

**P19. Erection of Visitor Centre to Include Information / Exhibition Space, Arts and Craft Workshop, Restrooms, Café and Retail Area and 22 Bungalows at Land To The North Of East Lodge, Airth for George Russell Construction Limited - P/19/0578/PPP**

The committee considered a report by the Director of Development Services on an application for the erection of visitor centre to include information/exhibition space arts and craft workshop, restrooms, café and retail area and 22 bungalows at Land to the North of East Lodge, Airth.

Provost Buchanan seconded by Councillor Kerr moved that the committee, having had regard to the Equality Act 2010 and the public sector equality duty and being satisfied with the housing element and the reasoning provided by the applicant as set out in the report in relation to the proposed +55 age restriction, considers that the following material considerations are of such weight as to indicate that the development plan should not be afforded priority:-

- That the proposal would enhance tourism and leisure provision in the area;
- That the proposal would bring economic and employment benefits to the area;
- That the proposal would enhance recreational and leisure space in the area;
- That road traffic improvements would result from the provision of a roundabout access.

The committee, accordingly, agrees that it is minded to grant planning permission in principle subject to the completion of a Section 75 obligation under the Town and County Planning (Scotland) Act 1997, in terms satisfactory to the Director of Development Services, in respect of:-

- A contribution towards Active and Passive Open Space;
- The provision of 25% of the units at the site as affordable housing;
- Public Transport provision (bus schedules and new bus stop(s));
- Restriction in perpetuity of the ownership and occupation of the houses to persons over the age of 55 and that no house shall be occupied by any child of school age or younger as their only or main residence;
- Subject to the determination of the Director of Development Services that such an obligation would meet the tests of Scottish Government Circular 3/2012, should the restriction on ownership and occupancy referred to in the preceding bullet point be discharged or removed in respect of any house at any time, that an appropriate level of education contribution would be determined by the authority and would require to be paid to it by the owner within 28 days of notice by the authority;
- Phasing of development to ensure completion of the visitor centre;
- Definition of floor areas to ensure visitor centre is the principal use;
- Retention of land for Passive Open Space/Landscaping;
- A healthcare contribution towards addressing local healthcare impacts;
- Provision of a roundabout access serving the A905/B9124

and thereafter on conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission in principle subject to appropriate conditions as determined by her.

As an amendment, Councillor Murtagh seconded by Councillor Hughes moved that the committee agrees to continue consideration of the matter in order for officers to hold further discussions with the applicant. Officers are requested to bring a report back to committee including the following:-

- The applicant's detailed justification for the introduction of a restriction to occupancy of the houses to those over 55 years of age;
- Further detail on the demand and need for housing as proposed by the applicant;
- A legal view on the enforceability of an occupancy restriction to those aged over 55;
- Detail on the phasing arrangements for the proposed development;
- The terms of planning conditions and Section 75 obligations;
- Assessment of impact on the greenbelt;
- Assessment of viability;
- Assessment of school capacity issues.

In terms of Standing Order 22.1 a vote was taken by roll call, there being 11 members present with voting as undernoted:-

For the motion (8) – Provost Buchanan and Councillors Alexander, Bissett, Black, Blackwood, Bouse, Kerr, Munro.

For the amendment (3) – Councillors Hughes, McCue and Murtagh.

### **Decision**

**The committee, having had regard to the Equality Act 2010 and the public sector equality duty and being satisfied with the housing element and the reasoning provided by the applicant as set out in the report in relation to the proposed +55 age restriction, considered that the following material considerations were of such weight as to indicate that the development plan should not be afforded priority:-**

- **That the proposal would enhance tourism and leisure provision in the area;**
- **That the proposal would bring economic and employment benefits to the area;**
- **That the proposal would enhance recreational and leisure space in the area;**
- **That road traffic improvements would result from the provision of a roundabout access.**

**The committee, accordingly, agreed that it was minded to grant planning permission in principle subject to the completion of a Section 75 obligation under the Town and County Planning (Scotland) Act 1997, in terms satisfactory to the Director of Development Services, in respect of:-**

- **A contribution towards Active and Passive Open Space;**
- **The provision of 25% of the units at the site as affordable housing;**
- **Public Transport provision (bus schedules and new bus stop(s));**
- **Restriction in perpetuity of the ownership and occupation of the houses to persons over the age of 55 and that no house shall be occupied by any child of school age or younger as their only or main residence;**
- **Subject to the determination of the Director of Development Services that such an obligation would meet the tests of Scottish Government Circular 3/2012, should the restriction on ownership and occupancy referred to in the preceding bullet point be discharged or removed in respect of any house at any time, that an appropriate level of education contribution would be determined by the authority and would require to be paid to it by the owner within 28 days of notice by the authority;**
- **Phasing of development to ensure completion of the visitor centre;**
- **Definition of floor areas to ensure visitor centre is the principle use;**
- **Retention of land for Passive Open Space/Landscaping;**
- **A healthcare contribution towards addressing local healthcare impacts**
- **Provision of a roundabout access serving the A905/B9124.**

**and thereafter on conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission in principle subject to appropriate conditions as determined by her.**

- 1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04, 05 and 06.**