

REFERENCE NO - 23/501361/FULL		
APPLICATION PROPOSAL Section 73 - Application for minor material amendment to approved plans condition 2 (to allow installation of photovoltaic panels on the buildings within Phase 2) pursuant to 19/506387/FULL for - Erection of 44no. Assisted Living Units (Class C2) with associated parking and landscaping (Amendment to outline permission MA/12/2046 and Reserved Matters consent MA/17/501933/REM).		
ADDRESS Ledian Farm Upper Street Leeds Kent ME17 1RZ		
RECOMMENDATION Application Permitted		
SUMMARY OF REASONS FOR RECOMMENDATION The addition of 274 PV panels to the traditional vernacular roofs of phase 2 of the Care Village will cause some visual harm to a site that is in the countryside, is adjacent to open countryside and is close to a Conservation Area and the setting of a Listed Building, in conflict with policy DM1 of the MBLP. The objective of the applicant to make the development carbon net zero is supported subject to the changes that have been negotiated to remove panels that were considered to be most visually harmful to the public domain. This balancing of renewable energy benefits against visual harm aligns with the spirit of policy DM24 of the MBLP. PV panels added during the construction phase as opposed to a permitted development installation post completion can be more flush with the roof slope and their renewable energy can be made use of much earlier in the timeline of the Care Village's occupation.		
REASON FOR REFERRAL TO COMMITTEE Contrary to the views of Leeds Parish Council		
WARD Leeds	PARISH/TOWN COUNCIL Leeds	APPLICANT Senior Living (Ledian Farm) Ltd AGENT DHA Planning
TARGET DECISION DATE 31/07/23		PUBLICITY EXPIRY DATE 16/05/23

Relevant Planning History

18/503361/FULL

Section 73 application (MMA) to amend approved plans condition of Hybrid planning application MA/12/2046 (as amended by MA/17/500896/NMAMD) for the redevelopment of Ledian Farm to provide a Continuing Care Retirement Community scheme (C2 Use Class) amending the unit types and adding a wellness suite/swimming pool extension to north elevation and minor elevational changes including ridge height changes
Approved 22.11.2018

19/506387/FULL

Erection of 44no. Assisted Living Units (Class C2) with associated parking and landscaping (Amendment to outline permission MA/12/2046 and Reserved Matters consent MA/17/501933/REM)
Approved 28.04.2020

21/506208/FULL

Erection of 39 no. units for assisted living (Class C2) as Phase 3 of Ledian Gardens continuing care retirement community development with associated substation and ancillary buildings, open space, landscaping, parking and vehicular access via Phase 1 with additional 8 off-street parking spaces for Upper Street residents

Approved 03.08.2022

23/500205/FULL

Erection of 1no. assisted living unit (in place of previously approved energy centre no longer required due to amended, more sustainable energy strategy) with associated landscaping.

Approved 22.06.2023

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 This site is in the countryside and is located at the south western edge of the village of Leeds and the roadside element of the access road falls within the Upper Street Leeds Conservation Area and is just south of the Grade II Listed Building of Ledian Farmhouse. The buildings within phase 2 are approx. 130m from these heritage assets.
- 1.02 The application site comprises 3.06 hectares of land, being a former agricultural field further to the west of the original (and now demolished) industrial workshop development which has recently been redeveloped for phase 1 of a Continuing Care Village in Class C2 (Extra Care).
- 1.03 The phase 2 site borders open countryside on its western boundary and is contained by the site access road and hedgerow along its southern edge. It includes an Open Space in the NW corner to serve all future residents of the Care complex. To the NE is a field on which phase 3 of the Care Village was granted planning permission last year under ref 21/506208/FULL.
- 1.04 Existing residential development lies to the south. A public footpath KH245 runs along the site's southern boundary, linking Upper Street with the open farmland to the west of the site.

2. PROPOSAL

- 2.01 Phase 2 derives from 2 planning permissions- 19/506387/FULL for 44 Care units and 23/500205/FULL for 1 additional Care unit. It will therefore comprise of 45 units, a number of blocks mostly 2 storeys high but with some blocks up to 3 storeys high and one single storey cottage and some single storey incidental and ancillary buildings such as stores and car ports.
- 2.02 This application only relates to the main 44 unit scheme and is to amend the roofs of the buildings to include inset PV panels. These are intended to contribute towards reducing the carbon footprint of this phase of the development.
- 2.03 Originally, the submission was for a total of 354 PV panels and this has been reduced by 80 to 274 on negotiation. Most of these will be on the pitched roofs of the buildings, with approx. 38 on flat roof elements.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017 DM1, DM24

Kent Minerals and Waste Local Plan 2013-30 as amended by Early Partial Review (2020)

Supplementary Planning Documents; Domestic and Medium Scale Solar PV Arrays (up to 50KW) and Solar Thermal (2014)

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

The Regulation 22 Local Plan Review submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is therefore a material consideration and attracts some weight. However, this weight is limited as although Stage 1 and 2 Hearings have recently concluded, the Plan is still in Examination.

In terms of this application, the relevance of the LPR is draft policy LPRINF3: "Renewable and low carbon energy schemes".

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 2 representations received from local residents raising the following (summarised) issues
- black panels will have negative visual impact to a Conservation Area.
 - The quality palette of materials of the scheme should not be watered down because this is phase 2.
 - Sets an unwelcome precedent

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

Parish Council

- 5.01 Object to the visual impact within the local community and the negative impact on the landscape character.

6. APPRAISAL

Main Issues

- 6.01 The key issue for consideration relate to:
- Visual Impact
 - Renewable Energy benefits

Visual Impact

- 6.02 Policy DM1 of the MBLP requires high quality design, responding positively to, and where possible enhancing, the local or historic character of the area. Particular regard to, inter alia, vernacular materials where appropriate.
- 6.03 The NPPF paragraph 135 states that Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.
- 6.04 Phase 1 of the Care Village abutted Upper Street Leeds Conservation Area and the Grade II Listed building of Ledian Farmhouse. Hence its design and materials were

expressly vernacular to reflect the sensitive setting. Whilst phase 2 is located further from the heritage assets by over 100m, nonetheless it was intended that this sensitivity in appearance continued into the approved design and materials of phase 2. The location of phase 2 next to open countryside also meant that its roof form in particular was important to be of high quality and comprised traditional steep pitches with brick chimneys, a majority of plain clay roof tiles (by Marley). The fascias and soffits were timber.

- 6.05 Clearly the addition of PV panels to a plain clay tiled roof is a modern idiom rather than traditional vernacular. The panels will measure 1.13m x 1.72m. It is the case that by permitting this alteration at the construction stage, it will allow any PV panels approved in a planning application to be integrated ('in slope') panels meaning that they will be flush against the roof structure, with limited upward projection. This does therefore reduce the impact of the panels on the character of the local area, the rural landscape and heritage settings.
- 6.06 The scheme originally submitted included 354 panels. Due to the rather complex roof forms in this development, to have this many panels located in a position and orientation that allowed adequate solar gain meant that double rows were proposed on a large number of roof planes and also some panels were poorly sited in the roof slope, being near the verges, ridges or eaves. Double rows would be approx. 3.5m high and could over dominate the relatively small roof planes in this development by being disproportion relative to the amount of tiling.
- 6.07 Overall, the revision negotiated reduces the number of panels by 80. In terms of visual impact, it removes the vast majority of double rows and reduces the number of panels set at the edges of the roof plane. It also reduces the number of panels on roofs which lie on the southern edge where the PROW passes and which is the most visible part of phase 2 from the public domain and the part most likely to be viewed in the context of the Conservation Area of Upper Street to the east or the open countryside to the west. Hence whilst a high number of panels is still being proposed, 38 are on flat roof elements and most of the rest are on roofs which are inward facing and therefore would be mostly visible from within the site rather than from the wider public domain.
- 6.08 This revised submission is considered to strike an acceptable balance in minimising the harmful visual impact with an acceptance that the aim of moving towards carbon net zero via use of PV panels provides design challenges with traditional vernacular roof design.

Renewable Energy benefits

- 6.09 Policy DM24 of the MBLP relates to "Renewable and low carbon energy schemes" but is generally aimed at solar farms, wind farms and biomass and so, whilst being supportive in general, is not particularly relevant to this scale of planning application. Notwithstanding, the policy does require a balance of the benefits of renewable energy against landscape and visual impact of development and any impact on heritage assets and their setting. It should be remembered that in addition to low or zero carbon, a fundamental of 'sustainable planning' is getting growth in sustainable locations i.e. where there is good public transport and the ability to walk to social infrastructure (e.g. health facilities) and amenities (e.g. shops).
- 6.10 Draft policy LPRINF3 of the Local Plan Review is based on policy DM24 and does not change the policy context for this application.
- 6.11 The strategy of the applicant to add a very significant number of PV panels to the construction of this phase is part of the company's ambition to be the UK's most sustainable operator of retirement villages. It aims to remove the need for the buildings to be heated through a gas fired boiler plant as originally proposed. These

aims are supported with the caveat that in sensitive village/countryside locations, the renewable energy benefits need to be balanced against any harmful visual impact.

- 6.12 The changes sought by adding PV panels are necessary at the construction stage to ensure that low carbon benefits can be obtained as early as possible rather than via a retrofit once the buildings are completed (e.g. by using permitted development rights).

Other Matters

- 6.13 The concerns of the local resident and the PC on the originally submitted scheme for 354 PV panels were shared by officers in that the scope of amendment would have materially diminished the quality of approved development, contrary to the NPPF and DM1. However, the applicant has agreed to remove 80 of the panels that were considered to be most visually harmful to the public domain and the revised scheme is now considered to be acceptable when balanced against the considerable renewable energy benefits that will arise.
- 6.14 The parent planning permission was subject to a s106 legal agreement, the terms of which continue to apply to any s73 variation thereof. Conditions need to be re-imposed, updated where applicable. The final plans list condition will be reported in an Urgent Update.
- 6.15 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

PUBLIC SECTOR EQUALITY DUTY

- 6.16 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 The addition of 274 PV panels to the traditional vernacular roofs approved for phase 2 of the Care Village (albeit 38 of the panels will be on flat roof elements) will cause some visual harm to a site that is in the countryside, is adjacent to open countryside and is close to a Conservation Area and the setting of a Listed Building, all in conflict with policy DM1 of the MBLP.
- 7.02 The objective of the applicant to make the development carbon net zero is supported subject to the changes that have been negotiated to remove 80 panels that were considered to be most visually harmful to the public domain. This balancing of renewable energy benefits against visual harm aligns with the spirit of policy DM24 of the MBLP.
- 7.03 PV panels added during the construction phase as opposed to a permitted development installation post completion can be more flush with the roof slope and their renewable energy can be made use of much earlier in the timeline of the Care Village's occupation.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before 20/04/2023
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) Plans list condition TBC
- 3) Materials to be used in the construction of the external surfaces of the buildings hereby permitted shall accord with those approved under ref 22/503982/SUB.
Reason: To ensure a satisfactory appearance to the development.
- 4) The following shall accord with those approved under ref 22/503982/SUB.
 - a) new external joinery
 - b) details of eaves and roof overhangs
 - c) details of balconies, projecting bays and porch canopies
 - d) details of window headers and cills and door headers.Reason: To ensure an appropriate design and appearance for the development.
- 5) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or any other statutory provision, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.
Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.
- 6) The development shall be landscaped in accordance with the scheme, planting specification, programme of implementation and management plan approved under ref 22/504099
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 7) The approved landscape details shall be carried out during the first planting season (October to February) following first occupation of the development. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 8) All fencing, walling and other boundary treatments shall be carried out in accordance with the details approved under ref 22/503982 before the first occupation of any of the buildings in Phase 2 and maintained thereafter.

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.
- 9) The development shall be carried out in full accordance with the hereby approved Arboricultural Implications Assessment in relation to tree and hedgerow protection measures and specifically Appendix 3 (Tree Protection Drawing J38.82/06 Rev A) and Appendix 4 (Fencing Specification and Signage).

Reason: to ensure the protection of existing trees as part of the development.
- 10) No later than the first planting season after the first use of the buildings hereby permitted, the Open Space shall be laid out and the Shelter shall be installed in accordance with elevational details that have been submitted to and approved by the Local Planning Authority.

Reason: To ensure an adequate amenity area for the residents.
- 11) The sustainable surface water drainage scheme for the site shall accord with details approved under ref 22/504797/SUB.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding.
- 12) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of National Planning Policy Framework.
- 13) Infiltration used to manage the surface water from the development hereby permitted should accord with details approved under 22/504797/SUB.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework
- 14) With the exception of the approved access and demolition works, the development hereby approved shall be carried so as not to exceed the proposed finished floor levels as shown on drawing no. 1564_L_201_B unless otherwise approved in writing and the proposed ground levels of the gardens, roadways and car parking

areas shall be in accordance with details that have been submitted to and approved in writing by the Local Planning Authority, such submitted details clearly showing existing site levels.

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

- 15) A programme of archaeological work for phase 2 shall be implemented in accordance with details approved under MA/17/506036/SUB before the development is completed.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- 16) The development shall be undertaken in accordance with the Ecological Enhancement and Management Plan. Approved under 19/506387/FULL

Reason: To ensure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

- 17) The internal areas of the development shall conform to Lifetime Homes standards.

Reason: To ensure the development is compatible with its intended care use.

Case Officer: Marion Geary