



## Report of the Chief Planning Officer

### NORTH AND EAST PLANS PANEL

Date: 10 February 2022

Subject: 21/06408/FU - Single storey rear extension at 532 - 534 Scott Hall Road, Leeds, LS7 3RA.

**APPLICANT**

Mr K Nota

**DATE VALID**

31.08.2021

**TARGET DATE**

26.10.2021

**Electoral Wards Affected:**

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: REFUSE permission for the following reasons:**

1. The Local Planning Authority considers that the proposed extension, by virtue of its impact on the root protection areas and canopies of nearby trees, would result in significant damage to, and the likely loss of, a number of significant mature trees at the site. The significant harm to trees in this respect will have a detrimental impact on local character and visual amenity, biodiversity and wider climate change and air pollution objectives and would be contrary to Policies P10 Design, P12 Landscape, G9 Biodiversity of the Leeds Core Strategy, Saved Policy GP5 of the Leeds Unitary Development Plan and contrary to Land 2 of the Natural Resources and Waste Local Plan DPD. The proposal is also contrary to advice in the document Guideline Distances from Development to Trees and the National Planning Policy Framework (NPPF).
2. The proposed use would likely intensify the existing use of the substandard access and track serving the rear of the properties and the proposed extension and lead to a conflict between users, both vehicular and pedestrian, existing and proposed, and present an unacceptable road safety danger. As such the proposal is contrary to Policy T2 of the Core Strategy.

## **INTRODUCTION:**

1. This application is brought to Plans Panel at the request of Councillor Dowson, the basis of her request is because of the wider impacts of the potential tree loss in the vicinity of the site could be outweighed by the benefit that the development will bring to the applicants business in this instance. As the Ward Member has raised material planning considerations that give rise to concerns affecting more than neighbouring properties one of the exceptions, as set out in the Officer Delegation Scheme, is met and it is appropriate to report the application to Plans Panel for determination.

## **PROPOSAL:**

2. The proposal seeks planning permission for a single storey rear extension to 532 - 534 Scott Hall Road. The proposed extension has a footprint of 12m by 14.05m. It has a flat roof with two large roller shutter doors that face out on to an unmade access track that runs across the rear of neighbouring properties in the parade. There is also a further large single roller shutter door on the other side elevation. This is accessed via a narrow path and the door faces towards the rear garden of the neighbouring residential property. The extension is shown to be constructed with a brick plinth with vertical cladding (material not specified) above.
3. The site is currently in use as a car parts sales outlet that also offers repairs and fixing of parts to vehicles. These currently take place on the frontage of the site which forms part of a wider access forecourt for this site and the other commercial properties that the application forms a part of.
4. This can, it has been observed, cause congestion on the service road that runs in front of these commercial properties and so the single storey extension would remove this aspect of the applicant's operations to the rear of the units and reduce the level of activity on this highly prominent frontage.
5. The extension would add circa 168 square metres of floor space to the unit which currently has 126 square metres of floor space. Overall, if allowed, the unit would have a floor space of 294 square metres.

## **SITE AND SURROUNDINGS:**

6. The site comprises two units at the southern most end of a row of single storey commercial properties with flat roofs that front Scott Hall Road on the eastern side of Scott Hall Road. The properties are in various commercial uses including three food take-away shops, two barbers/hairstylists and a bookmakers.
7. To the south there are residential properties in the form of pairs of semi-detached dwellings that are common along the rest of Scott Hall Road in the immediate vicinity of the application site. To the east is the West Yorkshire Police site with car parking and vehicular access adjacent to the trees that separate the proposed development from the main part of that police complex. There is a public right of way that runs to the south and continue to the rear of the site.
8. To the north is the vehicular access point to the car parking and access drive that serves the frontage of all the properties in this row of commercial properties, and also gives access to the area to the rear of the units. All of which have pedestrian doors to access the rear and/or serve as fire escapes.

9. Beyond this access point, which also gives access to a 48 sheet poster hardstanding site and telecommunications installation, is the junction of Scott Hall Road and Stainbeck Lane.

#### **RELEVANT PLANNING HISTORY:**

10. 21/01214/FU - Single storey rear extension – Refused - 28.06.2021

This proposal was a development very similar to that subject to the current application. Planning permission was refused for reasons relating to concerns that it would result in the loss of trees causing harm to local character, bio-diversity, climate change and air pollution.

#### **LOCAL RESPONSE:**

11. The application has been advertised by site notice and no objections have been received. The ward Member has commented on the application and these comments are summarised at paragraph 1 above.

#### **CONSULTATIONS RESPONSES:**

12. Highways – Objections due to substandard and inadequate access.
13. Landscape – Advised that the application should be determined in accordance with local and national planning policy including LCC Guideline Distances from Development to Trees 2012 (Revised February 2021). The comment also refers to the nature and scope of information that should be submitted in support of an application.

#### **PLANNING POLICIES:**

14. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. For the purposes of decision making in relation to this application, the Development Plan for Leeds currently comprises the Core Strategy (as amended by the Core Strategy Selective Review 2019), saved policies within the Leeds Unitary Development Plan (Review 2006)(UDPR) and the Natural Resources and Waste Development Plan Document (2013) and any made neighbourhood plan.

#### Local Planning Policy

15. The most relevant local planning policies are outlined below:

#### Core Strategy:

16. The Core Strategy sets out strategic level policies and vision to guide the delivery of development decisions and the overall future of the district. The most relevant local planning policies from the Core Strategy (as amended) are:

Spatial Policy 1 - Location of Development

Spatial Policy 8 - Economic Development Priorities  
Policy G9 - Biodiversity Improvements  
Policy P10 - Design  
Policy P12 - Landscape quality, character and biodiversity  
Policy EN8 - Electric Vehicle Charging Infrastructure  
Policy T2 - Accessibility Requirements & New Development

#### UDPR

17. GP5 – Detailed Planning Considerations  
BD6 – Alterations and extensions  
LD1 - Landscape Design

#### Natural Resources and Waste Management Plan

18. General Policy 1 – Support for Sustainable developments  
Land 2 – Trees should be conserved wherever possible and where trees are removed, suitable replacement should be made as part of an overall landscape scheme

#### Relevant Supplementary Planning Guidance/Documents

19. Street Design Guide SPD  
Parking SPD  
Building for Tomorrow Today: Sustainable Design and Construction SPD

#### Other Relevant Documents

20. Guideline Distances from Development to Trees 2012 (Revised February 2021)

#### National Planning Policy Framework (NPPF)

21. Revised in February 2019, the NPPF sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system and strongly promotes good design and sustainable development. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.
22. The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the NPPF, the greater the weight they may be given. The provisions within the NPPF are given further articulation and practical consideration in the National Planning Practice Guidance (NPPG).
23. The NPPF sets out that "...Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development." (para. 81). At paragraph 110 the NPPF says that in assessing applications for development it should be ensured that "(b) safe and suitable access to the site can be achieved for all users...". Furthermore, at para. 131 it is set out that "...Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change."

## Climate Change

24. The Council declared a climate change emergency on 27<sup>th</sup> of March 2019 in response to the UN's report on Climate Change.
25. The Planning Act 2008, alongside the Climate Change Act 2008, sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008.
26. As part of the Council's Best Council Plan 2019/20 to 2020/21, the Council seeks to promote a less wasteful, low carbon economy. The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications.

## **MAIN ISSUES:**

27. The main issues relating to this development proposal are:
  - The principle of the development
  - Design of the extension
  - Amenity of neighbours
  - Highways
  - Landscape including trees
  - Economic Development

## **APPRAISAL:**

### The principle of the development

28. The development is an extension of the existing use that is currently taking place on the site. The use has been long established at the site and is a commercial activity in an existing parade of commercial properties, which by their nature are not all open at the same time. The food take-away shops appear to be evening activities compared to the other commercial activities that are predominantly day-time activities.
29. It is considered that as a matter of principle that the continuation and expansion of the use is acceptable in this commercial parade of units subject to detailed planning considerations.

### Design of the extension

30. The design is by nature simple and utilitarian, however the only views of the single storey extension would be from the rear access driveway that serves the entrance doors to the extension, the public right of way that runs to the south of the site and from neighbouring properties. Unless there is need to visit the extension specifically or gain access to the rear service doors of the other properties the extension will

essentially be hidden from all other views. The design is therefore considered acceptable.

### Amenity of neighbours

31. The nearest neighbour lies to the south of the site and sits facing Scott Hall Road so that it “sides” onto the application site. One of the trees to be removed as part of this proposal sits on the common boundary with this property, however there is a high density of vegetation and existing out buildings along the common boundary that would protect, to some degree, the amenity of occupiers of that property from any activities within the proposed extension. Also, the vegetation and outbuildings would serve to mitigate the visual impact of the extension. In addition, if planning permission were to be granted conditions could be attached controlling the hours of use, the provision of sound proofing, controlling the siting of any plant/ventilation/extraction installations and the use/nature of power tools. No other neighbours are considered to be affected by the proposal. The proposal is considered acceptable in amenity terms.
32. One of the potential benefits of the proposal that exists is the discontinuation of vehicle repairs on the forecourt of the premises. It is understood that if planning permission is granted then this activity would take place in the proposed extension. It is not known how frequently such activity takes place and the precise nature of it. However, the use of the forecourt for this activity is clearly limited by the fact it is outside and exposed to the elements and its remoteness from the business unit and its facilities. Any activity that takes place is set also set against the noise backdrop of a significant and busy road. Accordingly, this benefit is attributed moderate weight.

### Highways

33. The application site is situated in a generally sustainable and accessible location within an existing parade of commercial units. The extension to the existing building is significant in size and could reasonably be expected to generate new trips to the site. The Council’s Highways Team have advised that in theory, this would require an additional two to three off-site car parking spaces at the site in response.
34. However, it is recognised that the existing parade benefits from a good level of parking provision and the expanded use would be likely to continue to generate a short duration of stay by visitors and a high turnover of spaces as a result.
35. The proposal would seem to relocate vehicle repair activities to the rear currently taking place on the forecourt. Vehicular access is proposed to the rear of the building via unmade land to rear of the parade. This area of land does not fall within the application site. No evidence has been submitted to demonstrate that the applicant has a right of access across the land.
36. In addition, the access around the end of the row of buildings to the north is only about 3m wide around a right angle bend, with virtually no forward visibility- it would therefore be unsuitable for the intended purpose. The entrance to the rear access is currently used for parking, which would be displaced to the front.
37. The service road to the front is also in a poor state of repair- the intensification of use from the proposed development would cause further deterioration which would likely bring debris onto the adopted highway.
38. For these reasons vehicle access is considered to be substandard and unacceptable. This is a matter that is afforded significant weight.

### Landscape including trees

39. There are no landscaping requirements as such, however because the development seeks to go so close to the common boundaries with the Police Station on Stainbeck Lane and the residential property to the south on Scott Hall Road, there are significant concerns in relation to the potential loss of mature and semi mature trees located close to these common boundaries.
40. The applicant has submitted contradictory information with regard to the depth of the area available to develop to the rear of the existing building. The submitted location plan shows the depth of the rear of the building to be 9m. The submitted site layout plan contradicts this and indicates the depth to be some 17m. However, an Arboricultural Impact Assessment has also been submitted in support of the application. The position of the tree trunks, canopies and the root protection areas have been provided. This is discussed further below.
41. The trees which exist close to the rear and southern boundaries are numerous (with ten trees being situated in the immediate proximity of the application site) and include a number of significant mature specimens. The larger trees in particular are visible from Scott Hall Road and form part of an attractive tree belt along the eastern boundary to the rear of the commercial parade. The trees are a significant part of local character and deliver other benefits relating to biodiversity, climate change and air pollution.
42. The previous planning application at the site suggested that the development would not impact on any trees or that there were no trees on site. When this was queried by the Council, the applicant provided a tree report showing the location of the trees, their canopy spreads and their root protection areas. However, it was noted at the time of the previous application that this information had not been presented in accordance with the relevant British Standard (BS5837) as root protection areas had not been adjusted to take into account of the large amounts of hardstanding in the police station to the east of the site or the structures in the neighbouring site to the south (meaning the reality was that there would be greater root spread into the application site). The same information has again been provided in support of the current application.
43. Notwithstanding the above, even on the information provided by the applicant, it is clear that the root protection areas of trees cover almost the entirety of the application site where the extension is proposed. For example, the largest tree to the rear of the site (T3 – a category B Sycamore tree)(category B = Trees of moderate quality or value capable of making a significant contribution to the area for 20 or more years) has a root protection area which covers almost the entirety of this area alone. Whilst it is noted that there is some degree of concrete covering at the site which may have also impact on tree root spread in to the application site, the submitted tree information has entirely failed to engage with the likely impacts of the development in relation to these trees which would clearly be significant. The impacts to T3 alone in respect of damage to tree roots would be likely to be fatal to the long-term health of tree in the opinion of officers.
44. It is considered that the proposed development, if root protection areas were to be appropriately adjusted in accordance with the British Standard, would be likely to lead to significant damage to the health of and likely future loss of a further two significant mature trees (T1 a category B Norway Spruce and T2 a further category B sycamore) even if these trees were to survive the construction process – in addition to the

inevitable loss of T3. This is in addition to the loss of two category C trees (category C = Trees of low quality, adequate for retention for a minimum of 10 years expecting new planting to take place; or young trees that are less than 15 cms in diameter which should be considered for re-planting where they impinge significantly on the proposed development) which the applicant intends to remove. Both of these trees are noted as being in good physical condition and which have in excess of a 40 year life span remaining.

45. The impacts to trees are therefore clearly significant. This raises a number of concerns given the aforementioned significance of the trees to local character, biodiversity, climate change and control of air pollution.
46. In respect of local character, as noted above, the trees form an attractive tree belt along the eastern boundary to the rear of the commercial parade visible from Scott Hall Road and neighbouring sites. In visual amenity terms their loss would be significant and the existing positive contribution of the trees to local character would be lost.
47. In respect of biodiversity the loss of the trees would lead to an obvious and significant impact on biodiversity at the site. The proposal would therefore straightforwardly fail to provide for a biodiversity net gain as required by Core Strategy policy G9.
48. It is noted that due to the extent of the proposed extension would lead no realistic opportunity to provide for replacement tree planting of a kind which could be expected to replace trees of the size which exist given the constraints which would exist for any new tree planted. Policy Land 2 of the Council's Natural Resources and Waste Plan states "...Development should conserve trees wherever possible and also introduce new tree planting as part of creating high quality living and working environments and enhancing the public realm". However, in relation to this application, it is also clear that it would not be possible to provide replacement tree planting on a 3:1 replacement ratio as required by policy Land 2.
49. In respect of the wider benefits that the trees provide in terms of climate change and limitation of air pollution, the proposal would provide no opportunity to replace these benefits, even in the longer term as a result of the above.
50. As such in all of the aforementioned respects the development would lead to significant harm, clearly contrary to relevant local and national planning policies and objectives including Core Strategy policies P10, P12 and G9, saved UDP policy GP5, policy Land 2 of the NRAW DPD and the advice in the Council document Guideline Distances from Development to Trees and the NPPF. These are matters that are afforded significant weight.

### Economic Development

51. On the face of it the proposal would benefit the existing business. It would provide a purpose-built facility that would help improve the operation of business activities at the site. The full extent of the benefits have not been set out by the applicant. It is noted that the application form has been completed to say that the number of employees on the site will not increase as a result of the development. However, it is recognised that the proposal will enhance the business facilities and this is a matter that is afforded significant weight in favour of the development.

## **PLANNING BALANCE & CONCLUSION:**

52. The detrimental impact on trees at and around the site, including the likely loss of three significant mature category B trees and the loss of a further two category C trees, all with a significant life expectancy which are currently physically in a good condition is considered to lead to significant planning policy conflicts. The loss of the trees would be significantly harmful to local character and visual amenity, biodiversity and wider climate change and air pollution objectives. These are matters that are afforded significant weight and count against the grant of planning permission.
53. Further harm to highway safety as a result of a substandard vehicular access is also a matter that is of significant weight and counts against the grant of planning permission.
54. The benefits of the proposal to the applicant and the resident business are noted and is afforded significant weight in favour of the proposal.
55. Another factor in favour of the grant of permission, and this is related to the previous point, is the potential cessation of carrying out vehicle repairs on the forecourt of the premises and the benefit that brings to character and amenities of the area. This is a matter that is afforded moderate weight.
56. The design of the proposal is considered to be a neutral factor that does not weigh in favour or against the proposal.
57. However, it is not considered that the identified benefits outweigh the significant harm identified. As a result, the proposals are considered to be unacceptable and therefore recommended for refusal for the reasons outlined above and discussed in the body of this report.

### **Background Papers:**

Application files: 21/06408/FU

Certificate of ownership: Signed by applicant as sole owner of application site



21/06408/FU

# NORTH AND EAST PLANS PANEL

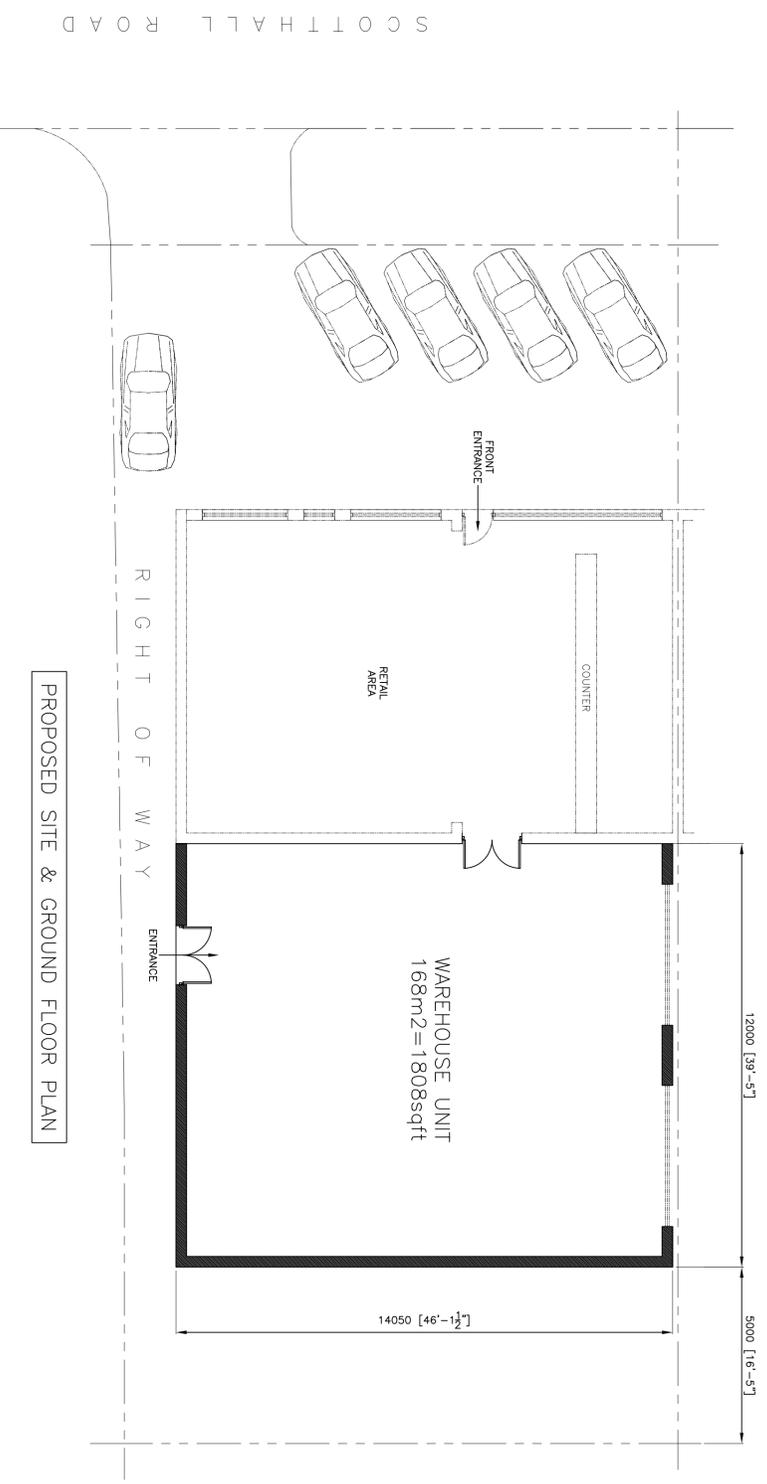
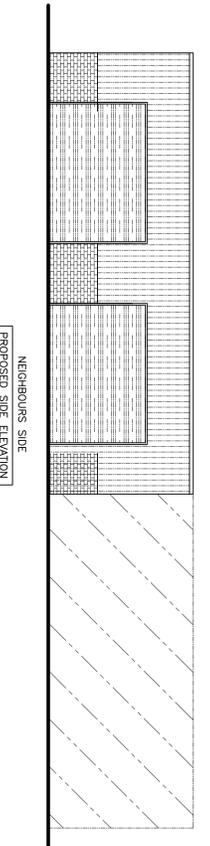
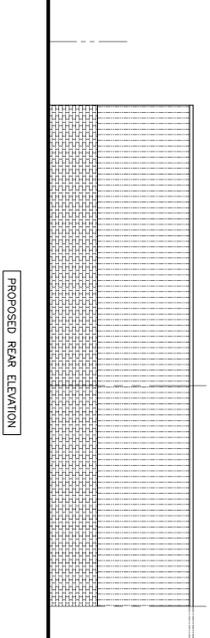
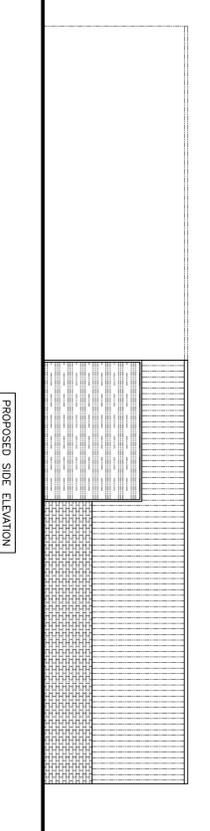
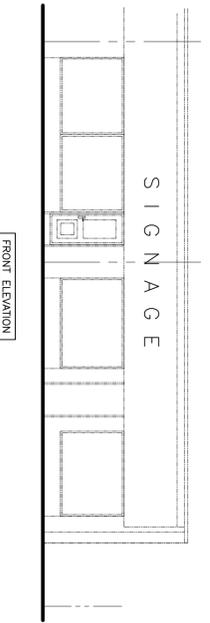
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SCALE : 1/2500 <sup>10</sup>



**Note:**  
 ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS & CODES OF PRACTICE  
 ALL DIMENSIONS TO BE CHECKED ON SITE.  
 DO NOT SCALE FROM THIS DRAWING.



PROPOSED SITE & GROUND FLOOR PLAN

PROPOSED

|             |                                       |       |
|-------------|---------------------------------------|-------|
| Rev:        | Revision:                             | Date: |
| Client:     | M/R K. S. NOTA                        |       |
| Project:    | 532 SCOTTHALL ROAD,<br>LEEDS, LS7 3PL |       |
| Title:      | PROPOSED<br>REAR SHOP EXTENSION       |       |
| Scale:      | 1:100@A1                              |       |
| Date:       | JUNE 17                               |       |
| Drawing No: | 19202-2                               |       |
| Revised:    |                                       |       |

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