

ABERDEEN CITY COUNCIL

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| COMMITTEE | Planning and Development Management Committee |
| DATE | 26 May 2022 |
| EXEMPT | No |
| CONFIDENTIAL | No |
| REPORT TITLE | Affordable Housing Waiver Extension |
| REPORT NUMBER | PLA/22/091 |
| DIRECTOR | Gale Beattie |
| CHIEF OFFICER | David Dunne |
| REPORT AUTHOR | David Dunne |
| TERMS OF REFERENCE | 5 |

1. PURPOSE OF REPORT

- 1.1 This report seeks to extend the current Affordable Housing waiver which is due to expire in June 2022, until the formal review of the waiver is reported to Council in August as part of the City Centre Masterplan Review.

2. RECOMMENDATION(S)

That the Committee:-

- 2.1 Extend the Affordable Housing Waiver until September 2022, or until such time as Council determine the future of the waiver.

3. CURRENT SITUATION

- 3.1 At its meeting on 20th September 2018, the Planning Development Management Committee approved the introduction of a two-year waiver on affordable housing requirements for developments within the city centre until 31st December 2020 (RES/18/178). After a review of the effectiveness of the waiver in 2020 it was decided to extend the waiver until June 2022 when a full review would be undertaken.
- 3.2 As part of the refresh of the City Centre Masterplan a review of the effectiveness of the waiver is being undertaken through the City Centre Living report. This will make a recommendation on the future of the waiver.
- 3.3 The purpose of this report is therefore to extend the current waiver, which is due to expire in June 2022, until after a formal decision can be made on the future of the waiver by Council in August of this year.

4. FINANCIAL IMPLICATIONS

4.1 There are no direct financial implications arising from the recommendations of this report.

5. LEGAL IMPLICATIONS

5.1 There is a risk that the decision to extend the waiver on affordable housing contributions for developments in the city centre may be challenged by third parties; particularly from city centre peripheral and non-city centre developments who are required to make contributions towards affordable housing. However, the risk of a successful challenge is considered to be low. This is because there is evidence that the waiver is required in the City Centre, as outlined in the City Centre Living Study, and because financial viability can be a material consideration and is detailed as a consideration in terms of the Supplementary Guidance. In addition, and in line with Supplementary Guidance: Affordable Housing, the Planning Authority shall continue to negotiate with all developers and consider the impact of viability of the development and affordable housing contributions.

5.2 Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 requires the Planning Authority, when determining applications for planning permission, to determine in accordance with the provisions of the development plan unless material considerations indicate otherwise. The Planning Authority will continue to determine applications in line with legislation.

6. ENVIRONMENTAL IMPLICATIONS

6.1 There are no direct environmental implications arising from the recommendations of this report.

7. RISK

| Category | Risks | Primary Controls/Control Actions to achieve Target Risk Level | *Target Risk Level (L, M or H) *taking into account controls/control actions | *Does Target Risk Level Match Appetite Set? |
|----------------|-------|--|---|---|
| Strategic Risk | None | N/A | N/A | N/A |
| Compliance | Low | As noted in the legal section there is a limited risk of legal challenge however the policy has been in place since September 2018 with no challenges to date. | L | Yes |

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|------------------------------|------|-----|-----|-----|
| Operational | None | N/A | N/A | N/A |
| Financial | None | N/A | N/A | N/A |
| Reputational | None | N/A | N/A | N/A |
| Environment / Climate | None | N/A | N/A | N/A |

8. OUTCOMES

| <u>COUNCIL DELIVERY PLAN</u> | |
|---|--|
| | Impact of Report |
| <p>Aberdeen City Council Policy Statement</p> <p>Policy Statement 4 (Economy) - Increase city centre footfall through delivery of the City Centre Masterplan including the redesigned Union Terrace Gardens.</p> | <p>The proposals in this report will help to deliver CCMP objectives:</p> <ul style="list-style-type: none"> • Changing perceptions - Promoting the view of Aberdeen city centre as an energetic, inclusive and fascinating place where people will want to live, work and visit. • Made in Aberdeen - Building on local distinctiveness and maximising local business opportunities. This supports inclusive economic growth. <p>This supports inclusive economic growth.</p> |
| <u>Aberdeen City Local Outcome Improvement Plan</u> | |
| <p>Prosperous Economy Stretch Outcomes</p> | <p>The proposals in this report will help to deliver LOIP objectives:</p> <p>Stretch Outcome 1. No one will suffer due to poverty by 2026</p> <p>Key Driver 1.2 Ensure those experiencing in-work poverty have access to all appropriate benefits.</p> <p>The promotion of city centre living will provide more housing choice in Aberdeen that will help people to be supported to live as independently as possible.</p> |
| <p>Prosperous People Stretch Outcomes</p> | <p>The proposals in this report will help to deliver LOIP objectives:</p> <p>Stretch Outcome 5. 90% of Children and young people will report that their experiences of mental health and wellbeing have been listened to by 2026. This is reflected in interactions, activities, supports and services.</p> <p>Key Driver 5.1 Improving timely access to support.</p> |

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| | The promotion of city centre living will provide more housing choice in Aberdeen that will help people to be supported to live as independently as possible. |
| Prosperous Place Stretch Outcomes | <p>The proposals in this report will help to deliver LOIP objectives:</p> <p>Stretch Outcome</p> <p>14. Increase sustainable travel: 38% of people walking and 5% of people cycling as main mode of travel by 2026</p> <p>The promotion of city centre living will provide more housing choice in Aberdeen that will help people to be supported to live as independently as possible.</p> |
| Regional and City Strategies | |
| City Centre Masterplan | <p>The proposals in this report will help to deliver CCMP objectives:</p> <ul style="list-style-type: none"> • Changing perceptions - Promoting the view of Aberdeen city centre as an energetic, inclusive and fascinating place where people will want to live, work and visit. • Made in Aberdeen - Building on local distinctiveness a |

9. IMPACT ASSESSMENTS

| Assessment | Outcome |
|-----------------------------------|---|
| Integrated Impact Assessment | Integrated Impact Assessment not required |
| Data Protection Impact Assessment | Not required |
| Other | Not required |

10. BACKGROUND PAPERS

10.1 PLA/20/100 - Review of Two-Year Waiver on Affordable Housing in the City Centre

11. APPENDICES

None

12. REPORT AUTHOR CONTACT DETAILS

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| Name | David Dunne |
| Title | Interim Chief Officer of Strategic Place Planning |

Email Address

ddunne@aberdeencity.gov.uk