

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0891-22 **Applicant:** Naylor Farms

Proposal: Details of finished floor levels. (Condition 5 of H16-0959-21)

Location: Land To South Of Low Road/Rangell Gate (B1165) And East Of A16 Spalding

Terminal Date: 3rd November 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

Details of finished floor levels (Condition 5 of H16-0959-21).

Condition 5 states:

"Finished floor levels shall be set at a minimum of 300mm above existing ground levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of development."

Site Description

As original application.

History

H16-0959-21 - Full - Demolition of existing buildings and construction of a new plant based protein

extraction facility and ancillary office space together with landscaping, SuDs features, car park and associated infrastructure (approved January 2022)

Consultation Responses

N/A.

Planning Considerations

The submitted plan indicates that the floor level of the main building would be 3.4m AOD and the separate office building 3.6m AOD.

Based on the levels survey submitted with the original application, these proposed levels accord with the requirements of Condition 5.

Neither building would be raised greater than around 600mm higher than existing and given the separation distance to any neighbouring property (approx. 28m to Cottage Farm and 57m to Four Winds at their closest points) it is not considered that there would be an adverse amenity impact by way of overlooking or being overbearing.

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

Taking the above into account, it is considered that Condition 5 of H16-0959-21 can be discharged.