
CAIRNGORMS NATIONAL PARK AUTHORITY

**Title: UPDATE REPORT ON TERMS OF COMMITTEE
RESOLUTION ON DETERMINED PLANNING
APPLICATION**

Prepared by: DON MCKEE, HEAD OF PLANNING

**DEVELOPMENT PROPOSED: PROPOSED MIXED USE
DEVELOPMENT COMPRISING
RESIDENTIAL, RETAIL, OFFICE,
COMMUNITY, LEISURE, PARK,
ENVIRONMENTAL IMPROVEMENTS,
ROADS INFRASTRUCTURE, RESORT
HOTELS EXTENSIONS, ADDITIONAL
LODGES, AND DEMOLITION OF
EXISTING ADMIN BUILDING**

REFERENCE: 08/241/CP

**APPLICANT: AVIEMORE HIGHLAND RESORT LTD
AVIEMORE
PH22 1PN**

DATE CALLED-IN: 27 JUNE 2008

**RECOMMENDATION: THAT WITH REGARD TO THE
RESOLUTION OF THE PLANNING
COMMITTEE ON 20 FEBRUARY 2009:**

**A) THE CNPA IS SATISFIED THAT
THERE HAS BEEN A
RESOLUTION OF ISSUES
RELATING TO COMMUNITY
PROVISION FOLLOWING
CONSULTATION WITH
AVIEMORE AND VICINITY
COMMUNITY COUNCIL AND
THE APPLICANT;**

**D) THE CNPA IS SATISFIED WITH
THE LEVEL OF AFFORDABLE
HOUSING THAT THE
APPLICANT HAS AGREED TO
PROVIDE.**

Purpose of Report

1. This report is to seek Members' agreement to the terms of provision proposed by the applicant for community benefit and affordable housing as required by Parts a) and d) of the Planning Committee resolution of 20 February 2009 (attached as **Annex I**).

Background

2. The Planning Committee on 20 February 2009 considered an application by Aviemore Highland Resort for full planning permission for a mixed use development. It was resolved to grant full planning permission subject to resolution of a number of outstanding issues, completion of a Section 75 Agreement, and to 34 conditions. The Head of Planning has to refer back to Planning Committee only if it is considered that compliance with any of parts a) to e) of the resolution has not been achieved. The terms of the resolution were conveyed to the applicant following the meeting of the Planning Committee.
3. Part a) of the decision required the resolution of the issues relating to community provision to the satisfaction of the CNPA acting as Planning Authority in consultation with Aviemore & Vicinity Community Council and the Applicant.
4. Part d) of the decision required a minimum of 25% affordable housing with additional provision in accordance with the residual value model developed by Three Dragons Consultancy and described in the report "Planning for Affordable Housing in the Cairngorms National Park" by Heriot Watt University and Three Dragons Consultancy March 2008 published by Communities Scotland (Report 99) all to the satisfaction of the CNPA acting as Planning Authority.
5. The Section 75 Agreement has to cover a range of issues, but these two would be important elements of that agreement.

Information

6. Since 20 February the applicant has not sought to enter into discussions on issues relating to design etc. and these remain outstanding. There has, however, been discussion with Highland Council on legal provision to address outstanding roads and parking issues and it is understood that there is the prospect of a successful conclusion.
7. CNPA had engaged the services of the Aberdeenshire Planning Gain Service to act on its behalf in negotiating satisfactory provision under the parts of the Committee resolution set out in paragraphs 3. and 4. above. They have had ongoing discussions with representatives of both Aviemore Highland Resort and Aviemore & Vicinity Community Council. Having ascertained what was

initially on offer from the former, and what was initially expected by the latter, they have negotiated an enhanced package that they consider to be a good one and which they are recommending to the CNPA. The final position of the Community Council on the terms of the package is still awaited at the time of writing, but as our professional advisers are recommending it to me then I am in turn recommending it to the Planning Committee.

8. Whilst it is appropriate to request a community benefit package the detail and negotiations have to be kept separate from the planning process. As advised previously, Members only have to know that there has been a resolution: the precise terms, particularly financial ones cannot have a bearing on your decision to grant planning permission. That is why the previous resolution was framed the way it was, with the Head of Planning referring back to Planning Committee only if it is considered that compliance has not been achieved. Whilst it is considered that the terms of the resolution on Part a) have been complied with, it was considered prudent to bring this report to Committee, as even though consultation has involved the Community Council as required, they have not yet come forward and stated that they are satisfied. If they do then there is no need for the Planning Committee on 29 May 2009 to discuss this further. The detail will be secured via the Section 75 Agreement.
9. The issue of affordable housing under Part b) of the resolution does however require further consideration by Members, not because of any fundamental problem, but because taking the letter of the resolution the outcome has been reached with reference to the residual value model, but not directly as a result of it. Because of the stage the proposals are at in the development process there is not currently sufficient information available to fully use the model as intended. The applicants are however offering 25% of the housing as affordable, plus additional units. The number will be confirmed before the Planning Committee meeting, but is recommended by our Planning Gain advisers. This is therefore considered to be acceptable and the detail will be secured via the Section 75 Agreement.
10. In order to obtain certainty with regard to these two significant elements of the proposals the applicants have requested a decision by the end of May 2009. If Members agree with the recommendation in this report then the applicants will have that certainty, the community will have a benefits package, and there will be affordable housing over and above the 25% that has to date been the norm.
11. **Recommendation:**

That with regard to the resolution of the Planning Committee on 20 February 2009:

- A) The CNPA is satisfied that there has been a resolution of issues relating to community provision following consultation with Aviemore and Vicinity Community Council and the Applicant;**

- D) The CNPA is satisfied with the level of affordable housing that the applicant has agreed to provide.**

Don McKee
Head of Planning

21 May 2009

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