

PARISH Langwith Parish

APPLICATION Construction of 19 dwellings
LOCATION Land Rear Of 39 To 59 The Woodlands, Whaley Thorns
APPLICANT Bolsover District Council, The Arc, High Street, Clowne
APPLICATION NO. 21/00301/FUL **FILE NO.**
CASE OFFICER Mr Peter Sawdon
DATE RECEIVED 20th May 2021

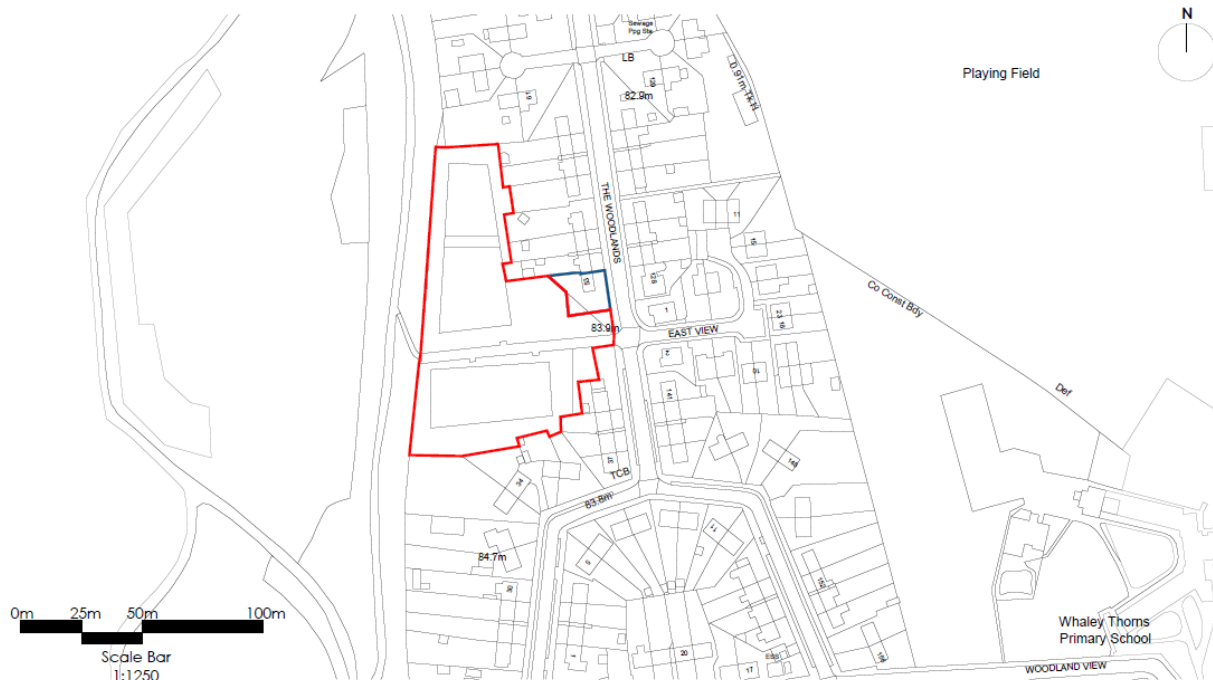
SUMMARY

This application has been referred to the Planning Committee given the financial viability issues raised in the submission, meaning normal S106 contributions towards recreation and leisure provisions are not being made.

In summary, the application is recommended for approval. This is a previously developed site that is considered to represent sustainable development and accord with most policy requirements.

Whilst the normally required leisure contributions are not being provided, it is considered that the public benefit that is provided through the delivery of this fully affordable housing scheme outweighs the requirement in this case, evidenced by suitable financial viability assessment.

Site Location Plan



As outlined in section 2.3 of the CIB Industry Guidance to Designers, insignificant risks can usually be ignored, as can risks arising from routine construction activities, unless the design compounds or significantly alters these risks. In accordance with CDM Regulations 8, 9 and 11, any significant risks relating to the design features shown on this drawing have been identified and are annotated. This No significant risks have been identified. Significant risks have been identified - refer to notes on drawing for information on residual risks and any control measures to be employed. Refer to the current Designers Risk Assessment sheets for further details.

Designer's Signature LCB Date April 2021

Project				Title			
The Woodlands, Langwith				Site Location Plan			
Client				Drawing Status			
Robert Woodhead Ltd.				PLANNING			
Rev.	Description	Vfd	Date	Drawn	Date	Scale	@ A3
P01	Issued for planning	CD	05.21	LCB	May 2021	1:1250	
P02	Site boundary amended	CD	07.21				
Drawing/Document Reference							
Project Originator Zone Level Type Role Number Status Rev.							
12219 - WMS - 21 - XX - DR - A - 12102 - 53 - P02							

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SITE & SURROUNDINGS



The application site is approximately 0.65 hectares land to the west side of The Woodlands at Whaley Thorns. The site is fairly level with little height variation. A small part of the existing domestic garden to the adjacent plot of 53 The Woodlands is also included.

Historically, there were 12 dwellings on part of the site, built during the 1920's, however these were demolished in the 1990's. The site became unmanaged and overgrown with substantive vegetation, but this has recently been removed pending the submission of this application. Prior to clearance the site was identified to comprise modified grassland and poor quality broadleaved woodland, as detailed in the submitted biodiversity assessment.

The site is bound by existing two storey dwellings to the east, north and south, and by Poulter Country Park to the west that can be accessed through the site. A narrow road crosses the site from The Woodlands and is a remnant from previous cul-de-sac on site; this has a dropped kerb onto The Woodlands carriageway.

Land to the west comprises a raised embankment of the former mineral railway line which is now a footpath; that embankment contains mature landscaping and is separated from the site by a post and wire fence. A narrow path provides access between the site and the top of the embankment.

To the north, east and south existing residential properties back onto the site that are bounded by mainly timber fencing around 1.8m in height in a variety of styles. There is also a post and rail fence to either side of the footpath link that runs through the site.

PROPOSAL

This is a full application for the erection of 19 dwellings comprising:

- 4 two storey 1-bedroom semi-detached dwellings;
- 8 two storey 2-bedroom semi-detached dwellings;
- 2 semi-detached 2-bedroom bungalows;
- 4 two storey 3-bedroom semi-detached dwellings; and
- 1 detached 4-bedroom two storey dwelling.

The plan below shows the latest amend site layout.



Information for the applicant and the public: This plan shows the proposed development and the location of the site within the existing site boundaries. It is not a site plan and does not show the exact location of the buildings or the exact location of the roads. It is a site plan and shows the exact location of the buildings and the exact location of the roads. It is a site plan and shows the exact location of the buildings and the exact location of the roads.

Schedule of Accommodation

1 no. 182P Semi-Detached - 59m ²
8 no. 284P Semi-Detached - 79m ²
2 no. 285P Semi-Detached - 61m ²
1 no. 285P Semi-Detached - 93m ²
1 no. 487P Detached - 131m ²

Total Number of Dwellings = 19
 Total Number of car spaces = 30
 Total Site Area = 0.45 hectares
 29 Dwellings Per Hectare.

- Key**
- Proposed land taken from 53 The Woodlands - approx 43m²
 - Proposed land given to 53 The Woodlands - approx 40m²
 - Red Line Boundary
 - 1.8m high timber fence
 - 1m high fence
 - Proposed new tree
 - Local Authority wheeled bins
 - Rotary dryer
 - 2.4x1.8m concrete flagstone shed base
 - Water butt
 - Air source heat pump
 - Gravel area

Landscaping to be completed as part of works to facilitate land swap with existing council property

Bus stop to be repositioned

101	Approved following committee consensus	12/3	12/3	12/21
102	Revised following planning	12/3	12/3	12/21
103	Rev	12/3	12/3	12/21

As a condition of approval, the applicant must ensure that the proposed development is in accordance with the conditions of approval. The applicant must also ensure that the proposed development is in accordance with the conditions of approval.

I confirm that the information provided in this plan is true and correct to the best of my knowledge and belief.

Designated Officer: 12/3 Date: 12/21

Drawing Date: **PLANNING**

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 architects engineering building consultancy
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Project:
 The Woodlands,
 Langwith,
 Mansfield.

Client:
 Robert Woodhead Ltd.

Site:
 Proposed Site Plan

12/15/21	1/18	14/1/2021	1:00	1:00
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Scale Bar
 0m 5m 10m 15m 20m 25m
 Scale Bar 1:200

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Vehicles would all enter the site from a single widened access point that would be taken from The Woodlands to the east. The new access road would facilitate the continued use of the site as a pedestrian access to the connecting footpath at the western end of the site that links to the adjoining trail and Country Park.

To facilitate the widening of the existing access, a land swap is proposed with the adjoining house to the north that would take in part of the site to form an extended rear garden area to that property.

To the front of the site, either side of the proposed access would be two areas of incidental open space that would contain trees to form an entrance feature. The dwellings would then be located alongside the single access road and private drive; that highway and drive would be only be developed to one side at the rear of the site, which will maintain views of the existing landscaped embankment to the west.

This scheme is stated to form part of Bolsover District Council's 'Bolsover Homes' project to build new council houses for affordable rents across the district using under-utilised land, whilst benefiting the district's economy through training, skills development and local supply chain.

As this scheme is for 100% affordable housing, the local housing need for this area has been used when identifying the best unit types and mix of sizes and the mix of dwellings is based on discussions with housing officers and the assessed housing need of the area.

The dwellings will remain in the ownership of Bolsover District Council with the construction of the properties managed by Property Services and tenancies managed by the council's Housing department.

It is stated that the development will be constructed to meet quality standards such as the Code for Sustainable Homes Level 3, Lifetimes Homes, Building for Life 12 and Secured by Design.

The Woodlands development is also being constructed to offer a reduction of carbon emissions, by utilising timber frame and low carbon heat sources in line with the Government's vision for the Future Homes Standard. It has been confirmed verbally that all dwellings will include electric car charging point.

In order to address an identified biodiversity net loss that would have resulted from this development, off site habitat improvements are being proposed to secure biodiversity net gain, that is proposed to include a 30 year management and monitoring plan. The land where this mitigation is proposed is off Cockshut Lane, approximately 250m to the north east of the site, to the south of an existing graveyard.

AMENDMENTS

01/06/2021 – additional drainage information

14/06/2021 – ecology survey

02/07/2021 – additional drainage information

28/07/2021 – revision to 4 bed house type, vehicle tracking information, and revised site and layout plans

16/08/2021 – additional drainage and levels information

27/08/2021 – biodiversity information

31/08/2021 – financial viability assessment

EIA SCREENING OPINION

The proposals that are the subject of this application are not Schedule 1 development but they are an urban development project as described in criteria 10b of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

However, the proposals are not in a sensitive location as defined by Regulation 2 and by virtue of their size and scale, they do not exceed the threshold for EIA development set out in Schedule 2.

Therefore, the proposals that are the subject of this application are not EIA development.

HISTORY

01/00455/FUL	Granted	Landscaping works, creation of an entrance to Poulter
	Conditionally	Country Park

CONSULTATIONS

Bolsover District Council Drainage Engineer

Proposals for drainage need to:

- Make provision for the lifetime management and maintenance of any SuDS schemes;
- Comply with Part H of the Building Regulations 2010.
- Not detrimentally alter the structure or surface of the ground and increase or alter the natural flow of water to cause flooding to neighbouring properties.
- Ensure any temporary drainage arrangements during construction gives due consideration to the prevention of surface water runoff onto the public highway and neighbouring. 18/06/21

Derbyshire County Council Countryside Services

Detailing the opportunities available in the adjacent Poulter Country Park for recreation and biodiversity enhancements should such off-site provision be required. 16/06/2021

Derbyshire County Council Flood Risk Team

Following the submission of revisions to address previous comments, the Lead Local Flood Authority has raised no objections subject to the inclusion of conditions regarding further approval for the final detailed designs for surface water drainage, including agreement over the final destination for any surface water and its implementation, along with a scheme for surface water control during the construction phase of the development. Advisory notes are also recommended. 28/07/2021

Derbyshire County Council Highways Following the submission of revisions to address previous comments, the Highway Authority has raised no objections to the proposal and has recommended the inclusion of conditions and advisory notes 01/09/2021

Derbyshire County Council Minerals Team

Whilst there are underlying Magnesian Limestone reserves, given the relatively small size of this particular site and the proximity to existing dwellings, it is not considered likely that it would be either viable or practicable to remove the underlying mineral as part of the development. Under those circumstances, the proposal would not adversely affect the mineral safeguarding interest and there are no objections to the proposal in this respect. 10/06/2021

Derbyshire County Council Strategic Planning (S106 contributions)

Sufficient capacity exists at local schools to accommodate the projected additional pupils generated by this development and so no financial contributions are sought.

The inclusion of an advisory note relating to high speed broadband is recommended.

Additional comments are made, but without any specific requests, in respect of waste disposal and employment and skills. 14/06/2021

Derbyshire Wildlife Trust

Whilst conditions can be included to deal with protected species, further information is required to be able to assess the potential biodiversity net loss/gain of the proposals. 29/06/2021

Environmental Health

No objections in principle subject to conditions requiring the identification of any potential contamination and mitigation for such contamination where found, along with controls over dust during the construction period. 28/05/2021

Force Designing Out Crime Officer

As the developer has satisfactorily addressed initial comments that were provided, has no further comment to make. 09/08/2021

Langwith Parish Council

No comments received.

Leisure Officer

Advice provided on detailed requirements under policy ITCR5 and in respect of Formal Green Space, Semi-natural Green Space and would expect a reasonable index linked financial contribution of £16,530 (19 dwellings x £870 per dwelling) to improve green spaces to improve quality standards under that policy.

Similarly an index linked commuted sum of £20,140 (19 dwellings x £1060 per dwelling) would be sought towards built and outdoor sports facilities (Policy ITCR7). 25/07/21

NHS / Clinical Commissioning Group

Chesterfield Royal Hospital - Section 106 impact on health to be considered.

Clinical Commissioning Group – no comments received.

Strategic Housing Officer

The North Derbyshire and Bassetlaw Strategic Housing Market Assessment - Objectively Assessed Need Update 2017 estimated that 126 affordable homes should be brought forward each year to 2035 in order to meet all affordable housing need in the District.

As these properties are all proposed to be for affordable housing, this will help to meet the need in the District. In line with the Council's local plan, the properties should be designated as affordable housing for rent.

The properties should be owned and managed by the Council or a registered provider who has stock in the district or that of a neighbouring Local Authority, with nomination rights to the council for applicants from the Housing Register. 17/06/2021

Urban Design Officer

Recommended some amendments to the scheme as originally submitted. 09/07/21

All consultation responses are available to view in full on the Council's website.

PUBLICITY

By site notice, press advert and 20 neighbour letters.

No representations have been received.

POLICY

Local Plan for Bolsover District ("the adopted Local Plan")

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

- SS1: Sustainable Development
- SS2: Scale of Development
- SS3: Spatial Strategy and Scale of Development
- LC3: Type and Mix of Housing
- SC1: Development within the Development Envelope
- SC2: Sustainable Design and Construction
- SC3: High Quality Development
- SC7: Flood Risk
- SC8: Landscape Character
- SC9: Biodiversity and Geodiversity
- SC10: Trees, Woodland and Hedgerows
- SC11: Environmental Quality (Amenity)
- SC12: Air Quality
- SC13: Water Quality
- SC14: Contaminated and Unstable Land
- ITCR3: Protection of Public Footpaths and Bridleways
- ITCR5: Green Space and Play Provision
- ITCR7: Playing Pitches
- ITCR10: Supporting Sustainable Transport Patterns
- ITCR11: Parking Provision

- II1 Plan Delivery and the Role of Developer Contributions

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 55-58: Planning conditions and obligations
- Paragraphs 92, 93, 95 and 97: Promoting healthy and safe communities
- Paragraph 100: Protect and Enhance Public Rights of Way and Access
- Paragraphs 104-108: Promoting sustainable transport
- Paragraph 119, 120, 122 and 123: Making effective use of land
- Paragraph 124 and 125: Achieving appropriate densities
- Paragraphs 126-132 and 134: Achieving well-designed places
- Paragraph 152, 154 and 157: Meeting the challenge of climate change
- Paragraph 159 167 and 169: Planning and Flood Risk
- Paragraphs 174, 180 and 182: Conserving and enhancing the natural environment
- Paragraphs 183-188: Ground conditions and pollution
- Paragraphs 194, 195 and 199-208: Conserving and enhancing the historic environment

Supplementary Planning Documents

Successful Places: A Guide to Sustainable Housing Layout and Design, Adopted 2013:

The purpose of the Successful Places guide is to promote and achieve high quality residential development within the District by providing practical advice to all those involved in the design, planning and development of housing schemes. The guide is applicable to all new proposals for residential development, including mixed-use schemes that include an element of housing.

Planning Practice Guidance

National Planning Practice Guidance offers advice on assessing the viability of development proposals.

ASSESSMENT

Issues

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

- the principle of the development;
- access and highway safety considerations, including whether the development would be provided with a safe and suitable access and the impact of the development on the local road network;
- landscape and visual impact of the development;
- whether the development has a suitable design and layout and provides sufficient residential amenity;
- the ecology impacts of the development;
- potential contamination risks;

- drainage and flood risk requirements;
- impacts on infrastructure, including recreation and leisure, education and health facilities; and

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

Principle

Policy SS2: Scale of Development defines Whaley Thorns within the settlement hierarchy as a 'Small Village', and Policy SS3 (Spatial Strategy and Distribution of Development) indicates that the village will deliver 11 dwellings over the current plan period.

At 19 dwellings, the proposal represents a modest infill form of development and the scale of development is considered to be compatible with the locale and scale of the settlement generally.

The submitted Design and Access Statement includes an assessment of the proposals against policy SS1: Sustainable Development that is considered sufficient to meet the requirements of that policy; this indicates that the dwellings are being constructed with a high level of insulation and are proposed to be fitted with air source heat pumps as an alternative to traditional gas heating, which offers a reduction of energy consumption and carbon emissions; it has also been verbally confirmed that the dwellings are to be provided with electric car charging points.

This is a previously developed site within the development envelope and as such is well located to existing local facilities and services, including close access to the train station located on the western edge of the village.

In view of the above, the principle of housing development on this site is considered to be acceptable.

Access and Highway Safety

The development proposes a single point of vehicular access to the site in the location of the existing access onto this previously developed site.

A suitable pedestrian link is maintained through the site to the existing link at the rear of the site to the adjoining trail and Poulter Country Park for the benefit of existing and proposed residents to access the recreation and leisure opportunities that those facilities provide, in compliance with policy ITCR3.

Parking provision on site is being made in accordance with normal standards and as such complies with policy ITCR11.

Following the submission of revisions and additional information to address their initial comments, the Highway Authority has confirmed that it has no objections to the proposal and has made suggestions for the inclusion of conditions and advisory notes.

Landscape and visual impact of the proposed development

Whilst this is presently a parcel of open and cleared land, it does not form part of any distinctive or sensitive landscape. It is not important to features or views or other particular

qualities and such the development is considered to accord with Policy SC8 in this regard. Given the site is bounded by existing housing developments the proposal will assimilate within those in terms of its general landscape and wider visual impacts.

Design and Layout

The proposals comprise a mix of bungalows (x2 units) and two-storey houses (x17 houses) which is consistent with the scale of development surrounding the site and is acceptable.

The dwellings themselves have a relatively plain appearance but would not be obtrusive or adversely impact on the character of the area, subject to the agreement of suitable materials by condition. Given air source heat pumps are normally externally fitted and as no detail of these has been included with the application, it is also recommended that a condition is included to control their final details.

The layout proposes dwellings that front onto the proposed highway and private drives, including an amended dwelling on the internal corner plot (plot 13) to better address its two frontages. This also suitably addresses concerns initially raised regarding crime prevention, by providing natural surveillance of both the proposed highways, but also the existing pedestrian link at the rear of the site.

The amount of frontage parking proposed somewhat detracts from the appearance of the streetscene, but in discussions with the applicant it has been accepted that this has been minimised as far as is practicable, taking into account the delivery of a suitable density of development to ensure that the scheme is deliverable and the need to maintain appropriate separation distances to existing dwellings bounding the site to comply with normal privacy requirements. Frontage landscaping is also indicated that will help to soften the overall appearance of that parking on the development as a whole.

Green edges are indicated on the approach into the site, together with some tree planting, including a tree lined entrance approach, which would enhance the main entrance. Only indicative details of the on site landscaping and boundary treatments are included on the plan and the development would benefit from the provision of defensible edges between the footways and the edge of front gardens; the final detail of these can be secured by appropriate conditions.

Generally the site provides good provision for privacy and amenity. The only location where a degree of overlooking is likely to occur is between the existing neighbouring house (No. 43 The Woodlands at the SE corner) and the rear garden of Plot 1. This is due to the exceptionally short rear garden of that adjacent property (circa 5m depth), although it is noted that Plot 1 has been set back and provided with a generous rear garden area (128m²) such that whilst some areas of that garden space is less than the separation distances normally recommended in design guidance, sufficient areas of the garden are provided that meet the guideline such that this relationship is considered appropriate.

Overall therefore the design of the scheme is considered appropriate, subject to the inclusion of conditions to control detailed finishes and landscaping on the development.

Ecology

An initial ecology assessment was submitted along with a subsequent biodiversity

assessment to further consider mitigation to address identified impacts.

The Derbyshire Wildlife Trust indicated some limitations with the initially submitted report in terms of the identification of species, but considered any impacts to be either unlikely or limited such that that conditions should be included to ensure that clearance works are undertaken in a suitable manner, and methods to deal with the unlikely event that any protected species are found when clearance work is being undertaken are appropriately dealt with.

In general terms the submissions indicate that the site comprised mainly poor quality woodland and some grassland prior to its recent clearance and the proposals indicate that none of these existing habitats on site will be retained. This means that despite some on site mitigation proposals, comprising hedgerow and tree planting, there will be an overall net loss of biodiversity as a result of the development, contrary to the aims and objectives of both national and local planning policy that seek to secure biodiversity net gains where possible.

In order to address this net loss to biodiversity interests, the applicant has put forward, in addition to on-site landscaping, additional off-site ecology mitigation. The off-site proposals would comprise enhancement of grassland, coupled with a 30 year management and monitoring plan, on land around 200m to the north east of the application site, to the south of the existing graveyard off Cockshut Lane. It is stated that these proposals have been drawn up in consultation with the Derbyshire Wildlife Trust.

At the time of drafting this report, the mitigation proposals had only just been submitted and the necessary consultation with the Derbyshire Wildlife Trust had only just been undertaken. Because of this, their response is still awaited, although given their involvement in the development of the mitigation proposals it is hoped that this will be satisfactory to them. An update on this issue will be provided to the planning committee meeting.

Assuming that the mitigation is demonstrated to be satisfactory it will be necessary to include conditions to secure the delivery of both on and off-site mitigation measures to ensure that the development is compliant with policy requirements, as well as approval of a method statement for site clearance works.

Contamination

The Environmental Health Officer has stated that there are no objections in principle to the development, subject to conditions requiring the identification of any potential contamination and mitigation for such contamination where found, along with controls over dust during the construction period.

Given the fact that the site has previously been developed, that may result in sources of potential contamination, along with the need to protect the amenity of existing residents during the period of construction, both these recommended conditions are considered reasonable and are proposed for inclusion.

Drainage and Flood Risk

A drainage strategy has been included with the application that demonstrates appropriate consideration of Sustainable Drainage Systems (SuDS). Based on this Derbyshire County Council's Flood Risk Team has advised that the revised drainage details submitted are

satisfactory to address its initial comments to the planning application and so raises no objections subject to the inclusion of conditions regarding further approval of the final detailed designs for surface water drainage, including agreement over the final destination for any surface water and its implementation, along with a scheme for surface water control during the construction phase of the development. Advisory notes are also recommended. The conditions and notes recommended also deal with issues raised by Bolsover District Council's Drainage Engineer

Subject to the inclusion of the recommended planning conditions and advisory notes, the proposal is considered to accord with national and local policy in this regard

S106 issues, including impacts on infrastructure, including recreation and leisure, education and health facilities

Affordable Housing

Whilst this site is below the threshold of 25 dwellings where affordable housing would normally be sought (under policy LC2: Affordable Housing Through Market Housing), this proposal is noted as being put forward for 100% social housing for affordable rent.

In this respect the Strategic Housing Officer has commented that, 'The Strategic Housing Market Assessment considers the future housing need in the district, including for affordable housing. The North Derbyshire and Bassetlaw Strategic Housing Market Assessment - Objectively Assessed Need Update 2017 estimated that 126 affordable homes should be brought forward each year to 2035 in order to meet all affordable housing need in the District'.

- He notes that as these properties are all proposed to be for affordable housing, this will help to meet the need in the District. In line with the Council's local plan, the properties should be designated as affordable housing for rent.
- The properties should be owned and managed by the Council or a registered provider who has stock in the district or that of a neighbouring Local Authority, with nomination rights to the council for applicants from the Housing Register.

Recreation and Leisure

Policy ITCR5 expects residential developments of more than 10 units to make reasonable financial contributions either for new green spaces, or to improve green spaces, falling within specified walking distances of a site, with a view to achieving a 60% quality standard for green spaces.

In line with policy ITCR5, the Leisure Officer has requested financial contribution towards either new space or the improvement of nearby spaces that are identified as being at less than the 60% standard.

Policy ITCR7 seeks a financial contribution to existing playing pitches where improvements to them are needed from developments of 10 or more dwellings, to achieve an 'average' standard for playing pitches.

Leisure Officer has requested a financial contribution under policy ITCR7 towards

enhancements of the Cockshut Lane Recreation Ground, although he does acknowledge that the site has not been assessed in the Bolsover Playing Pitch Strategy Assessment Report, such that it is not stated in that response that the site is less than the 'average' standard that would enable contributions under this policy.

There is no proposal to provide contributions to recreation and leisure facilities under either ITCR5 or ITCR7 due to the financial viability of the scheme, which is discussed later in this report.

Education

Derbyshire County Council has stated that sufficient capacity exists at local schools to accommodate the projected additional pupils generated by this development and so no financial contributions are sought.

Health

There has been no request from the Clinical Commissioning Group for any contributions towards local health care provision.

Chesterfield Royal Hospital (CRH) has commented that Section 106 impact on health [should] be considered. In this respect, policy II1 states that "...planning obligations will be sought where...development would create a need for additional or improved infrastructure...on a case by case basis...guided by the latest version of the Council's Infrastructure Study and Delivery Plan." Whilst the policy does provide for 'necessary and relevant' contributions to both primary and secondary healthcare, it is not accepted that this, and other requests that have been received from CRH, meet the necessary legal tests for contributions; in this respect there is ongoing engagement with CRH through infrastructure meeting groups where this issue is being discussed further, including the opportunity for the CRH to provide additional evidence to support its requests, although this has not been provided to date. On this basis the request is not considered to be supported by sufficient evidence to show that it directly relates to the development or is fairly and reasonably related in scale and kind to the development.

Viability

As highlighted in the above report, there are policy requirements for S106 contributions towards recreation and leisure facilities. In response to this a viability assessment has been submitted to demonstrate that the scheme would be unable to afford the contributions sought.

National Planning Policy Guidance states that where there is an up to date Local Plan, developments would normally be expected to meet Local Plan S106 requirements, given that these policy requirements will have been viability tested on a plan wide basis. Nevertheless it does note that there may be some exceptions to this and specifically mentions build to rent schemes as one, due to this type of development differing from the standard financial model of dwellings for sale.

The submitted viability assessment has been produced in accordance with the requirements of the PPG and demonstrates that the scheme is unable to afford the requested S106 contributions and demonstrates that there is no identifiable surplus to finance any contributions.

In view of this, the proposal is unable to demonstrate the ability to comply with policies ITCR5 and ITCR7 and it will be necessary to consider whether any other material planning considerations outweigh this.

In this respect, an important consideration is the fact that this scheme is for 100% social housing for rent, for which there is an identified need for this type of property as identified by the Strategic Housing Officer, such that this scheme will contribute to the Council's efforts to meet identified local housing need. This is considered to be a significant weighting factor.

Whilst these additional dwellings will increase demands on local play and recreation facilities, the number of dwellings proposed is relatively small such that the impacts of there being no financial contribution is not expected to significantly impact on the ability for existing facilities in the area to cope with the limited increased demand.

In view of the above, on balance it is considered that the public benefit of providing this 100% affordable housing scheme outweighs the limited policy conflict that would arise from there being no financial contribution to recreation and leisure facilities.

On this basis, it is recommended that no financial contributions are sought from this development.

Given that the justification for not requiring contributions is the delivery of the affordable housing scheme, it will be necessary to condition that this is such a scheme.

CONCLUSION / PLANNING BALANCE

This is considered to be a generally sustainable form of development within an existing settlement that is mainly in compliance with adopted planning policy. Updates on outstanding consultations will need to be prepared for the Planning Committee when it meets, but subject to these not showing any new or unresolved issues, these are considered unlikely to change the overall planning balance relating to this proposal.

It is acknowledged that the policy requirement for contributions to recreation and leisure facilities is not being met for financial viability reasons, but nevertheless, the benefits of this proposal, from the delivery of 100% affordable dwellings for which there is a demonstrable need, is considered to outweigh the normal requirements for the contributions that would otherwise be sought from a housing scheme of this scale. The planning balance in this case is therefore considered to be appropriate in terms of the ability to grant permission for the development as proposed, subject to the satisfactory resolution of the outstanding issues identified in the report and the inclusion of suitable conditions to ensure compliance with adopted policy.

RECOMMENDATION

Subject to satisfactorily resolving the outstanding issue in respect of ecology mitigation, that the application be APPROVED subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents, unless otherwise required and/or approved under other conditions of this planning permission:
 - 12213-WMS-21-ZZ-DR-A-12100-S3-P02 - Proposed Site Plan
 - 12213-WMS-21-ZZ-DR-A-12120-S3-P01 - Proposed 1B2P House Type Plans
 - 12213-WMS-21-ZZ-DR-A-12121-S3-P01 - Proposed 2B3P Narrow Bungalow Plans
 - 12213-WMS-21-ZZ-DR-A-12122-S3-P01 - Proposed 2B4P House Type Plans
 - 12213-WMS-21-ZZ-DR-A-12123-S3-P01 - Proposed 3B5P House Type Plans
 - 12213-WMS-21-ZZ-DR-A-12124-S3-P02 - Proposed 4B7P House Type Plans
 - 12213-WMS-21-ZZ-DR-A-12130-S3-P01 - Proposed 1B2P House Type Elevations
 - 12213-WMS-21-ZZ-DR-A-12131-S3-P01 - Proposed 2B3P Narrow Bungalow Elevations
 - 12213-WMS-21-ZZ-DR-A-12132-S3-P01 - Proposed 2B4P House Type Elevations
 - 12213-WMS-21-ZZ-DR-A-12133-S3-P02 - Proposed 3B5P House Type Elevations
 - 12213-WMS-21-ZZ-DR-A-12134-S3-P02 - Proposed 4B7P House Type Elevations

Reason: For the avoidance of doubt and having regard to the amended and additional documents submitted during the application in order to define the planning permission.

3. The scheme shall only be developed as a 100% affordable rented housing scheme to be owned and managed by Bolsover District Council, as detailed in the submitted Design and Access Statement.

Reason: To ensure that this development is not constructed for open market housing or other form of affordable housing mix, without the proper re-consideration of infrastructure requirements that may otherwise be required in line with policy contained in the adopted Local Plan for Bolsover District.

4. Prior to their installation, details of the location and appearance of any externally fitted air source heat pumps shall have been submitted to and approved in writing by the Local Planning Authority. Only those approved under this conditions shall be installed as part of the development.

Reason: To promote high standards of low carbon and energy efficient design, to improve air quality and in compliance with the requirements of Policy SS1(d), SC2(d) and SC3(k) of the Local Plan for Bolsover District.

5. An electric vehicle recharging point shall be provided within the garage or on the exterior of each dwelling before the dwelling to which the recharging point relates is first occupied.

Reason: To promote high standards of low carbon and energy efficient design, to improve air quality and to ensure a satisfactory standard of external appearance, in compliance with the requirements of Policy SS1(d & h), SC1, SC2(d & i) and SC3(a, b, e & k) of the Local Plan for Bolsover District.

6. Before the commencement of the development hereby approved:

The site investigation strategy as identified in the Desk Study report Ref 12213-WMS-ZZ-XX-RP-C-32101-S8-P1 submitted with the application shall be undertaken by a competent person in accordance with the current UK requirements for sampling and analysis.

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

REASON: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water and in compliance with Policies SS1(m&n), SC1(e), SC2(d,m,n&o), SC13 and SC14 of the Local Plan for Bolsover District.

7. No [dwellings/buildings] hereby approved shall be occupied until:

- a) The approved remediation works required by 1 above have been carried out in full in compliance with the approved methodology and best practice.
- b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in the Phase I contaminated land assessment (desk-study) ref 12213-WMS-ZZ-XX-RP-C-32101-S8-P1 submitted with the application and through the process described in 1 above.

c) Upon completion of the remediation works required by 1 above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

REASON: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water and in compliance with Policies SS1(m&n), SC1(e), SC2(d,m,n&o), SC13 and SC14 of the Local Plan for Bolsover District.

8. No development shall take place until a scheme of dust mitigation measures and the control of noise emanating from the site during the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented throughout the construction period.

REASON: To protect the amenity of occupiers of nearby residential properties and in compliance with Policies SS1(n), SC1(e), SC2(d), Policy SC3: High Quality Development(n), and SC11 of the Local Plan for Bolsover District.

9. Before construction commences on the erection of any building or wall full details of the materials to be used in all external wall and roof areas shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme must only be developed using the materials approved by this condition.

Reason: To ensure a satisfactory standard of external appearance and in compliance with Policies SS1(h), SC1, SC2(g and i), and SC3(a, b and e) of the Local Plan for Bolsover District

10. Notwithstanding the submitted details, no building will be occupied until full details of both hard and soft landscape works, to include details of all proposed means of enclosure, along with a programme for implementation, has been submitted to and approved in writing by the Local Planning Authority and the works and implementation programme must be carried out as approved.

Reason: To ensure that satisfactory landscaping is provided within a reasonable period in the interests of visual amenity and biodiversity interests and in compliance with Policies SS1(h and i), SC2(d, h and i), SC3(a, b, e, f and i), SC9 and SC10 of the Local Plan for Bolsover District.

11. If within a period of five years from the date of the planting of any tree or shrub that tree or shrub may die, be removed, uprooted or become seriously damaged it shall be replaced by another of the same species during the first available planting season, unless a variation of the landscaping scheme is approved in writing with the Local Planning Authority.

Reason: To ensure that any soft landscaping is suitably maintained in the interests of visual amenity and biodiversity and in compliance with Policies SS1(i), SC2(d, h and i), SC3(a, b, e, and i), SC9 and SC10 of the Local Plan for Bolsover District.

12. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification and demarcation of "biodiversity protection zones" (to include hedgerows and trees).
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements and should include a badger working method statement).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person (as necessary).
 - h) Use of protective fences, exclusion barriers and warning signs.

Reason: In order to mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the Local Plan for Bolsover District.

13. A landscape and biodiversity enhancement and management plan (LBEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development to cover landscape biodiversity enhancement and management both on site and off site at the location off Cockshut Lane, as identified in the Biodiversity Assessment (by CGC Ecology August 2021) submitted to accompany the planning application on the 27th August 2021. The LBEMP should combine both the ecology and landscape disciplines and include the following:-
- a) Description and location of features to be created, planted, enhanced and managed to include wetland habitat associated with the swale, species rich grassland habitat, scrub creation and tree planting.
 - b) Details of the type and locations of 20 integrated swift nest boxes/bricks,
 - c) Details of hedgehog access throughout the development to include type and location of access gates/holes.
 - d) Aims and objectives of management (retained hedgerows and green infrastructure)
 - e) Appropriate management methods and practices to achieve aims and objectives.
 - f) Prescriptions for management actions.
 - g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten-year period).
 - h) Details of the body or organization responsible for implementation of the plan.
 - i) Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the plan are not being met.

The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

Reason: In order to mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the Local Plan for Bolsover District.

14. Prior to the occupation of any dwelling, a bat friendly lighting scheme for the access roads and footways shall have been submitted to and approved in writing by the Local Planning Authority; that scheme shall include details of implementation timescales and the approved scheme shall be implemented as approved.

Reason: In order to mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the Local Plan for Bolsover District.

15. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

- a. Drainage Strategy, The Woodlands, Langwith, Mansfield Revision by William Saunders building consultancy 12213-WMS-ZZ-XX-RP-C-32101-S2-P4 dated July 2021 Revision P4 and also including any subsequent amendments or updates to those documents as approved by the Local Planning Authority,

- b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority."

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are agreed prior to their installation on site and in accordance with the requirements of Policies SS1(l and n), SC2(b, c, d, e, and f), SC3(i), and SC7 of the Local Plan for Bolsover District.

16. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance.

Reason: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

1. into the ground (infiltration);

- II. to a surface water body;*
- III. to a surface water sewer, highway drain, or another drainage system;*
- IV. to a combined sewer.*

And in accordance with the requirements of Policies SS1(l and n), SC2(b, c, d, e, and f), SC3(i), and SC7 of the Local Plan for Bolsover District.

17. Prior to commencement of the development, the applicant shall submit for approval to the Local Planning Authority details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development and in accordance with the requirements of Policies SS1(l and n), SC2(b, c, d, e, and f), SC3(i), and SC7 of the Local Plan for Bolsover District..

18. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753 and in accordance with the requirements of Policies SS1(l and n), SC2(b, c, d, e, and f), SC3(i), and SC7 of the Local Plan for Bolsover District.

19. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.

20. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

Reason: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.

21. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority (for the avoidance of doubt, the carriageway shall be a minimum 5.5m and the footways a minimum 2.0m).

Reason: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.

22. The carriageway of the proposed estate road shall be constructed in accordance with Condition 21 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.

23. Before any other operations are commenced, a new estate street junction shall be formed to The Woodlands in accordance with the revised application drawings, laid out, constructed to base level and provided with visibility splays of 2.4m x 43m in both directions, the area in advance of the sightlines being levelled, constructed as footway and not being included in any plot or other sub-division of the site.

Reason: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.

24. The premises, the subject of the application, shall not be occupied until the proposed new estate streets between each respective plot and the existing public highway have been laid out in accordance with the revised application drawings to conform to this Authority's Guidance Delivering Streets and Places which can be accessed at <https://www.derbyshire.gov.uk/transport-roads/roads-traffic/development-control/highways-development-control.aspx> constructed to base level, drained and lit in accordance with the County Council's specification for new [housing/ industrial] development roads (see above link).

Reason: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.

25. No dwelling shall be occupied until space has been laid out within the site in accordance with the revised application drawing for cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear. Once provided, such spaces shall be maintained free from any impediment to their designated use for the life of the development.

Reason: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.

26. The proposed access to The Woodlands shall be no steeper than 1:30 for the first 10m from the nearside highway boundary. Private driveways shall not exceed a maximum longitudinal gradient of 1:14.

Reason: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.

27. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.

Notes

1. In respect of the further drainage details required to be submitted under conditions of this permission, the developer must have regard to the advisory/informative notes of the Lead Local Flood Authority (Derbyshire County Council) that accompanied its consultation response dated 28th July 2021; this can be viewed by searching this planning application reference number on the application pages of the Bolsover District Council website at www.bolsover.gov.uk. Additionally, that authority advised that to date only 2 infiltration tests have been carried out and it would be prudent for the developer to carry out further testing to ensure soakaways are an appropriate method of surface water disposal prior to discharge of conditions. The additional infiltration tests should cover the extent of where the proposed soakaways will be located. Additionally, the developer should consider 'comment E' in the advisory notes already referred to as there is no current plan to treat the surface runoff from the roads into the combined sewer.
2. All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010.

3. It is essential that any work carried out does not detrimentally alter the structure or surface of the ground and increase or alter the natural flow of water to cause flooding to neighbouring properties. The developer must also ensure any temporary drainage arrangements during construction gives due consideration to the prevention of surface water runoff onto the public highway and neighbouring properties.
4. Any developer is requested to ensure that appropriate provision is made for Next Generation Access (NGA) broadband infrastructure and services as part of the design of their development schemes at the outset. If it can be shown that this would not be possible, practical or economically viable, in such circumstances, suitable ducting should be provided within the site and to the property to facilitate future installation. Guidance on the characteristics of qualifying NGA technologies is available from The Department for Digital, Culture, Media and Sport.
5. The proposed development is situated within a Smoke Control Area. This has legal implications for the type of solid fuel appliance which may be installed in the proposed development and types of solid fuel which may be burnt in these appliances. Further information is available at <https://www.gov.uk/smoke-control-area-rules>
6. Attention is drawn to the advisory notes of the Highway Authority (Derbyshire County Council) that accompanied its consultation response dated 1st September 2021; this can be viewed by searching this planning application reference number on the application pages of the Bolsover District Council website at www.bolsover.gov.uk

Statement of Decision Process

Officers have worked positively and pro-actively with the applicant to address issues raised during the consideration of the application. The proposal has been considered against the policies and guidelines adopted by the Council and the decision has been taken in accordance with the guidelines of the National Planning Policy 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.