

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H16-0220-25      **Applicant:** Seagate Homes Ltd

**Proposal:** Details of external materials of construction of buildings & hard surfaced areas (Condition 9 of H16-0136-23)

**Location:** Ivanda Nursery Monks House Lane Spalding

**Terminal Date:** 29th April 2025

### Planning Policies

#### South East Lincolnshire Local Plan - Adopted: March 2019

03      Design of New Development  
02      Development Management

#### National Guidance

#### National Planning Policy Framework December 2024

Section 12: Achieving Well Designed Places

### Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1

### CASE OFFICER ASSESSMENT

#### Site Description

The site relates to a former nursery located within the settlement boundary of Spalding. Planning permission was granted in September 2024 (reference H16-0136-23) for the residential development of 70 dwellings, including the demolition of the existing glasshouses.

#### Proposal

This application seeks approval of the details in respect of Condition 09 of planning permission H16-0136-23. Condition 09 requires a schedule of external materials to be submitted for the written approval of the local planning authority.

#### History

H16-0136-23: Proposed residential development of 70 dwellings, including demolition of existing glasshouses. Approved 25.09.2024.

H16-0885-24: Details of Archaeological Mitigation Strategy (Condition 05 of H16-0136-23) : Approved 07.11.2024.

## **Consultation Responses**

Local Highway and Lead Local Flood Authority: Response 27.03.2025

Request additional information and state the application cannot be approved until Section 38 technical approval has been granted. It is further advised that IDB consent is the outstanding matter required before the Section 38 can be approved.

## **Planning Considerations**

### Condition 09 Wording

Before the commencement of the development hereby permitted beyond oversite a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

The reason for this condition is:

To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

### Condition 09 Detail

The applicant has submitted a Schedule of External Materials along with a Material Distribution Plan. The materials proposed show a variety of brick and stone to be used to construct the external walls of the dwellings and garages along with a combination in the use of grey concrete tiles and rustic pantiles to the roofs. This palette of materials reflects the varying mix of external walling on the dwellings in the locality and are considered acceptable.

The schedule also includes external surfaces and proposes the use of tarmac for adoptable roads, footpaths and shared/parking courts, which accords with the requirements of the highway authority. Block paving is proposed to drives and parking spaces with grey slabs to communal and private footpaths. The use of these materials is acceptable.

The proposed schedule of materials will safeguard the character and appearance of the area and accord with the requirements of Condition 09 of planning permission H16-0136-23.

## **Other Matters**

In response to the consultation from the highway authority, the submission of the details in pursuant of the discharge of condition 09 of planning permission H16-0136-23 may only be considered under the terms of the Town and Country Planning Act 1990. The application cannot be held in abeyance until matters required under legislation beyond that of the planning system are resolved.

As part of this current application, the applicant has submitted several additional plans titled 'Landscaping, External Works and Ecological Layout'. The applicant has been advised that these cannot be considered under application H16-0220-25 as these include details in respect of the discharge of Conditions 11, 24 and 25 of the same planning permission.

## **Conclusion**

The submitted details are considered acceptable.

## **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.

### **Recommendation**

Condition 09 of application reference H16-0136023 is discharged.