
CAIRNGORMS NATIONAL PARK AUTHORITY

FOR INFORMATION

Title: UPDATE ON APPLICATIONS APPROVED BY COMMITTEE SUBJECT TO CONCLUSION OF DEVELOPER CONTRIBUTIONS

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Purpose

To update the Planning Committee on progress in securing developer contributions, legal agreements or other matters associated with planning applications previously determined by the Planning Committee that mean that decision notices for the applications cannot yet be issued. If it appears to officers that the outstanding matters are unlikely to be concluded, a further recommendation to refuse an application may be made to the Committee.

Recommendation

That the Committee:

- i. Note the progress in concluding outstanding matters for the two planning applications where three months or more has passed since they were determined by the Planning Committee.**

Background

1. The CNPA Planning Committee considers planning application that have been called-in by the CNPA because they are of significance to the aims of the National Park. Those applications are often larger or more complex planning applications with significant impacts, some of which cannot be addressed by planning conditions, but where developer contributions or legal agreements can overcome a barrier to planning consent and allow a development to be approved.
2. In such cases, the Planning Committee make a decision on an application subject to any necessary conditions and the conclusion of any outstanding matters. The planning service does not issue a decision notice for an application until those matters are concluded, so planning permission for that proposal exists. Once the matters are concluded, normally once a legal agreement has been confirmed as registered on the title deeds of land, or where a cash contribution for infrastructure provision has been

deposited with the receiving public body, the decision notice is issued by the planning service.

3. The conclusion of these matters can be complex and time consuming, particularly where legal agreements covering land, money and multiple parties are involved. The CNPA has a process for updating the Planning Committee on applications where more than three months has passed since a committee decision without the decision notice being capable of being issued. The purpose is to inform the Planning Committee of the reasons for the delay and if it appears to officers that matters are unlikely to be concluded, ask the Planning Committee to refuse the planning application. To date, the Planning Committee have not be asked to refuse any such applications. However, the ability to do so has helped move some cases to conclusion where there were unnecessary delays.

Current applications determined but without decision notices

4. The CNPA currently has three planning applications that have been determined by the Planning Committee but where decision notices cannot yet be issued. Only two of those applications have hit or passed the three month trigger for reporting. They are summarised below.

Applications	Committee Decision Date
2019/0298/DET Spey House Phase 2 - Development of 14 no dwellings including 6no terraced houses, 4no bungalows and 4no cottage flats, off Dalfaber Drive, Aviemore	24 January 2020
2019/0363/DET, Erection of three blocks flats (27 units) with associated parking and access at Development Site on Former Filling Station, Grampian Road, Aviemore	21 February 2020

Application 2019/0298/DET Spey House Phase 2

5. This application for affordable housing close to the new Aviemore community hospital healthcare facility was approved by the Planning Committee on 24 January 2020. The application is covered by a processing agreement between applicant and CNPA and the developer contributions between the parties are agreed.
6. In April 2020 officers updated the Planning Committee on delays partly due to Covid-19. Since then, a different housing association had looked to take on the project but decided they could not pursue it in early autumn. Now, Highland Council and the Highland Housing Alliance are investigating whether they can pursue the project themselves, with further support from Scottish Government. The site is ideally located for a mix of affordable housing and all parties are reluctant to let the project fail.
7. CNPA officers will work continue to work with the applicant and Highland Council to secure a solution that allows the decision notice to be issued and development to commence.

Application 2019/0363/DET, Erection of Flats at Former Filling Station, Aviemore

8. This application for three block of flats on the site of a former filling station at the southern end of Aviemore was determined by the Planning Committee on 21 February 2020. The application is covered by a processing agreement between applicant and CNPA.
9. The progression of a legal agreement was initially stalled by Covid-19, when Highland Council legal staff were unable to work and then had a backlog of urgent work to pursue. The agreement should now be in a good position to be finalised and agreed between the parties so we hope it can be signed and moved to registration before the end of 2020.

Conclusion

10. Although there are delays in securing developer contributions for both planning applications summarised in this paper that means that decision notices cannot yet be issued, in neither case are officers concerned that progress has stalled without legitimate reason. Both applications have processing agreements that can accommodate in these delays and officers are confident that all parties are working to conclude them as quickly as possible. The Planning Committee will receive further updates at future meetings.

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