

Development Management
South Holland District Council
Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

Date: 28th April 2025
Our Ref: PH/570/25
LPA Ref: H16-0437-24 (Original Approval)

Dear Sir/Madam

S73 APPLICATION TO VARY CONDITION 2 OF THE APPROVED APPLICATION (REF: H16-0437-24) TO ALLOW FOR THE PROVISION OF PV PANELS TO THE ROOF OF THE CARE HOME AND THE MINOR CHANGE TO THE SHAPE OF THE PROPOSED EXTENSION, ASHWOOD CARE HOME, 43 SPALDING ROAD, SPALDING COMMON, LINCOLNSHIRE, PE11 3AU.

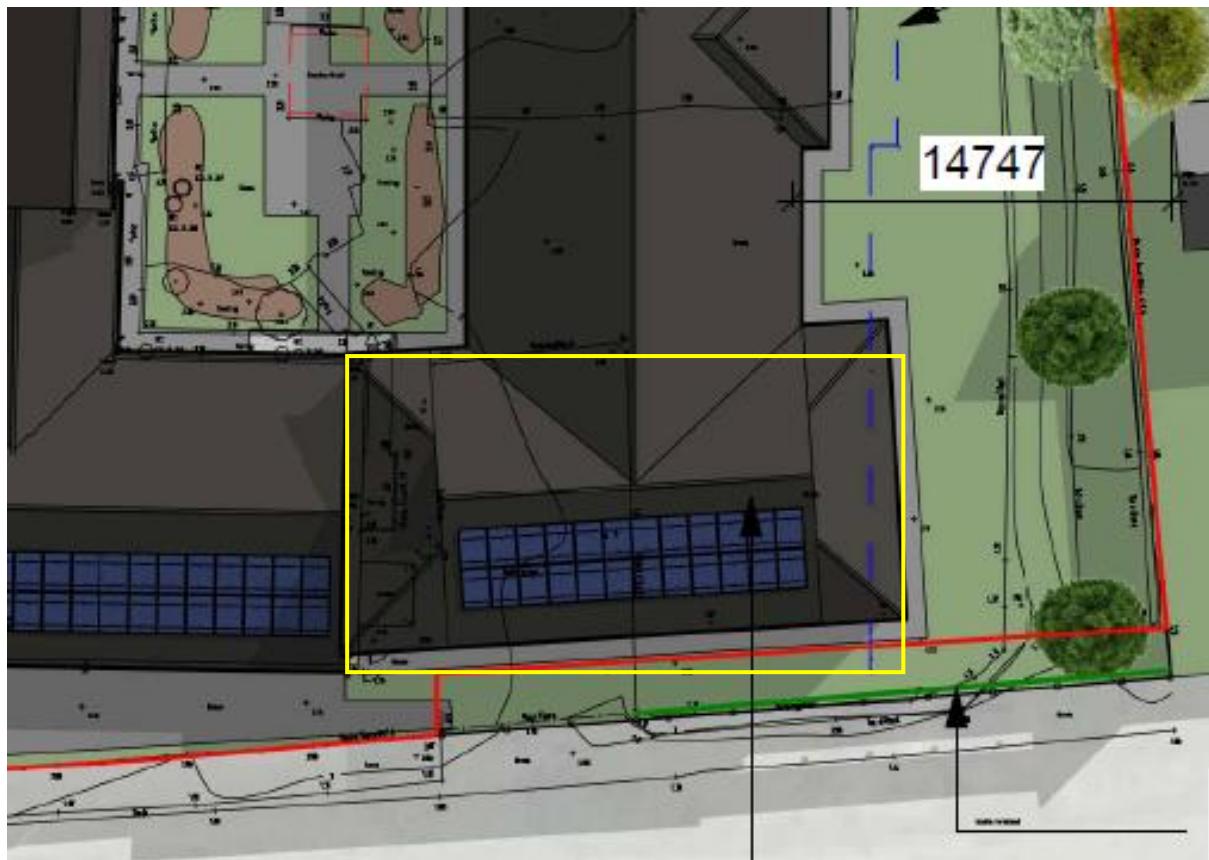
My clients at Country Court Care Ltd., have instructed me to submit this s73 application to you for your consideration.

The application is made under s73 of the Town and Country Planning Act 1990, which allows for applications for the development of land without complying with conditions subject to which a previous planning permission was granted.

As you will be aware, planning permission was granted for the above development, under application reference H16-0437-24, on the 9th December 2024. My clients are now in a position to start moving forward with the development, and we are currently in the process of getting all the required drawings, reports and documents together in order to submit the initial 'discharge of conditions' application.

However, it has just come to light that part of the southern boundary to the site was incorrectly shown on the drawings submitted as part of the original planning application. The eastern end of the southern site boundary actually 'kicks back' into the site, as can be seen on the submitted drawing, meaning that the approved extension to the care home cannot be constructed as originally approved, as there would not be space for it, and the associated pathway, within the application site.

On this basis, the Architect has had to amend the drawings to show the boundary in its correct location as well as angling the southern part of the extension so as that this part of the approved development is entirely within the application site, as per the plan below. For convenience, I have added the approved part of the extension to this in yellow so that an instant comparison can be made.



In making these changes the Architect has managed to re-orientate this part of the extension slightly, without losing any bedroom space within. A revised set of plan and elevational drawings are submitted as part this application, and the 'red line' boundary has been amended accordingly.

In addition to this, the Applicants are looking to site circa 113 PV panels on the proposed and existing roofs of the care home structure, in order to generate a degree of power for the property, which will aid in the overall sustainability of the development. The location of these panels, which are all to be sited on south facing roof slopes, are shown on the submitted site layout plan.

I have used the s73 process to gain consent for the provision of solar/PV panels on at least 8 other developments for Country Court Care recently, so I am certain that it is the correct process to follow for a development that is yet to commence.

Condition 2 of the decision notice ties the development to the plans/drawings that were approved and lists these as set out on the following page. The drawings that are shown in red are those that need to be revised in order to show both the PV panels to the roof and the proposed amendment to the southern part of the approved extension, in order to allow for the correction to the southern site boundary.

- Application Form
- 001 Rev 2A (Site Location Plan)
- Covering Letter dated 10 May 2024 by The Planning Hub
- RSE_8039_BIAB_0524_V1R2
- RSE_8039_BIAP_0524_V1R2
- RSE_8039_BIAR_0524_V1R2
- Planning Statement by The Planning Hub dated 22 April 2024
- Flood Risk Assessment by Roy Lobley Consulting reference RLC/1117/FRA01 dated 25 May 2023
- Parking Appraisal by Bancroft Consulting dated February 2024
- Preliminary Ecological Appraisal Report (Pear) reference RSE_8039_V1_PEAR dated April 2024 by RammSanderson
- 100/001 Rev A
- 200-001 Rev A
- Biodiversity Metric Calculation Tool
- 002 Rev 3B Series 21 (Courtyard Elevations)
- 001 Rev 3A Series 21
- 002 Rev 3B Series 21 (Proposed Elevations)
- 002 Rev 3C Series 10 (Site Layout Plan)
- 001 Rev 3C Series 20 (GF Layout Plan)
- 002 Rev 3C Series 20 (First Floor Layout Plan)

This s73 application is seeking a **variation to Condition 2** in order that the drawings shown in red above are substituted for those as listed below, in a new version of Condition 2:

- 0443 (10)001 - Site Location Plan
- 0443 (10)002 - Proposed Site Plan
- 0443 (20)001 - Proposed Ground Floor Layout
- 0443 (20)002 - Proposed First Floor Layout
- 0443 (21)001 - Proposed Elevations
- 0443 (21)002 - Proposed Courtyard Elevations

In addition to these drawings, I am also submitting the manufacturers details of the PV panels to be fitted so as to form a complete submission to the LPA. In all other respects, the drawing numbers in the original condition will remain the same.

In terms of planning policy, paragraph 167 of the NPPF states that LPAs should give significant weight to the need to support energy efficiency and low carbon heating improvements to buildings, including through the installation of solar panels.

In terms of 'Development Plan' policies, Policy 31 of the South East Lincolnshire Local Plan relates to 'Climate Change, Renewable and Low Carbon Energy' and serves to support proposals that use renewable energy where there is no adverse impact in relation to visual amenity and landscape quality. The proposed development would be fully in accordance with the provisions of this policy.

The above paragraphs show that the proposed development is wholly in accordance with the national planning guidance set out in the NPPF and, at a local level, the Local Plan policy, as referred to above. For these reasons it is considered that the proposed development is wholly compliant with both national and local planning policy.

With no other material considerations to indicate that the development should be resisted, and in accordance with paragraph 11 of the NPPF and Section 38(6) of the PCPA 2004, it is respectfully requested that this s73 proposal is '...approved without delay'.

The application has been submitted electronically and comprises of the details listed above, this covering letter, the completed application forms and the appropriate fee.

In accordance with the new fee schedule (2025) the fee for this s73 application is **£586**. This fee will be paid directly by my clients, via the Planning Portal, on the submission of the application.

I trust that this application is complete and can be registered without delay.

I look forward to the receipt of your acknowledgement of the registration of the application in due course and it would be appreciated if you could keep me informed on the progress of the application as it moves forwards.

Yours faithfully

M Hubbard

Matt Hubbard

PG Dip TP, MRTPI
Director

CC - Clients by email