

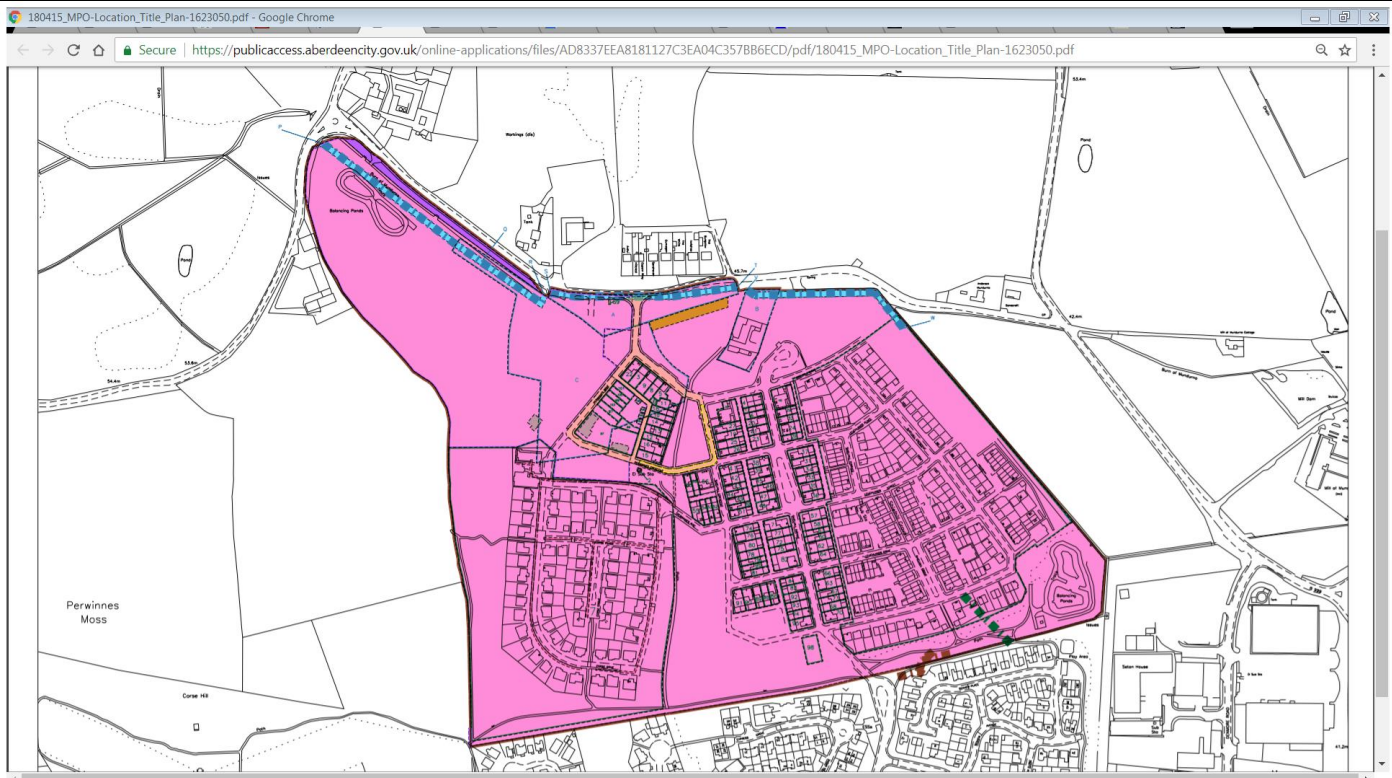


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 24 May 2018

Site Address:	Land At Dubford, Bridge Of Don, Aberdeen,
Application Description:	Modification of planning obligation associated with 141506 to amend clause 4.2 to remove the requirement to provide 2 affordable housing units
Application Reference:	180415/MPO
Application Type	Modification/Discharge of Planning Obligation
Application Date:	20 March 2018
Applicant:	Scotia Homes Ltd
Ward:	Bridge Of Don
Community Council	Bridge Of Don
Case Officer:	Robert Forbes



RECOMMENDATION

Approve Modification

APPLICATION BACKGROUND

Site Description

This site is located at the northern edge of the built up area of Bridge of Don. It comprises part of a wider development site under construction by the applicant and other housing developers, including Barratt, and CALA.

Relevant Planning History

Application Number	Proposal	Decision Date
141506	Erection of 115 units (Scotia)	20.06.16
131614	Erection of 65 units (CALA)	05.01.14
121422	Mixed use development (41 Scotia units)	27.09.13
121387	Erection of 191 dwellings (Barratt)	19.09.13
120722	Erection of 109 units (Scotia)	19.09.13

Application 141506, which forms Phase 3 of the overall Dubford development, has an associated S75 legal obligation requiring delivery of 15 affordable units on site (a mix of 11 mid-market rental and 4 in Low Cost Home Ownership (LCHO)). This equates to 13% of the units and exceeds the minimum requirement of 10% of the overall number of units. Development is well advanced.

Other relevant background:

A S75 obligation for the wider Dubford development (relating to the developments approved via Refs 120722, 121387 and 121422) requires affordable housing provision (minimum 10% on site and a commuted sum equating to 15%, totalling 25%), in order to accord with policy H5. The bulk of the affordable housing units at Dubford are provided within the part of the site being developed by Barratt (approved under application 121387). Delivery of these units is not affected by the proposed modification sought in relation to application 141506.

The Council has recently approved the following similar proposals for off-site delivery of affordable housing:-

170881/MPO- 8 affordable units related to a CALA development at Friarsfield Road, Cults permitted to be delivered at King Street, in lieu of on-site – a ‘minded to grant’ decision was taken at PDMC on 02.11.17. On conclusion of a revised legal agreement the decision notice was issued on 07.03.18; and

170317/MPO- 22 affordable units related to a Barratt development at Cornhill, Berryden Rd permitted to be delivered at Park Road, in lieu of on-site – PDMC were ‘minded to grant’ this application, subject to conclusion of a revised legal agreement on 20.04.17. Progress on the revised S75 remains ongoing at the time of writing this report.

APPLICATION DESCRIPTION

Description of Proposal

This application seeks to modify an existing planning obligation (S75) relative to planning approval ref: 141506, particularly relating to the terms of delivery for affordable housing. The proposal is to allow for a proportion of the requisite affordable units to be delivered outwith the application site – specifically for 2 of the LCHO units (of the 4 required) to be provided at a Scotia housing development at Wellington Road, Cove rather than at Dubford.

Supporting Documents

All drawings, the location plan, application form and supporting documents listed below can be viewed on the Council’s website at:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P5W25WBZ02E00>.

The following documents have been submitted in support of the application –

- Letter from the agent setting out the purpose / content of the application;
- Letter of support from Grampian Housing Association (GHA) advising of their intended delivery of two additional affordable housing units at Cove;
- Legal report.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the Bridge of Don Community Council object and the recommendation is for approval.

CONSULTATIONS

ACC - Housing Strategy & Performance – No objection. Advise that pre-application discussions have taken place with the applicant regarding transfer of the 2 affordable units from Bridge of Don to Cove. Grampian Housing Association (GHA), a Registered Social Landlord (RSL) have now secured funding for delivery of these social rented units at Cove, which they intend to purchase from Scotia. Delivery of such units is anticipated imminently. This is welcomed as social rented housing units are a preferred tenure of affordable housing to LCHO units which were to be provided at Dubford.

Developer Obligations Team – No objection. Advise that no additional financial contributions are required. Advise that the existing legal obligation (at Cove) will need to be adjusted to account for an additional 2 affordable units proposed there.

Bridge of Don Community Council – Object to the loss of affordable housing units from Bridge of Don.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

Section 75A of the Town and Country Planning (Scotland) Act 1997 allows for a person against whom a planning obligation is enforceable to apply to the planning authority to have the obligation either modified or discharged. In determining such requests, the planning authority must consider the application on its own merits and reach a decision in accordance with the terms of the development plan, unless material considerations indicate otherwise. Any modification should be considered against the policy tests set out in Circular 3/2012 (Planning Obligations and Good Neighbour Agreements).

The planning authority may determine that the obligation be modified as per the proposed modification or continue in its current form. It cannot determine that the obligation should be subject to any modification other than the modification set out in the application – i.e. the proposed modification is either approved or refused.

National Planning Policy and Guidance

Scottish Planning Policy encourages delivery of new housing. Para 109: “*Planning can help to address the challenges facing the housing sector by providing a positive and flexible approach to development.*”

Circular 3/2012 – Planning Obligations and Good Neighbour Agreements

Planning obligations made under section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) should only be sought where they meet all of the following tests:

- necessary to make the proposed development acceptable in planning terms (paragraph 15)
- serve a planning purpose (paragraph 16) and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans
- relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area (paragraphs 17-19)
- fairly and reasonably relate in scale and kind to the proposed development (paragraphs 20-23)
- be reasonable in all other respects (paragraphs 24-25)

Aberdeen Local Development Plan 2017 (ALDP)

H5: Affordable Housing

Supplementary Guidance and Technical Advice Notes

Affordable Housing

EVALUATION

Principle of Development

In assessing the suitability of the proposed change, consideration will be given to the ALDP and the Affordable Housing Supplementary Guidance (SG).

Firstly ALDP policy H5 states that housing developments of five or more units will be required to contribute no less than 25% of the total number of units as affordable housing. In this regard the existing S75 requires the delivery, as part of the affordable housing obligation, of 4 LCHO units and 11 mid-market rent units on site. The remaining requirement would be addressed via commuted sum..

Additionally the SG contains a sequential approach that states the Council’s preferences for delivery of affordable housing:

1. Onsite – Social Rent: either by a Registered Social Landlord (RSL) or the Council;
2. Onsite – Intermediate Housing: LCHO, Mid-Market Rent, etc.;
3. Offsite; then
4. Commuted Sum.

Currently affordable housing provision within the application site would be made up of elements described under points 2 and 4. The proposed modification would see a mix of points 2, 3 and 4.

In considering this the SG states that if offsite is to be considered acceptable, then it should be located within the same submarket area. In this case, both Bridge of Don and Cove are within the same submarket area (i.e. suburban, as opposed to suburban prime, or urban core)

The SG requires that there should be no overconcentration of affordable housing in such instances. It is considered that there is no significant concentration of affordable housing at Cove, (e.g. relative to regeneration areas such as Torry, Seaton, etc) so that enhanced provision there is desirable.

The SG also requires submission of a viability statement. No viability information has been submitted and it is considered that there are no exceptional development costs/ viability constraints in relation to delivery of the development at Dubford. A degree of tension with the Council's SG therefore exists in this regard. However, this is not considered to be a critical matter in this specific case given the overall benefit of securing delivery of social rented housing. Whilst not fully compliant with the SG, the housing provision would enable the delivery of 2 additional social rented units (which is seen as the Council's preferred tenure of affordable housing delivery) in lieu of 2 LCHO units. It is of particular relevance that such social rented units would provide long term affordability, unlike LCHO units.

Allowing the variation is considered consistent with the positive and flexible approach to delivery of housing set out in Scottish Planning Policy. It is also consistent with previous decisions by the Council to reduce the requirement for on-site provision of affordable housing at other private housing developments located at Cults and Cornhill, and to allow this to be provided at alternative locations. In the case of these previous approvals, it is relevant that the proposed affordable units are to be provided in less high value sub market areas, in contrast with the current proposal, which sees no such tension with approved guidance on affordable housing delivery. Both the City Council's Housing Strategy Manager and Developer Obligations advisor are agreeable to the variation. The requirement for a commuted sum towards affordable housing provision elsewhere within the City (including potentially at Bridge of Don) would remain.

Notwithstanding the Community Council's objection, in this instance there are considered to be sufficient material considerations that would outweigh the SG and justify approval of the variation (specifically the delivery of additional social rented units in the city within the same submarket area and the positive and flexible approach to delivery of housing set out in Scottish Planning Policy).

Equalities Impact Assessment

An Equalities Impact Assessment is not required because the proposed modification is not considered to give rise to any differential impacts on those with protected characteristics. In coming to this assessment the Planning Authority has had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010, to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

RECOMMENDATION

Approve Modification

REASON FOR RECOMMENDATION

Whilst not fully compliant with policy H5 – Affordable Housing of the Aberdeen Local Development Plan 2017 and the related Affordable Housing Supplementary Guidance, the proposed modification to the existing section 75 obligation would enable the overall delivery of an equal number of affordable housing units within Aberdeen, within the same submarket area and within a preferred tenure to that which was approved (i.e. RSL social rented as opposed to low cost housing units). Allowing the variation is consistent with the positive and flexible approach to delivery of housing set out in Scottish Planning Policy.