

Buchan Area Committee Report 3 December 2019

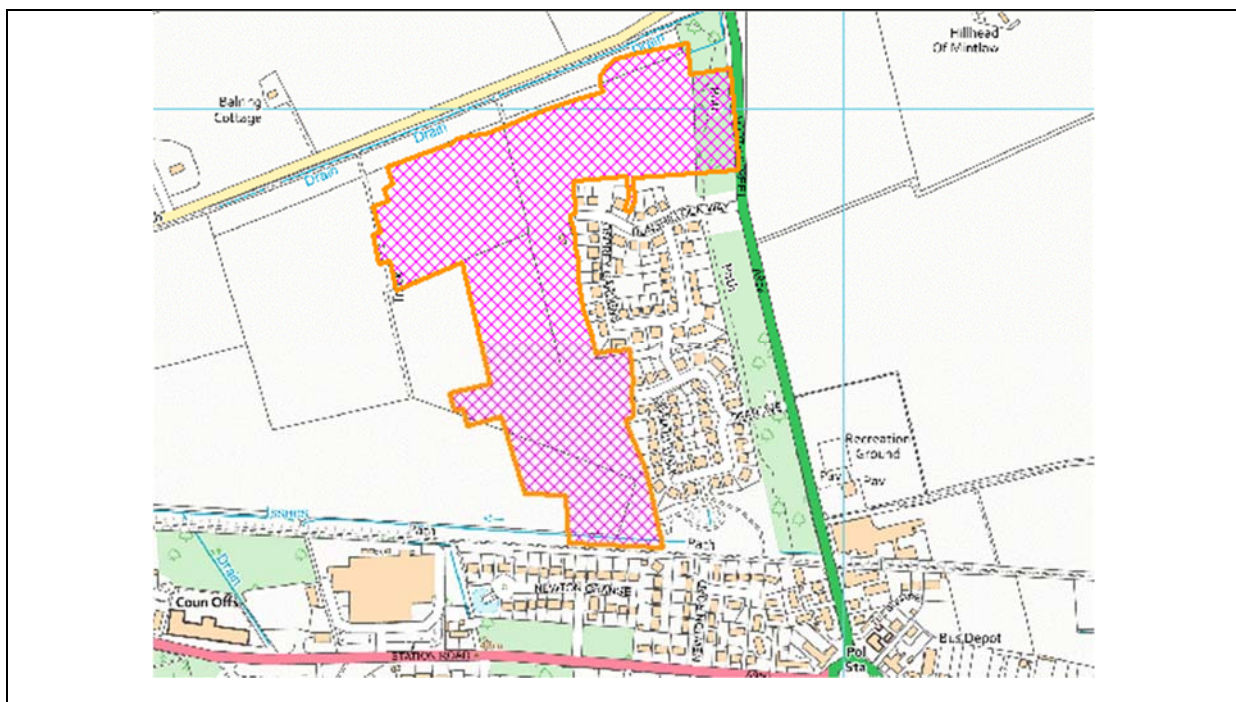
Reference No: APP/2018/2929

Full Planning Permission for Non Compliance with Conditions 17 (Play Equipment) and 20 (Bus Stops) of Planning Permission APP/2018/1138 (Erection of 100 No. Dwellinghouses, Land Set Aside for Affordable Housing (3.35 acres) and Associated Infrastructure) at Phase B, Northwoods Housing Development, Mintlaw

Applicant: Mr Hamish Watson, Chapelpark, Balring Road,
Mintlaw, AB42 5JR

Agent: Colaren Homes, Kirkton House, South Road,
Fraserburgh, AB43 8TJ

Grid Ref: E:399658 N:848781
Ward No. and Name: W04 - Central Buchan
Application Type: Full Planning Permission
Representations 13
Consultations 4
Relevant Proposals Map Aberdeenshire Local Development Plan 2017
Designations: Mintlaw Settlement; Rural Housing Market Area
Complies with
Development Plans: No
Main Recommendation Grant



NOT TO SCALE

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1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.3.1f of Part 2C Planning Delegations of the Scheme of Governance as there have been valid objections from six or more individuals or bodies with separate postal addresses or premises.
- 1.2 This application was previously presented to the Buchan Area Committee meeting of 17 September 2019. The Committee agreed, having noted its concerns on the grounds of public safety, to defer consideration of the application for up to 3 cycles to allow the applicant more time to consider –
- (a) the delivery of the play area, and
 - (b) a resolution for bus stop provision.

Since the last meeting, at the time of writing the report, there have been no changes in respect of this planning application. The application has not been amended, and no further communication has been submitted. Notwithstanding, Appendix 1 contains an updated Equalities Impact Assessment because the Council has updated its guidance since the application was last present to this Committee. The Fairer Scotland Duty, part 1 of the Equality Act 2010 places a legal responsibility on the council to actively consider ('pay due regard' to) how they can reduce inequalities of outcome caused by socioeconomic disadvantage, when making strategic decisions. This duty gives the Council an opportunity to do things differently and put tackling inequality genuinely at the heart of key decision making. Noting that "a decision is open to legal challenge if a negative impact has been identified, and no due consideration was made as to whether appropriate mitigating steps can be taken to overcome the negative impact".

- 1.3 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

- 2.1 This application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997, and seeks permission for the non-compliance with Condition 17 (provision of Play Equipment) and Condition 20 (provision of Bus Stop) of Planning Permission reference APP/2018/1138, which granted planning permission for the 'Erection of 100 No. Dwellings, Land Set Aside for Affordable Housing (3.35 acres), and Associated Infrastructure'. The site measures some 11.3 hectares in size and is located on the North side of Mintlaw, and immediately to the West of the Mintlaw to Fraserburgh road, the A952 (Appendix 2 – Location Plan; Appendix 3 – Site Plan as approved under Planning Reference APP/2016/1601).
- 2.2 Condition 17 of planning permission APP/2018/1138 states that:

“Prior to the occupation of the 5th house hereby approved, a scheme for the provision of play equipment and a management plan of the play equipment shall be submitted to and approved in writing by the planning authority. All play equipment must be provided prior to the commencement of any dwellinghouses within Phase 8 in accordance with the approved details, and thereafter shall be permanently retained.” The reason for this condition “To ensure that a suitable play area is provided to serve the development hereby approved in accordance with the Local Development Plan, in particular policy P2 Open space and access in new development.”

2.3 Condition 20 of planning permission APP/2018/1138 states that:

“Notwithstanding the details submitted, no later than 30 April 2019 infrastructure for bus stops shall be erected and installed in full in accordance with details that shall be first submitted to and approved in writing by the Planning Authority, including a location plan to scale to show location. For the avoidance of doubt the bus stop infrastructure shall comprise two lay-by bus stops along the A956, one to serve north bound buses and the other to serve south bound buses, each stop shall be sheltered, a refuge island on the A956 and a formal lit footpath connection between the development site and the bus stops. The location of the bus infrastructure shall be located between the A952 Balring Roundabout and Mintlaw square. Once provided the bus stops and associated infrastructure shall be retained in perpetuity thereafter.” The reason for this condition “In the interests of sustainable travel, and to accord with national and local planning policy.”

2.4 There is an extensive planning history on the site, but the most relevant are the following planning applications:

- APP/2018/1138 Non Compliance with Condition 21 (Bus Stop) of Planning Permission Reference APP/2016/1601 for Erection of 100 No. Dwellinghouses, Land Set Aside for Affordable Housing (3.35 acres), and Associated Infrastructure. Granted, subject to conditions, 4 October, 2018.
- APP/2016/1606 Erection of 100 No dwellinghouses, land set aside for affordable housing (3.35 acres), and associated infrastructure at Phase B, Northwoods Housing Development, Mintlaw. Granted, subject to conditions, 13 March, 2018.

2.5 In support of this application the applicant submitted the following information:

- Letter - dated 29 November, 2018

To summarise, the letter advised that there is no area of land set aside for play equipment within Phase B. Considers that the Planning Service has misinterpreted the comments from Landscape Service as considers play equipment was requested but not in this current phase. The condition was attached without the agreement of the developer. Comments that there are generous areas of open space, woodland and footpaths which create informal recreational opportunities. Notes that a financial contribution towards sport and recreation has been paid, and therefore considers should not have to provide

facilities on site. The play area should be limited to the centre of the allocated site. Circa. 190 houses have permission (this and the earlier consent), which is 1/3rd of that left to be built, so should provide the play area later on within the development.

The letter continues, the applicant states that the community of Mintlaw are concerned about the 'most sensible and cost-effective way' to provide public transport for the residents of Northwoods. Considers that providing the bus laybys will result in woodland being lost on the West side of the A952. That the only area which will avoid loss of trees are adjacent to the roundabout to the North-East corner of Phase B. Advises that the cost of providing such bus infrastructure will be £250,000.

The letter continues to state that, considers a better alternative would be to upgrade the existing rural footpath along the A952 and install a Zebra Crossing adjacent to the Happy Plant Garden Centre, enabling residents to walk to the Square and the primary school. Alternatively, a halt on the Baring Road, adjacent to the proposed Business Park site.

3. Representations

- 3.1 A total of 13 valid representations (13 objections) have been received as defined in the Scheme of Delegation. This does not include multiple representations from the same household which equate to 16 letters in total. All issues raised have been considered. The letters raise the following material issues:

Issues relating to the Removal of Condition 20 – Bus Stops

- *Unsafe to cross the busy road in order to catch the bus going South*
- *Need better, safer access to public transport*
- *Bus stops are important*
- *Need to improve infrastructure*
- *A bus stop is required to service the housing development.*
- *Should wait for bus stop provision until the near completion of the next 100 houses*
- *A zebra crossing between the development and Happy Plant Garden Centre, whilst desirable to improve road safety has absolutely no bearing in improving access to the bus interchange in the village as there is no need to cross the road to do so*
- *A zebra crossing or similar should not even be considered alongside bus stops as an either/ or situation, unrelated*
- *The existing bus interchange at the square is too far for elderly and anyone with any mobility issues (those most likely to have the greatest need for public transport) or anyone carrying shopping, suitcases, etc.*
- *A precedent for bus stops at a similar distance from the village has already been set with two stops located beyond the square on the south side of the village.*
- *To reach the village, residents have to walk through the estate which has no pavements or traffic calming measures putting pedestrians and motorists at risk. Pedestrians have to walk through trees and a park which is deserted, and dark in winter. Contrary to all public safety advice*

- *Forcing residents to use the bus stop in the square leaves no option but to cause a nuisance elsewhere in the village by leaving parked cars in and around the square, adding to an already dangerous and congested situation*
- *We are encouraged to use public transport for environmental reasons, so it should be made accessible, safe and practical to do so as the village grows.*
- *Buses are not allowed to stop near North Woods as the granite Mintlaw village sign at the new Balring roundabout means the site is officially within village boundaries and buses are therefore forbidden from making unofficial stops.*
- *Notes there maybe issues regarding the location of the bus stops due to trees/ land ownership. However, these were known factors from the outset, and the bus stop (and play areas) should have been included in the original plans approved by the council.*
- *A bus stop north of The Square would be a valuable asset for both residents of the Northwoods development and the Balring Road area.*
- *The current access to the proposed bus stop sites is totally inadequate*
- *Find it quite difficult to get buses to stop in the open countryside, so need the bus stops*
- *The removal of any bus stops is detrimental to this bus service*
- *Believes that bus stops would be used, especially as the development grows*
- *A sheltered bus stop, with a bus lay by and a refuge island, can be accessed even more safely than the one to the South of the village centre, where there are no laybys for the current bus stops, or refuge islands*
- *A pedestrian crossing would encourage drivers to travel more slowly*
- *A bus stop close to this vicinity would make catching the bus more convenient and safer than having to walk along the unlit road with no pavement to Mintlaw centre*
- *The current location of the bus stop is not convenient for the residents of Northwoods as there is no adequate footpath to the proposed bus stops.*
- *Provide the bus stop at the proposed business park*
- *The proposed position of the bus stops does not cater for the community as a whole and puts lives at risk*
- *The proposed bus stop position would not benefit the community as it is too far away for anyone to use and a dangerous road.*

Issues relating to the Removal of Condition 17 – Play Equipment

- *The children are unable to play/exercise safely within the development as there are no pavements and a chronic lack of parking. The only option is to play on the road creating a danger to children and the motorist. Furthermore, existing traffic calming bays were dug up and removed when the last section was tarred, and Home Zone measures have not materialised.*
- *The only play area available at present is the council one across the trunk road, with no pedestrian crossing. This does not relieve the need for localised play areas within the development as the council park is too far away for younger children, and they should not be denied the opportunity to take healthy exercise, nor should they have to play on the*

road or stay indoors/ in their gardens thus losing the ability to develop the essential social skills gained through interacting and making friends with neighbouring children.

- *Landscape features, play areas and open spaces within the development will be owned and managed by a management company which will be controlled by the developers, occupiers and residents. It will be financed by service charges. Residents should be consulted individually before abolishing something already paying for.*
- *Given the absence of a safe route from the Northwoods development to the nearest playpark beside the Garden Centre, there should be some play provision within the Northwoods development in the interests of public safety*
- *The nearest playpark to Northwoods requires the crossing of the A952, a very busy road which currently lacks a safe crossing provision.*
- *The play area provides an opportunity for interaction between the residents and would also help encourage community spirit*
- *The maintenance of such equipment would be controlled within the green area maintenance agreement, service charges of which are already paid by each resident*
- *This highlights the lack of a pedestrian crossing to safely access the closest of only 2 free to access outdoor play facilities.*

Both Matters / Other Issues Raised within letters

- *Need a crossing by Happy Plant as it is only a matter of time before a pedestrian will get hurt*
- *The Masterplan identified the need for bus stop provision, and play areas for children, and quite correctly these were made a condition of planning*
- *Consider the application to remove/ vary these facilities to be a cost saving measure for the developer*
- *A crossing at the Happy Plant Garden Centre would help safety on the road*
- *The A952 is too dangerous for pedestrians to cross*
- *Would like the existing footpath in the woods to be improved that would link to the proposed zebra crossing as currently it is very muddy and discourages anyone using it*
- *If a crossing was provided near the old Buchan railway line, where people often walk and cycle, it would be a benefit to all members of the public, not just residents North of the Village.*

4. Consultations

4.1 **Business Services (Developer Obligations)** has advised that it has no comments to make on this application, noting that Transportation, and Culture and Sport Colleagues, will respond under separate cover.

4.2 **Infrastructure Services (Roads Development)** advises that it has no further comments to make on this application, noting that the Transportation Team should be the lead consultants on this application.

4.3 **Infrastructure Services (Transportation)** initially objected to the application. For the following reasons:-

- Public Transport Accessibility is a basic and long established policy requirement for all development
- The requirement for bus stops on the A952 was recognised and offered through the Masterplan in 2012; and it was assured that the 'entire site is in control of one owner – the applicant' including up to the A952 boundary.
- Previously agreed an initial concession to defer delivery of the agreed bus stops 'prior to development beyond Phase 1' in its response to the Phase 1 application (APP/2012/4136) in February 2013.
- Transportation response to the Phase 2 application, dated 8 January 2017, stated the requirement for two stops to be provided on the A952 consisting of laybys and shelters with a refuge island for crossing.
- At a site meeting with the applicant, on 10 January 2017, Transportation confirmed its position that an alternative proposal for a bus stop on Balring Road could only be considered with a full commitment from Stagecoach to divert main line services from the A952.
- No commitment has been forthcoming and Stagecoach has confirmed to the Council that the development does need to be served from the A952.
- The Transportation Service attempted to maintain contact with the applicant to reach agreement on the bus stops prior to Area Committee for determination of APP/2016/1606. The last communication from Transportation was sent on 24 April 2017.
- The next response received from the applicant was 11 months later, on 21 March 2018 following the grant of full planning consent (application APP/2016/1606).
- During that period, Aberdeenshire Council have received several enquiries from residents, through the Public Transport Unit and a local MSP, as to when the bus stops on the A952 will be provided.
- In light of the landowner and developers revelation that they do not own the necessary land to deliver stops in the most logical location, contrary to assurances given in the Masterplan, the Transportation Team has sought to assist them on how the developer, and landowner, might best meet their commitment.
- The applicant has full control over development phasing however in light of this long standing issue, were able to consider implications of phasing in respect to access to public transport.

In summary it is evident that the developer has been fully aware of the need to incorporate bus stops on the A952 into the Phase 2 design since the 2012 Masterplan submission, and all correspondence since. Aberdeenshire Council are in agreement that the bus stops should have 'been designed in from the outset' however that responsibility clearly lay with the developer based on the agreement reached with the Council in 2012. The allegation of 'retro-fit' by the Local Authority with respect to this application is therefore wholly specious; on the contrary Transportation has been consistent in responses throughout.

The Transportation service see no further justification for changing that response. Despite initially objecting to planning application APP/2018/1138, Condition 20 was agreed as a compromise position to aid the developer, Colaren Homes, in meeting obligations made for occupying the development.

The Developer has since submitted a Section 56 application for the construction of the bus stops and the Roads Development Team will be processing that application with a view to the stops being in place by 31st March 2019, as required by Condition 20.

As per correspondence from the Transportation Service dated May 2019, Transportation Service has removed its objections cited above to one of a recommendation to approve with a condition, which requires the provision of the bus stops, therefore effectively a re-wording of Condition 20 (Bus Stops) of APP/2018/1138 to enable sufficient time to comply by the applicant.

- 4.4 **Infrastructure Services (Landscape Services)** advises that its comments to the original application, APP/2016/1606 continue to apply, noting that the existing play area at the pavilion (Happy Plant) was already in place prior to the determination of that application. Noting that the current provision within the locality is across a major road with no crossing facilities and it would be better to have something within the main site to address children's play.

5. Relevant Planning Policies

5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

5.2 Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used,

encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

From the 29 March 2019, the Strategic Development Plan 2014 went beyond its five-year review period. In light of this, for proposals which are regionally or strategically significant, or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeenshire Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

5.3 Aberdeenshire Local Development Plan 2017

H1 Housing Land
H2 Affordable Housing
P1 Layout, siting and design
P2 Open space and access in new development
E1 Natural Heritage
E2 Landscape
C1 Using resources in buildings
RD1 Providing suitable services
RD2 Developers' obligations

5.4 Other Material Considerations

Aberdeenshire Parks and Open Space Strategy
Circular 4/1998: the use of conditions in planning permissions
Designing Streets
Planning Advice Note 65: Planning and Open Space

6. **Discussion**

- 6.1 The main issue for consideration is whether it is appropriate to remove Conditions 17 (Play Equipment) and 20 (Bus Stops) of Planning Permission APP/2018/1138 (Erection of 100 No. Dwellinghouses, Land Set Aside for Affordable Housing (3.35 acres), and Associated Infrastructure).
- 6.2 A Section 42 application, is an application for planning permission to develop land without complying with conditions attached to an existing permission, in this case Conditions 17 (Play Equipment) and 20 (Bus Stops) of planning permission reference APP/2018/1138.
- 6.3 In dealing with a Section 42 application a planning authority can only consider changes to the condition(s) on the previous permission, the principle of development is effectively not under consideration. However, the Planning Authority can consider the overall effect of granting a new planning permission.

- 6.4 Where the impact of amending the relevant condition(s) has been considered and accepted a new permission should be granted and amended condition(s) attached. Likewise, where it is considered that the condition(s) cannot be varied or that the development should be granted subject to the same conditions, the Section 42 application should be refused.
- 6.5 It is necessary to not only look at the conditions applied to be varied or removed, but also to look at the overall planning permission. There is an opportunity to look at the principle and acceptability and apply relevant conditions. The Development Management Regulations clearly states that in dealing with a Section 42 application the Planning Authority is issuing a new decision.
- 6.6 The principle of development was established within the previous planning permissions (planning application references APP/2016/1606 & APP/2018/1138) on the basis that they would involve the erection of 100 dwellinghouses, land set aside for affordable housing, and associated infrastructure on land allocated for residential development. This is still an acceptable criteria with regard to the current Policy H1 Housing Land of the Aberdeenshire Local Development Plan 2017.
- 6.7 Due to the nature of this application, given the considerations are primarily limited to the provision of play equipment and the bus stop infrastructure it is considered that this application does not impact directly on tree, landscape or resources in buildings, all these matters can be covered by condition in the event the application is recommended for approval, noting that the granting of a Section 42 application is the issuing of a new planning permission, on that basis, and subject to conditions, the proposal would not be in conflict with Policies E1 Natural Heritage, E2 Landscape and C1 Using resources in buildings. There would be no change to affordable housing provision as a result of this application, and the Section 75 would continue to apply, therefore the application would not be in conflict with Policy H2 Affordable Housing or Policy RD2 Developers' obligations, noting that the Developer Obligations Team has not objected to the application.
- 6.8 In relation to the removal of Condition 20 relating to the bus stops. Policy P1 of the Aberdeenshire Local Development Plan 2017 states 'we will only approve development designs that demonstrate the six qualities of successful places, which are to be...well connected to create well connected place that promote intermodal shifts and active travel.' Policy RD1 of the Aberdeenshire Local Development Plan 2017 states, amongst other things, 'development must be close to existing public transport services or deliver major improvement to public transport services in scale with the development.' "When development requires the formation of new accesses, these should be designed to an agreed standard, and must be resource-efficient, safe and convenient for cyclists, pedestrians and public transport", which is all promoted in Scottish Planning Policy.
- 6.9 In addition to the above, Scottish Planning Policy and Policy P1 of the Aberdeenshire Local Development Plan 2017, appropriate street layout and design are key to achieving the policy principles. The design of all new development should follow the placemaking approach set out in Scottish Planning Policy and the principles of Designing Streets, to ensure the creation

of places which are distinctive, welcoming, adaptable, resource sufficient, safe and pleasant and east to move around and beyond. Scottish Planning Policy, para 287, states that “planning permission should not be granted for significant travel-generating uses at locations which would increase reliance on the car and where...direct links to local facilities via public transport networks would involve walking more than 400 metres.”

- 6.10 This planning application seeks to delete or remove Condition 20 of APP/2018/1138. This is in conflict with Scottish Planning Policy and the Aberdeenshire Local Development Plan 2017. It is noted that Transportation Team object to its removal.
- 6.11 The applicant, the landowner in this case, in his letter, as summarised in Section 2.6 above, states that the community of Mintlaw are concerned about the ‘most sensible and cost-effective way’ to provide public transport for the residents of Northwoods. That providing the bus laybys will result in woodland being lost on the West side of the A952. That the only area which would avoid loss of trees is adjacent to the roundabout to the North-East corner of Phase B, and the cost of providing such bus infrastructure will be £250,000. The letter outlines another option for consideration; upgrade the rural footpath along the A952 and install a Zebra Crossing or provide a halt on the Balring Road, adjacent to the proposed Business Park site.
- 6.12 Transportation note that the requirement for a bus stop pre-dates the submission of any planning applications, and dates back to 2012 and therefore the landowner and developer have long known the commitments. Public transport accessibility is a basic and long established policy requirement for all development. It was previously agreed that an initial concession to defer delivery of the agreed stops ‘prior to development beyond Phase 1’ in Transportation comments of February 2013 to the Phase 1 application (APP/2012/4136). Its comments to the Phase 2 application of 8 January 2017 stated that requirement for two stops to be provided on the A952 consisting of laybys and shelters with a refuge island for crossing.
- 6.13 Circular 4/1998 sets out the use of conditions in planning permission and seeks to ensure they meet six tests.
- 6.14 In reviewing Condition 20, sought to be removed, the Planning Service notes that it is considered necessary for the provision of a bus stop. The existing nearest bus stop from the development is at The Square. If a pedestrian was to walk from that stop across Station Road, head North along North Street, and use the path through the wooded area to gain access via the vehicle access into Deer Avenue, the first proposed house, Plot 87, would be 590 metres away from the stop; compared with a pedestrian who walks from the stop via the Buchan and Formartine Way into the proposed path adjacent to the affordable housing area and arriving adjacent to the existing house 25 Meadow Walk would be 551 metres away. Taking these distances into account, it is noted that all the proposed housing subject to this application is more than 400 metres away from the existing bus stop, which is the distance supported in national and local planning policy. To remove the condition would be considered contrary to policy P1 Layout, siting and design, as the site would not be well connected,

and Policy RD1 as the development fails to deliver the necessary improvements to secure the proximity to the public transport.

- 6.15 Proposed Plot 160 is approximately 1100 metres walking distance and Plot 107 is walking distance 1026 metres (approx.), these are just two examples taken from the site plan approved under planning application APP/2016/12606, and demonstrates that there are a number of houses which would be beyond 1km distance from the existing stops at the Square.
- 6.16 Notwithstanding, the above, it is considered necessary to amend the wording of Condition 20. The Condition, as cited above in paragraph 2.3 of this report, referred to the A956, which was an error in the response from Transportation at that time, which was regrettably transposed into the condition. The A956 is adjacent to the Bridge of Don roundabout, the correct road should be the A952.
- 6.17 Another element of Condition 20 which needs to be reviewed is the time for implementation. Given the approval of a Section 42 application is effectively granting a new planning permission the time for compliance needs to be amended. Condition 20 of APP/2018/1138 required compliance by 30 April 2019, in line with comments from Transportation, is has now been agreed, that compliance is sought by 31 December 2019 to allow sufficient time for implementation.
- 6.18 As it is considered that Condition 20 is necessary, but will be amended, it is recommended that approval be given to this element of the application to allow the rewording of the condition to take into account the correct road name and time for compliance.
- 6.19 In respect to Circular 4/1998 it is considered also relevant to planning, relevant to the development to be permitted, and enforceable. The cost of implementation is irrelevant, the bus stops are needed to ensure that sustainability targets are met and provide a real modal choice for residents. The infrastructure for the bus stops are required for this development, which if implemented, will result on completion approximately 200 houses erected at Northwoods, with more than 50% of the development, i.e. more than 100 houses beyond walking distance of 400 metres.
- 6.20 The applicant is recommending a crossing, but this does not result in the provision of a bus stop to serve the residents, which would still be more than 400 metres away from the proposed housing. The applicant also makes reference to the provision of stops at the Balring Business Park, but that is not an option for the Council to consider. The Balring Business Park does not exist, only planning permission has been granted, and furthermore, the bus service runs along the A952, with no provision for infrastructure to divert West. There is no agreement from the bus operator, in fact it has informed Transportation that it will not divert its bus service. Furthermore, no details have been submitted to the Council to consider, as a bus stop and turning infrastructure may conflict with road safety and health and safety legislation implications for the business park.
- 6.21 Reference is made by the applicant to a bus stop at the Balring Roundabout, however no final decision has been made for the location of the bus stops.

Dialogue in this respect continues with the developer with a number of options being explored.

- 6.22 The letters of representation make reference to the objection to the removal of Condition 20 for the provision of bus stops. The majority believe that it should not be removed. However, some letters make reference to provision at the Balring Business Park, which is discussed above in paragraphs 6.20-6.21, and others suggest just need a crossing, which in response, does not form part of this application. However, the applicant wishes for the deletion of the condition requiring bus stops, which is contrary to Policy. Other objections raise the issue of safety and security, and bus stops close by for those who may need it the most, this is relevant, and is reinforced by national and local policies. Safe and convenient bus stop provision. The existing footpaths are not fully compliant with the Equalities Act providing appropriate access for all, and therefore are not accessible by all. The use of the Buchan and Formatine Way involved a steep gradient, which would prohibit some users. The footpath through the existing woodland is not free from trip hazards. It is therefore considered essential that proper provision of bus stops is place which is accessible by residents.
- 6.23 It is noted that the Council has received complaints regarding the continued non-compliance of the condition and non-provision of the bus stop infrastructure. Noting that the proposal to remove the condition, the application as submitted cannot be supported as it is contrary to national and local policies as already outlined.
- 6.24 The second issue for consideration is the provision of play equipment within the application site. Policy P1 require places to be distinctive with a sense of local identity and a sense of place; to be safe and pleasant, encouraging both activity and privacy, providing security and protecting amenity; and to be welcoming. Policy P2 requires all new development to be accompanied by adequate public open space appropriate to the standards set in the Aberdeenshire Parks and Open Spaces Strategy. It continues to state that public open spaces shall be 'safe, welcoming, distinctive, well connected and accessible'.
- 6.25 The Aberdeenshire Parks and Open Spaces Strategy in Appendix 1 relates to the Hierarchy of Open Space, under which there is an 'Equipped Play Areas' section. It clearly states the requirement for 'Formal Playing space with Equipment, and some informal areas' to be provided for 100 households within 400m in any direction. For younger children, the Equipped Play Areas should be reasonably close to catchments and preferably not across any busy road. Areas of play should be fenced against dogs and have consideration of potential noise and visibility issues. Appropriate provision to be made for teenagers, with a range of facilities and equipment for all abilities, to respond to the need for exercise and recreation by different groups. To include sheltered seating/ seating facilities
- 6.26 Looking at the site plan approved under the original planning permission for Phase B (App/2016/1606), it is noted that the Play Park adjacent to Happy Plant is some 664 metres away from proposed Plot 102, when using the Buchan and Formatine Way and using the path adjacent to the area of land set aside for affordable housing and is sited 1405 metres from Plot 130 when using the

informal path through the woodland, onto Meadow Walk and along New Deer Road, then head North on the proposed path. These are just two examples, and clearly there are other proposed houses within the development which would be situated in excess of 400 metres walking distance. Notwithstanding, the access to the existing play area adjacent to Happy Plant is on a path which is not compliant with the Equalities Act and involves the crossing of a busy road, the A952. Noting that the Aberdeenshire Parks and Open Spaces Strategy seeks to avoid the crossing of 'any busy road'.

- 6.27 The applicant in his letter, as summarised in Section 2.6 of this report, states there is nothing shown on the developer's approved plans which show an area of land set aside for play equipment within this phase of the development. The Landscape Service's consultation response asked for land to be provided for play equipment but it did not say this had to be within the current phase of the development, and this was without the developer's agreement.
- 6.28 Landscape Services has confirmed that the comments it provided on the 23 February 2017 continue to apply. Noting at the time of that response the play area adjacent Happy Plant existed, and nothing has changed since. Further still, the existing play area adjacent Happy Plant is across a major road with no crossing facilities and it would be better to have something within the main site to address children's play.
- 6.29 The Planning Service is confident in responding to applications relating to Phase B, that the comments from Landscape Services related to this current phase, and not subsequent phases. Further still, applicants do not get to agree to conditions or the wording of such, they are imposed by the Council, taking into account the local development plan, Circular 4/1998 and all other material considerations. The agreement of the applicant would not be sought prior to issuance of conditions. It is recognised that all applicants have the right to appeal against planning conditions, and in this instance it is noted that the applicant for APP/2016/1606 did not appeal to the DPEA following the Committee's decision, and APP/2018/1138 did not exercise the right to the Local Review Body following the grant of planning permission under delegated powers.
- 6.30 The proposal to delete the condition, and to continue to utilise the play park adjacent to the Happy Plant Garden Centre is in conflict with policies P1 and P2. Children, in particular those of a young age, would not be able to or would be expected to cross the A952 road without adult supervision. The whole idea of having a play area within the development is to allow children and teenagers to use the play area without having to be accompanied by an elder and by creating this space centrally within the development would create site lines for residents / parents to keep an eye on their children but at a distance. This further enhances the idea of creating a community development whereby children can integrate and play with one another in a safe and secure environment and instilling a sense of community for all ages. Planning Advice Note 65: Planning and Open Space, states that all playspace for children and teenagers should be safe and accessible opportunities for children's play. To remove the condition would ultimately remove the good qualities of design promoted within Scottish Planning Policy and the Aberdeenshire Local Development Plan 2017.

- 6.31 This Phase is the second one at this site and is for 100 houses plus land for affordable housing. The first Phase, which started several years ago, was for circa. 100 houses. If no play equipment is provided on this site during this phase, it would ultimately result in circa. 200 houses being built with no access to safe play area. It is considered that there is sufficient space within the development in order to provide such an equipped play area as sought by the Council to serve the residents of Northwoods. It is not unusual for there to be more than one play area in a development of 500 houses, which ultimately this will be once all the development is built out. However, timescales for the deliverability for any development other than that approved could be considerable.
- 6.32 The applicant states that an amount of money was paid towards sport and recreation during the first phase of the development and has agreed to provide a further sum of money towards the creation of additional sports and recreation facilities in the village. The payment towards sport and recreation facilities is to off-set the impact that the development of 100 houses will have within each phase, but was never in lieu of provision of open space and play equipment on the site, it is in addition to. The requirement for an equipped play area within this phase of the development is to ensure compliance with Policy P2 of the Aberdeenshire Local Development Plan 2017, and in particular the Aberdeenshire Parks and Open Spaces Strategy.
- 6.33 As per the previous application (APP/2018/1138), Condition 18 of the original planning permission sought a play area. Due to changes with the original application, it was noted that the build rates and phasing plan did not tie up. It was therefore considered that Condition 18 within the original permission should be tied to the phasing plan and therefore Condition 18 within APP/2018/1138 was reworded accordingly within that application. This was to ensure that 75 homes were not left without provision as would have happened under the original permission. However, given the wording of the original application APP/2016/1606, and to ensure that there is consistency, the wording of the original condition is proposed to tie up to the 75th house. Whilst this is far from ideal, as 175 houses would exist on the site without the provision of a play area, it does reinstate the *status quo* with the recommendation put to Committee under planning reference APP/2016/1606.
- 6.34 A number of representations object to the removal of the need for the provision of an equipped play area, as outlined in Section 3 above. Points raised include, "The only play area available at present is the council one across the trunk road, with no pedestrian crossing. This does not relieve the need for localised play areas within the development as the council park is too far away for younger children, and they should not be denied the opportunity to take healthy exercise, nor should they have to play on the road or stay indoors/ in their gardens thus losing the ability to develop the essential social skills gained through interacting and making friends with neighbouring children." This is reinforced in national and local planning policy, and therefore it is considered that to remove the condition would be contrary to the provisions of both local and national policies.
- 6.35 Concluding comments, the deletion of Conditions 17 and 20 are considered to be in conflict with Scottish Planning Policy, the Aberdeenshire Parks and Open

Space Strategy, Designing Streets and Planning Advice Note 65: Planning and Open Space, for the reasons cited above. The conditions are considered necessary and reasonable and relate to the development.

- 6.36 It is recommended that Condition 20 be reworded to refer to the correct Road name and to ensure compliance, as that cited in planning application APP/2018/1138 has since expired. In recommending approval it is also recommended that Condition 17 is re-worded to reflect the condition cited in the original planning permission as recommended to and subsequently approved by the Buchan Area Committee.
- 6.37 In all other respects the application continues to be acceptable, and it is recommended that all other conditions are applied as the grant of a Section 42 application is effectively the grant of a new planning permission to ensure compliance with the Aberdeenshire Local Development 2017.

7. Area Implications

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

8. Implications and Risk

- 8.1 An equality impact assessment has been carried out as part of the development of the proposals set out above. It is included as Appendix 1. Should the planning application be approved to include the provision of a play area then this would be a positive impact on young people. Should the application be refused, then it would be a positive impact as the provision of the play area would still be required as per the original application. However, if the condition was removed then it is considered a negative impact as the children who will live in the houses subject to this application will not have access to play within walking distance and one which avoids the crossing of a busy road.

Should the planning application be approved to include the provision of bus stop infrastructure, this would be a positive impact on age (young and old people) and people with disabilities. However, if the condition was deleted then it is considered a negative impact as the occupants who will live in the houses subject to this application will not have access within walking distance of a bus stop as originally approved, or the impact could be considered neutral as there is no bus stop in situ as yet.

- 8.2 There are no staffing and financial implications.
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

9. Sustainability Implications

- 9.1 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

10. Departures, Notifications and Referrals

10.1 Strategic Development Plan Departures

None

10.2 Local Development Plan Departures

P1 Layout, siting and design
P2 Open space and access in new development
RD1 Providing suitable services

- 10.3 The application is a Departure from the valid Local Development Plan and has been advertised as such. Any representations received have been circulated as part of the agenda and taken into account in recommending a decision. The period for receiving representations has expired.
- 10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.
- 10.5 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

11. Recommendation

11.1 **GRANT Full Planning Permission subject to the following conditions:-**

01. Notwithstanding the details submitted, no individual dwellinghouse hereby approved shall be occupied until its boundary treatments have been completed in full in accordance with details that shall be first submitted to and approved in writing by the Planning Authority. Once the boundary treatment has been installed it shall thereafter be retained in perpetuity.

Reason: For the purposes of clarification and in the interests of residential amenity, and road safety.

02. Notwithstanding the details submitted, within one month of the planning permission hereby granted, details of all enclosures around the site and on areas of open spaces, excluding individual plots which is required under Condition 1, shall be submitted to and approved in writing by the Planning Authority. Details shall include height, materials, and location by way of scaled plans, and timetable for implementation. For the avoidance of doubt the development shall thereafter be completed in accordance with the

approved details including timescales, and thereafter, once erected, be retained in perpetuity.

Reason: For the purposes of clarification and in the interests of visual amenity, and road safety.

03. Notwithstanding the details submitted no individual dwellinghouse hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:
- a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
 - b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy C1 of the Aberdeenshire Local Development Plan 2017.

The dwellinghouse that the Energy Statement pertains to shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and Policy C1 of the Aberdeenshire Local Development Plan 2017.

04. No residential unit in any phase of this development shall be occupied unless all roads, footpaths, parking and turning areas within and serving that phase of the development have been completed to the level of bottoming and binder course, including the access bellmouth and all turning heads in accordance with the Council's Standards for Road Construction Consent and Adoption.

Reason: To ensure the provision of a means of access and turning space to an adequate standard in the interests of road safety.

05. Within 6 months of the occupation of the penultimate residential unit in each phase of this development hereby approved, or upon the expiry of a period of three years from the date of the first residential unit to be occupied in each phase, whichever is the sooner, all roads, footpaths, parking and turning areas within and serving that phase of the development shall be completed to their final surface course specification in accordance with the Council's Standards for Road Construction Consent and Adoption. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the provision of a means of access and turning space to an adequate standard in the interests of road safety.

06. No individual dwellinghouse hereby approved shall be occupied unless their driveways and parking area pertaining to that dwellinghouse have been provided and surfaced in accordance with the details shown on the approved

plans, as submitted under planning application APP/2016/1606. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the driveway to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.

07. Notwithstanding the details submitted, within one month of the planning permission hereby granted a detailed timescale of implementation of all the soft and hard landscaping proposals as approved and shown in Plan NWM-1702-LS and the maintenance schedule as approved under planning reference APP/2016/1606, shall be submitted to and approved in writing by the Planning Authority. Thereafter, the landscaping shall be completed in accordance with the approved details and timescale for implementation. Any planting, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, severely diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

08. No works in connection with this permission hereby approved shall hereby commence following the issuing of this planning permission unless the tree protection fences have been erected on the site as highlighted in drawing number NWET-1701-TR approved under planning application reference APP/2016/1606. The fencing shall be retained in accordance with the approved drawing position until each relevant construction phase it relates to is completed.

Reason: In order to preserve the existing trees within the site, in the interests of visual amenity and protection of habitat.

09. All landscaped areas outwith the curtilages of the dwellinghouses and shown outlined in green on the approved drawing number NWM-1702-LS of planning permission reference APP/2016/1606, shall be permanently retained as such and shall at no time be used as private garden ground nor incorporated within the curtilage of any of the dwellinghouses hereby approved without the express grant of planning permission by the planning authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order no means of enclosure, other than that shown on the approved plans, shall be erected within the landscaped areas without an express grant of planning permission by the planning authority.

Reason: In the interests of the character and appearance of the development.

10. Notwithstanding the details submitted, within one month of the planning permission hereby granted a detailed site-specific construction method

statement and related site plan shall be submitted to and approved in writing by the planning authority. The construction method statement shall include details of dust and noise mitigation during the construction process. All construction works on the site shall be carried out in strict accordance with the approved construction method statement.

Reason: In the interests of protecting the residential and local amenity.

11. Notwithstanding the details submitted, no individual dwellinghouse hereby approved shall be erected unless details of the external materials, including walls, roof, windows and door finishes, and type and colour of material pertaining to that house has been submitted to and approved in writing by the planning authority. The dwellinghouse shall be completed in accordance with the details approved in writing prior to first occupation.

Reason: In the interests of the appearance of the development and the visual amenities of the area, for the purposes of clarification.

12. The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the planning authority.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

13. Waste water from the proposed development shall be disposed of via the public sewer as indicated in the submitted application and shall not be disposed of via private means without the separate express grant of planning permission by the planning authority.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

14. No single dwellinghouse hereby approved shall be occupied unless it is connected to the surface water drainage system in accordance with the approved plans as approved under planning application reference APP/2016/1606. The surface water drainage system shall be permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

15. Notwithstanding the details submitted, within one month of the planning permission hereby granted a Phasing Plan setting out the details of the phasing of the development shall be submitted to and approved in writing by the planning authority. Thereafter, the development shall be carried out in complete accordance with the approved Phasing Plan.

Reason: To ensure that build-out of the development is phased so as to avoid adverse impact on local services and infrastructure and in the interests of the visual amenity of the area.

16. The tree number 39 as identified in the Bat Survey NWHM-1703-BTI shall be inspected 24 hours prior to felling to determine whether any bats are roosting within the tree. Two of the recommended 6 bat boxes will be erected before the tree is felled. the remaining boxes to be erected in accordance with the Bat Survey.

Reason: In the interests of protecting a European Protected Species.

17. Prior to the occupation of the 15th house hereby approved a scheme for the provision of play equipment within the development hereby approved and a management scheme for the maintenance of that equipment shall be submitted to and approved in writing by the planning authority.

All play equipment must be provided in accordance with the approved details prior to the completion of the 75th house hereby approved, and thereafter shall be permanently retained and maintained in accordance with the approved maintenance scheme.

Reason: To ensure that a suitable play area is provided to serve the development hereby approved in accordance with the Aberdeenshire Local Development Plan 2017, in particular policy P2 Open space and access in new development.

18. That no house in each phase shall be occupied until the footpaths and/or cycle paths for that phase and as documented in the Transportation Assessment by ESC Transport Planning limited dated November 2016 are completed. All footpaths, including within the wooded areas, shall be maintained in perpetuity as per the details approved under planning permission reference APP/2016/1606.

Reason: To ensure connectivity within the development and with Mintlaw as a whole.

19. Notwithstanding the details submitted, within one month of the planning permission hereby granted full details of all parking on the site, excluding within domestic curtilage provision, shall be submitted to and approved in writing by the planning authority. Details shall include visitor parking, motorbike/moped spaces and cycle bays/storage, including the submission of a block plan to show the provision and timetable for implementation. The development thereafter shall be completed in accordance with the approved details and retained in perpetuity.

Reason: In the interests of road safety.

20. Notwithstanding the details submitted, no later than 31 December 2019 infrastructure for bus stops shall be erected and installed in full in accordance with details that shall be first submitted to and approved in writing by the Planning Authority including a location plan to scale to show the location. For the avoidance of doubt the bus stop infrastructure shall comprise (i) two bus stops on the A952, one on northbound and one on the southbound direction. Each stop shall contain a shelter and shall be placed in laybys designed in

accordance with the Design Manual for Roads and Bridges Standard TD69/07 except where adjacent to a formal street lit footway that forms part of an unbroken connection along the A952 between the bus stops and Mintlaw Square (ii) A formal crossing shall be provided on the A952 in the vicinity of the bus stops with the minimum provision of a refuge island (iii) Formal lit footpath connections between the residential development and the bus stops. Once provided the bus stops and associated infrastructure shall be retained in perpetuity thereafter.

Reason: In the interests of sustainable travel, and to accord with national and local planning policy.

11.2 Reasons for Decision

01. The proposal for the revision of Conditions 17 and 20 of APP/2018/1138 is considered acceptable, but not the deletion. It is deemed appropriate, necessary and reasonable to apply conditions as in the earlier application. In terms of the re-wording of Condition 20, it is considered that to require completion no later than 31 December 2019 is appropriate and fair, providing flexibility, but having regard to provision for existing and future occupiers of the development. The revision to Condition 17 should ensure effective compliance and brings the permission in line with planning reference APP/2016/1606.

Notwithstanding the applicant's desire to delete Conditions pertaining to play equipment on site (Condition 17) and the deletion of the provision of bus stops (Condition 20), the Council considers that both these conditions are necessary, relevant and relate to the development. Both national and local planning policy, in particular Scottish Planning Policy and the Aberdeenshire Local Development Plan 2017, seek to ensure that development is of a high quality, distinctive, safe and pleasant, welcoming, and well connected. Given the existing location of the bus stops, in excess of 400 metres, and the existing play equipment beyond 400 metres for the majority of the dwellings subject to this application and across a busy A classified road, it is considered that the proposal to delete the Conditions is in conflict with the overarching aims. However, taking into account material considerations it is proposed to re-word the conditions to ensure compliance, and therefore it is considered that the Section 42 application should be approved subject to conditions to ensure compliance with the Aberdeenshire Local Development Plan 2017, in particular policies H1 Housing Land, P1 Layout, siting and design, P2 Open space and access in new development, and RD1 Providing suitable services.

Stephen Archer
Director of Infrastructure Services
Author of Report: Sally Wood
Report Date: 14 November 2019

EQUALITY IMPACT ASSESSMENT

EIA Version	Date	Author	Changes
1	24 October 2019	Sally Wood	0

Stage 1: Title and aims of the activity (“activity” is an umbrella term covering policies, procedures, guidance and decisions including those that affect services the council delivers).	
Service	Infrastructure Services
Section	Planning and Environment Services (Buchan House)
Title of the activity etc.	Planning Application APP/2018/2929 Non-Compliance with Conditions 17 (Play Equipment) and 20 (Bus Stops) of Planning Permission APP/2018/1138 (Erection of 100 No. Dwellings, Land Set Aside for Affordable Housing (3.35 acres), and Associated Infrastructure)
Aims and desired outcomes of the activity	<p>The applications seek to remove Condition 17 and 20 of planning permission APP/2018/1138. Condition 17 relates to the provision of play equipment within the second phase of this allocated site, which is for the erection of 100 houses, and Condition 20 the provision of bus stop infrastructure.</p> <p>The planning application is referred to the Area Committee for determination.</p> <p>Due to the nature of the application which seeks to remove the requirement for play provision within the residential development, this has a potential impact on children. Age is a protected characteristic for the purposes of the Equality Duty 2010. The decision on this planning application must have due regard to the needs of young people.</p> <p>Due to the nature of the application which seeks to remove the requirement for bus stop infrastructure, this has potential to impact upon young and old and persons with disabilities. Age and disability are protected characteristics for the purposes of the Equality Duty 2010. The decision on this planning application must have due regard to the needs of the young, elderly and people with disabilities.</p>
Author(s) & Title(s)	Sally Wood (Senior Planner, Development Management)

Stage 2: List the evidence that has been used in this assessment and explain what it means in relation to the activity you are assessing.		
Evidence	What does it say?	What does it mean?
Internal data (customer satisfaction surveys; equality monitoring data; customer complaints).	Aberdeenshire Equality Impact Assessment Guidance / policy	
Internal consultation with staff and other services affected.	Consultation and liaison with the Council's Infrastructure Services (Landscape Services) Team and Infrastructure (Transportation) Team.	
External consultation (partner organisations, community groups, and councils).	Not applicable	
External data (census, available statistics).	Not applicable	
Other (general information as appropriate).	Not applicable	

Stage 3: Evidence Gaps.	
Are there any gaps in the information you currently hold?	None.

Stage 4: Measures to fill the evidence gaps.		
What measures will be taken to fill the information gaps before the activity is implemented? These should be included in the action plan at the back of this form.	Measures:	Timescale:
	None	

Stage 5: What steps can be taken to promote good relations between various groups/areas?	
These should be included in the action plan.	Not applicable

Stage 6: How does the policy/activity create opportunities for advancing equality of opportunity?
<p>Granting the application with the recommended conditions, or refusing the application, will ensure that access to a play area and bus stops is safe and convenient to serve the development and the residents within, specifically those with protected characteristics of age and disability.</p> <p>If there is no requirement to provide a children's play area then this may impact upon the ability of children's play and access to play of those living in the proposed houses, which would not protect the characteristic of age. Recognising that the two last planning decisions did require such provision.</p> <p>In terms of bus stop provision, arguably it is a neutral impact compared with the existing provision; however, the application was approved with the provision of stops and a number of houses have already been erected. The deletion of such a requirement may impact on those, and future residents access to services, including persons with protected characteristics including age, disability, and possibly gender.</p>

Stage 7a:

Are there potential impacts on protected groups?

The protected groups covered by the equality duty are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Who is affected by the activity or who is intended to benefit from the proposed activity and how?

Complete the table below for each protected group by inserting "yes" in the applicable box/boxes below.

	Positive	Negative	Neutral	Unknown
Age – Younger/Older	Yes, if application is approved as per recommendation	Yes, if application is approved without requirement of play area and/or bus stops		
Age - Older	Yes, if application is approved as per recommendation	Yes, if application is approved without requirement of bus stops		
Disability	Yes, if application is approved as per recommendation	Yes if application is approved without requirement of bus stops		
Race – (includes Gypsy Travellers)				X
Religion or Belief				X
Sex				X
Pregnancy and maternity				X
Sexual orientation – (includes Lesbian/ Gay/Bisexual)				X
Gender reassignment – (includes Transgender)				X
Marriage and Civil Partnership				X

