DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H12-0209-26**	**Applicant:**	**Bowmer + Kirkland & Department for Education**
Proposal:	Demolition of existing school buildings and redevelopment to provide a new three storey building for educational purposes (Use Class F1), revised internal vehicular and pedestrian circulation routes (including creation of revised vehicular drop off / pick up areas for buses and cars), sports and informal recreational spaces, landscaping, drainage, parking areas (including temporary parking provision during the construction phase) and all associated works - approved H12-0310-24. Amendments to show location and appearance of plant room and air source heat pumps at rear of building		
Location:	84 Little London Long Sutton Spalding		
Terminal Date:	2nd April 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

Section 96A of the Town & Country Planning Act 1990 (as amended)

South Holland District Council - Non-material amendments after decision

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

This is an application made under S96A of the Town & Country Planning Act 1990 (as amended), seeking to amend planning approval H12-0310-24.

This granted permission for the *'Demolition of existing school buildings and redevelopment to provide a new three storey building for educational purposes (Use Class F1), revised internal vehicular and pedestrian circulation routes (including creation of revised vehicular drop off / pick up areas for buses and cars), sports and informal recreational spaces, landscaping, drainage, parking areas (including temporary parking provision during the construction phase) and all associated*

works'.

The applicant seeks the erection/formulation of a plant area. The applicant has provided:

-Whole Site Plan
-General Arrangement Sections x 3 (containing plant room details).

Site Description

The application site is located to the north of Long Sutton, but within the settlement boundary fronting Little London. The existing site which is the base of university academy Long Sutton contains a 3 storey building that heavily fenestrated, a number of associated brick built outbuildings, car parks, nursery building, leisure centre and playing fields.

Little London itself is made up of a broad mix of dwelling types, which form frontage development along the road away from the core of Long Sutton. To the south is the existing butterfly park where an extant permission for a residential development is located, there is also a pending application on this site.

The application site is shown by the SFRA Hazard maps to be in a location 'danger for some', the application site is within the settlement boundary ad playing fields are allocated by the policies map.

History

H12-0310-24 - Demolition of existing school buildings and redevelopment to provide a new three storey building for educational purposes (Use Class F1), revised internal vehicular and pedestrian circulation routes (including creation of revised vehicular drop off / pick up areas for buses and cars), sports and informal recreational spaces, landscaping, drainage, parking areas (including temporary parking provision during the construction phase) and all associated works. Approved 27-06-24

H12/0091/24 Erection of mobile classroom (retrospective) - approved under H12-0133-19 Modification of Condition 2 to allow the retention of the mobile classroom for a further 5 years. Approved 3.04.24

H12/1046/21 Siting of Play Group Building - approved under H12-0006-17. Modification of Condition 1 to retain the building for a further 5 years Approved - 3rd November 2021

H12-1190-19 - Replace external end of life window walling to main school building with energy efficient aluminium replacement units. Approved 12-02-20 H12/0529/22 Demolition of existing modular classrooms and replace with double single storey modular classroom Approved - 15th July 2022

H12/0133/19 Erection of mobile classroom (retrospective) - approved under H12-0067-14 Modification of Condition 2 to allow classroom to be retained fora further period of time. Approved 13th March 2019

H12/0006/17 Siting of playgroup building - approved under H12-0990-13 - Modification of Condition 2 to allow a further time period Approved - 26th January 2017

H12/0067/14 Erection of mobile classroom (Retrospective) Approved - 18th February 2014 H12/0990/13 Retain playgroup building 5th December 2013 - Approved

H12/0873/12 Siting of two classrooms (retrospective) Approved-19th November2012

H12/0406/10 Create additional car park and hardstanding Approved18th June 2010

H12/0047/09 Proposed Stable Block Withdrawn - 24th February 2009 H11/0061/86 Erect a 'chance to share' facilities comprising kitchenette, covered ways, new room and sports hall store. Approved - 6th March 1986 H11/0467/86 Retain a mobile home No objections raised - 29th May 1987

H11/0537/73 Extension to Peele School Playing field off Little London, Long Sutton (Parish of Lutton). Permitted - 9th October 1973 H11/0157/70 Alterations and extensions to school buildings at Peele School, Long Sutton (Parish of Lutton). 13th May 1970

Scope of Assessment for Non-material amendments

As a on-material amendment is not an application for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply.

The local planning authority must have regard to the effect of the change, together with any previous changes made under section 96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification.

Consultation Responses

None received.

Planning Considerations

South Holland District Council Local Planning Authority sets out criteria for non-materials amendments. This is set out on the council webpages. It states:

Non-material amendment criteria

Each application will be considered on its merits. The proposed change may be a non-material amendment if:

1.There would be no change to the application site boundary and the proposal would be located within it (red line boundary)
2.The amendment would not conflict with development plan policies or other Government guidance
3.There would be no conflict with any conditions on the planning permission
4.The proposal would not make worse any concerns raised by third parties when the original planning permission was considered
5.The approved footprint/siting of the building will not be moved in any direction by more than 1 metre
6.The proposal would not result in an extension to development already approved
7.The height/volume of the building or extension would not be increased or significantly reduced
8.The amendments must not result in a fundamental change in the design of the building
9.The change does not amount to new works or elements which have not been considered by any environmental statement submitted with the original application
10.Amendments to windows/doors/openings must not have any overlooking impact on neighbouring properties
11.There would be no change to the description of development in respect of number of proposed units These criteria are designed to prevent amendments being accepted that would have a harmful impact.
If the above cannot be met:

·a Section 73 application or
·a new full application may be required

Assessment

The proposal would include the following changes:

Formulation of external plant area. The applicant states that "The equipment and plant room housing remain at the rear of the new school building and are shown to be set away from the playing fields and neighbours. Their location is visually discreet due to this set back from the road, with complete screening provided by the existing building. They will not be seen from neighbouring dwellings and their presence represents an extremely limited part of the overall development permitted via planning permission H12-0310-24."

There are two strands of the assessment therefore in this case; firstly whether the noise impact assessment (that is conditioned) adequately mitigates noise from the plant, and secondly the physical implications of installing the plant.

The key topics are:

-Noise Implications; and
-Impactions of physical structures.

Noise Implications

The applicant states that "Condition 13 of the planning permission already controls noise associated with the operation of the new school and would continue to apply. The operation of the plant room would not conflict with these existing limitations which were fully taken into account at the design stage. The materials used in the construction of the plant room will reflect the colours used on the main school building." Condition 13 states the following:

"The development hereby approved shall conform to the practices and recommendations contained within the Noise Impact Assessment, carried out by Environoise dated 29th February 2024 (SRP1155-ENV-XX-XX-T-J-0002 Rev P01). The development shall conform to noise mitigation set out to mitigate both construction and operational impacts." Its reason is

The assessment Noise Impact Assessment, carried out by Environoise dated 29th February 2024 (SRP1155-ENV-XX-XX-T-J-0002 Rev P01) is therefore pivotal in understanding whether the noise emission from the proposed plant (under this NMA) are mitigated by it. The NIA states regarding noise of the plant:

"An outline noise impact assessment of proposed services plant has been done using indicative specifications obtained from the project M&E consultants. The assessment indicates that targets can be met at the nearby residential receptors where recommended noise mitigation measures are implemented. **A detailed review will be done once plant is specified.**"

*"The plant items and layouts are yet to be finalised but are to be located on the roof of the school and within an external plant space at ground level."*and

"A detailed plant noise impact assessment to the nearest NSRs and a breakthrough assessment into the proposed spaces below will need to be done at a later design stage once plant and layouts have been specified. *Any excess of the plant noise limits can typically be mitigated by adopting the following options for noise mitigation as appropriate"*

It is therefore considered that the Noise Impact Assessment (NIA) does not provide an accurate assessment of the noise that would be emitted by the plant in the proposed location. The plant is described only in indicative terms, and the NIA explicitly recommends that "a detailed plant noise impact assessment to the nearest NSRs and a breakthrough assessment into the proposed spaces below will need to be done at a later design stage." This highlights that the approved NIA does not adequately address the noise implications for the plant in the location proposed under this NMA.

As a result, any noise mitigation cannot be reliably conditioned at this stage. Given that the NIA is insufficiently specific regarding the plant's location and the surrounding noise environment remains speculative, the installation of the plant in this location, while potentially acceptable in principle, constitutes a material change.

Impactions of physical structures

The LPA consider that, while the location of the plant may be physically appropriate, the proposal conflicts with points 5 and 6 of the SHDC NMA assessment criteria, which state:

·(5) The approved footprint or siting of the building will not be moved in any direction by more than 1 metre.
·(6) The proposal would not result in an extension to development already approved.

It is evident from the approved floor plans and the overall site layout that the proposed plant area would constitute an extension beyond the approved footprint of the building. Although the location may be acceptable if adequately screened, under the published NMA criteria, this change is clearly material.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

The proposed installation of the plant, as part of this Non-Material Amendment (NMA) application, cannot be considered non-material in this instance. While the location may be physically appropriate and visually discreet, there are two clear factors that make the amendment material:

1.Noise implications - The existing Noise Impact Assessment is based on indicative plant specifications and explicitly notes that a detailed assessment will be required once the plant is finalised. As such, the NIA does not adequately assess noise impacts for the plant in the proposed location, meaning that noise mitigation cannot be reliably conditioned.

This introduces a material uncertainty regarding the effect on nearby residents.

2.Physical implications - The proposed plant area represents an extension beyond the approved footprint of the building. According to the published NMA assessment criteria (points 5 and 6), any extension of development already approved is material. Even if screened and visually discreet, this change is not entirely consistent with the parameters for a non-material amendment.

Given the above, the proposal cannot be treated as a non-material amendment under the NMA process. The impacts on noise and the physical footprint are material considerations and would require either a full planning application or a suitably amended scheme with detailed supporting information before the LPA could determine acceptability.