

PARISH

Pinxton Parish

APPLICATION

Raise the roof by 3m, cladding to elevations and solar panels to south-east side of roof.

LOCATION

46 Brookhill Road, Pinxton, Nottingham, NG16 6LE

APPLICANT

Mr Nicolas Smith, 73 Dalestorth Road, Sutton in Ashfield, Nottinghamshire, NG17 3AG

APPLICATION NO.

23/00122/FUL

FILE NO. PP-11993577

CASE OFFICER

Mr Mark Penford

DATE RECEIVED

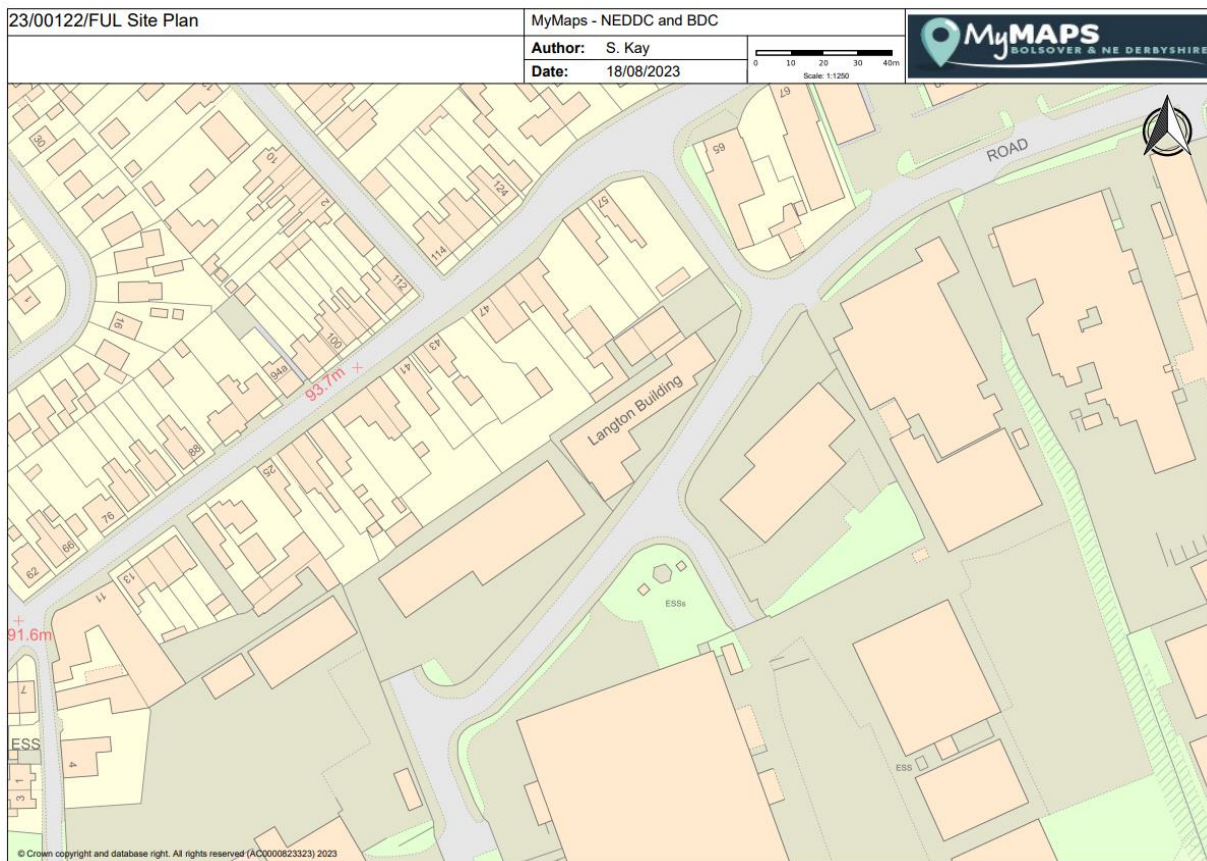
9th March 2023

SUMMARY

This is a full planning application which is recommended for conditional approval to replace and raise the roof of an industrial building at 46 Brookhill Road, Pinxton. The primary purpose of the application is to replace the dated asbestos roof and create additional internal storage space without the need for any additional floor space. The key planning issues are the principle of development, visual amenity, residential amenity, highway safety, trees and ecology.

The application has been called-in for a planning committee decision by Councillor Dooley.

Site Location Plan



OFFICER REPORT ON APPLICATION NO. 23/00122/FUL

SITE & SURROUNDINGS

The application site consists of a part single storey part two storey B2/B8 (general industry/storage and distribution) unit which is owned by applicant Swift Precision Ltd. The applicant currently operates from their adjacent premises shown in the blue line and specialise in manufacturing parts for the aviation industry.

The application site building is currently occupied by four entities. Swift Precision Ltd occupy one unit for manufacturing purposes. Lynx is a textile business occupying a unit for storage and offices. IMH Team Wear is another textile business who occupy a unit with sewing machines, embroidery and storage. Nicholas Holdings occupy the final unit for storage purposes.

The site is located within Brookhill Road Industrial Estate in Pinxton. The building is constructed in brick with a corrugated roof. A flat roofed section links to the two-storey part of the building which is flat roofed and has the first floor covered in vertically installed tiling. The character of the locality is predominantly industrial with various clad sheds which surround the site and palisade fencing adjacent the public highway. The land levels are relatively flat.

To the north of the site is Wharf Road, a mixed-use retail and residential area which consists of some commercial premises including a micro pub and beauty business to the ground floor together with some residential dwellings including flats. There are some residential gardens of a substantial length which back onto the boundary of the site and the beer garden of the micro pub also extends down to the northern boundary. Also to the north of the building is Amber Valley water treatment services.



BACKGROUND

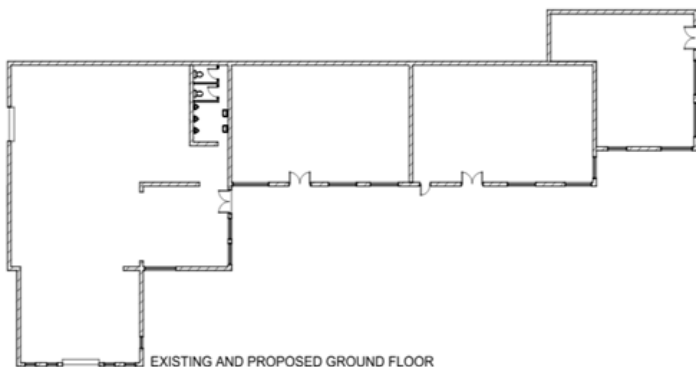
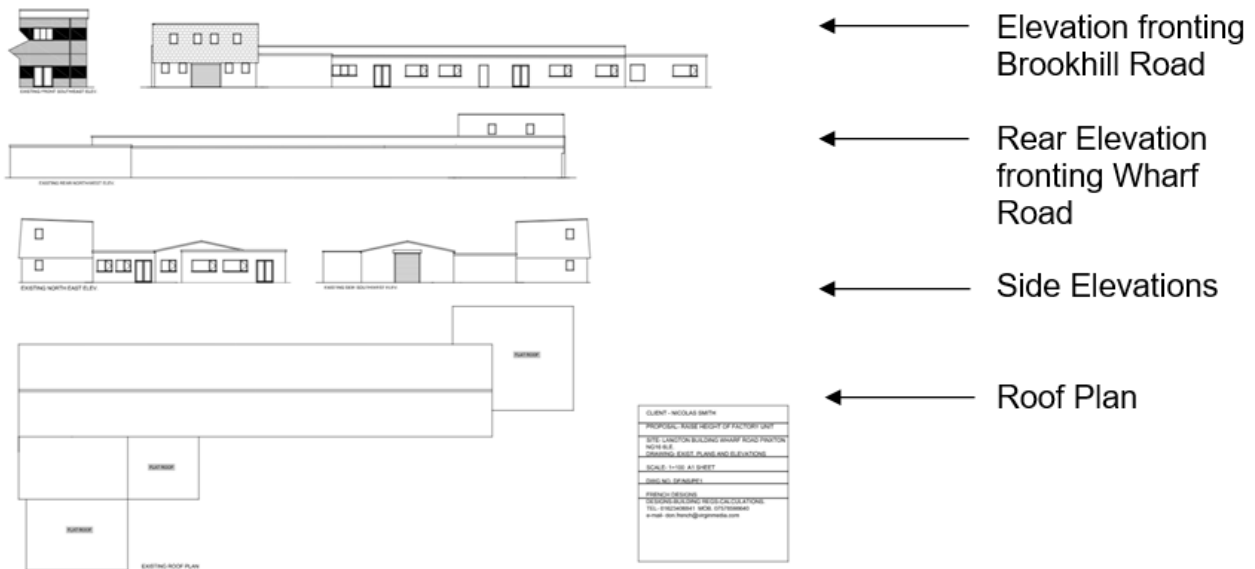
The applicant's adjacent site, from which they primarily operate, was granted planning permission under office code 18/00254/FUL for the demolition of the existing building and erection of a new B1, B2, B8 building on 13/08/2018. The new steel framed building has been completed in accordance with the planning permission and is in operation.

PROPOSAL

The application is proposing to raise the height of the single storey building by 3m (when measured from the ridge of the single storey element of the building) to create a maximum ridge height of 7.2m. The proposed principal elevation is south-east facing into the industrial estate and incorporates the main elements of window and door openings together with the north-east elevation that also looks into the industrial estate onto the highway. The proposed north-western elevation is blank and is set in from the neighbouring garden/outbuildings and beer garden boundaries by 3m. Some existing single storey flat roofed elements are proposed to remain.

It is the applicant's intention to clad the external elevations and roof to match their premises approved under office code 18/00254/FUL so that the development is in keeping in design terms. The applicant has confirmed the extension is not proposed to create any additional storey. Therefore, this proposal does not incorporate any additional floorspace and no changes are proposed to the internal layouts of the four individual units within the building. The application also proposes a number of solar panels which front the industrial estate on the south east facing roof plane.

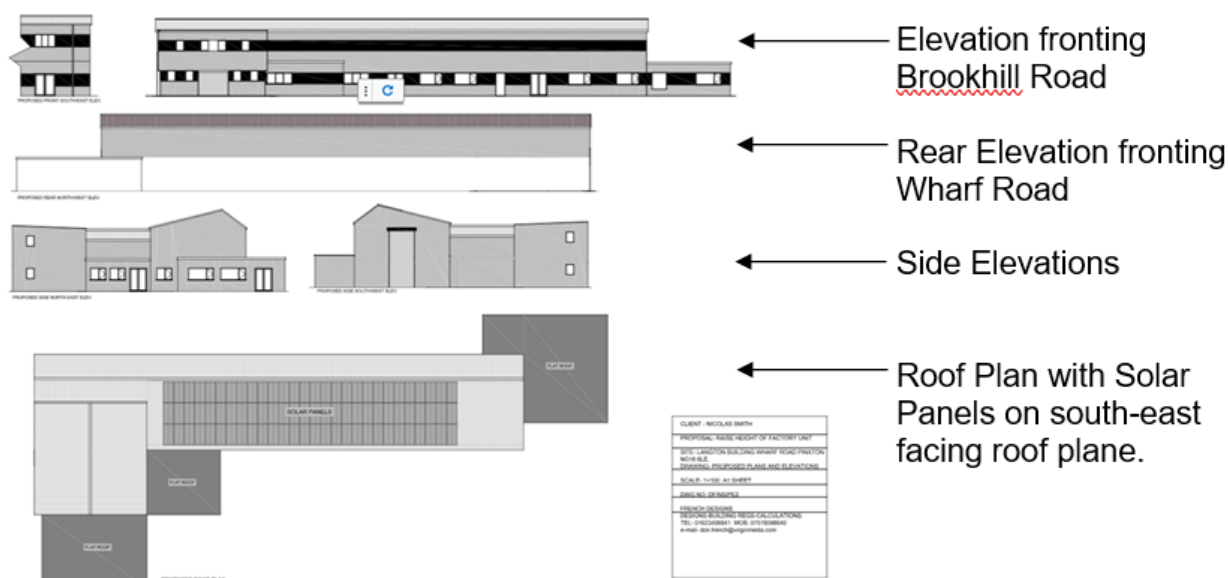
Existing Elevations



Existing and Proposed Floor Plan

No change is proposed to the floorspace of the four units.

Proposed Elevations



AMENDMENTS / ADDITIONAL INFORMATION

Revised Proposed Elevations and Roof Plan with Solar Panels – drawing DF/NS/PE2 received 20th April 2023.

Cladding and Solar Panel Specification received 20th April 2023.

Arboricultural Implication Study incorporating Method Statement received 9th June 2023
Preliminary Bat Roost Assessment received 15th July 2023.

PLANNING HISTORY

18/00254/FUL	Granted	Erection of industrial unit and offices (B1, B2 and B8 use). Demolition of existing building <i>(Adjacent Site within Applicants Ownership)</i>
06/00299/FUL	Granted	Erection of 2.4m high galvanised palisade fencing and three gates

CONSULTATIONS

Derbyshire County Council – Highway Authority

Confirms the proposal will have no detrimental highway impact and raises no objections.

Derbyshire Wildlife Trust

1st response

Confirms the building has hanging tiles with the potential to support roosting bats. A Preliminary Bat Roost Assessment should be completed and submitted prior to determination of the application.

2nd response

Having reviewed the submitted Preliminary Roost Assessment the building has negligible potential to support roosting bats. No further surveys for bats are required. As there are two loose slats a precautionary informative is recommended regarding a sensitive strip of tiles and contacting an ecologist, if necessary. Advises an integrated or external universal bird box/brick is provided to secure biodiversity enhancement.

Bolsover District Council - Principal Environmental Health Officer

Confirms no objection. The replacement roof could actually offer a betterment in terms of noise breakout, on the basis of a modern structure which meets current Building Regulations which would include insulation to better contain noise and reduce impacts on neighbours.

Pinxton Parish Council

No comments received.

PUBLICITY

A site notice was posted 21st March 2023 with comments required by 11th April 2023.

Neighbour notification letters were posted 20th March 2023 with comments required by 10th April 2023.

Neighbouring residents/commercial units were re-consulted on 17th April 2023 in respect of a revised site description with any further comments required by 1st May 2023.

REPRESENTATIONS

One representation has been received objecting to the development. Comments are summarised as follows:

- Incorrect description of the proposal.
- The plans are inadequate as they do not have dimensions.
- A detrimental visual impact on our visual amenity from the plain clad walls.
- Removing the original roof and new walls and cladding will add to noise pollution from the industrial area.
- We can always hear the noise from the machinery including from radio and employees singing along.
- It is particularly loud in warm weather when the doors are open.
- Increasing the building volume without an additional floor will create a larger area at a time when we are encouraged to reduce power usage to save the environment.
- The solar panels might cause electromagnetic compatibility interference with wi-fi, and hobby or amateur radio. Will the proposal comply with UK and EU standards.
- The cladding will block the view of the moon impeding on EMI and radio experiments.

COUNCILLOR CALL-IN

Councillor Mary Dooley has requested that the application be referred to the Planning Committee due to concerns regarding noise impacts on residential amenity day and night and lack of screening.

POLICY

Local Plan for Bolsover District (“the adopted Local Plan”)

Planning law requires that applications for planning permission be determined in accordance with policies in the adopted Local Plan, unless material considerations indicate otherwise. In this case, the most relevant Local Plan policies include:

- SS1 – Sustainable Development
- SS3 – Spatial Strategy and Distribution of Development
- WC2 – General Principles for Economic Development
- SC1 – Development within the Development Envelope
- SC2 – Sustainable Design and Construction
- SC3 – High Quality Development
- SC9 – Biodiversity and Geodiversity
- SC10 – Trees, Woodland and Hedgerows
- SC11 – Environmental Quality (Amenity)
- ITCR11 – Parking Provision

National Planning Policy Framework (“the Framework”)

The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied. The Framework is therefore a material consideration in the determination of this application and policies in the Framework most relevant to this application include:

- Chapter 2: Achieving sustainable development.
- Paragraphs 47-48: Determining applications.
- Paragraphs 55-56: Planning conditions
- Paragraphs 92, 93 and 97: Promoting healthy and safe communities.
- Paragraphs 104-113: Promoting sustainable transport.
- Paragraph 119: Making effective use of land.
- Chapter 12 (Paras. 126 – 136): Achieving well-designed places.
- Paragraph 152, 157: Meeting the challenge of climate change.
- Paragraph 180: Habitats and biodiversity
- Paragraphs 183-188: Ground conditions and pollution

ASSESSMENT

Key issues

It is considered that the key issues in the determination of this application are:

- principle of the development
- design and character
- impact on trees
- residential amenity
- highway safety
- biodiversity
- other matters

- sustainability considerations

These issues are addressed in turn in the following sections of this report.

Principle of Development

In order to achieve sustainable development Policy SS3 of the Adopted Local Plan sets out a settlement hierarchy where development is firstly directed to the four main towns of the district followed by the larger villages. Pinxton is defined as a large village under Policy SS3 where limited development is supported. Each of the settlements in the hierarchy has a development envelope defined in the policies map in which urban forms of development will generally be acceptable in principle. The application site lies within the development envelope of Pinxton where Policy SC1 states development proposals within the development envelope will be permitted subject to meeting criteria (a) to (e).

The application site is located within an existing employment site which is allocated on the policies map under Policy WC2 (xxvi) of the Adopted Local Plan. These sites are recognised as comprising key economic drivers for the district for employment purposes and are therefore protected for employment. Policy WC2 requires the employment protection to be sustained unless it can be shown that the land or building is no longer physically suitable for employment uses and there is no realistic prospect of re-use or redevelopment for such uses by providing marketing evidence and viability data. The policy requires proposals for alternative employment generating uses at existing employment areas and allocated employment land to be treated on their own merits. This application is for storage purposes which will support the sustainable economic growth of the District in accordance with Policy WC2.

Paragraph 81 of the NPPF states planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

The development is therefore acceptable in principle in accordance with Policies SS3, WC2 and SC1 subject to application of all relevant policies of the Adopted Local Plan, the National Planning Policy Framework and any material planning considerations.

Design and Character

Policy SC3 (a) of the Adopted Local Plan requires development proposals to create good quality, attractive and connected places through well-designed locally distinctive development that will integrate into its setting. Criteria (b) requires proposals to respond positively to site context, contribute to local identity and heritage in terms of height, scale, massing, density, layout and materials. Paragraph 130 of the framework states development should function well and add to the quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

The proposal will increase the scale of the building by raising the height of the building to 7.2m, however there are many industrial buildings of a similar height and scale in the

industrial area and so the proposal would not form a prominent or incongruous addition in the context of the industrial site. In design terms the final building would resemble a commercial building in keeping with the applicant's adjacent unit, which has reached completion. In terms of external materials, it is the applicant's full intention to replicate the appearance of their existing adjacent premises to the south-west of the site using Trimapanel cladding in black and white for the front elevation and off-white for the side and rear elevations.



The adjacent unit which demonstrates the proposed steel cladding and colour of the proposed development for its elevations and roof.

Visually the residents in the dwellings beyond the north-western boundary would be looking at a 7.2m high cladded blank wall. However, the development is distanced some 34m away from the dwellings due to the substantial length of rear gardens and although residents would be looking at this wall, it remains appropriate within the industrial area and the visual impact is not considered to be harmful to the character of the residential area outside of the industrial site due to the distance from the dwellings. It is therefore considered that there would be no harm to visual amenity from the residential side of the development and that further screening would not be necessary.

Revised plans have been requested to define where the solar panels would be installed on the roof. The solar panels are proposed on the south-east facing roof plane, where they may only be viewed from the industrial estate. The Q Cells are a high-performance module. Policy SC6 of the Adopted Local Plan 'Renewable Energy and Low Carbon Energy' supports development which includes renewable energy provided there would not be significant visual harm to the area. The solar panels would front an industrial context which is not sensitive in nature. The panels are considered to cause no harm to the character of the industrial estate and do not conflict with Policy SC6 of the Adopted Local Plan.



View showing the existing northern elevation of the application site building from Wharf Road micro pub beer garden.

The scale and design of the development is therefore appropriate to the character of the industrial estate and wider area, in keeping with the adjacent unit, and its function, in accordance with SC1 (a), represents good quality design in accordance with Policy SC3 (a) and responds positively to the industrial context. The proposal is well-designed for its intended purposes which is not considered to conflict with Paragraph 130 of the framework.

Impact on Trees

Policy SC10 of the Adopted Local Plan states development should contribute to the protection, enhancement, and where possible, expansion of woodlands, trees and hedgerows in the area. Paragraph 180 (c) of the framework states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland or veteran trees) should be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists.

During the case officer's site visit a mature Ash tree was identified to the rear of the building and on land outside of the applicant's control. As the tree makes a positive contribution to the visual amenity of the area, the applicant has been advised that the application should be accompanied by a tree report in order to establish the impacts of the development on the tree.

The submitted Arboricultural Implication Study, which incorporates a Method Statement, Tree Constraints and Protection Plan prepared by J.A.G. Arboricultural Consultancy advises the tree is in a good structural condition with some wounding and evidence of historic branch failure.

The report confirms that although the development is within the root protection area of the tree, it will not have a negative impact as the roots will be protected by the existing hard standing surface, boundary fence and the existing building. Protective fencing is proposed with a weld mesh framework as recommended in the report's tree protection plan until completion of the development and the use of special precautions in the vicinity of the tree, such as hand tools and use of scaffolding. These measures would ensure no harm to the tree during the development process and is recommended to be secured by planning condition.

The Arboricultural Report has established the development can proceed without causing significant harm to the tree, which would maintain an acceptable spatial relationship with the development in accordance with Policy SC10 of the Adopted Local Plan and Paragraph 180 (a) of the framework.

Residential Amenity

Policy SC3 (n) of the Adopted Local Plan states proposals for development will be permitted provided a good standard of amenity is maintained for occupants of existing neighbouring properties as well as the future occupants of new developments, including levels of privacy and light, position and avoiding overbearing relationships and the provision of adequate amenity space.

Policy SC11 of the Adopted Local Plan states development likely to cause, or experience, a loss of residential amenity as a result of light, noise, dust, odour or vibration, or a loss of privacy must be supported by a relevant assessment. If necessary, appropriate mitigation must be put in place. Applicants will need to demonstrate that a significant loss of amenity would not occur as a result of the development or throughout its construction and operation.

Paragraph 130 (f) of the framework states, amongst others, that planning decisions should secure a high standard of amenity for existing and future users.

To the north-east, south and south-west are additional commercial buildings in the industrial estate which raises no amenity issues. The primary amenity consideration is the impact to the mixed used residential and commercial area beyond the north-western boundary. Beyond this boundary are some long residential gardens and a beer garden to a micro pub. There are some timber outbuildings towards the back end of these curtilages. It appears that some of these outdoor amenity areas are shared between first floor flats which have rear windows that provide outlook towards the application site.

The proposed extension is set in 3m from the north-western boundary. No rear windows or doors are proposed, which prevents overlooking and loss of privacy to the residents. The upper extension will create an eaves height of 6.1m and ridge height of 7.2m. This is less than the height of an average two storey dwelling. The District Council does not have any adopted minimum separation standards between commercial and residential uses. A judgement is therefore necessary, with each application being considered on its own merits, in order to ensure no adverse impacts through massing or overshadowing.

There is a separation distance of up to 34m between the north-western boundary of the proposed building and the rear habitable room windows of the flats. A height of 7.2m is not considered excessive to cause any adverse overshadowing or massing along the boundaries of the gardens given the set back of the development by 3m from the boundary. In addition, the gardens and micro pub garden are of such a substantial length that it is not considered the extension would adversely impact on the enjoyment of the gardens in this location. Whilst the residents would be looking at a cladded wall, there are no planning grounds on which to refuse the application due to this impact.

A resident has raised concerns about noise from applicant's premises and has requested whether further restrictions could be put in place in order to protect living conditions. The District Council's Principal Environmental Health Officer has been consulted in order to

establish whether the proposal is acceptable in terms of impacts through noise and disturbance.

The Environmental Health Officer has confirmed no objections to this development and has stated that the development could in fact represent a betterment as the new roof, to replace the existing corrugated one, would likely be better insulated against the breakout of noise in accordance with the Building Regulations. In the absence of an objection from the Environmental Health Officer it is not considered that there are any planning grounds on which to recommend that the application be refused on noise grounds. The applicant has confirmed that there will be no material increase in the scale of business operations as a result of the development as the existing companies are proposed to remain in the building post development operating on their current footprint.

It should be noted that if a statutory nuisance did occur as a result of the development the Environmental Health team can use other legislation outside the planning system to assist residents under the Environmental Protection Act 1990. The application raises no amenity concerns and is considered in accordance with policies SC3 (n) and SC11 of the Adopted Local Plan and with Paragraph 130 (f) of the framework.

Highway Safety

Policy ITCR11 of the Adopted Local Plan states planning permission will be granted where there is appropriate provision for vehicle and cycle parking as set out within Appendix 8.2 – Parking Standards. Parking provision should

- a) Relate well to the proposed development
- b) Be well designed, taking account of the characteristics of the site and the locality
- c) Provide a safe and secure environment
- d) Minimise conflict with pedestrians and / or cyclists
- e) Make provision for service and emergency access

Paragraph 110 (b) of the framework states that in applications for development safe and suitable access to the site should be achieved for all users. Paragraph 111 of the framework states development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

The application site benefits from existing vehicular access from Brookhill Road with some off-road parking provision. Applicant Swift Precision Ltd has available parking for the company at its adjacent unit to the south-west. For B2 uses the Appendix to ITCR11 seeks to provide 1 car parking space per additional 40m² footprint being proposed. However, this development is not proposing any additional floorspace. The existing and proposed floor plans demonstrate a maintained single ground floor level. The planning agent has confirmed that the development would not result in an increase in employment at the site.

The Highway Authority has also confirmed that the application will have no detrimental highway impact and raises no objection to approval of the application. In the absence of any additional floor space being proposed and support from the Highway Authority, it is considered that the development has acceptable impacts on highway safety and provides for a safe form of development in accordance with Policy SC3 the Adopted Local Plan and Paragraphs 110 and 111 of the framework. In relation parking standards, it is not considered that there can be any conflict in these circumstances in the absence of any additional footprint

being created.

Biodiversity

Policy SC9 of the Adopted Local Plan states development proposals should seek to conserve and enhance the biodiversity of the district and to provide net-gains where possible. Proposals for development must include adequate and proportionate information to enable a proper assessment of the implications for biodiversity.

Paragraph 174 (d) of the framework states that planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net-gains for biodiversity. Paragraph 180 (a) of the framework states that if significant harm to biodiversity resulting from a development cannot be avoided, planning permission should be refused.

Derbyshire Wildlife Trust has confirmed that the building might be suitable to support roosting bats and that a Preliminary Bat Roost Assessment should be provided for the two-storey part of the building prior to determination. The applicant has submitted the necessary report and Derbyshire Wildlife Trust has confirmed the building has negligible potential to support roosting bats. Therefore, no further protected species are necessary.

As the building has two loose tiles, the Trust recommends an advisory note which informs a precautionary approach to construction, including a sensitive strip of tiles, the possible need to cease work and a suitable ecologist contacted for advice in the event of unexpected bat presence.

A planning condition is recommended to secure biodiversity enhancement in the form of a bird box, which is attached to this recommendation. The proposal has demonstrated no harm/net loss to biodiversity, appropriate enhancement can be secured in accordance with Policy SC9 of the Adopted Local Plan and Paragraphs 174 (d) and 180 (a) of the framework.

Other Matters

A resident is concerned that the description is inaccurate and that residents have been inaccurately informed of the proposal. In terms of the cladding, the revised description, which residents have been notified of, covers all elevations of the building. As such, the description is considered to be accurate.

The objector is concerned the plans are insufficient as they do not have dimensions. The plans do not have dimensions, but this is not necessary as the plans are to scale and meet national planning validation requirements.

The same resident is concerned the solar panels will cause electromagnetic interference to their house and home, to their wi-fi and hobby of amateur radio. It is not a requirement of the planning system to check that the new installation complies with any relevant UK standards regarding EMC/EMI or the European Directive 2014/30/EU and protection against electromagnetic disturbance.

The concerns regarding loss of a view to the moon at low elevation and how this may hinder the resident's EME experiments is not a material planning consideration. There is no right to a view. It is not considered that approval of the application would be in breach of the resident's human rights to enjoy their hobby and, in the overall planning balance, this does not give justification to refuse the development.

Sustainability Considerations

Paragraph 8 of the framework states achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net-gains across each of the different objectives. The proposal has been considered in relation to the different objectives as follows:

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

The proposals will benefit the applicant's business enterprise by securing an improvement to the building, which could help to retain jobs and employment. The construction process would benefit the local economy and create temporary jobs throughout this period. The economic objective is considered as met.

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;

The proposal is considered to be well designed for its intended purposes and is appropriate to its industrial context. With no objection raised from the Principal Environmental Health Officer it is considered the development would not harm the local community's health, social and cultural well-being. The social objective is considered met.

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy

The application has demonstrated no harm to biodiversity and no harm would be caused to natural features such as the mature tree to the rear following the submission of reports necessary to consider these impacts. The proposed solar panels are a contribution towards mitigating and adapting to climate change. No harm is caused to the natural and built environment. The environmental objective is regarded met.

RECOMMENDATION

The application be approved subject to the following planning conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents unless specifically stated otherwise in the conditions of this consent:

Site Location Plan and Block Plan received 9th March 2023
Revised Proposed Elevations and Roof Plan with area of Solar Panels - drg no DF/NS/PE2 received 20th April 2023
Existing and Proposed Ground Floor Plan - drg no DF/NS/F1
Proposed Ground Floor - drg DF/NS/PF2
Solar Panel Specification by QCells received 20th April 2023
Cladding Specification received 20th April 2023

3. The external elevations and roof of the development shall be clad with the cladding specification by Tata steel in black and off-white and with the solar modules specification received 20th April 2023. Any variation to the external materials shall be first submitted to and approved in writing by the Local Planning Authority prior to installation and then installed fully in accordance with the approved details. Once installed the external materials shall be maintained in perpetuity.

4. Prior to commencement of use of the hereby approved development, evidence that an integrated or external universal bird box / brick has been provided as a form of biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. Once installed the approved bird box / brick shall be maintained in perpetuity.

5. The hereby approved development shall be undertaken fully in accordance with the tree protection measures contained in the Arboricultural Implication Study and Method Statement, Tree Constraints and Protection Plan prepared by J.A.G. Arboricultural Consultancy dated June 2023.

Statement of Decision Process

1. Officers have worked positively and pro-actively with the applicant which has been demonstrated through agreeing necessary extension of time agreements to secure amended plans and enabling the submission of additional information including an arboricultural report and preliminary roost assessment. The proposal has been considered against the policies and guidelines adopted by the Council in the Adopted Local Plan and the decision has been taken in accordance with the guidelines of the Framework.

Equalities Statement

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e. "the Public Sector Equality Duty").

In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic.

Human Rights Statement

The specific Articles of the European Commission on Human Rights ('the ECHR') relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8

(Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should be allowed to proceed is an inherent part of the decision-making process. In carrying out this 'balancing exercise' in the above report, officers are satisfied that the potential for these proposals to affect any individual's (or any group of individuals') human rights has been addressed proportionately and in accordance with the requirements of the ECHR.