

DEVELOPER OBLIGATIONS: Assessment Report RevA



DATE:	3 rd February 2022
APPLICATION REF:	210311/DPP
DESCRIPTION:	Change of use from and conversion of offices (class 4) to form 16 no. residential flats (sui generis), including the removal of existing link to form separate buildings, various alterations , the formation of parking to the rear and the installation of railings to the front
ADDRESS:	31-32 Albyn Place, Aberdeen, AB10 1YL
TO:	Albyn Court Ltd, c/o Steven Taylor, Taylor Architecture and Building Consultants Ltd
COPIED TO:	Laura Robertson, Case Officer

BACKGROUND AND DEVELOPMENT PLAN BASIS

This Developer Obligations Assessment Report sets out the obligations that are necessary to address the impact of your development proposal on local infrastructure as well as requirements for affordable housing provision.

Policies covering both of these elements are included in the [Aberdeen City Local Development Plan 2017](#), which your application is assessed in accordance with.

The relevant policies from the Local Development Plan are: Policy I1 (Infrastructure Delivery and Planning Obligations); and Policy H5 (Affordable Housing).

Detail on the methodologies used for calculating obligations is set out in [Supplementary Guidance: Planning Obligations](#) and further guidance on the provision of affordable housing is included in [Supplementary Guidance: Affordable Housing](#). The supplementary guidance forms part of the statutory development plan for decision making purposes.

This Assessment Report will set out the basis for any agreement you enter into with Aberdeen City Council.

SUMMARY OF OBLIGATIONS

OBLIGATION	LEVEL OF CONTRIBUTION
<u>Infrastructure</u>	
Transportation	To be advised direct by the Transportation Team
Core Path Network	£4,613
Primary Education	Nil
Secondary Education	Nil
Healthcare Facilities	£7,155
Open Space	£2,269
Community Facilities / Sports & Recreation	£3,100
<u>Affordable Housing</u>	
Affordable Housing Contribution	See text below

BREAKDOWN AND CALCULATION OF OBLIGATIONS

This section of the report outlines how the obligations above have been calculated.

Calculation of Standard House Unit Equivalent (SHUE)

Applications are generally assessed on the basis of standard house unit equivalents, with a three bedroomed house taken as a Standard House Unit Equivalent (SHUE). Section 4 of Supplementary Guidance: Planning Obligations provides more detail on the calculation of SHUEs.

This application for Detailed Planning Permission comprises:

- 3 x 1 bed units
- 12 x 2 bed units
- 1 x 3 bed units

This equates to a SHUE of 12.4. This assessment is therefore based on 12.4 standard house unit equivalents, except in the case of education contributions where 1 bed units are excluded from the calculations.

Please note that any change to the SHUE may have an impact on the level of obligations.

Infrastructure

Transportation

Any transportation requirements will be identified and confirmed direct by the City Council's Transportation Team.

Core Path Network

Core Paths and links to the Core Path Network are an infrastructure facility necessary for the purposes of recreation and sustainable active travel. New developments are required to install or upgrade Core Paths that are designated within the site and contribute towards addressing any cumulative impacts on surrounding core paths.

In this instance, a contribution will be required towards the enhancement of Core Path 96, which is located in close proximity to the application site.

Contribution: 12.4 x £372 = £4,613

Primary Education

The application site is within the catchment area for Ashley Road Primary School.

Factoring this development into the 2018 school roll forecast shows that the proposed housing units will not result in the school going over capacity and mitigation will therefore not be required.

Contribution: Nil

Secondary Education

The application site is within the catchment area for Aberdeen Grammar.

Factoring this development into the 2018 school roll forecast shows that the proposed housing units will not result in the school going over capacity and mitigation will therefore not be required.

Contribution: Nil

Healthcare Facilities

Infrastructure requirements have been calculated with NHS Grampian on the basis of national health standards and by estimating the likely number of new patients generated by the proposed development. Contributions are calculated using nationally recognised space standards and build costs, based upon the population requirements for GP surgeries, dental chairs and community pharmacies.

In this instance, a contribution will be required towards internal reconfiguration works to increase capacity at the Albyn Medical Practice or other such healthcare facilities serving the development, as existing

facilities in the vicinity of the development are currently operating at or over capacity.

Contribution: $12.4 \times \text{£}577$
(reconfiguration rate) = $\text{£}7,155$

Open Space

Where there is insufficient open space provided as part of the proposal in reference to [Supplementary Guidance: Green Space Network & Open Space](#), or where the Council's Open Space Audit demonstrates that the minimum quantity and accessibility standards are met by existing provision, then a contribution towards raising the quality of existing provision may be necessary.

In this instance a contribution will be required. The contribution will be used towards the enhancement of existing open spaces in the vicinity of the development. The contribution may also be used to support community food growing.

Contribution: $12.4 \times \text{£}183 = \text{£}2,269$

Community Facilities / Sport & Recreation

In order for occupants of the proposed development to fully utilise community facilities, improvements will be necessary. The development is not required to address existing shortcomings in community facilities. However, the cumulative impact of development will put additional pressure on local facilities and this will require mitigation.

In this instance, contributions have been identified towards Rosemount Learning Centre. Works are proposed to increase capacity by the creation of shower rooms at the gym enabling

more use of the downstairs and upstairs gyms.

Contribution: $12.4 \times £250 = £3,100$

Affordable Housing

Policy H5 seeks a minimum of 25% of any development of 5 or more dwelling units to be provided as affordable housing.

In this instance, no affordable housing contribution is required given the temporary waiver which is applicable to all new planning applications within the defined City Centre zone.

Contribution: Nil

James Welsh
Developer Obligations Team Leader

REMITTANCE OF OBLIGATIONS

Remittance of financial obligations can be undertaken either through entering into a Section 69 agreement (in the case of upfront payment) or a Section 75 agreement (in all other cases). In all cases, the relevant legal agreement is required prior to release of the Planning Decision Notice.

Where there is a requirement for affordable housing on site, in kind provision and/or the amount of developer obligations for infrastructure is such that an upfront payment may be considered prohibitive, a Section 75 agreement will be required. Please note that Applicants are liable for both the costs of their own Legal Agent fees and the Council's legal fees and outlays in the preparation of the document. These costs should be taken into account when considering the options.

The provision of an upfront payment will allow a planning consent to be issued promptly.

In the case of upfront payment, a Planning Decision Notice cannot be issued until a payment in respect of developer obligations has been made. Prior to remitting funds the applicant should check with the Planning Officer that the payment is the only outstanding matter. The Planning Officer will be informed directly by the Planning & Monitoring Officer when funds have cleared.

Management of Funds

Contributions are currently held in the Council's balance sheet in a unique account to which notional interest is added on a monthly basis. In the event of a repayment of contribution the

interest added will be calculated to reflect, in addition, compounding on an annual basis.

Unless otherwise specified in the relevant legal agreement, the Council undertakes to spend contributions received in respect of an appropriate project or projects in line with the detail of this assessment within 7 years of the date when planning permission is implemented (evidenced through the notice of initiation of development). In the event of the contribution or part of it not being spent within this time period the contribution or part will be refunded to the applicant or their nominee along with relative interest accrued.

REMITTANCE ADVICE: Upfront Payments

Payment for developer obligations should be made using the Council's **online payment portal** at <http://www.aberdeencity.gov.uk>

Click on the pay it tab and select Developer Obligations from the payment portal. Paying online is the quickest way to secure planning consent where developer obligations are required.

If you cannot use the payment portal, payment can be made through a BACS transfer.

BACS Payments

Bank Details for Payment by BACS:
Aberdeen City Council General
Account
Sort Code 82-60-11
Account No. 80009421
I - Ban no.
GB38CLYD82601180009421
BIC no. CLYDGB21350
Aberdeen City Council General
Account BACS Payment

To make a BACS payment, email developerobligations@aberdeencity.gov.uk and the Planning Officer to confirm that you are making a payment via BACS and to confirm the full amount due and planning application reference. Failure to advise the team that you are making payment will significantly delay the issue of your planning consent.

Please ensure that your planning application reference is included as your BACS reference in the following format: P000000.

Receipts

All payments made will be acknowledged as received by way of email.

Non Payment

Applicants and Agents should be aware that where all other planning issues have been resolved and only the payment of developer obligations is preventing the release of the Decision Notice, non-payment may result in the application being subsequently recommended for refusal as contrary to the relevant policies in the Local Development Plan.

REMITTANCE: Under Section 75 of the Town and Country Planning (Scotland) Act

Indexation

Unless otherwise specified, payments will be index linked to the BCIS All In Tender Price Index at Q1 2022.

Phasing of Obligations

Unless otherwise specified and agreed with the Development Obligations Team, payments of obligations will be billed quarterly in arrears based on completions in the previous quarter, as evidenced through building control completion certificates and also as advised by the developer. An initial payment will also normally be required prior to the commencement of development.

In the event of the contribution or part of it not being spent within the time period specified in the legal agreement, the contribution or part will be refunded to the Applicant or their nominee along with relative interest accrued.

Preparation of Legal Agreement

The Applicant is cautioned that the costs of preparing a Section 75 agreement from the Applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own Legal Agent's fees Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 agreement. The Applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service on this issue.

Instruction of Legal Agreement

Please note that should you wish to proceed via this route the legal agreement can be instructed as soon as Heads of Terms (items for which contributions have been sought, overall level of contributions and number, tenure and mix of affordable housing) as set out in this Report have been agreed with the Developer Obligations Team and you have advised of the details of your Legal Agent.

The Planning Officer is responsible for the instruction of the legal agreement following confirmation from the Developer Obligations and Transportation Teams that Heads of Terms have been agreed.