



## **Agenda Item 6**

**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 LTD - P/19/0578/PPP**

**FALKIRK COUNCIL**

**Subject:** 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  
LTD - P/19/0578/PPP

**Meeting:** PLANNING COMMITTEE

**Date:** 17 June 2020

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Carse, Kinnaird and Tryst

Councillor Gary Bouse  
Councillor Joan Coombes  
Councillor Jim Flynn  
Councillor Laura Murtagh

**Community Council:** Airth Parish

**Case Officer:** John Milne (Senior Planning Officer), Ext. 4815

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**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 This application seeks planning permission in principle for a visitor centre and housing near Airth village. The application is accompanied by indicative plans.
- 1.2 The application site extends to an area of 7.62 Hectares, comprising agricultural land within the Carseland of the River Forth, serviced by a roadway off the A905 to the north west of Airth village.
- 1.3 The proposed site of the Visitor Centre is located in close proximity to The Pineapple, an architectural folly comprising a building within a walled garden and woodland, open to the public and providing private holiday accommodation. The building is owned by the National Trust for Scotland and is category "A" Listed. The building as existing has limited visitor provision, including a small car park with restricted vehicular access, all reached via the B9124.
- 1.4 The applicant envisages the erection of a single storey visitor centre in close proximity to The Pineapple, with vehicular access achieved through a new road junction arrangement to the main A905 roadway. Car and coach parking would be installed, although access to the site via public transport would be achieved through existing bus links at Airth village. The applicant submits that existing footpaths to Airth village could be utilised for pedestrian usage.

- 1.5 The applicant also proposes housing development on the west facing side of a ridge which runs parallel to the A905, immediately adjacent to the recently approved development by Lochay Homes for 108 dwellings (P/16/0644/FUL).
- 1.6 The applicant submits that this would be a small scale, low density development of bungalows, aimed at retired people over 55 years of age. The applicant suggests 22 houses of one storey in height. In the opinion of the applicant, housing is required to offset the capital cost of the visitor centre, parking and roads infrastructure.
- 1.7 Further detail has been submitted by the applicant as to the size, scale, massing and form of the proposed development.
- 1.8 Any detailed proposals submitted by the applicant at this time would normally require to be reflected in a S75 legal agreement if planning permission in principle were to be granted (e.g. storey height restriction, restriction in ownership of housing, provision of open space, off-site works to road infrastructure). This would include phasing of the proposals, to ensure that the visitor centre and associated infrastructure is secured prior to sale of any dwellinghouses.

## **2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application was called in by Councillor Joan Coombes for the following reason:-
  - To allow consideration of the application in relation to Development Plan policy with regard to the potential impacts on the local area.

## **3. SITE HISTORY**

- 3.1 There is no relevant site history.

## **4. CONSULTATIONS**

- 4.1 Scottish Water has no objections to the application, although this does not confirm that the proposed development can currently be serviced.
- 4.2 Scottish Gas Network (SGN) draws attention to the presence of a High Pressure Gas Transmission Pipeline in the vicinity of the proposed development, which could be affected by the proposals. While this planning application merely seeks the principle of development, further detailed discussions may be required should the application be approved and precise siting details become available.
- 4.3 Historic Environment Scotland accepts the principle of a visitor centre in this part of the Dunmore Park Garden and Designed Landscape. It is recommended that further consideration should be given to site layout, including parking, particularly seeking to mitigate its impact on the historic driveway, lodge and landscape. In addition, further thought should be given to the proposed new road, design of the visitor centre, materials to be used and its integration into the landscape. The view is taken that, at this point, the proposals do not raise historic environment issues of national significance and therefore no objection is raised.

- 4.4 Falkirk Community Trust's Keeper of Archaeology and Local History advises that, should development proceed, archaeological trail trenching in the area of the proposed bungalows would be required. The public route beside the East lodge should be retained for pedestrians.
- 4.5 Scotland's Garden & Landscape Heritage consider there would be minimal impact on The Pineapple and Dunmore Park, both designed landscapes. They would however emphasise that this does not in any way signify either approval or disapproval of the proposals. They would request to remain included in any future consultations affecting The Pineapple and Dunmore.
- 4.6 Falkirk Council's Transport Planning Unit advises that a number of standards with regard to new footways, improved existing footways, the submission of a Road Safety Audit, the submission of a Travel Plan and measures to reduce the speed of vehicles on the A905 roadway would be required.
- 4.7 In addition, concern is raised that use of the Black Avenue (a private road) is unsuitable as the primary means of pedestrian access to the residential element. Primary pedestrian access should be taken via an adoptable footway network in order to provide a safer route to the local amenities in Airth, the local Primary School and to the nearest bus stops. In this case, the route would need to follow the realigned B9124 and back along the A905 on an upgraded footway connection.
- 4.8 A new bus stop and shelter should be provided closer to the Visitor Centre in order to meet the required walking threshold. Preference would be to amend the Visitor Centre coach parking area in order to incorporate such a facility. This would allow bus services to adequately serve the site without having to stop on the A905. There is currently no Sunday service, which would leave the Visitor Centre inaccessible by public transport on a Sunday. Should the Visitor Centre open on a Sunday, it is anticipated that this would be one of the busier days, and therefore, it would seem reasonable to request that a Sunday service is funded by the developer for the first three years in order to ensure that the Visitor Centre is accessible by public transport on a Sunday for that period of time. Once established, it is hoped that the service would either continue on a commercial basis or continue with financial assistance from alternative funding streams thereafter.
- 4.9 Due to the concerns over these high traffic speeds on the A905, a simple priority junction in this location would not be supported, particularly as there is also uncertainty over the actual trip generation of the site as a tourist destination. Whilst capacity issues at the new junction is not anticipated, the higher traffic speeds combined with the intensification of use when compared with the existing junction, and the potential influx of visitors who may well be unfamiliar with the local road network, raises road safety concerns. A roundabout access in this location is considered the safest option.
- 4.10 The provision of a roundabout would not only provide safe access to the Visitor Centre, particularly for visitors who may well be unfamiliar with the local road network, but would also help reduce the speed of vehicles along the A905 adjacent to footways. A new roundabout would also allow pedestrian crossing facilities to be incorporated on the splitter islands across the A905 and B9124 and make it much easier for buses and coaches to enter and exit the Visitor Centre.

- 4.11 Falkirk Council's Roads Development Unit recognises that the proposal comprises two distinct elements: the erection of a visitor centre on the north side of the B9124 and the construction of 22 bungalows on the south side. Both areas would access the A905 at a new junction to be formed as a result of the proposed re-alignment of the eastern end of the B9124. In the event the application progresses toward a positive recommendation, the Transport Planning Unit's request for a roundabout is supported.
- 4.12 The site lies in a rural setting remote from the existing public footpath network. Although a pedestrian route from the residential element to Airth village is proposed, it is reliant on a neighbouring residential development (Lochay Homes) which has not yet started construction. In the event the neighbouring development does not proceed, the Transport Statement advises pedestrians would use an unlit private farm access before crossing the A905 unaided.
- 4.13 The proposal is likely to lead to an increase in pedestrian activity across and alongside the A905.
- 4.14 In view of the unlit derestricted rural nature of the road, this is not considered to be in the best interests of road safety.
- 4.15 It is concluded by the Roads Development Unit that the proposal is likely to lead to an increase in pedestrian activity across and alongside the A905. In view of the unlit derestricted rural nature of the road, this is not considered to be in the best interests of road safety and, with concerns in relation to pedestrian safety detailed in this response, a recommendation of refusal of planning permission is considered appropriate.
- 4.16 Falkirk Council's Environmental Protection Unit have no objections subject to planning conditions relating to air quality and potential land contamination.
- 4.17 The Scottish Environment Protection Agency do not object to the application on the provision that a suspensive planning condition is imposed prohibiting land raising, resulting in the loss of floodplain.
- 4.18 The Coal Authority have no objection to the application subject to the imposition of planning conditions to ensure that the site is safe and stable for the development proposed.
- 4.19 Falkirk Council's Children's Services advises that there may be dwellings which would not place an additional burden on existing schools, for example, housing exclusively for the elderly, student accommodation linked with a college or university, or dwellings with occupancy restrictions secured by a planning condition or legal agreement that would prohibit occupation of the dwellings by children of nursery or school age. If these houses fall into that category then they would be exempt from commuted payment towards Education provision.
- 4.20 NHS Forth Valley have been consulted but no response has been received to date.

## 5. COMMUNITY COUNCIL

5.1 Airth Parish Community Council have responded to the application with the following comments:-

- a) The intention of the applicant to restrict ownership of the bungalows through an age limit of 55 would, in the opinion of the Community Council, be difficult to enforce. This approach would be undertaken by the applicant to prevent the additional intake of pupils to Airth Primary School and nursery, through a legally binding burden in terms of sale. Concern is raised by the Community Council that this approach would be seen to contravene the Equality Act and would be seen as age discriminatory.
- b) It is noted by the Community Council that Falkirk Council does not support development in this area in recent submissions regarding Local Development Plan (2) presented to Scottish Ministers.
- c) Opinion is expressed in favour of the visitor centre, which would bring much needed facilities for locals and increase the number of visitors to The Pineapple and to the wider area.
- d) The inclusion of 22 bungalows to fund this venture is considered, by the Community Council, to be acceptable.
- e) The proposed layout would greatly reduce the dangers to road users and pedestrians alike at the dangerous junction of the B9124 and A905.
- f) Suggestion is submitted that a roundabout to serve the new development ` would be more appropriate.

In conclusion, Airth Parish Community Council supports the application subject to the following comments:-

- 1) The construction programme should require that the visitor centre and facilities be completed by the time all of the 22 houses are finished and sold.
- 2) As there is no legal requirement for affordable houses on this site, consideration be given to making a financial contribution to affordable housing elsewhere in the area.
- 3) The type of housing allowed must only be bungalows of the type shown in the application.
- 4) Discussions with the National Trust and the Landmark Trust should take place to ensure mutual agreement and understanding of the implications which the proposed visitors centre and potential increase in visitor numbers may have on the Dunmore Pineapple.
- 5) Confirmation that the proposed housing aspect of the proposal would not have an adverse effect on Airth Primary School and Nursery.

## 6. PUBLIC REPRESENTATION

6.1 76 representations of support have been received, as follows:-

- The visitor centre would attract visitors to the area, as well as providing employment and recreational space.
- The visitor centre would encourage visitors to other nearby attractions and benefit the Airth village area.
- The residential element is welcomed as there is a shortfall of affordable new build bungalows in Falkirk District.
- The residential element, being restricted ownership to over 55, would have no impact on schools and would be welcomed.

6.2 It is noted that one representation objecting to the application is submitted in error, where the text supports the proposal.

6.3 One representation of objection has been received, which may be summarised as follows:-

- The application site is on open greenfield agricultural land, outside the urban boundary as defined in the Falkirk Local Development Plan. If approved, the application would extend the village into limits beyond the “rounding off” of the village as proposed within the Development Plan.
- The site is clearly visible and prominent from the surrounding area.
- The road network will be adversely impacted.
- The proposal would have an adverse visual impact from Letham Village, a designated conservation area.
- Technical representations as relate to the Visual Impact Assessment are inaccurate.
- The proposal is considered contrary to policies protecting the setting and character of a designed landscape.
- The proposal is considered contrary to policies protecting listed buildings.
- The detail of the visitor centre is considered inappropriate in terms of floor space allocation.
- The proposed introduction of a dedicated roadway to serve the development would further erode the setting of the designated Historic Garden and Designed Landscape area.
- The proposal is contrary to Development Plan policy with regard to new housing in the countryside.
- The proposal has not been supported through representation to Falkirk Local Development Plan 2.
- The proposal is not supported through Development Plan policy with regard to business development.
- The proposal does not accord with Development Plan policy with regard to affordable housing.
- The proposed bungalow design type is normally a non-age restricted form of development and no evidence has been submitted as to why this design type should be restricted to a particular demographic of ownership.
- The proposal, in restricting ownership to persons 55+ age group, is not supported by any information as to need or demand for this client group. Such approach is considered contrary to the Equality Act. In addition, local authorities are required to have due regard to the need to eliminate unlawful discrimination, advance equality opportunity and foster good relations.

## 7. DETAILED APPRAISAL

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

### 7a The Development Plan

7a.1 The Falkirk Local Development Plan (LDP) was adopted on 16 July 2015. It includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan. The proposed development was assessed against the following policy or policies:

7a.2 Policy BUS01 - Business and Tourism states:-

1. *The Council will promote the Strategic Business Locations (SBLs) and National Developments identified on Map 3.3 as the priority areas for economic development. Development of the site specific elements of the SBLs, as listed in the Settlement Statements and detailed in the Site Schedule in Appendix 1, will be to high standards of design in accordance with a development brief or masterplan for each location approved by the Council, to ensure a comprehensive and sensitive approach to site planning.*
2. *Other local sites for new local business and industrial development listed in the Settlement Statements and detailed in the Site Schedule will be safeguarded for the employment use specified for each site.*
3. *The Council will give priority to the development of tourism proposals which support the themes/networks and strategic nodes identified in Figure 3.2 and Map 3.4. Proposals will be supported which:*
  - complement the existing pattern of development;*
  - are of a quality which enhances the image and tourism profile of the area;*
  - comply with other LDP supporting policies.*

7a.3 With regard to the proposal for a visitor centre, this site has not been specifically identified within the Falkirk Local Development Plan as being suitable or necessary for a tourism related facility. The application is not presented to extend the facilities or expand provision for the adjacent "Pineapple" in conjunction with the landowner, but as a private economic enterprise (supported by housing development) utilising the geographical proximity of the listed structure. However, it is recognised that common infrastructure (road access and parking provision) may benefit visitors to "The Pineapple" as a consequence of development. The extent of such provision is not assured through this application for the principle of development, nor is the management/operational arrangements with the owners of The Pineapple (National Trust for Scotland) confirmed.



7a.4 Policy BUS05 - Major Hazards and Pipelines states:-

1. *Proposals within Major Hazard and Pipeline Consultation Zones as defined by the HSE and shown on the Proposals Map will be assessed in relation to the following factors:*
  - The increase in the number of people exposed to risk in the area;*
  - The existing permitted use of the site or buildings;*
  - The extent to which the proposal may achieve regeneration benefits, which cannot be secured by any other means; and*
  - The potential impact on existing chemical and petrochemical sites and pipelines.*
2. *The Council will give careful consideration to applications for hazardous substances consent (HSC) that would extend major hazard distances within the urban area, to balance the desirability of growth and development at nationally important clusters of industries handling hazardous substances with the possibility of prejudice to the development of sites allocated in the LDP. Applications for HSC should demonstrate that off-site constraints have been minimised as far as possible through the optimum location and method of storage, and by ensuring that the quantity/type of materials applied for is specifically related to operational needs.*
3. *The revocation of HSC consents where the use on the site has ceased will be pursued.*
4. *The preferred location for new pipelines will be in existing Pipeline Consultation Zones.*

7a.5 The area of development may be influenced by a major pipeline in close proximity to the site, with specific regard to the indicative layout as to the visitor centre. However, the location of the pipeline would not entirely preclude development, subject to detailed consideration.

7a.6 Policy CG01 - Countryside states:-

*The Urban and Village Limits defined on the Proposals Map represent the limit to the expansion of settlements. Land outwith these boundaries is designated as countryside, within which development will be assessed in the terms of the relevant supporting countryside policies (Policies CG03 and CG04), and Supplementary Guidance SG01 'Development in the Countryside'.*

7a.7 The application site is out with the Airth village limit and is in a countryside location. The application has been assessed in regard to the relevant policies applicable to new development in the countryside.

7a.8 Policy CG03 - Housing in the Countryside states:-

*Proposals for housing development in the countryside of a scale, layout and design suitable for its intended location will be supported in the following circumstances:*

1. *Housing required for the pursuance of agriculture, horticulture, or forestry, or the management of a business for which a countryside location is essential;*
2. *Restoration or replacement of houses which are still substantially intact, provided the restored/replacement house is of a comparable size to the original;*
3. *Conversion or restoration of non-domestic farm buildings to residential use, including the sensitive redevelopment of redundant farm steadings;*
4. *Appropriate infill development;*
5. *Limited enabling development to secure the restoration of historic buildings or structures; or*
6. *Small, privately owned gypsy/traveller sites which comply with Policy HSG08.*

*Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 'Development in the Countryside'. Proposals will be subject to a rigorous assessment of their impact on the rural environment, having particular regard to policies protecting natural heritage and the historic environment.*

7a.9 The housing element of the proposal is located within a countryside location but does not meet the criteria established within this policy. The premise behind the housing is to support the development of the proposed visitor centre in economic terms, not to address any criteria within policy CG03. No detail of the economic evaluation has been submitted, although the applicant contends that the number of units proposed is commensurate to secure a visitor centre of a size as depicted within the indicative drawings accompanying the application.

7a.10 Policy CG04 - Business Development in the Countryside states:-

*Proposals for business development in the countryside of a scale, layout and design suitable for its intended location will be supported in the following circumstances:*

1. *Areas specifically identified for business development on the Proposals Map;*
2. *Business development, including appropriate leisure and tourism uses, where a need for a countryside location is demonstrated, or the development constitutes an appropriate form of farm diversification;*

3. *Proposals involving the re-use of industrial, commercial or institutional land or premises, or the conversion of farm buildings for business use; or*
4. *Limited extensions to existing established business in the countryside;*

*Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 'Development in the Countryside'. Proposals will be subject to a rigorous assessment of their impact on the rural environment, having particular regard to policies protecting natural heritage and the historic environment.*

7a.11 The applicant submits that the introduction of a visitor centre is warranted, given the close proximity of tourist attractions in the area. Limited supporting information accompanies this premise and the applicant states that “discussions are ongoing with the National Trust for Scotland to partner the use and promotion of the Pineapple and their wider interests through the visitor centre”. While mindful that the detailed drawings accompanying the application are only indicative, the applicant proposes that the visitor centre includes elements of exhibition, workshop, retail and food and drink. The site is not in an area identified for business use within the Falkirk Local Development Plan.

7a.12 Policy D02 - Sustainable Design Principles states:-

*New development will be required to achieve a high standard of design quality and compliance with principles of sustainable development. Proposals should accord with the following principles:*

1. *Natural and Built Heritage. Existing natural, built or cultural heritage features should be identified, conserved, enhanced and integrated sensitively into development;*
2. *Urban and Landscape Design. The scale, siting and design of new development should respond positively and sympathetically to the site's surroundings, and create buildings and spaces that are attractive, distinctive, welcoming, adaptable, safe and easy to use;*
3. *Accessibility. Development should be designed to encourage the use of sustainable, integrated transport and to provide safe access for all users;*
4. *Climate Change & Resource Use. Development should promote the efficient use of natural resources and the minimisation of greenhouse gas emissions through energy efficient design, choice and sourcing of materials, reduction of waste, recycling of materials and exploitation of renewable energy;*
5. *Infrastructure. Infrastructure needs and their impacts should be identified and addressed by sustainable mitigation techniques, with particular regard to drainage, surface water management, flooding, traffic, road safety and noise; and*
6. *Maintenance. Proposals should demonstrate that provision will be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure.*

*Masterplans will be required for significant development proposals requiring a co-ordinated approach to design and infrastructure, and should demonstrate how the above principles have been incorporated into the proposals. Masterplans should be informed by a development framework or brief where relevant.*

*Figure 5.3, Sustainable Design Principles - Supporting Policies/Guidance provides further guidance.*

7a.13 The applicant has submitted a Design and Access statement, which expands on the vision as to how the site is to be developed. While this information provides an indication of development proposals, detailed aspects of the various elements have not been evaluated to conclusion. This is as a consequence of the application seeking the principle of development, which, if approved, detailed aspects of the proposals could be subject to change.

7a.14 Policy D09 - Listed Buildings states:-

*The Council supports the sustainable re-use and management of the historic built environment, and on that basis there is a presumption against demolition or any other works that would adversely affect the special interest or setting of a listed building. The Council recognises, however, that listed buildings will require alteration, extension and adaptation from time to time to remain in beneficial use and encourages creative and sensitive development where there are no such adverse effects. Accordingly:*

1. *The layout, design, materials, scale, siting and use of any development affecting a listed building, or its setting, including extensions, replacement windows, doors, roofs, rainwater goods, boundary treatments and other features, shall be appropriate to the character and appearance of the building and its setting, and should conform to Supplementary Guidance SG16 'Design Guidance for Listed Buildings and Non-Listed Buildings in Conservation Areas'.*
2. *Proposals for the total or substantial demolition of a listed building will only be supported where it is demonstrated beyond reasonable doubt that every effort has been made by all concerned to find practical ways of keeping it. In particular it should be demonstrated that:*
  - the existing building is no longer of special interest;*
  - the existing building is incapable of physical repair and re-use, as shown by the submission and verification of a thorough structural condition report;*
  - the costs of repair and re-use are such that it is not economically viable. Supporting evidence should include a full economic appraisal, evidence that grant aid is not able to meet any funding deficit, and evidence that the building has been actively marketed at a reasonable price and for a period reflecting its location, condition and possible viable uses without finding a restoring purchaser; or*
  - the demolition of the building is essential for the delivery of significant economic benefits for the local or wider community.*
3. *RCAHMS will be formally notified of all proposals to demolish listed buildings to enable features to be recorded.*

7a.15 The application site is in close proximity to The Pineapple, a Category “A” listed building. It is considered that any adverse impacts on this building by the introduction of a visitor centre could be mitigated through design and positioning of the building. However, this application should not be relied on to show the definitive position of any proposed buildings or infrastructure in relation to the existing listed structure.

7a.16 Policy D12 - Historic Gardens and Designed Landscapes states:-

1. *There will be a presumption against development which would adversely affect the character or setting of sites identified in the ‘Inventory of Gardens and Designed Landscapes in Scotland’, as identified on the Proposals Map.*
2. *The value of other historic gardens and designed landscapes not listed in the Inventory will be given due weight in the planning process, having regard to their historical significance, integrity and condition. Non-inventory sites will be identified within Supplementary Guidance SG09 ‘Landscape Character Assessment and Landscape Designations’.*
3. *The Council will seek to encourage sensitive restoration and management of historic gardens and designed landscapes.*

7a.17 No objection has been raised by Scotland’s Garden and Landscape Heritage or Historic Environment Scotland to the proposals. While this does not represent support for the scheme, further consultation would be required should the application progress with a favourable decision.

7a.18 Policy GN02 - Landscape states:-

1. *The Council will seek to protect and enhance landscape character and quality throughout the Council area in accordance with Supplementary Guidance SG09 ‘Landscape Character Assessment and Landscape Designations.’*
2. *Priority will be given to safeguarding the distinctive landscape quality of the Special Landscape Areas identified on the Proposals Map.*
3. *Development proposals which are likely to have a significant landscape impact must be accompanied by a landscape and visual assessment demonstrating that, with appropriate mitigation, a satisfactory landscape fit will be achieved.*

7a.19 A Landscape and Visual Impact Assessment has been submitted by the applicant. The assessment concludes that the proposals, given effective mitigation, would have little visual impact. While no contrary evidence is available, it should be noted that this assessment has been carried out in relation to an application seeking to establish the principle of development. Therefore, the conclusions of the assessment should be weighted with the limited scope of the current application.

7a.20 Policy GN03 - Biodiversity and Geodiversity states:-

*The Council will protect and enhance habitats and species of importance, and will promote biodiversity and geodiversity through the planning process. Accordingly:*

- 1. Development likely to have a significant effect on Natura 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Qualifying features of a Natura 2000 site may not be confined to the boundary of a designated site. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions, and there are imperative reasons of overriding public interest. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).*
- 2. Development affecting Sites of Special Scientific Interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of national importance.*
- 3. Development likely to have an adverse effect on European protected species, a species listed in Schedules 5, 5A, 6, 6A and 8 of Wildlife and Countryside Act 1981 (as amended), or a species of bird protected under the Wildlife and Countryside Act 1981 (as amended) will only be permitted where the applicant can demonstrate that a species licence is likely to be granted.*
- 4. Development affecting Local Nature Reserves, Wildlife Sites, Sites of Importance for Nature Conservation and Geodiversity Sites (as identified in Supplementary Guidance SG08 'Local Nature Conservation and Geodiversity Sites'), and national and local priority habitats and species (as identified in the Falkirk Local Biodiversity Action Plan) will not be permitted unless it can be demonstrated that the overall integrity of the site, habitat or species will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
- 5. Where development is to be approved which could adversely affect any site or species of significant nature conservation value, the Council will require appropriate mitigating measures to conserve and secure future management of the relevant natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required, along with provision for its future management.*
- 6. All development proposals should conform to Supplementary Guidance SG05 'Biodiversity and Development'.*

7a.21 The applicant has carried out an ecological appraisal of the site, concluding that the area is generally poor in ecology and that no protected species or habitats are present on site. However, a precautionary approach should be taken that Great Crested Newts may be present on the site (e.g. hedgerows, rubble and log piles) and any development works should be subject to survey prior to initiation.

7a.22 Policy GN04 - Trees, Woodland and Hedgerows states:-

*The Council recognises the ecological, landscape, economic and recreational importance of trees, woodland and hedgerows. Accordingly:*

- 1. Felling detrimental to landscape, amenity, nature conservation or recreational interests will be discouraged. In particular ancient, long-established and semi-natural woodlands will be protected as a habitat resource of irreplaceable value;*
- 2. In an area covered by a Tree Preservation Order (TPO) or a Conservation Area, development will not be permitted unless it can be proven that the proposal will not adversely affect the longevity, stability or appearance of the trees. Where necessary, endangered trees and woodlands will be protected through the designation of further TPOs;*
- 3. Development which is likely to affect trees should comply with Supplementary Guidance SG06 'Trees and Development', including the preparation where appropriate of a Tree Survey, Constraints Plan, and Tree Protection Plan. Where development is permitted which will involve the loss of trees or hedgerows of amenity value, the Council will normally require replacement planting appropriate in terms of number, size, species and position;*
- 4. The enhancement and management of existing woodland and hedgerows will be encouraged. Where the retention of a woodland area is integral to a development proposal, developers will normally be required to prepare and implement an appropriate Management Plan; and*
- 5. There will be a preference for the use of appropriate local native species in new and replacement planting schemes, or non-native species which are integral to the historic landscape character.*

7a.23 Any detailed proposals regarding tree felling or mitigation are out with the scope of this application, given that detailed positioning of the elements has yet to be established. However, in principle, this is a matter that could be addressed should the application progress with a positive decision.

7a.24 Policy HSG02 - Affordable Housing states:-

*New housing developments of 20 units and over will be required to provide a proportion of the units as affordable or special needs housing as set out in Figure 5.1. The approach to provision should comply with Supplementary Guidance SG12 "Affordable Housing".*

*Figure 5.1 Affordable Housing Requirements in Settlement Areas*

*Proportion of total site units required to be affordable*

*Larbert/Stenhousemuir, Polmont Area, Rural North and Rural South - 25%*

*Bo'ness, Bonnybridge/Banknock, Denny, Falkirk and Grangemouth - 15%*

7a.25 Falkirk Local Plan Development Plan policy would advise that a requirement of 25% of residential development be allocated towards affordable housing provision on-site achieved through legal agreement. There is also provision for on-site land contribution or off-site financial mitigation. The application proposal for development of bungalow house types would not set aside this requirement. Should the application be approved, this would require to be subject of a legal agreement. The development of single storey dwelling houses does not, in itself, constitute affordable housing as it is the cost of housing that is sought to be secured and managed, which is not dictated by house type.

7a.26 Policy INF02 - Developer Contributions to Community Infrastructure states:-

*Developers will be required to contribute towards the provision, upgrading and maintenance of community infrastructure where development will create or exacerbate deficiencies in, or impose significantly increased burdens on, existing infrastructure. The nature and scale of developer contributions will be determined by the following factors:*

1. *Specific requirements identified against proposals in the LDP or in development briefs;*
2. *In respect of open space, recreational, education and healthcare provision, the general requirements set out in Policies INF04, INF05 and INF06;*
3. *In respect of physical infrastructure any requirements to ensure that the development meets sustainability criteria;*
4. *In respect of other community facilities, any relevant standards operated by the Council or other public agency; and*
5. *Where a planning obligation is the intended mechanism for securing contributions, the principles contained in Circular 3/2012.*

*In applying the policy, consideration of the overall viability of the development will be taken into account in setting the timing and phasing of payments.*

7a.27 As this application seeks the principle of development, detailed consideration of potential deficiencies in community infrastructure has not been undertaken. However, in this instance, relevant concerns would be directed towards Education; Affordable Housing Provision; Open Space and Play Provision; Healthcare; Public Transport Provision and Access; Pedestrian Access to nearest Settlement and Shared Infrastructure Arrangements with intended visitor destination. These would normally be addressed through legal agreement prior to the issue of any decision to approve an application.



7a.28 Policy INF04 - Open Space and New Residential Development states:-

*Proposals for residential development of greater than 3 units will be required to contribute to open space and play provision. Provision should be informed by the Council's open space audit, and accord with the Open Space Strategy and the Supplementary Guidance SG13 on 'Open Space and New Development', based on the following principles:*

- 1. New open space should be well designed; appropriately located; functionally sized and suitably diverse to meet different recreational needs in accordance with criteria set out in Supplementary Guidance SG13 'Open Space and New Development'.*
- 2. Where appropriate, financial contributions to off-site provision, upgrading, and maintenance may be sought as a full or partial alternative to direct on-site provision. The circumstances under which financial contributions will be sought and the mechanism for determining the required financial contribution is set out in Supplementary Guidance SG13 'Open Space and New Development'.*
- 3. Arrangements must be made for the appropriate management and maintenance of new open space.*

7a.29 As the applicant seeks the principle of development, no detailed review of the required open space provision has been undertaken. As detailed in Falkirk Council's Supplementary Guidance SG13 - Open Space and New Development – this may require the applicant to address on-site active and passive open space provision or a commuted payment to off-site provision. Such provision would be, if minded to approve the application, subject to legal agreement.

7a.30 Policy INF05 - Education and New Housing Development states:-

*Where there is insufficient capacity within the catchment school(s) to accommodate children from new housing development, developer contributions will be sought in cases where improvements to the school are capable of being carried out and do not prejudice the Council's education policies. The contribution will be a proportionate one, the basis of which is set out in Supplementary Guidance SG10 'Education and New Housing Development'. Where proposed development impacts adversely on Council nursery provision, the resourcing of improvements is also addressed through the Supplementary Guidance.*

*In circumstances where a school cannot be improved physically and in a manner consistent with the Council's education policies, the development will not be permitted.*

7a.31 In this instance, the applicant indicates that the 22 bungalows proposed would be reserved for ownership by persons over 55 years old. The applicant proposes that this would be achieved through legal restriction at point of sale. Within current advice, such a restriction would set aside the need for the applicant to address this policy (as detailed in review of Falkirk Council Supplementary Guidance SG 10 - Education and New Housing Development October 2019).

7a.32 Policy INF06 - Healthcare and New Housing Development states:-

*In locations where there is a deficiency in the provision of health care facilities identified by NHS Forth Valley, developer contributions will be sought to improve the quantity and quality of such provision commensurate with the impact of the new development. The approach to the improvement of primary healthcare provision will be set out in Supplementary Guidance SG11 'Healthcare and New Housing Development'.*

7a.33 NHS Forth Valley have been consulted on the application but no response has been received to date.

7a.34 Policy INF07 - Walking and Cycling states:-

1. *The Council will safeguard and promote the development of the core path network. Where appropriate, developer contributions to the implementation of the network will be sought.*
2. *New development will be required to provide an appropriate standard of pedestrian and cycle infrastructure, including cycle parking, which complies with current Council guidelines and meets the following criteria:*
  - *Where appropriate, infrastructure supporting the two modes of walking and cycling should be combined and support objectives in agreed Travel Plans helping to support active travel;*
  - *Pedestrian and cycle facilities in new developments should offer appropriate links to existing networks in surrounding areas, in particular to facilitate school journeys and provide connections to public transport, as well as links to other amenities and community facilities;*
  - *The surfacing, lighting, design, maintenance and location of pedestrian and cycle routes should promote their safe use. Particular emphasis should be given to the provision of suitable lighting, and the provision of suitably designed and located crossing facilities where routes meet the public road network;*
  - *Where practical, no pedestrian route should be obstructed by features that render it unsuitable for the mobility impaired.*

7a.35 As the applicant seeks the principle of development, no detailed review of the required walking and cycling provision has been undertaken. These matters would require to be addressed should the application be approved, normally by means of legal agreement.

7a.36 Policy INF08 - Bus Travel and New Development states:-

1. *New development will be required to provide appropriate levels of bus infrastructure or suitable links to existing bus stops or services, as identified within travel plans, taking account of the 400m maximum walking distance required by SPP. This provision will be delivered through direct funding of infrastructure and/ or the provision of sums to support the delivery of bus services serving the development.*

2. *Bus infrastructure should be provided at locations and to phasing agreed with the Council, and designed in accordance with the standards set out in current Council guidelines.*
3. *New development, where appropriate, should incorporate routes suitable for the provision of bus services. Bus facilities within new developments should offer appropriate links to existing pedestrian networks in surrounding areas. Alternatively, new development should be linked to existing bus infrastructure via pedestrian links as described in Policy INF07.*

7a.37 It is acknowledged by the applicant that suitable links to bus services would be required, both for the visitor centre and for new housing development. However, in seeking the principle of development, the definitive approach to address this matter has not been determined. This requirement may involve works out with the applicant's ownership or control, financial mitigation or a combination of both.

7a.38 Policy INF10 -Transport Assessments states:-

1. *The Council will require transport assessments of developments where the impact of the development on the transport network is likely to result in a significant increase in the number of trips, and is considered likely to require mitigation. The scope of transport assessments will be agreed with the Council and in the case of impact on trunk roads, also with Transport Scotland.*
2. *Transport assessments will include travel plans and, where necessary, safety audits of proposed mitigation measures and assessment of the likely impacts on air quality as a result of proposed development. The assessment will focus on the hierarchy of transport modes, favouring the use of walking, cycling and public transport over use of the car.*
3. *The Council will only support development proposals where it is satisfied that the transport assessment and travel plan has been appropriately scoped, the network impacts properly defined and suitable mitigation measures identified.*

7a.39 The applicant has submitted a Transport Statement, which has been the subject of review by Falkirk Council's Transport Planning Unit. The consultation response is referred to earlier in this report. This application seeks the principle of development and any detailed appraisal may be subject to change. However, it would seem that the principle of the site being serviced by improved transport infrastructure to comply with current requirements is acknowledged and, in principle, may be acceptable subject to detailed improvements.

7a.40 Policy INF12 - Water and Drainage Infrastructure states:-

1. *New development will only be permitted if necessary sewerage infrastructure is adopted by Scottish Water or alternative maintenance arrangements are acceptable to SEPA.*
2. *Surface water management for new development should comply with current best practice on sustainable urban drainage systems, including opportunities for promoting biodiversity through habitat creation.*

3. *A drainage strategy, as set out in PAN61, should be submitted with planning applications and must include flood attenuation measures, details for the long term maintenance of any necessary features and a risk assessment.*

7a.41 The applicant has submitted details regarding both the proposed Sustainable Urban Drainage system (SUDs) to be employed and Flood risk. The Flood Risk element is considered accepted but details of the SUDs system remains, at the time of writing, to be concluded. This application seeks to establish the principle of development and there are no indicators that would raise concern that the installation of suitable SUDs infrastructure could not be achieved, subject to detailed proposals.

#### **Falkirk Council Supplementary Guidance.**

7a.42 The following guidance is considered applicable to the application. However, as the application merely seeks the principle of development, detailed assessment is limited.

#### **SG01 Development in the Countryside**

7a.43 This document follows on from Policy CG03 - Housing in the Countryside - which sets out the circumstances where housing in the countryside will be supported. In this instance, the housing element of the application does not meet the criteria within this policy and, therefore, the guidance within this document is not applicable.

#### **SG05 Biodiversity and Development**

7a.44 No issues regarding adverse impact on biodiversity have been identified although, if approved, the application should be subject to safeguarding planning conditions to ensure conformity with this guidance.

#### **SG06 Trees and Development**

7a.45 No issues regarding tree removal have been identified at this stage although, if approved, the application should be subject to safeguarding planning conditions to ensure conformity with this guidance.

#### **SG09 Landscape Character Assessment & Landscape Designations**

7a.46 The submitted landscape and visual impact concludes that the proposals may be considered acceptable in that there are no significant negative landscape or visual impacts arising from the proposals. However, as the detailed design of the proposals are not definitive through this application, the advice within this document should be applied on any further detailed proposals if the current application is approved.

## **SG10 Education and New Housing Development**

7a.47 This Supplementary Guidance was revised in October, 2019. Specific forms of development may be exempt from education developer contributions as they would have no, or a negligible impact on school capacity. This includes dwellings which would not place an additional burden on existing schools, for example, housing exclusively for the elderly, student accommodation linked with a college or university, or dwellings with occupancy restrictions secured by a planning condition or legal agreement that would prohibit occupation of the dwellings by children of nursery or school age. In this instance, the applicant proposes housing for residents aged 55 years or over, which may limit the likelihood of children of a school age being present. If the application were to be approved, such provision would require to be secured through legal agreement.

## **SG11 Healthcare and New Housing Development**

7a.48 New housing over 20 units may be required to financially contribute to healthcare provision in the area. If the current application were to be approved, such provision would require to be secured through legal agreement. Further advice would be sought from NHS Forth Valley on this specific aspect.

## **SG12 Affordable Housing**

7a.49 This supplementary guidance provides advice on the means of meeting the requirement that 25% of the total number of dwellinghouses proposed are secured as affordable housing. The means of securing this provision has not been examined in detail, given that the application seeks the principle of development. However, if the application is approved, the matter would require to be addressed through legal agreement.

## **SG13 Open Space and New Development**

7a.50 Provision for open space would be required within the housing development element of the application. Given that the application is seeking the principle of development, detailed consideration of this matter has not been undertaken. However, should the application be approved, this provision could be secured through legal agreement.

## **SG15 Low and Zero Carbon Development**

7a.51 Both the proposed housing development and visitor centre would be required to conform to the advice promoted through this guidance document, should the current application be approved.

7a.52 Accordingly, the proposal is not considered to accord with the Development Plan.

## **7b Material Considerations**

7b.1 The material consideration to be assessed are comments received through consultation, comments received through submission by Airth Parish Community Council, comments received through representation and the policy implications of the emerging Falkirk Local Development Plan (LDP2). The application is also subject to consideration under the Equality Act 2010 and the provisions of the Public Sector Equality Duty.

## ***Consultation Responses***

7b.2 There are no matters arising which, if the application were to be approved, could not be addressed either through planning condition or legal agreement. It should be noted that any terms of a legal agreement rely on the agreement of the applicant/landowner to reach conclusion.

## ***Representation by Airth Parish Community Council***

7b.3 In response to the comments received, the following points are considered:-

- The restriction of sale for any new residential development would be for the applicant to consider. The applicant proposes sales be restricted, in perpetuity, to owners aged 55 years or over. It is agreed that the monitoring of this restriction would be difficult for the Planning Authority to carry out, although tenure could be restricted by means of legal agreement. Similarly, any restriction of occupancy to preclude children of a school age would be difficult to monitor or enforce.
- The development of this site is not supported by Falkirk Council through the emerging Falkirk Local Development Plan (LDP2)
- As the proposal is to secure the principle of development, the details of the application should be considered indicative only and no definitive development layout or form should be inferred at this point.

7b.4 In response to suggested planning conditions or agreements, the following points should be considered:-

- 1) Any phasing of development would require to be the subject of a legal agreement between the applicant/land owner and Falkirk Council.
- 2) There is a requirement for affordable housing provision to be met through the development. The intention to construct bungalow house types does not exclude the site from providing 25% affordable housing or its equivalent. This would, if the application is approved, be the subject of a legal agreement. Bungalow development is not, in itself, considered affordable housing as defined by Falkirk Council in SG12.
- 3) The intention to ensure housing is of only a bungalow type development would not be appropriate to ensure through planning condition. As the application seeks the principle of development and although the application description is definitive in terms of bungalows, it is considered that this restriction (if the application is approved) is best addressed through legal agreement.
- 4) Falkirk Council cannot compel the applicant to enter into dialogue with 3<sup>rd</sup> parties. Any management arrangements between the applicant and the owners of "The Pineapple" are for those parties to conclude.
- 5) The application for housing is unlikely to have an adverse impact on Education resources if restricted in terms of ownership/tenure to those over 55 years old. However, it would be for the applicant to impose such restriction, monitor or enforce.

7b.5 In terms of representations supporting the proposals, the following response is advised:-

- a) The residential element may not be considered affordable housing through restriction of development to single storey dwellinghouses. Only a proportion of the dwelling houses (25%) would be reserved within the definition of “affordable” by Falkirk Council, should the application be approved. The house sale prices on the remaining element would be defined by the applicant/developer.
- b) Any ownership restriction to minimise impact on Education resources need be addressed through legal agreement, should the application be approved.

7b.6 In terms of representations objecting to the proposals, the following response is advised:-

- a) It is acknowledged that the application site is out with the nearest urban envelope, within a rural location and has the potential to enlarge current development boundaries. The proposed development is not supported in the emerging Falkirk Local Development Plan (LDP2).
- b) The road network would, as a consequence of development, be subject to change. The degree of change has not been defined through the current application, although initial consideration has been given by the Roads Development and Transport Planning Unit.
- c) The development of the site would result in a visual change to the area. The submitted Visual Impact Assessment has been carried out in relation to the indicative plans submitted with this application.
- d) No objections from consultees have been received with regard to the development proposals in relation to the nearby listed building or designated Historic Garden and Designed Landscape. However, such matters would be the subject of further evaluation should detailed proposals be submitted for the site.
- e) The proposal is considered contrary to Development Plan Policy with regard to new housing in the countryside.
- f) The site is not supported for development through the emerging Falkirk Local Development Plan (LDP2).
- g) The site is not within a designated business development site, although the visitor centre would be considered tourism related.
- h) The intention of the applicant to restrict potential sale of housing to persons aged over 55 years of age is reflected elsewhere within this report (see Equality Act 2010)

### ***Falkirk Local Development Plan (LDP2)***

7b.7 Within the Falkirk Local Development Plan (LDP2), proposed planning policies remain in alignment with existing planning policies with the current Local Development Plan. There are no intentions to seek development of the current planning application site, neither for housing, nor tourism. The planned expansion of Airth through specific site allocation has been incorporated within Falkirk Local Development Plan (LDP2) and does not include the site of this application.

## Equality Act 2010

- 7b.8 The Council is required to have regard to the Equality Act 2010 and the public sector equality duty (PSED). The PSED places a statutory duty on the Council in the exercise of its functions to have due regard to the need to (1) eliminate discrimination (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The Council must have regard to the PSED in the discharge of its planning functions including where it is determining planning applications. Protected characteristics include:
- age
  - disability
  - gender reassignment.
  - marriage and civil partnership
  - pregnancy and maternity
  - race
  - religion or belief
  - sex
  - sexual orientation
- 7b.9 In submitting the application for housing, the applicant contends that a small, low density bungalow development aimed at +55 year age group would enable the development of the visitor centre to take place. The applicant recognises an established need for small, high quality homes for this market sector and purports to have a history of delivering this style of dwelling. The applicant submits that the application involving age restricted low rise bungalows is a reflection of the site's sensitivity in relation to visibility and landscape impact concerns and a developer knowing his market from years of building activity across the Falkirk area.
- 7b.10 With regard to the +55 age occupation restriction, the land owner/applicant/developer has fully assessed the market sector requirements and is confident in the company's ability to meet demand. Initial responses to publicity associated with the development has reinforced this view and the applicant is happy to create a burden within the title of each property to maintain this restriction.
- 7b.11 An objection to the application has been submitted, whereby it is commented on that the 22 bungalow development is likely an attempt to circumvent the issues surrounding Education issues faced by the village of Airth. The objector contends that there is no clear identifiable difference of specific requirements as would be the case found within for example sheltered housing or assisted living. This would be a breach of the Equality Act. The proposal includes 22 bungalows of a design type which can be found in non-age restricted developments and is not clearly specific to those aged +55, therefore it would amount to discrimination.
- 7b.12 Falkirk Council has given due regard to the PSED through the promotion of equality of respect for other people's views and matters relevant to the Equality Act through the adoption of policies and procedures that are intended to further these outcomes.



7b.13 The matter has been carefully considered and regard has been had to the submissions by the applicant and representations made. In terms of section 13(2) of the Equality Act 2010, where the protected characteristic is age, a person does not discriminate against another person if it can be demonstrated that the treatment is a proportionate means of achieving a legitimate aim. As noted above, the applicant has advised that there is an established need for small, high quality homes for the +55 year old age group. However, no empirical evidence has been submitted by the applicant that housing dedicated to people +55 years old is required to meet specific demand in the area. In the circumstances, while the applicant may be able to demonstrate objective justification, it is considered that insufficient evidence has been provided to the planning authority to be able to substantiate the position.

## **7c Conclusion**

- 7c.1 This application seeks to secure the principle of development of a site for the purposes of a visitor centre and housing. The applicant submits that the housing element will take the form of 22 bungalows, restricted in ownership to persons aged 55 years or over.
- 7c.2 The application site is within a rural area, out with the urban envelope of Airth Village. As such, the proposal for housing is considered contrary to development plan policy regarding new housing in the countryside, in that it fails to meet the essential criteria for support as contained within Planning Policy CG03 – Housing in the Countryside. In addition, the site is beyond the village limit of Airth and does not enjoy pedestrian, public transport or vehicular access standards expected for housing. Housing proposals based on age specific criteria as proposed are normally directed towards more sustainable locations, with easy access to services and provisions.
- 7c.3 Early indications are that substantial infrastructure improvements would be required to serve the proposals as existing linkage (pedestrian, public transport and vehicular) from the application site to Airth village are poor, contrary to the criteria normally sought for age specific housing.
- 7c.4 The housing element, through development as single storey units, is not considered to be “affordable housing” as defined by Falkirk Council through Supplementary Planning Guidance 12 – Affordable Housing. Falkirk Council planning policies would indicate that, if the application were to be approved, 25% of total capacity (or financial compensation/land sale equivalent) should be secured as “affordable” housing, with the remaining units being marketed at the applicants/landowners discretion.
- 7c.5 No evidence has been submitted that the house type proposed by the applicant (bungalows) and secured solely for persons aged +55 years is in critical demand in the catchment area, nor addresses a recognised deficiency in housing stock type available. This is an assessment by the applicant in terms of market demand.
- 7c.6 With regard to the proposed visitor centre, it is recognised that such a facility may encourage an increase in visitor numbers to the nearby “Pineapple”, affording improved vehicular parking and access provision. In addition, such a facility may offer provision through food and drink, retail opportunity and exhibition facilities, depending on the model adopted by the developer. However, in terms of use, associated elements should be ancillary to the main use as a visitor centre, potentially ensured through legal agreement if members are minded to approve the proposals. The management arrangements between the visitor centre, shared service infrastructure and “The Pineapple” are not before the planning authority at this time.

- 7c.7 The application site is not identified as a strategic node following a theme/network of complimentary tourism facilities nor compliment the existing pattern of tourism development.

## **8. RECOMMENDATION**

### **8.1 It is recommended to refuse planning permission for the following reason(s):-**

- 1. The proposal is contrary to Falkirk Local Development Plan Policy CG01 - Countryside - in that the proposed housing development is within a countryside location, out with any designated urban envelope and the proposal would represent an unacceptable expansion of the Airth village settlement boundary.**
- 2. The proposal is contrary to Falkirk Local Development Plan policy CG03 - Housing in the Countryside - in that the proposed housing development does not meet the criteria defined within this policy to merit support. The housing is not required for the pursuance of agriculture, horticulture, forestry or the management of a business for which a countryside location is essential; does not represent restoration or replacement of existing houses; is not a conversion or restoration of non-domestic farm buildings; is not infill development nor is enabling development to secure the restoration of an historic building or structure.**
- 3. The proposal is considered contrary to Policy CG04 - Business Development in the Countryside - in that the applicant has failed to demonstrate the need for a visitor centre in this location, beyond being in close proximity to the Category "A" listed Dunmore Pineapple. No evidence has been submitted that the proposed visitor centre has any management agreement or access arrangements with the owners of the Dunmore Pineapple.**
- 4. The proposal is considered contrary to Falkirk Local Development Plan policy BUS01 - Business and Tourism - in that the application site is not identified as a strategic node following a theme/network of complimentary tourism facilities nor compliment the existing pattern of tourism development.**
- 5. The proposal is likely to lead to an increase in pedestrian activity across and alongside the A905. In view of the unlit derestricted rural nature of the road, this is not considered to be in the best interests of road safety.**

**Informative(s):-**

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.

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**pp Director of Development Services**

**Date: 8 June 2020**

## **LIST OF BACKGROUND PAPERS**

1. Falkirk Local Development Plan (1) Approved July 2015
2. Falkirk Local Development Plan (2) Proposed Plan September 2018.
3. Intimation of Support received from Mr John Young, Bentend Farm, Denny, FK6 5JH on 16 September 2019.
4. Intimation of Support received from Miss Cara Burnett, Dunnottar, Balgibbon Drive, Callander, FK17 8EU on 16 September 2019.
5. Intimation of Support received from Mr Paul Findlay, 4 Bridgeway Court, Kirkintilloch Glasgow, G66 3HN on 16 September 2019.
6. Intimation of Support received from Mrs H Langan, 7 Jardine Avenue, Falkirk, FK2 8RG on 16 September 2019.
7. Intimation of Support received from Mr John Millar, 6 Swinburne Drive, Sauchie, FK10 3EQ on 19 September 2019.
8. Intimation of Support received from Mr Kevin Moran, 25 Ochre Crescent, Stirling, FK7 7AZ on 20 September 2019.
9. Intimation of Support received from Mrs Ann Burden, Silver Link Cottage, Old Kincardine Bridge Road, Airth, Falkirk, FK2 8PW on 25 September 2019.
10. Intimation of Support received from Miss Angela Henderson, Flat 6, 5 Maurice Wynd, Dunblane, FK15 9FG on 16 September 2019.
11. Intimation of Support received from Mr Graeme Beveridge, 11 Galan, Alloa, FK10 1RJ on 16 September 2019.
12. Intimation of Support received from Mrs Julia Davis, 55 Tern Crescent, Alloa, FK10 1SG on 16 September 2019.
13. Intimation of Support received from Mrs Jane Findlay, 4 Bridgeway Court Kirkintilloch, Glasgow, G66 3HN on 16 September 2019.
14. Intimation of Support received from Ms Wendy Shiu, 7 Airthrey Avenue, Glasgow, G14 9JR on 16 September 2019.
15. Intimation of Support received from Mr Robert McCormack, 5 The Links, Cumbernauld, G68 0EP on 16 September 2019.
16. Intimation of Support received from Miss Lynsey Latimer, 14a Cumbernauld Road, Glasgow, G33 6EL on 16 September 2019.
17. Intimation of Support received from Mr Alan Roy, 19c Rollock Street, Stirling, FK8 2PP on 17 September 2019.
18. Intimation of Support received from Mrs Christine Scott, 2 Bellfield Place, Coalburn, ML11 0HA on 16 September 2019.
19. Intimation of Support received from Mr Iain Heddle, 6 Sir James Black Gait, Lochgelly, KY5 9PU on 23 September 2019.
20. Intimation of Support received from Mr Ian Macmillan, 7 Blackwell Avenue, Inverness, IV2 7DY on 24 September 2019.
21. Intimation of Support received from Mr Ross Logan, Hillend Farm, Helensfield, Alloa, FK10 3PU on 29 September 2019.
22. Intimation of Support received from Mr Richard Draycott, 4 Bryson Place, Larbert, FK5 4FZ on 18 September 2019.
23. Intimation of Support received from Dr Mairi Breslin, Colliers Rest, Dunmore, Falkirk, FK2 8LY on 18 September 2019.
24. Intimation of Support received from Miss Janice Duncan, 66 Park Crescent, Sauchie, Alloa, FK10 3DT on 19 September 2019.
25. Intimation of Support received from Mr Robbie Burgoyne, Higgins Nuke, Airth, FK2 8PW on 20 September 2019.
26. Intimation of Support received from Mr Derin Smith, 6 Wallace Street Bannockburn, Stirling, FK7 8JG on 20 September 2019.

27. Intimation of Support received from Mr Paul Mcinally, The Ferry Inn, Ferry Road, South Alloa, FK7 7LF on 20 September 2019.
28. Intimation of Support received from Mr Stuart Rae, The Coachmans House, Dollarbeg, Dollar, FK14 7LZ on 21 September 2019.
29. Intimation of Support received from Mrs Alexandra Clark, 13 Springfield Court, Linlithgow, EH49 7TH on 22 September 2019.
30. Intimation of Support received from Mr Graham Menzies, 4 Pendreich Road, Bridge of Allan, FK9 4LY on 3 October 2019.
31. Intimation of Support received from Mr Allan Liddell, 2, Liddle Drive, Bo'ness, EH51 0PB on 4 October 2019.
32. Intimation of Support received from Mr Allan Liddell, 111 Thornton Avenue, Bonnybridge, FK4 1AP on 4 October 2019.
33. Intimation of Support received from Mrs Doris McCormack, 33 Old Station Wynd, Troon, KA33 8RR on 29 September 2019.
34. Intimation of Support received from Mr William Dick, Linksfield farm, Airth, Falkirk, FK2 8QT on 29 September 2019.
35. Intimation of Support received from Mr Allan Conry, 4 Castle Avenue, Airth, Falkirk, FK2 8GA on 10 October 2019.
36. Objection received from Stephen Sloper, Yew House, Airth Castle Estate, Letham, Falkirk, FK2 8JF on 29 October 2019.
37. Intimation of Support received from Mr Kevin Mearns, 23 Isla Road, Alyth, PH11 8EN on 30 September 2019.
38. Intimation of Support received from Mr Conner Robertson, 8 Barony Park, Alyth, PH11 8DF on 30 September 2019.
39. Intimation of Support received from Mr Alex McKie, 2 Bruce Gate, Airth, Falkirk, FK2 8GN on 30 September 2019.
40. Intimation of Support received from Mr Anthony Horne, 5 Greenacre Place, Bannockburn, Stirling, FK7 8PA on 30 September 2019.
41. Intimation of Support received from Mr Paul McClelland, Chestnut Crescent, Dunipace, Denny, FK6 6LF on 3 October 2019.
42. Intimation of Support received from Mr Lee Burden, 98 Muirhead Road, Stenhousemuir, Larbert, FK5 4JB on 16 September 2019.
43. Intimation of Support received from Mr Robin Turnbull, 69 Lansbury Street, Alexandria, G83 0SA on 19 September 2019.
44. Intimation of Support received from Miss Michelle Brown, 1 Nursery Grove, Stonehouse, ML9 3RT on 17 September 2019.
45. Intimation of Support received from Mr Scott Hamilton, 90 South Green Drive, Airth, Falkirk, FK2 8JR on 20 September 2019.
46. Intimation of Support received from Mrs Alison McClymont, 21 Claymore Drive, Stirling, FK7 7UP on 23 September 2019.
47. Intimation of Support received from Mrs Annette Duff, 47 Castle Avenue, Airth, Falkirk, FK2 8GA on 18 September 2019.
48. Intimation of Support received from Mrs Jackie Moffat, 21 Balfour Street, Bonnybridge, FK4 1NP on 17 September 2019.
49. Intimation of Support received from Mr Kenneth Myles, 4 Glentye Gardens, Lochgreen, Falkirk, FK1 5NT on 1 October 2019.
50. Intimation of Support received from Mrs Rachel McInnes, 22 Castle Drive, Airth, Falkirk, FK2 8GD on 25 October 2019.
51. Intimation of Support received from Mrs Susan Rutherford, Dundarroch, South Kersie, Near Throsk, Stirling, FK7 7NH on 19 December 2019.
52. Intimation of Support received from Mr Matthew Cummings, 48 The Ness, Dollar, FK14 7EB on 2 October 2019.
53. Intimation of Support received from Mr Ian Paterson, 73 Canalside Drive, Reddingmuirhead, Falkirk, FK2 0FA on 19 September 2019.

54. Intimation of Support received from Mr John Shearer, 25 Singers Place, Dennyloanhead, Bonnybridge, FK4 1FD on 20 September 2019.
55. Intimation of Support received from Mr Steven Riddell, 17, West Boreland Road, Denny, FK6 6PA on 17 September 2019.
56. Intimation of Support received from Mr Alan Smith, The Firs, Bannockburn, FK7 0EF on 20 September 2019.
57. Intimation of Support received from Mr Stephen Wilson, 12 Stance Place, Larbert, FK5 4FA on 20 September 2019.
58. Intimation of Support received from Mrs Victoria Marriott, Claremont Lodge, 24 Auchingramont Road, Hamilton, ML3 6JT on 16 September 2019.
59. Intimation of Support received from Mr Ed Andrews, 117 Nelson Terrace, Keith, AB55 5FD on 19 September 2019.
60. Intimation of Support received from Mrs Donna Comrie, Easterton Farmhouse, Easterton Farm, Denny, FK6 6RG on 17 September 2019.
61. Intimation of Support received from Mr Ross Fergusson, 40 Whitefaulds Avenue, Maybole, KA19 8AS on 1 October 2019.
62. Intimation of Support received from Mrs Louise Maclaren, 48 Birch Avenue, Stirling, FK8 2PN on 20 September 2019.
63. Intimation of Support received from Miss Lisa Parker, 39 St Anne's Crescent, Bannockburn, Stirling, FK7 8JL on 20 September 2019.
64. Intimation of Support received from Mrs Katy Taylor, 31 Wedderburn Road, Dunblane, FK15 0FN on 20 September 2019.
65. Objection received from Mr Michael Anderson, 17 Carrongrove Road, Carron, Falkirk, FK2 8NX on 28 September 2019.
66. Intimation of Support received from Mr Alan Mcneilage, 84 Burnbank Road, Grangemouth, FK3 8RR on 19 September 2019.
67. Intimation of Support received from Mr Brian Drysdale, 1 Morgan Way, Armadale, Bathgate, EH48 2JB on 19 September 2019.
68. Intimation of Support received from Mr Matt McNally, 99 Kennedy Way, Airth, Falkirk, FK2 8GG on 19 September 2019.
69. Intimation of Support received from Mrs Debbie Thompson, 45 Mungallhead Road, Falkirk, FK2 7JQ on 24 September 2019.
70. Intimation of Support received from Ms Dianne Allan, 43 Priory Road, Linlithgow, EH49 6BP on 16 September 2019.
71. Intimation of Support received from Ms Lianne Dick, 47 Hayford Mills, Stirling, FK7 9PN on 19 September 2019.
72. Intimation of Support received from Miss Rebecca Flint, 7 Elgin Drive, Stirling, FK7 7TZ on 20 September 2019.
73. Intimation of Support received from Miss Jemma Forrest, 60 Spencer Court, 36 Froghall Terrace, Aberdeen, AB24 3PF on 16 September 2019.
74. Intimation of Support received from Mrs Nicola Beveridge, 11 Galan, Alloa, Clackmannanshire, FK10 1RJ on 16 September 2019.
75. Intimation of Support received from Mr Gordon Wilson, 4 Ingram Place, Maddiston, Falkirk, FK2 0FT on 23 November 2019.
76. Intimation of Support received from Miss Lauren Grant, 16 McAllister Court, Bannockburn, Stirling, FK7 8PT on 16 September 2019.
78. Intimation of Support received from Mrs Anne McGahan, 27 Newton Crescent,, Dunblane,, FK15 0DZ on 16 September 2019.
78. Intimation of Support received from Mrs Elaine Taylor, 22 Castlehill, Doune, FK16 6BU on 16 September 2019.
79. Intimation of Support received from Mrs Alison Gittins, 56 Grampian Road, Stirling, FK7 9JP on 24 September 2019.
80. Intimation of Support received from Mrs Gemma Baillie, 1 Millview Close, Auchterarder, PH3 1FR on 16 September 2019.

81. Intimation of Support received from Mrs Rose Anne Roy, 19c Rollock Street, Stirling, FK8 2PP on 17 September 2019.
82. Intimation of Support received from Mr Kris Brzezina, 5 Sclandersburn Road, Denny, FK6 5LP on 20 September 2019.
83. Intimation of Support received from Mr Jamie Strang, 67 High street, Bonnybridge, FK4 1BX on 7 January 2020.

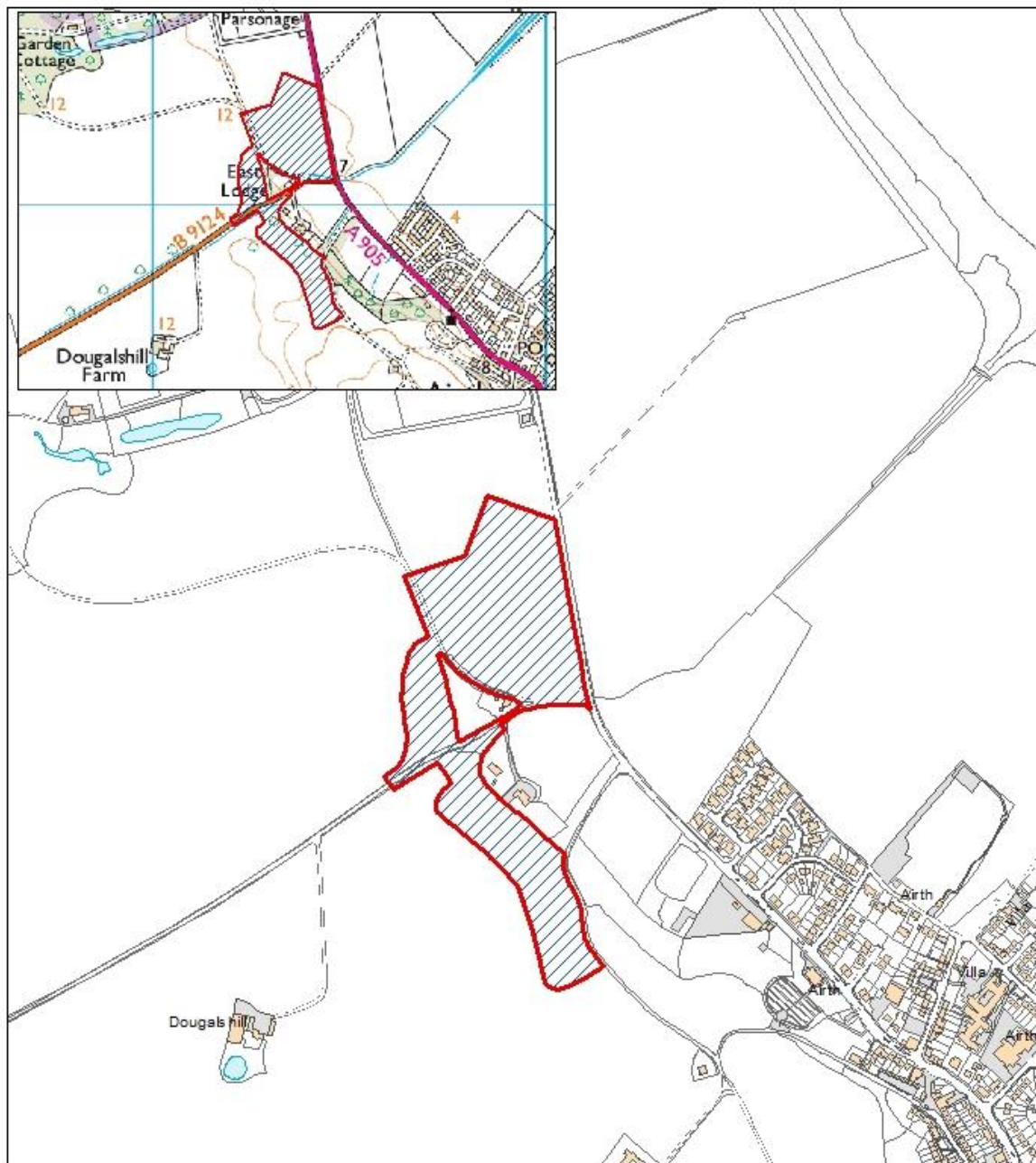
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/19/0578/PPP**

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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