

COMMITTEE UPDATE SHEET

SUPPLEMENTARY REPORT OF THE PLANNING MANAGER

This sheet is to be read in conjunction with the main report.

Applications to be determined under the Town & Country Planning Acts

Planning Site Visits held on 24th February 2023 commencing at 10:15 hours.

PRESENT:-

Councillors: Councillors Tom Munro, Jim Clifton, Derek Adams, Nick Clarke and Allan Bailey.
Officers: Sarah Kay and Peter Sawdon.

SITES VISITED

Site 1 and 2: 22/00389/FUL & 22/0425/FUL – Featherbed Lane, Shuttlewood

Site 3: 21/00424/OUT – Markham Vale, south of Woodthorpe Road, Woodthorpe

Site visits were finished at 11:35 hours.

AGENDA ITEM 5

21/00424/OUT: Outline planning application (with details of access, layout, scale and landscaping submitted) for erection of 2 warehouse type units (Class B2/B8); land north of Markham Vale.

It is noted that the Applicant's Agent has circulated a briefing note to all Planning Committee Members.

The second bullet point of the briefing note states that:

"If approved the development could provide:

Business Rates estimated at £1.7 million, with Bolsover Council receiving approximately £600,000".

Officer Comment: Committee members are reminded that the receipt of additional business rates by the Council is not a material planning consideration and so must not be taken into account when deciding whether or not to grant planning permission.

The third bullet point of the briefing note states that the development could provide a Social Value output of around £201 million over the life of the development.

Officer Comment: Social value calculations are not used in the planning balance. There is no attempt to put an empirical value on the other factors which must also be taken into account

(such as landscape impact, heritage impact, sustainability etc.). Hence putting a figure on social value does not assist Committee Members in reaching a decision in the balance.

Other Matters

There is a list of conditions given in precis form within the recommendation section of the report. This is currently subject to discussions with Chesterfield BC. A slight amendment to the recommendation is needed to give the Planning Manager of Development Control delegated authority to both formulate the final wording of the conditions (as per the current recommendation) and also to omit some of the conditions in their entirety if they do not pass the legal tests for conditions or are relevant to Chesterfield only. This is may be the case for conditions 10, 19, 38 and 40.

RECOMMENDATION

If the application is approved (subject to prior entry into a S.106 legal agreement and conditions), the Planning Manager of Development Control be given delegated authority to both formulate the final wording of the conditions (as per the current recommendation) and also to omit some of the conditions in their entirety if they do not pass the legal tests for conditions or are relevant to Chesterfield Borough only.

AGENDA ITEM 7

22/00425/FUL: Traveller site for 3 pitches, The Stables, Featherbed Lane, Shuttlewood

Two photographs have been received showing Featherbed Lane 11 years ago and now. These photographs are set out below:



A further representation has been made on behalf of some local residents which is set out in full, in blue, below:

Comments on Officer's Report for the Planning Committee meeting on 1 March 2023, application 22/0425/FUL: Traveller site with three pitches

1. *The Summary of the Officer's Report on page 54 states that:*

This application has been referred to the Planning Committee by Cllr Donna Hales given the concerns of local residents about the impact of the development. The application is for a change of use of land to a traveller site. The proposal is outside the development envelope within an area of open countryside. The proposed use is not compliant with Policy SS9 (Development in the Countryside) but meets an identified need for traveller sites within the district in compliance with Policy LC5 (Applications for Gypsies, Travellers and Travelling Show People).

2. *The Conclusion/Planning Balance of the Officer's Report on page 67 states that:*

The development is contrary to Policy SS9 of the Local Plan, however in view of the existing need for additional residential pitches it is considered that Paragraph 62 of the Framework and Policy LC5 of the Local Plan provides justification for looking at this countryside location and the proposal is considered to be acceptable in principle provided that the other more site specific and local amenity considerations are met.

The proposal meets the criteria set out in Policy LC5 and is considered to be a suitable site for use applied for and is not considered to be harmful to the rural character of the area or to residential amenity or highway safety, subject to the conditions suggested in the above assessment.

3. *Policy LC5 is not of material consideration. The number of residential traveller pitches provided to date within the District of Bolsover meets the identified need as given in the GTAA (Final Report dated September 2015).*

The proposed site is not within the development envelope of Bolsover and is within 'open countryside'. The Planning Application should be dealt with under Policy SS9-Development in the Countryside and not under Policy LC5. In view of the fact that traveller sites are not included in this Policy SS9 this planning application should be refused.

Featherbed Lane is not in the ownership of the Applicant. This is an old single track lane which is not adopted by the Highway Authority (DCC) and paid for at public expense. The lane is in extremely poor condition. The lane is not suitable for any additional traffic resulting from this planning application. There are at least twenty owners of land adjoining the lane who are liable for the maintenance of the lane. They have a duty of care to maintain the lane to a standard to ensure safe and clear passage. These owners have not been

consulted and have not agreed to the use of this lane for the additional traffic resulting from the change of use of this site.

The proposed development is harmful to the rural character of the area. The character and appearance of the rural area and the beauty of the countryside should be preserved. The proposed site which is part of a large field is visible from many locations and properties along Shuttlewood Road. It is also visible from Featherbed Lane and Oxcroft Lane and the Public Footpath (FP44).

The Officer's Report states that there are no permanent buildings proposed as part of this application. This is not the case. The mobile homes would be permanent structures.

These matters are discussed in more detail below:

4. *The Applicant (Daniel McAllister) who is the owner of the land (Title no DY469301) on the west side of the lane proposes to change the use of the existing paddock and stable block, and erect three permanent mobile homes, and provide parking for three touring caravans, three pick up trucks and three cars. The paddock and the stable block are located in 'open countryside'. He also proposes to form an additional access from the site onto Featherbed Lane.*

Existing Site

5. *The existing site is located on the west side of Featherbed Lane and comprises a paddock and a partially completed stable block. Vehicular access to the site is via Featherbed Lane which adjoins Shuttlewood Road in Bolsover.*
6. *Conditional planning permission was granted on 7 November 2013 for the stables and the adjoining hardstanding. The planning reference is: (13/00276/FUL) and the title is: 'Erection of Stables and hard standing'. Conditional planning permission was subsequently granted on 7 May 2015 for the 'Erection of stable and tack room building including site entrance details, fence details, parking and turning area details, removal of hardcore and change of use to keeping of horses (application site area as clarified in e-mail dated 27th January 2015). The planning reference is: (15/00052/FUL).*
7. *Planning permission was granted under Policy ENV 3 - Development in the Countryside. The site is within open countryside. Policy ENV3 of the Bolsover District Local Plan (LP) which was adopted in February 2000 limited development in the countryside to that which, amongst other things, is necessary in such a location or would result in significant improvement to the rural environment or would benefit the local community through the reclamation or re-use of land. In such circumstances, permission was only granted in cases where it could be demonstrated that, amongst relevant matters to the case, the location is environmentally sustainable, the location would not materially harm the rural landscape and would avoid unnecessary urbanisation and sprawl, together with avoidance of coalescence of distinct settlements. Those criteria*

were supplemented by Policy GEN2 of the LP in terms of the impact of development on the environment.

8. *Equine uses, including the keeping of horses for private and public use with associated buildings and structures, are a common feature of the countryside nearby along Featherbed Lane and in similar locations throughout the country, given the space required for such uses. It is evident that the Council in granting planning permission for the stable building accepted that the keeping of horses requires a countryside location and therefore, falls within the requirements of Policy ENV3 of the LP adopted in February 2000.*
9. *It should be noted that planning permission was refused for the development of a residential development off Featherbed Lane. In this connection refer to planning application no 19/00482/FUL - Erection of one eco dwelling.*
10. *The external masonry walls of the stable block have now been constructed up to eaves level. A pitched tiled roof has also been constructed. The constructed building is not a stable block and has not been constructed in accordance with the approved drawings. To change the use of the stable block a separate planning application should be made.*

Policy SS9 - Development within the countryside

11. *The new Local Plan for the District of Bolsover was adopted in March 2020. The existing site comprising a paddock and a partly built stable block is outside the development envelope of Bolsover and is in open countryside. The ribbon development along Shuttlewood road is also outside the development envelope and is within the countryside.*
12. *Policy SS9 - Development in the countryside states that Development Proposals in the countryside outside development envelopes will only be granted planning permission where it can be demonstrated that they fall within one or more of the following categories a) - g) inclusive and that in all cases where development is considered acceptable it will required to respect the form, scale, and character of the landscape through carefully location and use of materials. Categories a) - g) are as follows:*

a) Involve a change of use or the reuse of previously developed land provided the proposed use is sustainable and appropriate to the location. b) Are necessary for the efficient or viable operation of agriculture, horticulture, forestry, or other appropriate land businesses. c) Are small scale employment uses related to local farming, forestry, recreation or tourism. d) Secure the retention and/or enhancement of a community facility. e) Secure the retention and or enhancement of a vacant or redundant building that makes a positive contribution to the character or appearance of the area and can be converted without complete or substantial reconstruction. f) Are in accordance with a made Neighbourhood Development Plan. g) The building is of exceptional quality or innovative design.

This policy does not include a category for residential development comprising mobile homes (lodges or park homes) or amenity facilities etc associated with this development.

Policy LC5 (Applications for Gypsies, Travellers and Travelling Show People)

13. *The Officer's Report states in the summary that the proposed development does not comply with Policy SS9-Development in the countryside but does meet an identified need for traveller sites within the district in compliance with Policy LC5 (Applications for Gypsies, Travellers and Travelling Show People).*

14. *Policy LC5 states in Paragraph a) that:*

Proposals should be within development envelopes or on other suitable development land as provided for within the Plan unless they can be shown to meet an identified need in an independent assessment.

15. *The independence assessment referred to in Policy LC5 is the GTAA (Report 2015). This report states that:*

The Base Numbers of residential traveller pitches in 2014 amounts to 17 pitches and the 'additional need' for the period 2014-2034 also amounts 17 pitches. The number of residential traveller pitches needed by end 2034 amounts to 34.

For the period 2014-2034 the 'additional needs' for the periods are: 2014 -2019, 2019 -2024, 2024 -2029, 2029 -2034 are 9, 2, 3 and 3 respectively.

The number of planning permissions granted for residential traveller sites amounts to 17 for the period up to 2014.

16. *The Officer's Report advises that there is an identified 'additional need' of 4 residential traveller pitches. This is based on the identified need by end 2034 less the number of planning permissions granted to date for residential traveller pitches.*

The last planning permission granted was for 4 residential traveller pitches on 13 June 2022. In this connection reference is made to planning application: 21/00678/FUL - Use of paddock as a traveller site with four pitches. The number of planning permissions granted by 13 June 2022 amounts to 13 no.

The identified additional need for traveller pitches as at 13 June 2022 is estimated from the GTAA (2015) to be 10.6 no. There is therefore a surplus (2.4 no) of planning permissions granted to-date for residential traveller sites.

The need for additional traveller sites does not arise until end February 2028. There is a five year supply of residential traveller pitches.

The Officer's Report advises that there will be a further independent assessment advising that further traveller pitches will be identified. This is not relevant to this planning application.

17. *It is understood that planning law requires that applications for planning permission must be determined in accordance with the Local Plan (March 2020) unless material considerations indicate otherwise. The identified need for residential traveller pitches as indicated in the GTAA (2015) has been met. There is also currently a surplus of residential traveller pitches for which planning permission has been granted. There is a five year supply. The use of Policy LC5 is not of material consideration.*
18. *Policy SS9 - Development in the countryside is applicable. The planning application should be dealt with under this policy. In view of the fact that traveller sites do not accord with this policy this planning application should be refused.*
19. *It should be noted that The McAllister family own land at Charlesworth Street (75B and 75A) and 255 Shuttleworth Road. Planning permission has been granted for (3 Traveller pitches) and (4 Traveller pitches) respectively.*

Featherbed Lane

20. *Featherbed Lane is not in the ownership of the Applicant. The lane provides access to the adjoining fields and stables, and to the Bungalow and three other residential properties at the top of the lane. There is a public footpath running along the lane.*

This is an old lane which is indicated on ordnance survey drawings prior 1900. In places there is no base stone/hardcore and there is no surfacing along most of the lane. There is no adequate drainage.

21. *The lane is not adopted by the Highway Authority (DCC) for maintenance at public expense. There are at least twenty owners of land adjoining the lane. It is understood that these adjoining landowners are responsible for the maintenance of the lane. It is understood also that they have a duty of care to maintain the lane to ensure safe and clear passage.*

The Highway Authority have not advised on the condition of the lane nor have they commented on the safety aspects of the lane. Their advice given relates solely to the emerging visibility onto the public highway (Shuttlewood Road) and the width of the lane at the junction with Shuttlewood Road. The statement made in the Officer's Report that the proposal is not considered to be detrimental to highway safety in accordance with Policy SC3? of the Local Plan does not relate to Featherbed Lane.

The definitive line of the footpath is on the centre line of the lane.

The Fire Services and the Ambulances Services have not been consulted.

There is no turning area along the lane. The refuse vehicles have to reverse down the lane.

There are no passing areas.

The condition of the lane is wholly inadequate. This lane shall not be used as access to this traveller site.

22. *This Planning Application should be refused.*

Most of the issues raised in the letter set out above have been covered in the main report.

The background, history and construction of the stable block have been considered in Agenda Item 6 which relates to the extension to the stable block currently being considered. Neither of the applications (Agenda Items 6 and 7) seek to change the use of the stable block. If the use of the stable block is to change in the future it would need to be the subject of a separate planning application.

The issue of an eco-dwelling off featherbed Lane being refused has not been considered as each application is considered on its individual merits and as such that is not relevant to this application.

The representation set out above appears to be saying that because the Gypsy and Traveller Accommodation Assessment (GTAA) (September 2015) divides need into 5 year periods, the council should only consider that need within each 5 year period, and not until then.

The 5 year tranches are only an estimation of future need. The first 5 year period includes the 'bulk' of the 20 year need period and the next three 5 year periods are an estimate from known information at the time. It is presented in this way to show how it has been calculated; i.e. it follows that particular methodology.

It is highly unlikely that need will come forward *exactly* in line with these 5 year predictions / estimates. The council's policy does not say that it should respond to planning applications in line with these 5 year periods, nor does government policy Planning Policy for Traveller sites (PPTS) (2015) expect councils to.

The reality is that the council are seeking to meet the need over the whole plan period. It is accepted that in reality, need coming forward cannot and should not have to conform to 5 year predictions, and the evidence of need is before us in the form of this planning application.

The council's site allocations in policy LC5, for example, are not limited to a specific 5 year period – they have the whole plan period to come forward and it does not say within the policy that the council "will assess applications against the need in line with the four 5 year periods identified in the GTAA (2015) "

An up to date 5 year supply position for Gypsies and Travellers has not been calculated, however given recent permissions it is likely that we would have a 5 year supply. However, the development plan policy does not restrict applications or the need for the overall provision even if we have a 5 year supply at any particular time within that period.

In relation to decision taking, PPTS (2015) paragraph 24 requires councils to consider levels of need, but does not say to do so specifically in line with 5 year estimations in a GTAA.

For the above reasons it is considered, as set out in the main report, that there is an existing need for additional residential pitches which is a material consideration and that Paragraph 62 of the Framework and Policy LC5 of the Local Plan provides justification for looking at this countryside location despite the proposal not complying with the requirements of Policy SS9. If this identified need was not considered then it could be considered that the council had not given due regard to the needs of people with protected characteristics.

Any other land owned by the applicant has not been taken into account as this is not relevant to the application. The number of pitches required to meet an identified need does not take into account individual land ownership or the personal occupation of the sites, merely the number of pitches required overall.

The impact of the proposal on the character of the countryside is assessed in the main report.

The issue of the site access is covered in the main report. Featherbed Lane is an unadopted highway not a private road. This means that the public have a right to pass freely along that highway which differs from a private road where only the owners can use it. Whilst owners of property adjoining that road may have responsibility for its maintenance, they do not have enhanced rights over the road on account of their financial contributions, for example they cannot erect a gate across it or have control over who uses it. The applicant, as an adjoining land owner may also have some responsibilities over the future maintenance of this unadopted highway in accordance with the requirements of the deeds to that property but this is a private matter between the parties concerned and is not a material planning consideration.

With regard to the safety aspect of the proposal, both the Highway Authority and DCC Rights of Way who are the council's advisors in this respect, raise no objections to the proposal.

RECOMMENDATION

The issues raised in the correspondence received after the main report was published, set out above have been considered and commented on in the above paragraphs. The issues raised are not considered to raise any new material planning issues which have not previously been considered and do not raise issues which change the recommendation to approve the application, subject to the amended conditions and paragraphs set out above.

In respect of the Officer Report, the following changes are suggested to the wording of conditions 1, 6, 7, 8 and 11 to follow the wording advised in the Planning Inspectorate suggested conditions list.

There have also been slight amendments to the wording of the equalities statement.

The **RECOMMENDATION** as amended is as follows:

The current application be **APPROVED** subject the following conditions:

1. Unless within 2 months of the date of this decision, the parking and turning area has been provided on site in accordance with the amended block plan submitted via email to the Local Planning Authority on 03/11/2022, the use of the site hereby approved must cease and all equipment and materials brought onto the land for the purposes of such use must be removed until such time as the approved parking and turning is provided on site.
Upon implementation of the approved parking and turning area specified in this condition, that parking and turning area must be maintained available for its intended use thereafter.
In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
2. The development hereby approved is for three mobile home pitches only, laid out in accordance with the amended site plan submitted via email to the Local Planning Authority on 03/01/2022. Each pitch must only be used for the residential use of one mobile home, located as shown on the approved plan, and for the storage of one touring caravan. No residential occupation of any touring caravan is permitted within the site at any time.
3. The mobile homes on site must be single storey only.
4. The development hereby approved is for three pitches which must solely be occupied by travellers as defined as defined in "Planning Policy for Traveller Sites (2015)".
5. The development hereby approved is for residential occupation only and no trade or business must be carried out from the site.
6. Unless within 2 months of the date of this decision, full details of the septic tank and soakaway, together with the results of percolation tests which substantiate the soakaway design, has been submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 2 months of the local planning authority's approval, the use of the site hereby approved must cease and all equipment and materials brought onto the land for the purposes of such use must be removed until such time as a scheme is approved and implemented.
The approved septic tank and soakaway specified in this condition, must thereafter be maintained for its intended use and final effluent from the septic tank must not connect directly to any watercourse or land drainage system and no part of the soakaway shall be sited within 10m of any ditch or watercourse.
In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

7. Within 2 months of the date of this decision a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) must be submitted to the local planning authority for approval. The LBEMP will provide specifications for habitat creation in line with the proposals reflected in the submitted Biodiversity Net Gain report (JM Ecology, December 2022) and to achieve a gain of no less than +0.01 habitat units (4.33%) and +0.12 hedgerow units (18.81%). The LBEMP should combine both the ecology and landscape disciplines and must be suitable to provide to the management body responsible for the site. It must include the following:-
- a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
 - b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
 - c) Appropriate management methods and practices to achieve aims and objectives.
 - d) Prescriptions for management actions.
 - e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
 - f) Details of the body or organization responsible for implementation of the plan.
 - g) A monitoring schedule to assess the success of the habitat creation and enhancement measures
 - h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
 - i) Requirement for a statement of compliance upon completion of planting and enhancement works.

The LBEMP must 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 LBEMP must be implemented in accordance with the approved details within an agreed time frame and if the approved plan is not implemented within that time frame, the use of the site hereby approved must cease and all equipment and materials brought onto the land for the purposes of such use must be removed until such time as a scheme is approved and implemented.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

8. Unless within 2 months of the date of this decision, details of the boundary treatment to be provided around the edge of the site hereby approved for three pitches, together with any boundary treatment details required to divide the pitches has been submitted to the local planning authority for approval, and unless the approved boundary treatment scheme is provided on site in accordance with approved details within 2 months of the local planning authority's approval, the use of the site hereby approved must cease and all equipment and materials brought onto the land for the purposes of such use must be removed until such time as a scheme is approved and implemented. If no details in accordance with this condition are approved within 4 months of the date of this decision, the use of the site hereby approved must cease and all equipment and materials brought onto the land for the purposes of such use must be removed until such time as a scheme approved by the local planning authority is implemented. The approved boundary treatment details must thereafter be maintained in accordance with the approved details

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

9. Notwithstanding the provisions of Classes A and B of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no new accesses or boundary treatments must be installed on site unless authorised by an express grant of planning permission.
10. Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order) no development otherwise permitted by Part 5 Class B of the Order must be erected/constructed/undertaken without first obtaining planning permission.
11. Unless within 2 months of the date of this decision, details of arrangements for storage of bins and collection of waste is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 2 months of the local planning authority's approval, the use of the site hereby approved must cease and all equipment and materials brought onto the land for the purposes of such use must be removed until such time as the details are approved and implemented.
If no details in accordance with this condition are approved within 4 months of the date of this decision, the use of the site hereby approved must cease and all equipment and materials brought onto the land for the purposes of such use must be removed until such time as the details as approved by the local planning authority are implemented.
Upon implementation of the approved details specified in this condition, those bin storage and collection details must be maintained as such thereafter.
In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
12. There must be no external lighting installed on the site without the prior submission of a detailed lighting strategy for the site having been first submitted to and approved in writing by the Local Planning Authority.

Advisory notes

1. In legislation 'mobile home' and 'caravan' are synonymous and defined as 'any structure designed or adapted for human habitation which is capable of being moved from one place to another whether by being towed, or by being transported on a motor vehicle or trailer, and any motor vehicle so designed or adapted'.
The definition excludes railway stock on rails forming part of the railway system, and tents.
The definition includes:
 - conventional caravans and mobile homes
 - dormobiles
 - touring caravanettes
 - adapted railway carriages

2. A large, twin-unit caravan may come within the definition if it is:
 - composed of not more than two separately made sections
 - physically capable of being transported by road when assembled (even if it cannot lawfully be transported)
 - does not exceed 65.616 feet (20 metres) in length, 22.309 feet (6.8 metres) in width, and 10.006 feet (3.05 metres) from the floor to the ceiling internally
3. Public Right of Way, Bolsover Footpath No.44, as shown on the Derbyshire Definitive Map, must remain open, unobstructed and on its legal alignment at all times. There should be no disturbance to the surface of the route without prior authorisation from the Rights of Way Inspector for the area. Consideration should be given to members of the public using the route at all times. A temporary closure of the route may be granted to facilitate public safety subject to certain conditions. Further information may be obtained by contacting the Rights of Way Section – ETE.PROW@derbyshire.gov.uk. If a structure is to be erected adjacent to the right of way, it should be installed within the site boundary so that the width of the right of way is not encroached upon.
4. A caravan licence will need to be obtained from Bolsover District Council.

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 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.

However if these protected characteristics were not taken into account and sufficient sites provided within the district to meet an identified need in accordance with Policy LC5 of the Local Plan for Bolsover District then it may be considered that such regard had not been exercised.

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.