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## CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title:** REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT CONTROL)

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**DEVELOPMENT PROPOSED:** ERECTION OF COVERED KART TRACK BUILDING, SITE OF FORMER DRY SKI SLOPE, AVIEMORE CENTRE

**REFERENCE:** 04/121/CP

**APPLICANT:** AVIEMORE HIGHLAND RESORT LTD

**DATE CALLED-IN:** 12 MARCH 2004



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. The site for this application is located between the new swimming pool building and the woodland lodges area within the Aviemore Highland Resort complex. The east and west boundaries of the site are formed by the complex loop road and the A9 embankment respectively. The site is undulating mown grassland with occasional birch tree cover. The site also comprises the former dry ski slope area and part of a children's outdoor play area, although the play area would remain unaffected by the building. To the south of the play area is Loch Pulladern which is dry for much of the year.
2. In terms of background an application was submitted to Highland Council in 2003 for a similar development. However, the building was considered not to be acceptable in terms of design. The application was subsequently withdrawn and replaced by the current proposal, which is in outline form. The only plan submitted with this application originally was a red line site plan. Highland Council planners wrote a letter in March 2004 requesting information about the proposed design and appearance of the building and details regarding sustainable urban drainage systems (SUDS) were also requested. This request was made under an Article 13 Direction, which means that the information had to be supplied for the application to be determined. The CNPA reiterated these requests and design drawings were supplied in November last year. Information was again requested in March 2005 regarding the SUDS proposals for the scheme and these details are still outstanding. The original application included an ice rink. However, the design drawings received only indicated a kart track and no ice rink so further clarification was sought on whether the building was to include an ice rink or not.
3. Subsequently, as a result of meetings with the architect and a letter (see back of report) it became clear that what the applicant now wants to put forward is an open-air kart track on roughly the same site with a small kiosk type building at the entrance. There would be no ice rink at this stage. The agent requested that this open-air scheme substitute the drawings being considered by the current application. However, I was of the view that the proposal has undergone too much change, essentially going from a covered kart track building with ice rink to an open-air kart track. Such a degree of change should not be accepted as an amendment to an existing application. The agent has submitted a fresh application on the same site for an open-air kart track. Notification has been received on the call-in list of the open air kart track proposal. Therefore, it would appear from this that the applicant no longer has a strong interest in the proposal being presented here.
4. The building proposed by this application is single storey, with a mixture of larch cladding and glazing to the main elevations. The roof would be a combination of mono-pitch, sloping corrugated sections with the material matching that on the roof of the Osprey Building. The

maximum height of the roof would be 5.7 metres. The building would have a rectangular footprint with a length of 70 metres and a width of 57 metres. A total of 49 car parking spaces are provided.

## DEVELOPMENT PLAN CONTEXT

5. In the **Highland Structure Plan 2001, General Policy G2 (Design for Sustainability)** states that proposed developments will be assessed against certain criteria, including the extent to which they, contribute to the economic and social development of the community and impact on resources such as habitats, species, landscape, scenery, freshwater systems and cultural heritage. **Policy T2 (Tourism Developments)** states that support will be given to high quality tourism development proposals, particularly those which extend the tourist season, spread economic benefits more widely and provide opportunities for the sustainable enjoyment and interpretation of the area's heritage. **Policy L4 Landscape Character** of the Structure Plan considers that the Council will have regard to maintaining and enhancing present landscape character in the consideration of development proposals.
6. In the **Badenoch and Strathspey Local Plan, Policy 2.5.4** states that protection will be given to existing trees and established woodland areas, including small groups of trees or individual granny pines which are important landscape, wildlife and amenity features in the countryside. These should include significant areas of ancient and semi natural woodlands, incorporating important areas of remnant native forest as well as exotic specimens, notably associated with estate policies. Generally, development should not be sited within 20m of the trunks of large mature trees, and careful consideration will be given to the effect of related access and services on their stability. In addition, **Policy 2.2.9 (Tourism and Recreation)** states that tourist activities will continue to make a vital contribution to the economy. The priority is to ensure that broadening the range and quality of facilities is balanced with protecting the area's exceptional scenic and heritage resources. The Local Plan also states that the more accessible intermediate lowland areas have potential for a broad range of activities and that provision should be made in the more robust locations better able to absorb visitor pressure, for upgrading facilities for recreation, tourism, interpretation and education/research. Multiple use of forest areas in particular is encouraged.
7. The area is zoned by the **Badenoch and Strathspey Local Plan** partly as amenity woodland and partly as an area of commerce and tourism. **Policy 5.1 Amenity Woodland and Trees** considers that the Council's main objective is to create a major landscape framework within and adjoining Aviemore to achieve extensive and robust improvements in the structure and amenity of the village and better integration with the surrounding environment. With regard to **Tourism and Commerce Policy 6.2.4 centre (west)** the land is allocated for extension and

refurbishment of the main leisure, conference and exhibition complex, upgrading existing hotels, new residential and potentially a new interpretive/visitor centre by Loch Pulladern: and associated commercial parking facilities.

## CONSULTATIONS

8. **Scottish Natural Heritage** do not wish to object to the application, but do have some concerns over public access, landscape, noise levels, SUDS and the setting of Loch Pulladern. SNH recommends that car parking should remain available to those people wishing to access Craigellachie National Nature Reserve (NNR); that the building should be designed to a high standard and the route of the footpath through the site safeguarded from the development. SNH also recommend that no construction shall be carried out between 1 March and 1 July, given the proximity of peregrine falcon's to the site.
9. **SNH** further comment that there is no information on SUDS and that the nearby loch Pulladern may offer an opportunity for improvement by its use as a SUDS pond.
10. **SEPA** comment that details of SUDS proposals should be provided, as should a construction method statement given the relationship between a use, which may involve the storage of fuels and chemicals, and the proximity of the Loch Pulladern.
11. **Highland Council Area Roads Manager** considers that the following conditions should be attached to any planning application. 1. No development shall commence until such time as the appropriate reserved matters contained in Highland Council Planning Permission BS/02/00007/OUTBS have been addressed to the satisfaction of the Planning Authority. 2. That no development shall commence until the terms of the appropriate minute of the Section 75 Agreement relating to the resort has been addressed to the satisfaction of Highland Council. 3. Parking and manoeuvring space commensurate with the nature of the development shall be provided at, or close by the site in line with Highland Council's Road Guidelines for New Developments.
12. The Parks **Natural Resource Group** comment that further details are required to assess the landscape impact of the building and that the developer should be required to provide photomontages from key surrounding views to ensure that there is no harm to the landscape. Concern is also raised regarding the potential for sudden noise during the construction, due to the sensitivity of nearby peregrine falcon nesting sites. Careful consideration must be given to the development close to Loch Pulladern and that SNH and SEPA may be able to make comment with regard to water levels.

13. The Park's **Visitor Services and Recreation Group** have provided a detailed response on this application and consider that a key concern is the access from the site to the wider footpath network, particularly the Aviemore Orbital Footpath and the path out from the application site under the A9 to the Craigellachie National Nature Reserve. VSRG recognise that the application could provide an opportunity to formalise non-motorised access to the Nature Reserve by the use of planning conditions/agreements and recommend that the following conditions be attached to any planning consent.
- that provision is made within the proposed car park for permanent public car parking for accessing Craigellachie NNR. The number of spaces to be agreed with the CNPA.
  - that this car park is advertised as an access point to Craigellachie NNR for people with disabilities
  - that a path for non-motorised access is made from the car park, linking with the existing path to Craigellachie NNR.
  - that the whole of this route is brought up to the required all abilities specification
  - that appropriate signage and/or waymarking is installed to guide the public from the car park entrance to Craigellachie NNR entrance
  - that a statement or plan is submitted to the satisfaction of the CNPA showing how non-motorised public access can be created linking the proposed development site with an area to the north of AHR where there is currently an application for 140+ houses.

## REPRESENTATIONS

14. **Aviemore Community Council**, made no comment upon the original application (it should be noted however, that this original consultation included the ice rink in the description).
15. Three letters of representation are attached at the back of the report.
16. **Highland Cycle Campaign** consider that secure cycle parking should be provided for at least 20% of staff and that sheltered parking for bikes close to, and in view of reception, be provided for at least 20% of users in the form of Sheffield stands.
17. A letter has been received from the **Grampian Province Curling Association** raising a wide range of concerns about the ability of the proposal to incorporate an ice rink for curling purposes.
18. A letter has been received from **Badenoch and Strathspey Sports Council**, raising concerns about an earlier design for a tent like structure, and that there are important health and safety issues for all users. Concern is also raised regarding the proximity of the kart track facility. It is important that any proposal includes a curling rink capable of providing for the sport.

## APPRAISAL

### Introduction and Determination Background

19. There is a wide range of complex issues relating to this application, which has been difficult to progress in any meaningful way. Right at the beginning of the process further details were requested by Highland Council in March 2004 under an Article 13 Direction. This means that those details **must** be supplied before the application can be properly considered. Of the elements requested design details of the building have been supplied but crucial drainage details (considering the sites proximity to Loch Pulladern) have not.
20. In addition, there has been a further problem, in that the application started life as a proposal for a kart track and ice rink in outline form. The detailed drawings supplied in March this year only indicate a kart track building. While in meetings with AHR it would appear that the ice rink is no longer part of the scheme (although could be reinstated at a later date). The latest version of the scheme that AHR appear to want to move forward involves an open-air kart track on the same application site. The applicant's have at one point argued that an open-air kart track does not require planning permission at the site given that it was used historically as a kart track. However, any historical use has long since ceased. They have also requested that their latest proposal is considered as an amendment to the current application that was called-in in March 2004. I am of the clear view that changing from an outline application for a kart track/ice rink, to just a kart track with a designed building, then subsequently to an open air kart track, cannot be considered as an amendment to the existing application, the change is too great (and as such any determination on this basis could be subject to legal challenge). Consequently, I suggested that the applicants withdraw this scheme and submit a fresh application with all the appropriate details. A new application has been submitted to Highland Council which we have been notified of just before this report being despatched. While the applicant would no longer appear to have any strong interest in this proposal they have declined to withdraw it. This results in the need for a planning report and a decision from the Planning Committee.
21. I have written the report to consider a range of principle, and detailed issues. However, given the level of detail provided some of the issues noted are difficult to come to a firm conclusion upon.

### Principle

22. The site is part of the Aviemore Highland Resort complex and was formerly the site of a dry ski slope. The site is allocated in the Local Plan partly as amenity woodland and partly as an area for commercial tourist development. Mention is made in the plan that perhaps an

interpretation centre would be feasible for this site close to Loch Pulladern. Given the policy context I had initial concerns regarding the positioning of a kart track on this site. However, given the loss of the track next to what is now the MacDonald Academy, there would be a range of public and tourist benefits, in principle, from the provision of another leisure use next to the swimming pool. In addition, the most logical other area within the AHR lands for such a facility would be to the north of the Academy, which would be on the area reserved for the village green. Given this, and the previous formal recreation (dry ski slope) use of part of the site, my view is that a scheme could prove acceptable in principle for such a use, if it provided a range of benefits in terms of access to Craigellachie, and the regeneration of the Loch Pulladern area. However, the detail with the application does not provide sufficient information with regard to landscaping and drainage arrangements that would convince me to provide a clear-cut positive recommendation on the principle.

## Design

23. An earlier application submitted to Highland Council included a design for a building that resembled an agricultural building. Concern was raised at this and the application was withdrawn and replaced by this application in outline form that originally included no design drawings. I understand that a tent design was at one point mooted and displayed locally, but this was never formally presented as part of this application and I have not seen this design.
24. More detailed design drawings were submitted in March this year illustrating a low level building set into the rising ground with sloping roofs with some banks of glazing to the key entrance area. The remainder of the facings would be constructed in larch cladding and the roof material would be the same as that for the Osprey building and retail pavilion. The design is low- key and with the timber cladding and a low-level roof could prove to be appropriate with the backdrop of birch trees along the A9 embankment. However, ground levels at the site are undulating and very significant excavations would be required to accommodate it. A detailed design assessment is problematic in this case without landscaping proposals and details of existing and proposed levels. In any case, as noted previously, it is understood that the building is no longer an option that the applicants wish to pursue in the immediate future.

## Landscaping

25. This is a key area where the proposal lacks detail. The ground levels over the site change significantly, and this is partly because of the former dry ski slope on the site as well as generally undulating ground. Significant excavations would be required and more detail on this would be helpful. A site plan is provided but this provides little information on landscaping beyond the provision of a single

landscaping bund to screen part of the building from the loop road. The relationship and landscaping between the proposed building site, the children's play area and Loch Pulladern is unclear. On many applications landscaping can be dealt with wholly or partly by condition, but given the relationship of this site with its surroundings, particularly the loch and nature reserve I am of the view that such details should be provided up front before any determination is made, this view appears to concur with that of SNH and the Park's Natural Resource Group.

### **Access Issues**

26. The Area Roads Manager has provided a range of conditions that must be met prior to the commencement of the development and points mentioned by the Highland Cycle Campaign could also be addressed by conditions. However, there are important issues here regarding non-motorised access in an around the site. Part of the site has traditionally formed a key route from the village under the A9 to the Craigellachie National Nature Reserve. It is imperative that this route is preserved and formalised through the site area, opportunities could also be taken from this application to help develop the route of the Aviemore Orbital footpath through the AHR site as a whole. However, the apparent uncertainty regarding this application means that any negotiations would best be carried out under the auspices of any future application where there is a more realistic expectation of the development coming to fruition.

## **IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK**

### **Conserve and Enhance the Natural and Cultural Heritage of the Area**

27. The proposal would result in disturbance to existing contours at the site. However, the application could provide opportunities with regard to re-generating the environment around Loch Pulladern. Landscaping details would help with assessing the proposal against this aim.

### **Promote Sustainable Use of Natural Resources**

28. It is not clear how the proposal would affect this aim.

### **Promote Understanding and Enjoyment of the Area**

29. The proposal could clearly contribute towards the enjoyment of the Aviemore Highland Resort and could help with enhancing the footpath network in and around the site.



## Promote Sustainable Economic and Social Development of the Area

30. The proposal would be likely to provide some level of local employment and would provide an additional recreation facility for local people to use.

## RECOMMENDATION

31. That Members of the Committee support a recommendation to: **REFUSE Outline Planning Permission** for a covered kart track building on land at the former dry ski slope, Aviemore Centre, Aviemore for the following reasons.
  1. The site is close to Loch Pulladern, but includes no detail of surface water drainage measures for the site and how any measures would relate to the Loch. Consequently, the proposal may result in harm to the existing drainage patterns in the area, contrary to the Cairngorms National Park natural and cultural heritage aim and Scottish Executive Planning Advice Note 61 'Planning and Sustainable Urban Drainage Systems'.
  2. The existing site is characterised by undulating ground, is close to Craigellachie National Nature Reserve and Loch Pulladern. The development proposed would appear to involve significant excavations on this site, no detailed landscaping plans, strategies, or method statements have been submitted with this application, and as such the proposal is contrary to Highland Council Structure Plan Policies G2 'Design for Sustainability' and L4 'Landscape Character' and to the natural and cultural heritage aim of the Cairngorms National Park.

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**4 August 2005**