussed:

- Open greenspace – while the Inspector acknowledged the lack of open greenspace, there was a view that private amenity space was sufficient.
- The implications of this application and appeal would lend support to Council policy and the examples regarding the high proliferation of HMO's and levels of anti-social behaviour in the area provided good evidence towards refusal.

RESOLVED – That the outcome of the appeal decision be noted.

59 Application 16/06914/FU - 7 Edwin Road, Hyde Park, Leeds

The report of the Chief Planning Officer presented an application for the change of use to a House in Multiple Occupation (HMO).

Site plans and photographs were displayed and referred to throughout the discussion of the application.

Further issues highlighted in relation to the application included the following:

- The application had been brought to the Panel at the request of a local Ward Councillor due to the applicant having suffered noise disturbance from student neighbours.
- Reference was made to policy in relation to HMOs and the need to maintain a balance of family housing. There was a high concentration of HMOs in the area which led to a population imbalance and harmful impacts and a map of HMO and student properties was shown.
- Floor plans of the property were shown. There was no plan for any external alteration.
- A late submission by the applicant provided details of noise complaints that had been submitted to Environmental Health. There was also a letter from the applicant's children's Headteacher that made reference to their schoolwork suffering due to noise distraction causing sleep deprivation.
- The applicant had been advised by an estate agent that the property would be more marketable if there was planning permission for a HMO.
- Whilst it was recognised that it would be attractive for the change of use to a HMO, this would lead to significant harmful impacts and undermine Council objectives for the provision of family housing.
- It was recommended that the application be refused.

The applicant addressed the Panel and raised the following issues:

- The applicant had no interest in developing the property further or becoming a landlord.
- The next door property had been sold and changed to a HMO in 2006 and now housed 6 tenants. There had been a history of noise nuisance ever since.
- Reference was made to the effect that noise disturbance had had on his children's studying.
- The Panel was informed of reports that had been frequently made to the Noise Nuisance and Anti-Social Behaviour teams.
- In response to questions the applicant had stated that a change of use of the property would not affect the immediate neighbourhood and he would not wish to sell the property to another family who would have to endure similar problems. He had also been advised that the property would not reach its market price without permission for the change of use.

In response to further questions and comments, the following was discussed:

- The exception test to permit the change of use did not apply as there was not enough HMOs in the immediate area and there was a significant number of family houses
- Although sympathy was expressed with regards to the applicant's reasons for the application, there was some concern that the planning system was being used to address problems with noise nuisance and anti-social behaviour.

RESOLVED – That the application be refused as per the reasons outlined in the report.

60 Application 16/03597/FU - Land adjoining St Ann's Mills, Commercial Road, Kirkstall

The report of the Chief Planning Officer presented an application for the laying out of a public footpath along the River Aire at land adjoining St Ann's Mills, Kirkstall, Leeds.

Site plans and photographs were displayed and referred to throughout the discussion of the application.

Issues highlighted in relation to the application included the following:

- Determination of the application had been deferred at the South and West Plans Panel meeting in November.
- A revision to the application had removed proposals for a northern spur to the footpath. This had addressed some concerns regarding security issues to the industrial area.
- Bridge materials would be subject to conditions to match existing materials.
- A further concern had been raised regarding security to the industrial area. It was reported that fencing to the southern boundary would be installed as a condition to the application.
- Ecology concerns – these included nesting birds being disturbed by dogs off leads; sightings of Otters and the need for provision of holts; and kingfisher sightings. An ecological assessment had been carried out which had recommended an otter mitigation plan. This would be a condition of the application as would fencing round the boiler house to protect bats and there would also be a condition to protect nesting birds.
- An additional condition had been recommended by the Environment Agency for a flood evacuation plan.

RESOLVED – That the application be granted subject to the specified conditions outlined in the report and an additional condition for a flood evacuation plan.

61 Date and Time of Next Meeting

Thursday, 16 February 2016 at 1.30 p.m.