

REPORT SUMMARY

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 applicants have provided estimated Energy Performance Certificates (EPCs) from energy rating methodology based on Standard Assessment Procedure (SAP) calculations and also kilowatt-hour (kWh) information sought by the Planning Committee and further detailed their overall strategy for Net Zero Carbon (NZC) for Phase 2. The installation of more Photovoltaic panels (PVs) will not improve or impact on the energy performance of the building nor would the unspecified amount and type of ground or air source heat pumps. However, on a micro level PVs are a 'green' source of electricity. SAP ratings for the EPCs relate to how energy efficient the buildings will be as constructed. The concept of NZC takes into account the whole cycle so the carbon footprint of the sourcing of the PVs and maintenance etc and how the buildings and appliances are used in occupation. However, there is no clear measurable standard at this point in time. A PV scheme during construction that is fully of inset PV panels will be of less visual harm (in terms of policies DM1 and DM24) than a mixture of inset and laid on panels once the buildings are completed (by using permitted development rights). Adding panels at the construction stage ensures that low carbon benefits can be obtained as early as possible. The revised scheme will give renewable energy benefits and aligns with the spirit of policy DM24 of the MBLP and draft policy LPRINF3 of the Local Plan Review.		
REASON FOR REFERRAL TO COMMITTEE: Report following deferral from Planning Committee of 20 July 2023.		
WARD: Leeds	PARISH/TOWN COUNCIL: Leeds	APPLICANT: Senior Living (Ledian Farm) Ltd AGENT: DHA Planning
CASE OFFICER: Marion Geary	VALIDATION DATE: 28/03/23	DECISION DUE DATE: 31/08/23
ADVERTISED AS A DEPARTURE: NO		

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. BACKGROUND

1.01 The application for 274 inset Photovoltaic panels (PVs) was reported to Planning Committee of 20 July 2023 with a recommendation for approval. The application was deferred as follows:

That consideration of this application be deferred for one cycle to enable Members to compare the revised submission with the originally submitted scheme for 354 PV panels including the kilowatt hours and SAP ratings.

1.02 The original report and urgent update are appended.

2. PROPOSAL

2.01 The application has now been formally amended in line with the Committee resolution such that roofs of the buildings will include 354 inset PVs.

2.02 The applicant advises that:

- the fabric and services specification for each element of the building better in all cases the Part L 2021 Building Regulations and match or better the Future Homes Standard
- Phase 2 buildings have been constructed using Ground Source Heat Pumps, whole house ventilation with heat recovery, improved air tightness and better the U-values (thermal transmittance), surpassing current Building Regulations.
- the official Energy Performance Certificate rating will be finalised when the development is completed.

- a predicted Energy Assessment for one typical unit of 64.94 m² is a **B rating** (score of 86). (NB The best A rating would require a score of 92 or over).
- The predicted Energy Assessment Environmental Impact (CO₂) is also **B rating** (score 87). (NB The best A rating would require a score of 92 or over).
- The energy performance has been assessed using the Government approved SAP2012 methodology (Standard Assessment Procedure) in terms of the energy use per square metre of floor area; the energy efficiency is based on fuel costs and the environmental impact is based on carbon dioxide (CO₂) emissions.
- The building specification for the Phase 2 buildings at Ledian is efficient for this form of construction.
- kWh information

	kWh per annum
Average kWh per Care unit	3449
Total for 44 Care units	151,759
274 PV panels	125,776
354 PV panels	154,330

3. POLICY AND OTHER CONSIDERATIONS

3.01 As per appended July 2023 report.

4. LOCAL REPRESENTATIONS

4.01 As per appended July 2023 report.

5. CONSULTATIONS

6. As per appended July 2023 report.

7. APPRAISAL

The key issues are:

- Visual Impact
- Renewable Energy benefits

Visual Impact

7.01 Policy DM1 of the MBLP requires high quality design, responding positively to, and where possible enhancing, the local or historic character of the area with particular regard to vernacular materials.

7.02 NPPF paragraph 135 states that LPAs 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.

7.03 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 facias and soffits were timber.

- 7.04 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. Hence a PV scheme during construction that is fully of inset PV panels will be of less visual harm than the prospect of adding laid on panels via a retrofit once the buildings are completed (e.g. by using permitted development rights).
- 7.05 The scheme as revised reverts to a scheme for 354 panels. Due to the rather complex roof forms in this development, to have this many panels located in a position and orientation that allows adequate solar gain means that double rows are proposed on a large number of roof planes and also some panels are sited in the near the verges, ridges or eaves of the roof planes. Double rows would be approx. 3.5m high on relatively small roof planes in this development.
- 7.06 The scheme as revised will include double row panels on roofs which lie on the southern edge where the PROW passes and on roof planes which are 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. However, 38 panels 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.
- 7.07 The use of PV panels provides design challenges with traditional vernacular roof design and this revised submission inevitably has a more the harmful visual impact than the lesser scheme reported to the July Committee. However, it is acknowledged that the 354 PV scheme does not involve a prospect of a mix of inset and laid on panels to Phase 2 which would have a poor aesthetic.
- 7.08 The harm in terms of policy DM1 needs to be balanced against the aim of moving towards net zero carbon (NZC). In this case, the applicant has estimated the annual energy use of the buildings (44 Care units in Phase 2) in kWh and that amount of energy can be generated on site by the number of PVs they now propose.

Renewable Energy benefits

- 7.09 The applicant has provided evidence that that fabric and services exceed Part L 2021 Building Regulations and match or better the Future Homes Standard and their wider NZC strategy includes Ground Source Heat Pumps, whole house ventilation with heat recovery, improved air tightness and better U-values.
- 7.10 In terms of the SAP ratings for the Energy Performance Certificates, this relates to how energy efficient the buildings will be. The estimated rating is B.
- 7.11 Low or zero carbon technologies are not themselves factored into the EPC calculation, However, the applicants state that the 354 PV scheme provide enough kWh per annum to fully offset the energy demand estimated for the development which was not the case with the 274 PV panel scheme reported to the July Planning Committee.

- 7.12 The installation of more PVs will not alter the energy performance of the building nor would the unspecified amount and type of ground or air source heat pumps. However, on a micro level they are a 'green' source of electricity.
- 7.13 The concept of Net Zero Carbon takes into account the whole cycle so the carbon footprint of the sourcing of the PVs and maintenance etc and energy efficiency within the Care Units when in use such as the number and types of household appliances installed and the behaviour of people who will occupy a property. However, there is no clear measurable standard for NZC at this point in time.
- 7.14 Policy DM24 of the MBLP is generally aimed at solar farms, wind farms and biomass and so is not particularly relevant to this scale of planning application. Draft policy LPRINF3 of the Local Plan Review is based on policy DM24 and does not change the policy context for this application.
- 7.15 Notwithstanding, the policy is supportive in general and 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)..
- 7.16 The strategy of the applicant to add a very significant number of PVs 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 weight to be given to the renewable energy benefits balanced against any harmful visual impact.

PUBLIC SECTOR EQUALITY DUTY

- 7.17 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.

8. CONCLUSION

- 8.01 The applicants have provided EPC ratings from SAP calculations and kWh information sought by the Planning Committee and further detailed their overall strategy for NZC for Phase 2. They have responded to the queries of the Planning Committee and amended their application to accord with its resolution.
- 8.02 A 354 PV panel scheme will give more renewable energy benefits than the scheme of 274 panels and aligns with the spirit of policy DM24 of the MBLP.
- 8.03 In terms of the SAP ratings for the EPCs, this relates to how energy efficient the buildings will be as constructed.
- 8.04 The installation of more PVs will not alter the energy performance of the building nor would the unspecified amount and type of ground or air source heat pumps. However, on a micro level PVs are a 'green' source of electricity.
- 8.05 The concept of Net Zero Carbon takes into account the whole cycle so the carbon footprint of the sourcing of the PVs and maintenance etc and energy efficiency within the Care Units when in use such as the number and types of household appliances installed and the behaviour of people who will occupy a property. However, there is no clear measurable standard for NZC at this point in time.

- 8.06 A PV scheme during construction that is fully of inset panels will be of less visual harm (in terms of policies DM1 and DM24) than a mixture of inset and laid on panels via a partial retrofit once the buildings are completed (e.g. by using permitted development rights).
- 8.07 The changes sought by adding PVs are necessary at the construction stage to ensure that low carbon benefits can be obtained as early as possible.
- 8.08 The s73 application is therefore recommended for approval. 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.

9. RECOMMENDATION

GRANT planning permission subject to the following conditions

with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

- 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) The development shall be carried out in accordance with the following drawings:
5059-02-PAL-B10-ZZ-DR-A-3000 Rev C5 Block 10 - Elevations;
5059-02-PAL-B10-RF-DR-A-2003 Rev C4 Block 10 – Roof Plans;
5059-02-PAL-B4-DR-A-3000 Rev C5 Block 4 - Elevations, 1 of 2;
5059-02-PAL-B4-XX-DR-A-3001 Rev C4 Block 4 - Elevations, 2 of 2;
5059-02-PAL-B4-RF-DR-A2003 Rev C4 Block 4 - Roof Plans;
5059-02-PALB5-XX-DR-A-3000 Rev C4 Block 5 - ;
5059-02-PAL-B5-RF-DR-A-2003 Rev C4 Block 5 - Roof Plans;
5059-02-PAL-B6-XX-DR-A-3000 Rev C4 Block 6 - Elevations;
5059-02-PAL-B6-RF-DR-A-2003 Rev C5 Block 6 - Roof Plans;
5059-02-PAL-B7-RF-DR-A-3000-C5 Block 7 Elevations;
5059-02-PAL-B7-RF-DR-A-2003-C4 Block 7 Roof Plan;
5059-02-PAL-B8-XX-DR-A3000 Rev C5 Block 8 - Elevations;
5059-02-PALB8-RF-DR-A-2003 Rev C4 Block 8 - Roof;
5059-02-PAL-B9-XX-DR-A-3000 Rev C5 Block 9 - Elevations;
5059-02-PAL-B9-RF-DR-A-2003 Rev C4 Block 9 - Roof Plans;
5059-02-PAL-ZZ-ZZ-DR-A-1810 Rev S Phase 2 Site Plan – Roof Sheet 1;
5059-02-PAL-ZZ-ZZ-DR-A-3510 Rev K Street Elevations Sheet 1;
5059-02-PAL-ZZ-ZZDR-A-3511 Rev J Street Elevations Sheet 2;
5059_02-PAL-BS-ZZ-DR-A-2000 Rev A Bin Collection Point Option B ;
D. 200 Phase 2 Tree Pit Detail in Hard Surfacing ;
2714_PH2_B9_290 Phase 2 Block 9 Floor Plans ;
2714_PH2_B8_280 Phase 2 Block 8 Floor Plans ;
2714_PH2_B7_270 Phase 2 Block 7 Floor Plans ;
2714_PH2_B6_260 Phase 2 Block 6 Floor Plans ;
2714_PH2_B10_2100 Phase 2 Block 10 Floor Plans ;
5059- 02_1801 Rev L Phase 2 Site Plan Ground Floor;
5059-02_B4_2000 Rev C Block 4 Proposed Ground Floor Plans;
5059-02_B4_2001 Rev C Block 4 Proposed First Floor Plans;
5059-02_B4_2002 Rev C Block 4 Proposed Second Floor Plans;

5059-02_B5_2000 Rev C Block 5 Proposed Ground Floor Plans;
5059-02_B5_2001 Rev C Block 5 Proposed Floor Plans;
5059-02_8100 Rev E - Operations & gardeners - Elevations and plans;
EJ1066 - Ledian Ph 2 - Energy Strategy Design Note v2

Reason: For the avoidance of doubt.

- 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 the details 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/SUB.

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/SUB before the first occupation of any of the buildings in Phase 2 and retained 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 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) approved under 19/506387/FULL.

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 details that shall be submitted to and approved by the Local Planning Authority and which shall generally accord with the approved Landscape Masterplan.

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 C2 Care use.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.