DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H12-0381-26**	**Applicant:**	**Bowmer + Kirkland and 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 under H12-0310-24. Modification of Condition 2 to allow amendments to previously approved plans.

Location: 84 Little London Long Sutton Spalding

Terminal Date: 24th July 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
30	Pollution

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving Sustainable Development
Section 4 - Decision-making
Section 8 - Promoting Healthy and Safe Communities
Section 12 - Achieving Well-designed Places
Section 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change
Section 15 - Conserving and Enhancing the Natural Environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application is made under Section 73 of the Town and Country Planning Act 1990 and seeks to vary Condition 2 of planning permission H12-0310-24 to allow amendments to the approved plans.

Planning permission H12-0310-24 was granted for:

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 proposed amendments comprise revisions to the approved site layout/block plan to show the permanent external plant room and Air Source Heat Pump (ASHP) compound adjacent to the rear, north-eastern corner of the new school building. Additional details have also been provided showing the layout, appearance and enclosure of the plant room and ASHP compound.

The application is supported by the following:

· Revised Whole Site Plan;
· External Plant Room Details; and
· Plant Noise Impact Assessment.

Since the grant of the parent permission, a further Section 73 permission, reference H12-0338-26, has been approved. This amended Condition 4 of H12-0310-24 to allow the new school building to be occupied before completion of the approved Multi-Use Games Area.

Details relating to the highway works required by Condition 5 of H12-0310-24 have also subsequently been approved under application H12-0474-26, confirming that the required tactile crossing works have been undertaken.

These subsequent decisions do not require any alteration to the description of development. However, they are relevant to the conditions which should be restated or updated as part of any new Section 73 permission and are considered later in this report.

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.

Working is underway on an existing permission that allows for the regeneration of the campus, this includes extensive demolition and rebuild of the existing school.

History

H12-0338-26 - 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 under H12-0310-24. Modification of Condition 4 to amend wording to enable new school building to be occupied prior to the new MUGA being completed. 29-05-26

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

H12-0381-26 - 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 under H12-0310-24. Modification of Condition 2 to allow amendments to previously approved plans. Pending
H12-0264-25 - Details of construction specification (Condition 4 of H12-0310-24). Approved 07-04-25 H12-0256-25 - Details of photographic building recording (Condition 8 of H12-0310-24). Approved 29-04-25

H12-0926-24 - Details of archaeological investigation and external materials (Conditions 6 and 10 of H12-0310-24). Approved 20-12-24

H12-0347-26 - Details relating to pitch construction specification and maintenance (Condition 3 of H12-0310-24). Approved 15-05-26
H12-0139-26 - Details of External Lighting (Condition 17 of H12-0310-24). Approved 25-03-26 H12-0140-26 - Details of boundary treatments, including those associated with the MUGA, including a schedule of fencing levels, heights & materials (Condition 11 of H12-0310-24). Approved 10-04-26

H12-1181-25 - Details of proposed hours of operation (Condition 18 of H12-0310-24). Approved 26-01-26

H12-0756-24 - Details of Demolition Environmental Management Plan (Condition 19 of H12-0310-24). Approved 10-10-24 H12-0685-24 - Details of bat mitigation (Condition 14 of H12-0310-24). Approved 25-09-24

Consultation Responses

Parish

No comments received

National Grid

No comments received

Environmental Protection

No comments received

Representations

This application has been advertised in accordance with the Development Management Procedure

Order 2015 (as amended).

One representation has been received which states "I would like a suggestion could a public bin be added to the main road so that dog walkers or passers-by are able to put rubbish somewhere as that whole area doesn't have a bin nearby. This would benefit alot of dog walkers especially walking past the school".

Evaluation - Section 73

The proposal relates to the variation of Conditions 4 of the original approval through seeking permission under Section 73 of the Act. The purpose of an application made under Section 73 of the Town and Country Planning Act 1990 is to vary or remove conditions associated with an existing planning permission. These applications are used to allow for amendments to an approved scheme and can be made both retrospectively and prior to a permission being implemented, as long as the permission is extant.

The Act is very clear that: "On such an application the Local Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted." As such, the Local Planning Authority are not able to revisit the principle of development and only matters relevant to the specific conditions can be considered.

The effect of granting permission would be to issue a new permission with Condition 4 amended, together with any other relevant conditions from the original permission, or subsequent relevant revisions since this permission.

Planning practice guidance highlights that where less substantial changes are proposed, amending a proposal can occur through 'Amending the conditions attached to the planning permission, including seeking to make minor material amendments'. The PPG clarifies that "Permission granted under Section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions.

The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted".

There is no statutory definition of a 'minor material amendment'; but this is likely to include any amendments where its scale and/or nature results "in a development which is not substantially different from the one which has been approved".

In the case of R (Vue Entertainment Limited) v City of York Council, it was concluded that the decision gives clear support for use of s.73 in respect of changes to conditions which go beyond 'minor' amendments. It places a clear emphasis on preserving the precise terms of the grant. If an amendment to a condition can be made which keeps the description of the development intact it may well be appropriate to make such an application under a s.73, even if the affect of the change will be significant".

Planning Considerations

The development is underway on site and is being phased so as to minimised disruption to existing students. All dischargeable conditions relating to the original permission (H12-0310-24).

This Section 73 seeks minor alterations to the approved site layout/block plan together with additional plans provided to show the elevational design of compounds and equipment associated with a plant room and Air Source Heat Pumps (ASHPs) located at the rear (north east corner) of the new school building. It is considered given the nature of the changes that there is no reason to revisit matters of planning principle.

The following are key considerations in this assessment:

-Whether the Scope of the works are within S73
-Environmental Issues (including Noise) emanating from location of the plant
-Character Impacts

-Reattachment of conditions

Whether the Scope of the works are within S73

The application seeks to vary Condition 2 of planning permission H12-0310-24, which identifies the plans and documents forming part of the approved development. The proposed variation would substitute an amended Whole Site Plan and introduce detailed plans showing the permanent external plant room, Air Source Heat Pump compound and associated enclosure adjacent to the north-eastern corner of the new school building.

Current Planning Practice Guidance confirms that an application under Section 73 of the Town and Country Planning Act 1990 may be used to make a material amendment by varying a condition attached to an existing planning permission. There is no statutory limit on the degree of change which may be made to a condition, although the amendment must relate to the conditions and must not alter the operative part or description of the planning permission.

The approved description includes the redevelopment of the site to provide the new school building and "all associated works". The provision of the permanent plant room, ASHPs and associated compound is ancillary and necessary infrastructure serving the approved educational development. It would remain within the application site and would not alter the approved use, principal building, access arrangements, sports provision or fundamental nature of the development.

The proposed change can therefore be secured through the substitution of plans under Condition 2 without changing the description of development. The proposal falls properly within the scope of Section 73.

Environmental Issues (including Noise) emanating from location of the plant

The proposed plant compound would accommodate three Air Source Heat Pumps alongside an enclosed external plant room. The submitted details show the ASHP area enclosed by a 2.4-metre-high close-boarded acoustic timber fence, including lockable gates of corresponding acoustic performance.

The application is supported by a Plant Noise Impact Assessment prepared by Environoise Consulting Limited, reference 21964R06aEBSW/SRP1155-ENV-XX-XX-T-J-0006 P01, dated 16 April 2026. This updates the earlier acoustic work associated with the parent permission and specifically includes the external plant room and ASHP compound.

The assessment considers the cumulative noise generated by the proposed fixed plant, including the ASHPs, condensers, extract fan, pressurisation unit, heat recovery unit and substation transformer. It assumes that the plant has the potential to operate during both daytime and night-time periods.

Noise levels were modelled at the gardens and frontages of the nearest residential noise-sensitive receptors, approximately 35 metres to the north-west of the new school building. The assessment applies a precautionary correction of +4dB for potential tonal characteristics and +3dB for intermittency.

The resulting rating level at the most affected residential receptor (expressed within the acoustic report) is predicted to be '30dB during both the daytime and night-time periods. This is 14dB below the representative daytime background level of 44dB and 5dB below the representative night-time background level of 35dB.' The assessment consequently concludes that a low impact in accordance with BS 4142:2014+A1:2019 will be achieved.

The assessment demonstrates that the acoustic performance of the external plant-room would adequately control noise from the equipment located within it and that no additional mitigation is required at nearby residential receptors, beyond the compound design and acoustic enclosure already incorporated into the scheme.

The report notes that the internal transmission of noise into overlooking classrooms may require further consideration as part of the detailed design of the school building (this can be covered through insulating design and controlled outside of planning). This relates to the internal acoustic

performance of the building rather than the effect upon third-party residential properties and does not undermine the conclusions concerning neighbouring amenity.

Although no consultation response has been received from Environmental Protection, the submitted assessment provides proportionate technical evidence addressing the likely operational impacts. The LPA have no reason to consider the impact unacceptable. Subject to securing the proposed plant arrangement, plant-room compound and 2.4-metre acoustic fence through the approved plans and an updated noise condition, the proposal would not result in unacceptable noise or disturbance.

The development would therefore accord with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan 2019.

Character Impacts

The external plant room and ASHP compound would be positioned immediately adjacent to the north-eastern corner of the new three-storey school building. It would be situated away from the Little London frontage (where residential dwellings are located) and viewed within the context of the approved educational building.

The external plant room would be finished with fibre-cement panel cladding and would have a simple functional appearance appropriate to its ancillary purpose. The ASHPs would be contained within a 2.4-metre-high close-boarded timber enclosure. While the enclosure would be visible from parts of the site and surrounding area, its position against the new school building would prevent it from appearing as an isolated structure and it would largely be screened from the road frontage.

The compound would remain subordinate to the scale of the approved school building and would not materially alter the overall design concept or character of the redevelopment. Its location (to the rear), materials and acoustic enclosure would adequately contain the equipment and limit its wider visual impact.

The proposal would therefore have an acceptable effect upon the character and appearance of the site and surrounding area, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

Reattachment of conditions

Section 73 results in the grant of a new standalone planning permission. It is therefore necessary to restate all conditions which remain relevant, while taking account of conditions which have already been discharged and the subsequent Section 73 permission H12-0338-26.

The most recent Section 73 decision, H12-0338-26, consolidated the original 19 conditions into a schedule of 15 conditions. This provides the appropriate starting point for the conditions attached to the present permission.
The approved-plans condition should be updated to substitute the revised Whole Site Plan and include:

·the revised Whole Site Plan, drawing number to be confirmed;

·SRP1155-CPM-01-ZZ-D-A-2143 Rev P04 - External Plant Room Details; and
·the relevant documents and plans approved under H12-0338-26, H12-0310-24 and the subsequent discharge applications.

The amended MUGA condition approved under H12-0338-26 should be retained in its revised form. The tactile crossing works have subsequently been approved under H12-0474-26. The associated condition has therefore been satisfied and may either be omitted as a spent condition or converted into a compliance condition, depending upon the Council's preferred approach.

The original commencement condition has also been complied with because development is underway. It should not be extended or reimposed with a new commencement period, as Section 73 cannot be used to extend the time within which development must begin.

The remaining conditions from H12-0338-26 should be reattached or updated where they continue

to regulate the implementation and operation of the development. In particular, the existing noise condition should be amended to include the latest plant-noise assessment.

Other Matters

The representation requesting the provision of a public litter bin along Little London is noted. However, this request is unrelated to the proposed variation of the approved plans and the provision of the external plant compound.
A public litter bin would not be necessary to make the proposed amendment acceptable in planning terms and requiring one would not meet the relevant tests for the imposition of a planning condition. The matter does not therefore weigh against the proposal.

Planning Balance

The principle of redeveloping the site to provide the new school building and associated facilities has already been established through planning permission H12-0310-24 and is not a matter for reconsideration under this application.
The proposed amendment relates to the detailed location and design of permanent plant infrastructure required to serve the approved school. The plant room and ASHP compound would remain ancillary and would be situated in an appropriate location adjacent to the north-eastern corner of the school building.

The submitted acoustic assessment demonstrates that the noise environment generated would be acceptable. Subject to compliance with the submitted details and retention of the acoustic enclosure, the proposal would not result in unacceptable impacts.

The scale, position and appearance of the plant compound would also be appropriate within the context of the wider school redevelopment and would not materially harm the character or appearance of the area.

Overall, the proposed amendment falls within the scope of Section 73 and would not result in unacceptable impacts upon residential amenity or the character and appearance of the area. The proposal accords with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan 2019 and the relevant provisions of the National Planning Policy Framework. Planning permission should therefore be granted subject to the amended plans condition and the reattachment or updating of all other relevant conditions.

Conclusion

The proposed external plant room and ASHP compound comprise necessary ancillary infrastructure serving the approved school development. The submitted evidence demonstrates that the proposal would have an acceptable effect upon neighbouring residential amenity and the character and appearance of the area.

The application is therefore recommended for approval subject to appropriate conditions

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.