

Andrew Tait

From: [REDACTED]
Sent: 18 June 2008 11:17
To: Andrew Tait
Subject: LCH

Andrew

LCH Trust

Following our telephone conversation today.

The age threshold should be 75 and not 65 as has appears in some documents.

This concept was aired in principle with the Application without any time or expense being expended on detail or construction.

In the event of a Consent being granted we would be prepared (in consultation with CNPA and THC) to develop the proposal towards a workable scheme.

I hope this helps but if there are any issues you wish to discuss further - do ring.

Regards

William

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Andrew Tait

From: [REDACTED]
Sent: 23 April 2008 15:56
To: Andrew Tait
Subject: LCH
Attachments: GRANT ACQUISITION - PLANNING APPLICATION - cnpa - bat Issue 22.04.08.doc

Andrew

Bridges

One of the most difficult problems faced by elderly or disabled people are stairs.

The facility of accessing the upper level flats at FFL will enable residents to circulate to central Aviemore via the Laurel Bank pedestrian route.

We do not expect some residents to afford or be capable of using a car.

I would point out at this point that we are suggesting a minimum age for occupation at 65 (not 55 as introduced by the CNPA outline report)

The purpose of suggesting freehold tenure is social rather than commercial. Knowing a home is in the ownership of the resident we feel would be a comfort to a resident rather than an investment.

I believe the bat issue was covered by DM in the main retail application - see attached.

Will call later

Regards

William

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aviemore & vicinity
community council

"Stand fast, Craigellachie"



Secretary
Mrs Audrey MacKenzie,
Tarnsduchus,
10 Dalfabor Road,
Aviemore. PH22 1PU

5th May, 2008

Mr. Andrew Tait,
CNPA Planning Department,
Albert Memorial Hall,
Station Square,
Ballater, AB35 5QB

Dear Andrew,

Proposed Low Cost Housing at Kila, Grampian Road 07/397/CP

With reference to the above and your letter of the 1st May, I have checked with one of our councillors and can say that in November 2006, we did not object to this application but had the following concerns and observations:-

We note access to and from the flats is via the path between the Cairngorm Hotel and the Village Green. Will this create confusion and congestion?

What is the purpose of the path (now owned by Laurel Grant) between the Village Green and the Coffee Corner? How does it join up to the back of the building and the access?

Why are there walkways, bridges and stairs?

There are no boundaries marked on the garden areas which extend to the back of the Village Green. What will be planted in the gardens?

We note the cross section has provision for a stairway. Should we assume tenants/owners will be able to get permission to build into the roof thereby creating a third storey building?

We do not like the use of zinc for the roof. We feel the appearance of the building lacks the aesthetic appeal one would normally expect for the "centre of the universe."

Yours sincerely,


Audrey MacKenzie (Mrs)
Secretary

06/444/CP

LOW COST HOUSING PROPOSAL

September 2006

Subject: Aviemore

From: [REDACTED]

Date: [REDACTED]

To: [REDACTED]

Dear Ian

Thank you for your note.

Further to our telephone conversation and in reply to the Community Council letter dated 16.05.06.

The LLP would supply the land without cost and the construction finance..

The units would be sold freehold or long leasehold to candidates (elderly or partially disabled) nominated by the Community Council and/or The Highland Council (subject to the availability of private or public funding)

The purchasers would be responsible for general maintenance.

The title or lease would bear a charge or condition in favour of professional trustees. The trust deed would ensure that any onward sale would be at value - that is to say the purchase price which would be determined by the construction cost and professional fees. The trustees would be authorised to add their fee to the onward sale price.

I hope this answers the issues raised in the above mentioned Community Council letter but if the principal of this strategy requires further detail I am sure the project document will clarify the proposal thoroughly.

In the mean time I would be grateful if the principal could be agreed so the matter can move forward.

Yours sincerely

William

AVIEMORE & VICINITY
COMMUNITY COUNCIL

"Stand fast, Craigellachie"



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Yours sincerely,

A large black rectangular redaction covering the signature area of the letter.

Project

Subject: Project

From: "Ian B Malcolm"

Date: Wed, 24 May 2006 21:56:29 +0100

To: "William Fulcher"

William sorry this is so late meeting finished later than I hoped and didn't get back in time before it.

Enough of my worries, we are very happy with the outline so far and would wish proceed in principle with the project. I hope to get your report on the road and will progress it as soon as possible.

Tiaraidh

Ian

No virus found in this incoming message.

Checked by AVG Free Edition.

Version: 7.1.394 / Virus Database: 268.7.0/346 - Release Date: 23/05/2006

Aviemore - for the attention of Ian Malcolm

Subject: Aviemore - for the attention of Ian Malcolm

From: William Fulcher

Date: Fri, 26 May 2006 11:24:51 +0100

To: [REDACTED]

Dear Ian

Thank you for your time in discussing the proposed development of Grampian Road in Aviemore.

Referring to the Community Council letter to Laurel Grant LLP, dated 5th March 2006.

Those items suggested are already a general part of the current scheme and we will keep the Committee advised as the detail design progresses. There may well be valuable input here from the community which would be welcomed.

With regard to your final paragraph suggesting the setting up of a fund for the purpose of providing low cost housing, as I explained the financial structure of the project will not yield any capital profit and therefore it would be impossible to subscribe to such a vehicle.

However it would be feasible with some adjustments to the circulation of the present proposals to provide land and finance for the provision of six units for the elderly within the development. The LLP would be pleased to be involved in such a contribution.

If you would be able to obtain from the community an agreement to this suggestion in principle it would be possible to swiftly produce a project document for further discussion.

It will be necessary for any agreement on the above and the previously mentioned suggestions to be binding on all concerned from the outset and not subject to any significant variation during the process of realisation.

I look forward to receiving the community reaction to this initiative following tonight's general meeting.

Yours sincerely

Laurel Grant Limited Liability Partnership

Aviemore

Subject: Aviemore

From: [REDACTED]

Date: [REDACTED]

To: [REDACTED]

lan

I must apologise for the delay in moving the low cost housing project forward.

I had hoped to have prepared a project file long before this for your information.

However our solicitor has been tied up in a large scale public inquiry and seems unlikely to emerge for at least two weeks.

In order to maintain some momentum I am attaching outline drawings of the proposals for you to examine and comment.

Regards

William

GRANT ACQUISITION - LOW COST HOUSIG - location plan wit academy hotel 22.02.pdf	Content-Type: application/pdf Content-Encoding: base64
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LCH - Aviemore Housing_Elevations 04.06.06.pdf	Content-Type: application/pdf Content-Encoding: base64
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LCH - Aviemore Housing_FIRST Floor 04.06.06.pdf	Content-Type: application/pdf Content-Encoding: base64
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LCH - Aviemore Housing_Ground Floor 1 04.06.pdf	Content-Type: application/pdf Content-Encoding: base64
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BH21 1JA

Your reference

Our reference

SRT/SJS/311173/1/
7243980.1

10 August 2005

Dear William

**LAUREL GRANT LLP
DEVELOPMENT AT GRAMPIAN ROAD, AVIEMORE
AFFORDABLE HOUSING PROVISION**

I refer to your recent discussions with the local Community Council regarding the delivery of 6 affordable housing units as part of the planning gain package attaching to the subject development.

I understand that these are to be delivered on land off-site. The land is to be delivered at nil cost so that prospective purchasers ("PPs") will effectively be entitled to purchase the units at a discount on the open market value. Each and every subsequent sale price is to be fixed in perpetuity at the original sale price. No indexation allowance is to be allowed. Nor do you wish to allow for the value of any improvements to the property to be taken into account at the point of sale. A trust is to be set up to administer the marketing of the units with the trustees being selected from members of the local community council and possibly the Grant family. The PPs will be required to satisfy certain agreed criteria, including an age eligibility threshold of 50, a connection to Aviemore and maximum income and savings thresholds. If there is a maintenance requirement at the point of sale, you propose that this should be addressed by the prospective seller failing which the trustees who would then recover those costs from the seller.

You have asked me to provide you with my preliminary view on the legal mechanisms that would be needed to deliver affordable housing in this format. At the outset, I would have to say that I have a difficulty with your proposal that the price remain the same in all time coming. Whilst the units could become more and more affordable over time due to the effects of inflation, there would be no incentive for parties to maintain the units or add value to them in the form of alterations or improvements as none of the costs involved would be recoverable. If you wish to insist on this then I would recommend that a trust fund is also set up from the original sales proceeds which was sufficient to cover the cost of structural repairs as well as the cost of minor repairs and decoration. As you will appreciate, elderly people may not have the money to pay for these repairs as and when they are inevitably required. The impact of this provision on the suitability of the units for mortgage purposes must also be considered, particularly in circumstances where the trustees are to be entitled to recover their costs at the point of sale

However against that background, the legal devices needed to secure the deliver of the affordable housing in this required format would be:

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- (i) a Trust Deed, which will set down the eligibility criteria for the PPs and the right of the Trustees to do certain things in relation to the units, including the regulation of the future sales
- (ii) a Minute of Agreement between the Trustees and the PP setting out the marketing and maintenance requirements, including an obligation to require singular successors to enter into the same Minute of Agreement as a condition of purchase, and
- (iii) a standard security granted by the PPs in favour of the trustees binding the PPs to comply with the contractual obligations set out in the Minute of Agreement.

Apart from my concerns over the fixed price proposal, I see no difficulty from a legal perspective with your proposal.

I trust this is sufficient to allow you to progress matters with the CNPA.

Regards.

Yours sincerely

ALEXANDER R TELFER

Partner

DLA PIPER RUDNICK GRAY CARY SCOTLAND LLP



Enc.