

Our ref: Q230249
Your ref: 20/04145/FU
Email: sean.rawling@quod.com
Date: 22 November 2023



John Hall
Leeds City Council
110 Merrion Street
Leeds
LS2 8LX

By Planning Portal: PP-12451639

Dear Mr Hall,

Town and Country Planning Act 1980 (as amended)
Section 96a and Section 73 Applications Pursuant to Planning Permission
Reference 20/04145/FU
Foundry Street / Saxton Lane Former, Leeds

Please find enclosed a Section 96a (S96a) and Section 73 (S73) application on behalf of Wakefield and District Housing Ltd (the “Applicant”) pursuant to planning permission 20/04145/FU (the “Consent”) at Foundry Street / Saxton Lane, Leeds (the “Site”).

The applications are sought for the following amendments to the Consent:

- **Section 96a:** seeks non-materials amendments to the elevations and an extension of the stair core at from levels 17 to 19.
- **Section 73:** seeks consent for an additional three affordable units in place of the first floor amenity space.

Both applications seek to amend the approved plans listed under Condition 2 of the Consent.

Planning consent was granted on 18th March 2022 for the construction of a new building for residential (Class C3) purposes. A S96a application (ref: 23/9/00077/MOD) was consented on 28th April 2023 for the inclusion of an additional stair core to comply with current building regulations and to increase fire safety standards at the building. In addition, a DoV to the S106 has been agreed to enable the building to provide 100% affordable rent homes, owned and managed by Wakefield and District Housing Limited (WDH).

In addition to this cover letter, the application comprises the following submission documents:

Section 96a Application:

- S96a Application Form
- Site Location Plan
- Consented planning drawings (for information) (see Annex 1 for full drawing schedule)

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- Proposed S96a planning drawings (see Annex 1 for full drawing schedule)
- Saxton House Comparison Drawings (for information)
- Wind Microclimate Technical Note dated, June 2023

Section 73 Application

- S73 Application Form
- Consented planning drawings (for information) (see Annex 1 for full drawing schedule)
- Proposed S73 planning drawings (see Annex 1 for full drawing schedule)
- Existing and Proposed Accommodation Schedule

1 Proposed Amendments

Section 96a Amendments

Section 96a of the Town and Country Planning Act 1990 (as amended) allows local planning authorities to approve non-material amendments (NMAs) to approved developments. Guidance is provided within the National Planning Practice Guidance (NPPG) which deals with 'Flexible Options for Planning Permissions'.

What is deemed to be 'non-material' is a matter of judgment, determined on a matter of "fact and degree" and in the context of the specifics of the proposal (NPPG Paragraph: 002 Reference ID: 17a-002-20140306). It is a judgment that is to be exercised by the local planning authority.

The previous S96a application consented a second stair core from ground floor level up to level 16. This S96a application seeks to extend the stair core from levels 17 to 19, to serve the four dwellings per floor. Due to the stepped nature of the existing building, this will result in a small extension to the massing at levels 17-19 only.

The additional external and internal alterations are also proposed, comprising:

- Shift of proposed entrance.
- Extension of bike store to allow for 207 spaces.
- Additional fire escape door along eastern elevation for second stair core.
- Shift of windows between living space and bedroom to allow for wider window to living spaces at levels 2 to 19, along central spine of the northern and southern elevations.

Section 73 Amendments

Section 73 of the Town and Country Planning Act (1990) (as amended) allows amendments to a development after planning permission has been granted.



The Section 73 application seeks three additional affordable units in lieu of the amenity space at first floor. These units will match those units from levels 2 upwards and will provide 2 x 1 bed and 1 x 2 bed units.

The inclusion of the additional units will change the approved unit mix, as demonstrated by the table below. All units will continue to meet the required NDSS standards.

Mix	Approved Mix		Proposed Mix	
	No.	%	No.	%
1 bed	110	54%	112	54%
2 bed	69	34%	70	34%
3 bed	24	11.5%	24	11.5%
4 bed	1	0.5%	1	0.5%
Total	204		207	

The proposed changes have been discussed with LCC Officers through email correspondence in June 2023, where Officers considered the three additional units in lieu of the amenity space at first floor to be more than non-material. This has therefore informed the approach to the planning applications, with the three additional units sought via a S73 application, with the remaining changes considered to be non-material thus addressed via a S96a application.

2 Key Planning Considerations

Section 96a

The following provides a review of the proposed changes against the key planning considerations and demonstrates that the scheme does not materially differ from the extant consent.

The extension of the second stair core from levels 17 to 19 will further improve the development in terms of fire safety to these top floors. Indeed, this is now a requirement for tall buildings, such as the site, to provide for a second stair core. This will ensure that access for fire fighters and for escape for residents to these top levels if limited to a single stair core, which could become obstructed. This provides an actual significant safety feature, whilst also providing residents with additional reassurance and safety.

This will result in an external change to the massing to accommodate the stair core only, however, this will be set back, thus will not be seen in any views from ground level.

The stair core will be 4.8m x 3.7m in width and length, and set back by 7m from the eastern elevation, 5.4m from the northern elevation and 10m from the southern elevation. The stair core will be 8.8m in height, sitting circa 1m lower than the maximum height of the building. As such, the stair core will not be seen in any short distance ground level views. Whilst the stair core may be seen from long distance



views looking southwards along Marsh Land and looking westwards along Saxton Lane, given the minor nature of the stair core, viewed only at a long distance and in the context of the wider building, these views would be very limited and will not have a material impact on visual amenity.

The stair core has been assessed in terms of impacts on wind and can be concluded that the additional massing would not create any changes to the wind conditions at ground level of at the 17th floor terrace. Further information is provided in the technical note dated 9th June 2023.

Given the stair core is significantly set back and is very modest in size, it will not create any changes to the conclusions of the daylight and sunlight assessment on the neighbouring buildings.

The proposed amendments therefore have no material impact on the conclusions of the wind, and daylight and sunlight assessments.

In terms of design and appearance, the remaining external and internal alterations to the building are negligible. The change to the entrance door, inclusion of a new fire escape door, and shifting of the bedroom and living room windows have no discernible effect on the design and appearance of the proposals, particularly when considered in the context of the wider development.

The amendments seek a slight extension to the bike store, to provide 207 cycle parking spaces. There are no other changes to the cycle / car parking, and this remains compliant with the Transport SPD.

The proposed changes are not considered to have any impact on the other previous planning considerations, including residential amenity, landscaping, sustainability, and air quality.

Section 73

The S73 application proposes three additional affordable housing units, benefitting LCC through the provision of further affordable units, increasing the overall units from 204 to 207, i.e., an increase of only 1.5%, in place of 156sqm of amenity space at first floor level.

Although at the adjacent site (ref: 20/9/00279/MOD) LCC Officers previously agreed a 5% increase of units (+18 units) and loss of amenity floorspace was non-material, and could be progressed via a S96a application, during pre-application discussions, Officers have stated the increase in 3 units is now more than non-material. Without prejudice, this change has been addressed within a separate S73 application.

The building was previously designed for Build to Rent uses, with higher rents where residents expect such amenities and communal space. However, as the development will now provide 100% affordable housing, this type of amenity space is not necessary and is actually problematic for providers, presenting an anti-social behaviour risk. The removal of this space allows for an additional 3 affordable units, whilst additional amenity space is still retained at the upper levels. The reference of the amenity space within the plans panel report is minimal, whilst again Members provided no discussion on the



amenity space within the pre-app nor Plans Panel meetings. As such, it is not considered the loss of the space would undermine Members previous considerations of the scheme.

The increase in three additional units would not alter the approved mix of 1, 2, 3, and 4 beds, given the minor increase in the context of the overall scheme.

All the units still meet, or exceed, the minimum space standards set out in the Nationally Described Space Standards (NDSS). In addition, as with the approved scheme, 30% of the apartments will continue to meet the requirements of M4(2) 'accessible and adaptable dwellings' of Part M Volume 1 of the Building Regulations and 2% of apartments will continue to meet the requirement of M4(3) 'wheelchair user dwellings' of Part M volume 1 of the Building Regulations.

There are no other changes proposed which would affect any other key planning considerations of the extant consent.

3 Summary

It has been demonstrated within this submission that the proposed amendments within the S96a application are non-material in the context of the consented development, whilst also increasing the safety standards within the building to the upper levels.

In combination the amendments do not represent a material alteration to the scheme as a whole, and in conclusion:

- the amendments are non-material in the context of the wider development
- the amendments they do not impact or change the principle of development or description of development
- the amendments do not give rise to new material considerations or materially changes the conclusions of the key planning considerations
- the proposals continue to accord with relevant policies in the Development Plan, NPPF and other guidance.

An application for non-material amendments under S96a is therefore sought.

An additional change is sought via a S73 application, providing three additional affordable units, in place of amenity space are first floor level. This presents a significant benefit to LCC though the provision of additional affordable homes within the City Centre. It is considered this is a very modest change of this major scheme, and do not change the relevant planning considerations of the development.



I trust that the enclosed is to your satisfaction and look forward to confirmation of receipt and validation of the applications at the earliest opportunity. In the meantime, should you have any queries please do not hesitate to contact me.

Yours sincerely

Sean Rawling
Associate

cc. Peter Howard United Living

Annex 1

Drawing Schedule





Document Title	Original March 2022 Approved	April 2023 S96a		Sept 2023 S96a		Sept S73
	Plan No and Rev	Drawing Title	Plan No and Rev	Drawing Title	Plan No and Rev	Plan No and Rev
Site Location Plan	845-CPA-XX-00-DR-A-0101 P-		-			
Existing Site Plan	845-CPA-XX-00-DR-A-0102 P-		-			
Existing Elevations	845-CPA-ZZ-ZZ-DR-A-0235 P-		-			
Proposed Site Plan	845-CPA-XX-00-DR-A-0100 P1		-	Proposed Site Plan	48514-BBA-03-00-DR-A-0010 P02	
Floor Plan – Level 00	845-CPA-ZZ-00-DR-A-0200 P1		48514-BBA-03-00-DR-A-0001 P01	Proposed GA - Level 00	48514-BBA-03-X00-DR-A-0301	
Floor Plan – Level 01	845-CPA-ZZ-01-DR-A-0201 P1		48514-BBA-03-01-DR-A-0002 P04		-	48514-BBA-03-01-DR-A-0002 P05
Floor Plan – Level 02-09	845-CPA-ZZ-02-DR-A-0202 P-	Floor Plan – Level 02-07	48514-BBA-03-ZZ-DR-A-0003 P03	Proposed GA – Level 02-07	48514-BBA-03-ZZ-DR-A-0322 C01	
Floor Plan – Level 10-13	845-CPA-ZZ-10-DR-A-0210 P-	Floor Plan – Level 08-14	48514-BBA-03-ZZ-DR-A-0004 P01	Proposed GA – Level 08-14	48514-BBA-03-ZZ-DR-A-0323 C01	
Floor Plan – Level 14	845-CPA-ZZ-14-DR-A-0214 P-					
Floor Plan – Level 15	845-CPA-ZZ-15-DR-A-0215 P-		48514-BBA-03-15-DR-A-0005 P02	Proposed GA – Level 15	48514-BBA-03-15-DR-A-0316 C01	
Floor Plan – Level 16	845-CPA-ZZ-16-DR-A-0216 P-		48514-BBA-03-16-DR-A-0006 P02	Proposed GA – Level 16	48514-BBA-03-16-DR-A-0317 C01	
Floor Plan – Level 17	845-CPA-ZZ-17-DR-A-0217 P-		48514-BBA-03-ZZ-DR-A-0007 P01	Proposed GA – Level 17	48514-BBA-03-17-DR-A-0318 C01	
Floor Plan – Level 18	845-CPA-ZZ-18-DR-A-0218 P-			Proposed GA – Level 18		
Floor Plan – Level 19	845-CPA-ZZ-19-DR-A-0219 P-			Proposed GA – Level 19		
Floor Plan – Level 20	845-CPA-ZZ-20-DR-A-0220 P1		-	Proposed GA – Level 20	48514-BBA-03-X20-DR-A-0321	
Elevations North and South	845-CPA-ZZ-ZZ-DR-A-0230 P1		-	Proposed North Elevation	48514-BBA-XX-ZZ-DR-A-0325 P02	
				Proposed South Elevation	48514-BBA-XX-ZZ-DR-A-0324 P02	

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Document Title	Original March 2022 Approved	April 2023 S96a		Sept 2023 S96a		Sept S73
	Plan No and Rev	Drawing Title	Plan No and Rev	Drawing Title	Plan No and Rev	Plan No and Rev
Elevations East and West	845-CPA-ZZ-ZZ-DR-A-0231 P1		-	Proposed East and West Elevation	48514-BBA-XX-ZZ-DR-A-0326 P02	
Site Elevations North and South	845-CPA-ZZ-ZZ-DR-A-0232 P-		-			
Site Elevations East and West	845-CPA-ZZ-ZZ-DR-A-0233 P-		-			
GA Sections Proposed	845-CPA-ZZ-ZZ-DR-A-0240 P-		-			
Landscaping Plans						
External Works Layout Level 00	091-01-01 F		-			
External Works Layout Level 00 Sections	091-01-02 D		-			
Planting Plan Level 00	091-01-03 B		-			
External Works Layout Level 15 Roof Terrace	091-01-04 00		-			
Planting Plant Level 15 Roof Terrace	091-01-05 00		-			
Planting Specification and Schedules	091-01-06 A		-			