
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: RACING KART TRACK, OFFICE, VISITOR AND WORKSHOP ACCOMMODATION, PARKING, ASSOCIATED VEHICLE ACCESS AND REMOTE FOOTWAY TO AVIEMORE. LAND 50M WEST OF BATCHING PLANT, KNOCKGRANISH, AVIEMORE

REFERENCE: 2012/0208/DET

APPLICANT: THE GRANISH FARM PARTNERSHIP GHUILBIN HOUSE, GRAMPIAN ROAD, AVIEMORE

DATE CALLED-IN: 22 JUNE 2011

RECOMMENDATION : APPROVE WITH CONDITIONS

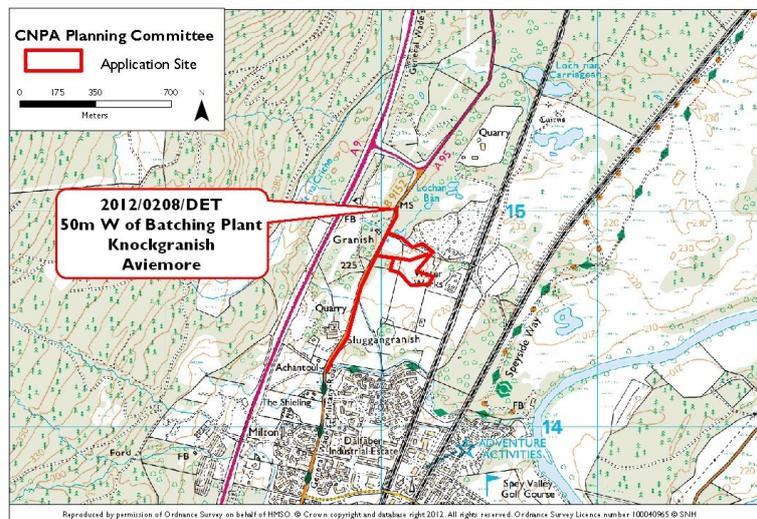


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Detailed planning permission is sought for the construction of a new kart track immediately to the west of the concrete batching plant at Granish. The access to the site is from an existing track off the B9152 (see fig 2) to the north of Aviemore. As well as the concrete batching plant the access road serves Highland Council landfill waste disposal and re-cycling point located immediately to the north of the access track. The site itself is located to the south of this access and consists of a natural shelf on open ground (see fig 3). The northern boundary of the kart track is formed by a line of mature trees that divide the site from the access track. The western boundary is to the batching plant and the southern boundary to Aviemore is open ground. The land for the kart track itself is open ground that is used for cattle grazing.
2. A supporting statement including a design statement is set out at the back of this report. A Breeding Bird Survey, Drainage Impact Assessment and Sustainable Urban Drainage (SUDS) proposals have been submitted. The background statement points out that the proposal is in effect to replace the kart track that operated for many years in the Aviemore Highland Resort (AHR). The CNPA granted permission for this business at a new site in AHR but this has never been implemented and the consent has lapsed.
3. The proposal consists of six main elements to be constructed including the following:
 - hard surfaced kart track with a number of loops proposed to operate on a daily basis between 09:00 and 21:00;
 - children's small track;
 - car park for up to 31 cars;
 - building including workshop, briefing area, reception, internal viewing area and toilets;
 - tree removal to improve visibility splay at B9152 junction.
 - Remote footway to Aviemore.
4. In design terms the track will be hard surfaced with a number of loops. While the ground rises slightly to the south earth mounds will be constructed with planting on the south face to ensure that the development is screened from visibility in the Aviemore direction. The building was proposed as two storey in a combination of blockwork and corrugated steel with significant glazed elements to the front elevation. Amended plans now indicate this to be single storey because officers raised concern about a two storey building at the site. The footway to Aviemore has been revised to ensure that it does not involve needless crossing of the B9152. To the rear of the building is located the children's track. Appendix I includes a layout and elevation drawing as well as extracts from the Design Statement.



Fig. 2- Site entrance from B9152



Fig. 3- Site for car park and track



Fig. 4- Site for visitor building



Fig.5- General view of track site

DEVELOPMENT PLAN CONTEXT

National Policy

5. **Scottish Planning Policy¹ (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:
 - The constraints and requirements that planning imposes should be necessary and proportionate;
 - The system shouldallow issues of contention and controversy to be identified and tackled quickly and smoothly; and
 - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
6. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should "operate in support of the Government's central purpose of increasing sustainable economic growth." Para. 33 focuses on the topic of Sustainable Economic Growth and advises that

¹ February 2010

increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that “the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places.” Planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.

7. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the “aim is to achieve the right development in the right place.”
8. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes ‘subject policies’, of which many are applicable to the proposed development. Topics include economic development, rural development, and landscape and natural heritage.
9. **Scottish Planning Policy** concludes with a section entitled ‘Outcomes’ in which it is stated that the “planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets.”

Strategic Policies

Cairngorms National Park Partnership Plan 2012 - 2017

10. The Cairngorms National Park Partnership Plan 2012 – 2017 is the management plan for the National Park for the next 5 years. It sets out the vision and overarching strategy for managing the Park and provides a strategic context for the Local Development Plan. Three long terms outcomes have been identified to deliver the vision for the Park, to continue the direction set out in the first National Park Plan and to together deliver the four aims of the National Park. The outcomes are :
 - A sustainable economy supporting thriving businesses and communities;
 - A special place for people and nature with natural and cultural heritage enhanced; and
 - People enjoying the park through outstanding visitor and learning experiences.

Structure Plan Policy

Highland Council Structure Plan (2001)

11. **Highland Council Structure Plan** is founded on the principles of sustainable development, which are expressed as –
 - Supporting the viability of communities;
 - Developing a prosperous and vibrant local economy; and
 - Safeguarding and enhancing the natural and built environment.A variety of detailed policies emanate from the principles.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

12. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at :
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
13. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
 - Chapter 3 - Conserving and Enhancing the Park;
 - Chapter 4 - Living and Working in the Park;
 - Chapter 5 - Enjoying and Understanding the Park.
14. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
15. Policy 2- National Natural Heritage Designations: development that would adversely affect the Cairngorms National Park, a Site of Special Scientific Interest, National Nature Reserve or National Scenic Area will only be permitted where it has been demonstrated that: a) the objectives of designation and overall integrity of the designated area would not be compromised; or b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance and mitigated by the provision of features of commensurate or greater importance to those that are lost.
16. Policy 4 Protected Species: Development that would have an adverse effect on any European Protected Species will not be permitted unless: a) there are public health, public safety or other imperative reasons of overriding public interests including those of a social or economic nature; and b) there is no satisfactory alternative solution; and c) the development will not be detrimental to the maintenance of the population of the species concerned.
17. Policy 3 Other Important Natural and Earth Heritage Sites and Interests: Development that would adversely affect an ancient woodland site, semi-natural ancient woodland site will only be permitted where it has been demonstrated that: a) the objectives of the identified site and overall integrity of the identified area would not be compromised; or b) any significant adverse effects on the qualities for which the area or site has been identified are mitigated by the provision of commensurate or greater importance than those that are lost.

18. Policy 5 Biodiversity: Development that would have an adverse effect on habitats or species identified in the Cairngorms Biodiversity Action Plan, UK Biodiversity Action Plan will only be permitted where a) the developer can demonstrate that the need and justification for the development outweighs the local, national or international contribution of the area, habitat or populations of species; and b) significant harm or disturbance of the ecological functions, continuity and integrity of the habitats or species is avoided or minimised where harm is unavoidable, and appropriate compensatory and/or management measures are provided and new habitats of commensurate or greater conservation value are created as appropriate. Where there is evidence to indicate that a habitat or species may be present on, or adjacent to the site, or could be adversely affected by the development the developer will be required to undertake a comprehensive survey.
19. Policy 6 – Landscape: there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
20. Policy 16 Design Standards for Development: Design of all development will seek, where appropriate to minimise effect of development on climate change, reflect traditional pattern and character of the surrounding area, use materials that will complement the setting of the development, demonstrate sustainable use of resources and protect the amenity enjoyed by neighbouring properties
21. Policy 25 Business Development: Proposals which support economic development will be considered favourably where the proposal is compatible with existing business uses in the area, supports or extends existing business, is located within an allocated site identified on the proposals map or: a) in identified settlements; b) outwith settlements 1) in an existing business park or industrial estate; or 2) where it can be demonstrated that there are no more sequentially appropriate sites available.
22. Policy 35 Sport and Recreation Facilities: developments for formal sport and recreational facilities will be supported where: a) they demonstrate best practice in terms of sustainable design and future maintenance, and where there are no adverse environmental impacts on the site or neighbouring areas and b) they meet an identified community or visitor need.

Supplementary Planning Guidance

23. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted.

Sustainable Design Guide

24. The guide highlights the fact that the unique nature and special quality of the Cairngorms National Park and the consequent desire to conserve and enhance this distinctive character. The guidance has at its core the traditional approach to design which aims to deliver buildings which provide a resource efficient, comfortable and flexible living environment. The **Sustainable Design Guide** requires the submission of a Sustainable Design Statement with planning applications. It is intended that applicants would use the Sustainable Design Statement to demonstrate how standards set out in the Sustainable Design Checklist will be achieved.
25. One of the key sustainable design principles referred to in the document is that “future development in the Park should be sensitively located, reflect existing development pattern and setting, and respect the natural and cultural heritage of the Park.” Developments are also required to reflect traditional materials and workmanship, and take on board innovation, contemporary design and the emergence of modern methods of construction.

Natural Heritage SPG

26. The guidance sets out how the natural heritage of the National Park will be taken into account when considering development proposals. The following is an extract from the Natural Heritage Supplementary Planning Guidance which sets out the six key principles used to assess planning applications in relation to natural heritage.
 - Principle 1 – development should result in no net loss of natural heritage interest of the Cairngorms National Park. This includes natural heritage interest which may be outside the boundaries of the development site;
 - Principle 2 – in any situation where loss of, or damage to, natural heritage interest is unavoidable then the loss or damage will always be minimised as far as possible;
 - Principle 3 – if the loss or damage to the natural heritage is unavoidable then it will be fully mitigated on the development site;
 - Principle 4 – if full mitigation is not possible on site then it should be completed with a combination of on site mitigation and off site compensation;
 - Principle 5 - where full mitigation or compensation measures are not possible, financial compensation will be required. This will be used to benefit natural heritage within the National Park;
 - Principle 6 - Calculation of compensation will take into account the quality of outcomes over time.

CONSULTATIONS

27. **Aviemore Community Council** support the application.
28. **Scottish Natural Heritage (SNH)**: the location of the proposal is outwith and not close to any protected area and we therefore have no comments to make regarding any protected sites. SNH are aware that wildcats which are a European Protected Species (EPS) have been observed close to this location and we would therefore advise that a survey is undertaken. SNH would be happy to provide comments once a survey has been undertaken. Bats are also EPS and can be found locally. We do not hold any records of bat roosts in any of the mature trees that could be affected by the proposal and therefore have no further comments regarding bats, though comments could be given if a survey was provided.
29. **Transport Scotland** has no objection to the proposal.
30. **SEPA** objects to the proposal unless foul drainage is connected to the public sewer or the applicant submits evidence that Scottish Water has refused a connection, or that there are technical difficulties or cost implications. SEPA recommend that a Construction and Environmental Management Plan condition is attached to any consent. On the basis of information submitted by the developer just prior to the report being printed SEPA has withdrawn its objection.
31. **Highland Council Area Roads** have some concerns in terms of road safety given the close proximity of the development to the B9152, the increased level of traffic likely to be generated and the increase in pedestrian use along the B9152 and the footpath crossing. However, if the application is to be approved it is recommended that the following are attached to any consent: Prior to any other works starting in connection with the development the following works to be approved by the Planning Authority in consultation with the Roads Authority.
 - Access road to be designed and constructed to adoptable standard including junction upgrading works, improved geometry, widening to a minimum of 5.5m road width and road construction improvements.
 - Street lighting to be provided to satisfaction of Council's Lighting Engineer
 - Visibility splays 9 metres back along the centreline of the access road and 160 metres in either direction, nothing within the splays shall exceed 1 metre height.
 - Approved advance warning signs on either side of the site shall be provided
 - Suitable refuse provision
 - Adequate manoeuvring and turning space
 - Parking (inc disabled parking) cycle storage in accordance with Highland Council Guidelines
 - Drainage measures to accord with SUDS principles

32. **Highland Council Contaminated Land** recommend, that given the proximity of the Granish landfill site a planning condition that no development shall commence until a scheme to deal with potential contamination has been submitted to and agreed by the Planning Authority.
33. **Highland Council Environmental Health:** recommended that the originally submitted noise survey required further information and while raising no objection comments that planning permission is based on noise measurements and levels taken by ATMOS Consulting in their report of 10 December 2012. Whilst our Service accepts the projected noise levels in the report will mean that complaints regarding noise are unlikely, in the event that a nuisance complaint is received, our Service will investigate in accordance with our Statutory Nuisance protocol. As such, should it be found that a complaint is substantiated, the noise report will not act as a defence should it be deemed that noise from this development requires to be reduced. The following specific comments are recommended as restrictions:
- All recommendations regarding reduction of noise made in the noise report, in particular the landscaping works at the location specified, shall be implemented in full prior to the commercial use of the development.
 - No Kart or vehicle above 270cc may be used for racing purposes at the track without the prior consent of the planning authority.
 - Hours of operation are restricted to 0900-2100 seven days a week. The track shall not operate outwith these times without the prior consent of the planning authority.
 - The applicant shall follow the Institute of Lighting Engineers "Guidance Note for the Reduction of Light Pollution" when erecting any floodlighting to minimise potential disamenity to residents living in the vicinity.
34. **Highland Council Archaeology:** Known features such as a lime kiln and a township are within the area. It is recommended that a walkover survey is undertaken in the first instance to record any upstanding features and any predicted impacts on the historic environment.
35. **Highland Council Forestry Officer:** The site is partly within an area identified on the Ancient Woodland Inventory. The majority of the development proposals are contained outwith the crown and root protection area of most trees which is welcome. The biggest impact upon trees would be for the required visibility splay and there are small groups of trees to be removed on the southern boundary of the kart track and a small section where the access track is to be widened. There is no objection to the proposal on the basis that the retained trees will be adequately protected and conditions are suggested to achieve this.

36. The **Planning Gain Service** has calculated a financial contribution towards local access and environmental improvements.
37. **The Sustainable Business Programme Manager** comments that the Kart Track was a popular attraction with both visitors and residents alike when it was situated in Aviemore. It provided a strong contribution to the visitor offering and anecdotal evidence would suggest that it has been much missed. The proposed new kart track and facilities are a welcome addition to the area and are likely to have a positive impact on the local economy. The facility will add to the visitor offering in the area providing an additional activity option for a range of different visitor audiences. Whilst the facility does not enjoy the same central location as the previous site it still has the potential to attract large numbers of visitors. This is borne out by similar attractions which are close to but out-with the main settlement e.g. Treezone and Rothiemurchus near Aviemore. Visitors travel to these attractions on foot, by bicycle, by car, or public transport. The path links to the site from the village are therefore important to its success.
38. **The CNPA Ecologist** comments that potential impacts include loss of roadside trees to visibility splays, potential impacts on trees not identified for removal, including on oak just outside the boundary SW of the kart racing track. There is also concern relating to loss of grassland habitats from the proposed track, car park and buildings. There is also potential for impact upon protected mammal species. Further information is required in the form of a wildcat protection plan as well as changes to reduce the impacts of the proposal on roadside trees. Compensatory habitat measures should be sought if the development goes ahead. These could relate to the expansion and enhancement of oak woodland, which would not only expand a restricted habitat type, but could also reduce noise and landscape impacts.
39. **The CNPA Landscape Officer:** comments that the wider area is characterised by its hummocky, undulating terrain of glacial deposits and kettle holes. The site is a small pasture edged with birch on hummocky moraines and scattered mounds. The trees that line the B9152 at the site entrance contribute to an emphatic natural northern gateway to Aviemore. Much of the site is contained by rising ground to the south. This landform will be critical in deflecting views into the site from the B9152 and Dalfaber. Further information is required on: reconfiguration of single continuous mound to the south of the site; additional tree planting areas required to compensate for loss of trees to visibility splay and to retain/recreate the natural entrance to Aviemore; reduce accommodation building to single storey; landscape enhancement works at entry point to access and kart track itself; detailed tree protection plan and planting/seeding plan for the site. Amended plans were submitted by the developer to address these concerns.
40. In response to the amended plans the Landscape Officer recommends conditions for a tree protection plan, method statement for earth works, landscape and maintenance plan, construction details of new path and that all elevations of the building should be clad with vertical timber.

41. **CNPA Access Officer** comments that the proposal could have positive impacts by providing access opportunities for people staying at the caravan park should that proposal be approved. The proposal can have a positive impact by encouraging cycling to the site. The path linking the development to Aviemore should ideally be 2 metres wide. There should be adequate cycle storage facilities at the proposed development.

REPRESENTATIONS

42. The planning application was advertised in the Strathspey and Badenoch Herald on 21 June 2012.
43. A representation has been received from the Badenoch and Strathspey Conservation Group who raise a number of concerns:
- site outside settlement boundary
 - precedent for non industrial uses in Granish area
 - site not easily accessible
 - proposal increases likelihood of development of Aviemore northwards
 - Granish former landfill should return to nature
 - site may be appropriate for future waste mgt facilities
 - detrimental noise disturbance
 - potential noise impacts on wildlife
 - concerns about the bird survey
 - number of mammals identified using area that would lose habitat
 - area has a very high invertebrate interest
 - negative impacts of road widening
 - negative impacts upon landscape
 - conflicts with the aims of the Park
 - conflicts with a number of CNP Local Plan policies.

A copy of the letter is attached as Appendix 2 at the back of this report.

APPRAISAL

44. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. This section of the report assesses the principle of the use of this site in the context of the relevant planning policies and then goes on to consider a number of detailed matters of ecology and landscape impacts, followed by technical roads and drainage issues.

Principle

45. The site lies outside of Aviemore beyond the settlement boundary effectively in open countryside adjacent to an existing concrete batching plant and Highland Council waste recycling site. Policy 25 Business Development encourages new business but places an emphasis upon siting new businesses within settlements or existing business areas. Having said that the policy does not preclude areas outside of settlements but asks whether there are more appropriate sites within settlements. Policy 35 Sport and Recreation Facilities does not direct formal facilities such as this one to settlements recognising that a balance needs to be struck between the proposed use

protecting neighbouring areas. In this instance, a number of sites have previously been considered at pre-application stage, including one at the southern entrance to Aviemore. However, the access to that site was difficult and was located next to a residential property which resulted in concern in terms of potential noise impacts.

46. Clearly, this is a slightly unusual business use and a balance must be struck between access to the settlement and not locating the kart track in such a position that would lead to noise complaints from neighbours. The current site, taken together with the neighbouring uses was considered an appropriate compromise in terms of distance from the settlement and protecting residential properties from noise. A crucial part of this compromise was that any application provide a path link to Aviemore to encourage non-motorised access to the site by all, and younger people in particular. Some concern is raised that the site may be required for future waste management purposes but land cannot be sterilised because it may be required for some future use and the site is not allocated for any waste management use by the CNP Local Plan.

Ecology and Landscape

47. Consultations with SNH and the CNPA Ecologist note that wildcat have been identified close to this location. Consequently, a protection plan to make sure that the potential impacts of the proposal upon the species are minimised. The CNPA Ecologist has confirmed that a wildcat protection/mitigation plan should be sought by condition. There are some concerns about loss of habitat but the site on which the track sits is heavily grazed and with the exception of a small number of birch trees at the southern perimeter of the site and to accommodate the visibility splay the development is entirely outside of the existing tree cover. The changes to the site provide an opportunity for some planting to compensate for any losses and also to provide enhancement in line with the first aim of the Park. Some concern was raised by the Landscape Officer with regard to the two storey nature of the visitor reception building and the regular nature of the proposed bunds at the southern edge of the site. However, revised plans have reduced the building to single storey as requested and the bunds proposed to the south of the site have been arranged in a more natural manner. Overall, the proposal does not result in any unacceptable ecological or landscape impacts and provides an opportunity for some enhancement. Conditions are proposed with regard to landscaping, tree protection and importantly details of any proposed lighting are required by condition.

Design

48. The design of the track itself is largely dictated by its function. However, its siting in a shallow hollow should ensure that visual impact of the track itself is not seen outside of the site. The track is largely contained by existing landform. However, additional mounding is proposed to ensure that the track itself is contained. At the request of the Landscape Officer this is now less uniform than was originally proposed. The car parking spaces will be compacted stone as required by the SUDS proposals.

49. The key design issue relates to the building itself and the height of that building. It is located in an area that is higher than the track itself and at two storeys would be visible to the south as noted by the CNPA Landscape Officer. Currently there is no specific use for the first floor of the building so it has been reduced to single storey to minimise the impacts. Otherwise the building is unashamedly functional in its design, though the glazed viewing area breaks up the front elevation. The modern approach of the building is considered acceptable in the context of the site. However, planning conditions state that vertical timber cladding should be used rather than exposed blockwork. This will soften the look of the building.

Technical Issues

50. In this case, the requirements of the Area Roads Manager for visibility splays can be met as can the other requirements. The access road to the site deals with a range of traffic and it is not anticipated that the levels of traffic would require any significant works other than some limited improvements to the bellmouth. A number of trees would have to be removed along the frontage but there will be some tree retention and the proposals now recommend additional tree planting at the back of the visibility splay to compensate for any loss.
51. The original plans involved two crossings of the B9152 and while the Area Roads Manager did not object outright some concerns were raised regarding the crossing of the B9152 by the path. However, revised plans now show a clear route from the Aviemore orbital path to the kart track site which does not involve crossing the B9152. The Area Roads Manager has considered the new information and has no objection subject to conditions.
52. Highland Council Environmental Health has raised concerns about the quality of the original noise assessment and requested an improved survey and analysis. This has now been provided and the Environmental Health Officer has raised no objection but suggests various restrictions that are attached at the end of the report as planning conditions.
53. SEPA objected to the application because a private foul drainage system is proposed. The site is located within 1 kilometre of a sewerage area and SEPA object unless the foul drainage connects to the mains or a justification is provided for it not doing so. The applicant has provided justification raising concern regarding the cost of such a connection over the distance required. Just before this report was printed SEPA withdrew its objection.

Conclusion

54. The proposal is considered to be acceptable in terms of compliance with planning policy, design and the impact on the landscape and natural heritage of the area. The proposal will create jobs by allowing a business to re-start which has been searching for a new location for a number of years after previously operating from the village. The proposal will also provide a facility that is likely to be popular with younger people in the Strath and contribute to the Scottish Government's sustainable economic growth agenda.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

55. The proposal is not considered to result in any detriment to the first aim with the kart track itself sited on land that is heavily grazed. There will be some tree removals for the visibility splay in particular but there is plenty of room for enhancement and reinforced planting at the back of the visibility splay.

Promote Sustainable Use of Natural Resources

56. While not within or immediately next to the village it is likely that the site is as close to the village as possible without resulting in potential for noise disturbance. Path links to the village are put forward and are all deliverable as they are located within the applicant's landholding.

Promote Understanding and Enjoyment of the Area

57. While not being intrinsically linked to the natural qualities of the area there is a history of karting in the village and the development will provide an additional facility for visitors with children that will be available largely regardless of weather conditions.

Promote Sustainable Economic and Social Development of the Area

58. The development is supported by the CNPA Sustainable Business Programme Manager results in the return of a business to the village that has a popular, previous association with it. The business will provide employment and also provide a motorised sport facility that is likely to attract younger people in the village and the strath beyond.

RECOMMENDATION

59. That Members of the Committee support a recommendation to **GRANT** planning permission for a racing kart track, office, visitor and workshop accommodation, car parking and associated vehicular access works and remote footway to Aviemore, land 50metres west of Batching Plant, Knockgranish, Aviemore, subject to the following:

A. Planning gain contribution towards access and environmental improvements;

B. The following planning conditions:

- I. The development to which this permission relates must be begun within three years from the date of this permission.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006.

Landscaping/Tree Protection

2. Prior to commencement of development a scheme of landscaping for all parts of the site shall be submitted to and approved in writing by the CNPA acting as Planning Authority. The scheme shall include details of:
- i) Location of areas for compensatory/enhancement planting within or outwith red line site.
 - ii) Surface treatment of proposed means of access and hardstanding areas;
 - iii) Proposed hard and soft landscape works.

The development shall not be brought into use until such time as the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme. All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the CNPA acting as Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity

3. No development shall commence until a scheme for the retention and safeguarding of trees during construction has been submitted to and approved by the CNPA acting as Planning Authority. The scheme shall comprise:
- i) A survey of trees on and overhanging the site indicating the location, species, height, canopy spread and condition of each tree;
 - ii) Details of all trees to be removed and the location and canopy spread of trees to be retained as part of the development;
 - iii) A programme of measures for the protection of trees during construction works which shall include fencing at least one metre beyond the canopy spread of each tree in accordance with BS 5837:2005 "Trees in Relation to Construction".

Tree protection measures shall be implemented for the full duration of construction works in accordance with the duly approved scheme. No trees shall be lopped, topped or felled other than in accordance with the details of the approved scheme unless otherwise approved in writing by the Planning Authority.

Reason: In order to retain trees as part of the development in the interests of amenity and nature conservation

Lighting

4. Prior to commencement of development full details of any external lighting to be used within the site shall be submitted to and approved in writing by the CNPA acting as Planning Authority. Such details shall include the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any glare or light spillage outwith the site boundary. No

external lighting shall be installed except in accordance with the duly approved scheme.

Reason: In order to avoid light pollution in the interest of amenity.

Noise

5. Notwithstanding the provisions of condition 1, the development hereby permitted shall be restricted to the specified daily operational hours of 09:00-21:00 hrs.

Reason: In order to protect the amenity of the area.

6. No Kart or vehicle above 270cc may be used for racing purposes at the track without the prior consent of the CNPA acting as Planning Authority.

Reason: In order to protect the amenity of the area.

7. Unless otherwise agreed by the CNPA the kart track shall not be brought into use before all measures recommended by the Atmos consulting Noise Report dated 10 December 2012 have been implemented in full.

Reason: In order to protect the amenity of the area.

Construction/Environmental Management

8. Any oil, fuel or other potential pollutant shall be handled on site in such a manner as to prevent spillage or pollution. In the case of oil and fuel, this shall include storage in either double skinned tanks, or properly constructed containment consisting of an impervious base and impervious bund walls. The size of the bund compound shall be equivalent to 110% of the capacity of the stored liquids with all fill and draw pipes contained by the bunded area.

Reason: In order to avoid contamination of water or soils.

9. Any stripping, transport and deposition of topsoil and subsoil shall be undertaken only when ground and weather conditions enable the operator to secure best practice to cause least damage to the soil structure. The position and design of any soil storage mounds shall be agreed in writing in advance with the CNPA Planning Authority and no soil shall be removed from the site or shall be stored on the site other than in the duly approved locations.

Reason: In the interests of soil management and site restoration.

10. No materials, goods, containers, caravans, trailers, including waste products, shall be stored within the planning unit on land outwith the building(s) unless otherwise agreed in writing with the CNPA acting as Planning Authority.

Reason: In order to protect the amenity of the locale.

11. A construction method statement shall be submitted to the CNPA acting as Planning Authority prior to the commencement of the development hereby approved. The Statement shall contain details of the following:
- All waste streams associated with the construction
 - Location of any temporary accommodation for site staff
 - Storage locations for all materials and equipment to be used in the construction of the development.

Development shall proceed in accordance with the agreed Statement unless otherwise agreed by the CNPA acting as Planning Authority.

Reason: In the interests of the local environment.

Ecology

12. A wildcat mitigation/management plan shall be submitted for the approval of the CNPA prior to the commencement of any development in connection with this permission. Any measures agreed shall be implemented in accordance with the timescales of the agreed plan and retained as such for the life of the development.

Reason: To ensure that the proposal adequately protects wildcat.

Materials

13. Notwithstanding the details of drawing No 308 120 Rev A and 308 130 Rev A, and unless otherwise agreed by the CNPA all external walls shall be clad in vertical timber boarding and no development in connection with the offices/visitor/workshop building shall commence until samples of roofing, wall facing and window frame materials to be used in the construction of the reception/workshop building have been submitted to and approved in writing by the CNPA acting as Planning Authority.

Reason: In order to integrate the development into its surroundings.

Archaeology

14. Prior to the commencement of the development, a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development, including a timetable for investigation all in accordance with the attached specification, shall be submitted to and agreed in writing by the CNPA acting as Planning Authority. The proposals shall be implemented in accordance with the agreed timetable for investigation.

Reason: In order to preserve the archaeological and historic interest of the site.

Contaminated Land

15. No development shall commence until a scheme to deal with potential contamination on site has been submitted to and agreed in writing with the CNPA acting as Planning Authority. The scheme shall include:
- The nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk (i.e. a land contamination investigation and risk assessment), the scope and method of which shall be submitted to and agreed in writing with the CNPA acting as Planning Authority, and undertaken in accordance with PAN33 (2000) and British standards BS10175:2011 Investigation of Potentially Contaminated Land- code of Practice;
 - The measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works, and proposed verification plan to ensure that the site is fit for the purposes proposed;
 - Measures to deal with contamination during construction works;
 - In the event that remedial action is required, a validation report that will validate and verify the completion of the agreed decontamination measures;
 - In the event that monitoring is required, monitoring statements shall be submitted at agreed intervals for such time period as is considered appropriate by the CNPA acting as Planning Authority.

Reason: In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

Access/Roads

16. Full details of the surfacing, design and future maintenance of the path connection to Aviemore for the avoidance of doubt indicated on plan No 3803/002 Rev A as 'amended footway' shall be submitted to and approved by the CNPA. The agreed details shall be fully implemented and paths open for use by the public prior to the kart track first being brought into use.

Reason: In order to encourage non-motorised access to the site.

17. Visibility splays shall be provided and maintained on each side of the access to the the proposed raceway, concrete batching and recycling centre, track onto the B9152. These splays are the triangles of ground bounded by the first 9 metres along the centreline of the access road (the x dimension) and the nearside edge of the B9152 main road (the y dimension) measured 160 metres in either direction from the intersection of the access road.

Within the visibility splays nothing shall obscure visibility between a drivers' eye height of 1.0 metres positioned at the x dimension and an object height of 1.0 metre anywhere along the y dimension.

Reason: In the interests of highway safety

18. Warning/advisory signage to be submitted to and approved by the CNPA acting as Planning Authority in consultation with the Area Roads Manager shall be provided on the B9152 public road on each approach to the site access prior the kart track first being brought into use.

Reason: In the interests of highway safety

19. The parking, including disabled and secure covered cycle storage facilities shall be provided and be fully available for use prior to the kart track first being brought into use.

Reason: To ensure that adequate parking is in place prior to the development being brought into use.

Drainage

20. All foul and surface water drainage measures shall be implemented in full in accordance with the Submitted Fairhurst Drainage Impact and SUDS strategy registered 22 June 2012 prior to the kart track first being brought into use.

Reason: To ensure adequate drainage at the site.

21. Details of refuse disposal provision at the site shall be submitted to and approved by the CNPA acting as Planning Authority prior to the kart track first being brought into use. The agreed details shall be implemented prior to the kart track first being brought into use.

Reason: To ensure suitable refuse provision at the site.

ADVICE NOTE

With regard to condition 4 -lighting, all external lighting should be designed in accordance with the Scottish Government's Guidance Note "Controlling Light Pollution and Reducing Light Energy Consumption" 2007, Annexes A and B. Site specific advice may be obtained by contacting the Council's Environmental Health Officers.

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The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.