



Agenda Item 6

**ERECTION OF VISITOR CENTRE TO
INCLUDE INFORMATION / EXHIBITION
SPACE, ARTS AND CRAFT WORKSHOP,
RESTROOMS, CAFÉ AND RETAIL AREA
AND 82 BUNGALOWS AT AIRTH MAINS
FARM, CEMETERY ROAD, AIRTH, FOR
GEORGE RUSSELL CONSTRUCTION
LIMITED - P/21/0110/PPP**

FALKIRK COUNCIL

Subject: ERECTION OF VISITOR CENTRE TO INCLUDE
INFORMATION / EXHIBITION SPACE, ARTS AND CRAFT
WORKSHOP, RESTROOMS, CAFÉ AND RETAIL AREA AND
82 BUNGALOWS AT AIRTH MAINS FARM, CEMETERY
ROAD, AIRTH, FOR GEORGE RUSSELL CONSTRUCTION
LIMITED - P/21/0110/PPP

Meeting: PLANNING COMMITTEE

Date: 16 November 2022

Author: DIRECTOR OF PLACE SERVICES

Local Members: Ward - Carse, Kinnaird and Tryst

Councillor Margaret Anslow
Councillor Gary Bouse
Councillor Jim Flynn
Councillor Laura Murtagh

Community Council: Airth Parish

Case Officer: Brent Vivian (Senior Planning Officer), Ext. 4935

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1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application is a major development and seeks planning permission in principle for the erection of a visitor centre and 82 dwellinghouses (bungalows). The dwellinghouses are intended as 'enabling development' to cross-fund provision of the visitor centre.
- 1.2 The application site lies to the west and north-west of the village of Airth. An allocated housing site bounds part of the site to the east. Agricultural land lies to the west of the site, housing within Airth lies to the south, and Dunmore Park which contains the Dunmore Pineapple architectural folly lies to the north-west.
- 1.3 The site currently comprises open agricultural arable land. The proposed visitor centre site is irregular in shape and in the southern section of a field. It is of level topography with the eastern boundary being defined by the A905. The proposed site for the housing is long and narrow, running north to south. It is undefined and forms part of a number of larger fields.

1.4 The following information accompanies the application:-

- Pre-Application Consultation Report
- Design and Access Statement
- Indicative Masterplan
- Planning Statement
- Landscape and Visual Appraisal
- Ecological Appraisal
- Heritage Statement
- Flood Risk Assessment
- Indicative Drainage Layout
- Geotechnical, Environmental and Mining Report
- Transport Statement
- Stage 1 Road Safety Audit
- Housing Needs Statement
- Valuation Report
- Financial Projections for the Proposed Café
- Indicative Floor Plans for the Visitor Centre and Bungalows
- Business Plan
- Visitor and Natural Asset Plan
- Cycling and Walking Addendum

1.5 The following points are highlighted from the submitted information:-

- The principal use within the visitor centre would be a café (251m², 126 covers)
- The other uses indicated are a tourist information and display area (193m²), an arts and craft workshop (30m²) and a retail area (30m²)
- The submitted financial projections for the café are based on the floor space/ capacity shown on the indicative floor plan
- The café would be operated by the applicant and management of the visitor centre would be the sole responsibility of the applicant
- The submitted planning statement states that National Trust for Scotland will partner the use and promotion of The Pineapple and wider interests through the visitor centre
- An occupancy restriction of over 55 years of age is proposed for the 82 bungalows. The reason stated in the submitted valuation report is to restrict the pressure on local educational provision
- The submitted floor layouts for the bungalows indicate two and three bedroom properties
- The indicative masterplan shows four housing clusters (cluster 1 - 22 units, cluster 2 - 20 units, cluster 3 - 19 units and cluster 4 - 21 units)
- It is proposed to realign the B9124 to the north, to provide access to the visitor centre, before it swings back southwards to join its existing alignment. A new roundabout junction on the A905 would be created and the existing B9124 junction would be closed to vehicular traffic
- The proposed housing would have access from the realigned B9124
- The visitor centre would provide new car and coach parking facilities. The Pineapple is currently served by a private road from the B9124, but has limited parking facilities and no turning space for larger vehicles

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 A pre-determination hearing is required for an application for a major development that is significantly contrary to the Development Plan. Thereafter consideration of the application by the Council's Planning Committee is required. The proposed development is considered to be potentially significantly contrary to Falkirk Local Development Plan 2 owing to the scale of the proposed housing outwith the Airth village limits, within the countryside, and the impact of the proposed development on the historic environment/ Dunmore Park and The Pineapple designed landscapes.
- 2.2 The pre-determination hearing was held remotely on 20 January 2022. The report prepared for this pre-determination hearing is attached to this report. At the hearing, the applicant's agent and Council officers were heard and members of the public/ representatives of the Airth Parish Community Council reiterated and expanded on the points raised in their representations. In addition, members of the Planning Committee had an opportunity to ask questions and seek further information/ clarification. The Committee also agreed to carry out an unaccompanied site visit to view the physical characteristics of the site and surrounds. The site visit took place on 31 January 2022.
- 2.3 A further pre-determination hearing was held remotely on 1 September 2022. Due to ongoing consideration of a range of matters the Committee would like addressed in the report prepared for a future meeting of the Planning Committee, it was not possible to report the application to the remaining Planning Committee meetings prior to the local government elections held on 5 May 2022. The Planning Committee constituted following the elections comprise a number of new and different members to the committee which conducted the previous pre-determination hearing. It was therefore considered necessary to schedule a second pre-determination hearing for the application to allow the newly constituted Planning Committee to hear the views of the applicant and those who have made representations before a planning decision is taken.
- 2.4 The matters the Committee would like addressed in the future report were recorded in paragraph 6 of the report prepared for the second pre-determination meeting held on 1 September 2022 (see attached). Further information is provided in paragraph 8 of this report in relation to the following matters identified by the Committee: education; healthcare; housing need; the business case; landscape and visual impacts; protected species; and the Local Development Plan history of the site. In addition, the report advised that the report prepared for a future meeting of the Planning Committee would provide further information in relation to Equality issues, monitoring and enforceability of the proposed age occupancy restriction, any other development in the Falkirk Council area with a similar restriction, coalescence of settlements, environmental impact of the proposed development on The Pineapple, and clarification of the position of National Trust for Scotland.
- 2.5 A full assessment of Equality issues is provided in section 8 of this report. The monitoring and enforceability of the proposed age occupancy restriction is considered in paragraphs 7b.24 to 7b.35, a development in the Falkirk Council with a similar restriction is detailed in paragraph 3.7, an assessment of coalescence of settlements is provided in paragraph 7a.18, the environmental impact of the proposed visitor centre on The Pineapple from a land management perspective is considered in paragraphs 7b.36 to 7b.40, and further information in relation to the position of National Trust for Scotland is provided in paragraph 4.17.
- 2.6 At the second pre-determination hearing on 1 September 2022, the applicant's agent and Council officers were heard again and the members of the public and the Airth Parish Community Council had a further opportunity to highlight the matters raised in

their representations to the application. Members had an opportunity to ask questions and seek further information/ clarification and the following matters were identified that the Committee would like addressed in the report prepared for a future meeting of the Committee:-

- Potential for the proposed roundabout to reduce traffic speed and traffic impact of the proposed development. These matters are considered in further comments from the Council's Transport Planning Unit in paragraph 4.4
- Enforceability of a burden on the title deeds to restrict occupancy of the bungalows to over 55 year olds. Enforceability of the proposed occupancy restriction is considered in paragraphs 7b.24 to 7b.35
- Clarification of the projected future occupancy levels at Airth Primary School and Larbert High School and impact of the proposed housing on school capacity if no age occupancy restriction was imposed. These matters are addressed in paragraphs 4.9 and 4.10
- Clarification with regard to registration of the over 55 year old residents of the proposed development at the local health centre. This is addressed in paragraph 4.13
- Further explanation in relation to housing need and effective housing land supply. This is provided in paragraphs 7a.26 to 7a.28.
- Further information in relation to biodiversity and protected species impacts. These matters are considered in paragraph 7a.19 in the assessment of the application against Policy PE19 'Biodiversity and Geodiversity' of LDP2
- The impact on vehicle emissions from vehicles slowing down at the proposed new roundabout. This matter is addressed in paragraph 4.5
- Wider impacts of the proposed housing for over 55 year olds on care services and not just the impact on NHS healthcare capacity. This matter is considered in the comments from Falkirk Council Housing Services and Falkirk Health and Social Care Partnership in paragraph 4.11
- Confirmation of the current status of community councils. Falkirk Council Democratic Services have advised that the 2022 election process began on 29 August. All community councils were disbanded and new bodies will form shortly after the election date of 26 October 2022. During this period there were no community councils in the Falkirk Council area

3. PLANNING HISTORY

- 3.1 Planning application P/19/0578/PPP for Erection of Visitor Centre to Include Information / Exhibition Space, Arts and Craft Workshop, Restrooms, Café and Retail Area and 22 Bungalows was approved as a Mind to Grant decision on 17 June 2020. The application was subsequently withdrawn on 25 November 2020 by the applicant due to viability issues.
- 3.2 The Mind to Grant decision was subject to the satisfactory conclusion of a Section 75 planning obligation under the Town and Country Planning (Scotland) Act 1997 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
- 3.3 The application was approved by the Council's Planning Committee as a Mind to Grant decision contrary to the recommendation of the Director of Development Services. 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 in relation to the proposed +55 age restriction, considered that the following material considerations were of such weight 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
- 3.4 Proposal of Application Notice PRE/2020/0017/PAN for Proposed Visitor Centre, Coffee Shop, Retail and 82 Unit Bungalow Development was received on 1 December 2020. Due to Scottish Government Covid-19 guidance, the community consultation event was held online. An online exhibition of the development proposals was available for viewing from 18 January 2021. An online chat session was held on 21 January 2021.

3.5 The main differences between the current planning application and the 2019 application (P/19/0578/PPP) are:-

- The number of units to cross-fund provision of the visitor centre has increased from 22 to 82 units
- The indicative size of the proposed visitor centre has reduced from circa 10,600 sq. ft. (984.76 sq. m.) to 6000 sq. ft. (557.41 sq. m.)
- The applicant has confirmed that the viability of the visitor centre relies on the café element as the principal use of the building
- Additional information accompanies the current application. This includes a heritage statement, a housing needs statement, a valuation report and financial projections

3.6 The Airth Mains site was considered through the Falkirk Local Development Plan 2 (LDP2) process. In the Proposed Plan, published in September 2018, the most significant housing allocation in Airth was at Castle View (132 homes) with two smaller sites at Airth Castle (15 homes) and The Glebe (30 homes). This was subject to subsequent representation from George Russell Construction Limited to the effect the Airth Mains, located in the countryside outwith the village limits for Airth, should be allocated for a visitor centre and enabling bungalow development. An accompanying draft layout indicated a development of 22 bungalows. The issue was considered at the LDP2 Examination held between October 2019 and March 2020. George Russell's representation was not supported by the Scottish Government Examination Reporter who recommended that no change be made to the Proposed Plan. In his conclusions, the Reporter outlined that there would be no policy basis or evidence that a visitor centre would be desirable or appropriate in the location and given the limited number of homes proposed its contribution to the housing land supply would not outweigh the landscape harm. The Examination Report was considered by the Council in June 2020 and the Reporter's recommendation was accepted. The full wording from the Reporter's recommendation is quoted below:-

'The allocation being sought would be for a visitor centre and 'enabling' bungalow development. This site would represent a significant expansion of Airth into open countryside.

Much of the site falls within an area of land identified on the Inventory of Gardens and Designed Landscapes, surrounding the Dunmore Pineapple. The representee has proposed that a visitor centre could be developed, associated with The Pineapple, to promote the asset as an attraction.

I find it significant however that there is no evidence that the National Trust for Scotland (the owners of The Pineapple) have had involvement in the visitor centre concept. Furthermore there has been no meaningful assessment of the effects of the development on the character and setting of the site, and there is no clarity over how, or if, a visitor centre would be beneficial to the protection and management of the site.

Whilst the village limit does not extend as far north as the B9124, this road provides a logical physical limit. Development of this site would elongate the village, and the loss of this open agricultural land would be detrimental to the landscape setting of Airth. It may be possible for such impacts to be reduced or mitigated to some extent, depending on precise siting of any buildings and car parking. I agree with the Council however that the setting of the listed East Lodge and the Parsonage would inevitably be affected.

However, given there is no clear policy basis or other evidence which would indicate that a visitor centre would be desirable or appropriate in this location, and given the uncertainties over how this would relate to The Pineapple (both physically and in terms of its management), I find no basis upon which I could recommend its allocation.

The submission indicates that the 'enabling' residential component would be located to the south of the B9124, immediately to the west of allocated site H48. This part of the site presents less challenges in relation to the historic environment but would also encroach into open countryside beyond a defensible boundary, provided by the private road that forms the village limit. Given the limited number of homes that the site would provide, I find its contribution to the housing land supply would not outweigh the landscape harm. No modifications to the plan are required in response to the representations relating to this site.'

- 3.7 Planning application P/16/0756/PPP for Mixed Use Development to Include a Mixed Tenure Care Village: Including Residential Care Home, Retirement Housing, Supported Housing Units and a Hotel all with Associated Services, Landscaping and Infrastructure at Land to the North of the Manor House, Maddiston, was determined by full Council on 6 December 2017 as a minded to grant decision. The intention is for the units to be occupied by over 55's as amenity housing with community care provision and/ or retirement housing. This application is not analogous to the current application as its concept is a care and retirement village with the accommodation being managed by a company, and a wide range of accommodation and support options being provided, including community facilities, to cater for a wide range of needs and circumstances. The planning authority requires to determine the current application on its own merits.

4. CONSULTATIONS

- 4.1 Falkirk Council's Engineering Design Unit have noted that the proposed development comprises two distinct elements: the erection of a visitor centre on the north side of the B9124 and the construction of 82 bungalows on the south side. It is proposed that both areas will access the A905 at a new roundabout to be formed to incorporate a re-alignment of the eastern end of the B9124. The A905 is an unlit de-restricted rural road along the site frontage, with footway provision on its east side only. The site lies in a rural setting and is remote from the existing public footway network. The submitted masterplan, indicative only given the nature of the application, shows three pedestrian connections from the residential element heading east. It is assumed that these connections are intended to join an approved neighbouring residential development. There has been a recent approach from the contractor for this neighbouring site about starting roadworks, so there are signs of progress on this site. However, despite this, it remains the case that the application under consideration is relying on a neighbouring development to link the site to Airth. If the neighbouring development does not proceed, or proceeds then stalls, pedestrians from the proposed development would have to walk alongside the A905. In addition to concerns over pedestrian movements from the residential element, the visitor centre 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. The road safety auditor has considered the applicant's proposal to maximise the available footway width along the A905 by removing debris and vegetation and found this proposal to be acceptable. Nevertheless, the Engineering Design Unit remain concerned at the prospect of pedestrians walking along a road such as the A905, on a narrower than desired footway. The road safety audit recommends extending the proposed 40mph limit to include the roundabout proposed under this application. However, it cannot be assumed that the speed limit would reduce as a result of this application being approved, as the required Traffic Regulation Order would have to follow due process and would be subject to consultation. The submitted indicative drainage layout and flood risk assessment are considered satisfactory for the purposes of planning permission in principle. All comments raised in reviewing these documents have been satisfactorily addressed by the applicant.
- 4.2 Falkirk Council's Engineering Design Unit have reviewed the updated Masterplan and noted the addition of a pedestrian path from the proposed visitor centre to The Pineapple. This would improve accessibility. In terms of the neighbouring Lochay Homes site, it can be updated that work started on this site some months ago and the first plot was due for occupation in early September. This clearly improves the prospect of a pedestrian route being available from the proposed development to Airth, without requiring travel alongside the A905. It can also be updated that a traffic regulation order has been made which reduces the speed of the A905 to 40mph on the approach to Airth. The order extends north from the Airth village boundary for a distance of 300 metres, just south of the proposed roundabout. It can also be noted that street lighting is being provided on the A905 as part of the Lochay Homes development, from its junction with the A905 to the Airth village boundary. Taken together, these upgrades will improve the environment for pedestrians on the A905. However, it remains the case that the existing footway on the east side of the A905 is narrower than the National Roads Development Guide requires and so development that increases pedestrian traffic on this route would not be supported. It has recently been learned that the Airth Mains farm access carries frequent HGV traffic, which raises concerns relation to retaining this access through a new residential area. To address this, the farm access should be re-routed south of the proposed housing.

4.3 Falkirk Council's Transport Planning Unit welcome in principle the inclusion in the application of a new roundabout access at the re-aligned B9124/ A905 junction, which should provide sufficient capacity to accommodate the proposed development and also reduce traffic speeds along the A905 in this location. The design detail would need to be agreed. Ideally, a swept path assessment to support the roundabout design should be submitted at planning in principle stage. Pedestrian and cycle access to the proposed visitor centre is to be provided via a realigned section of the B9124. The existing footway connection along the A905 between the site and Airth is a concern, with only a narrow unlit footway available on the east side of the A905. For the scale of residential development proposed, the site should be served by an adoptable footway / footpath network, in order to provide a safe and suitable route to the local amenities in Airth. This relies on completion of the adjacent Lochay Homes site. When the actual walking distance is calculated via the adoptable footway network from the existing bus stop locations, both the proposed visitor centre and the residential element exceed the required 400 metres walking threshold. To improve access to the visitor centre, the applicant has confirmed that a bus stop would be incorporated within the visitor centre coach parking area. This is welcomed. The current F16 bus service provides an hourly service, Monday to Saturday. In order to provide public transport to the visitor centre on a Sunday, a financial contribution to fund a Sunday services (at least for the first three years) is requested. Even with a bus stop at the visitor centre and if adequate connecting links could be established through the adjacent Lochay Homes site and the West Mains Farm access road, the majority of the residential element would still be outwith the required 400 metre walking threshold to the nearest bus stops. To address this, the applicant is proposing to design the primary street so it could accommodate a future bus service. This is acceptable. However, it is noted that this, in itself, would not guarantee provision of a bus service, particularly given the remote location of the proposed housing. The current service is tendered by the Council as it is not a commercially viable route and it is unlikely that the proposed housing would change this, even with the potential extra demand. The opportunity to extend the bus service into the proposed residential element would likely be influenced by such factors as future changes to the bus market or extra funding becoming available to the Council to fund a service. The submitted road safety audit raises a number of concerns and makes a number of recommendations. The applicant has suggested that while a 2 metre wide footway along the east side of the A905 cannot be provided, a footway of around 1.7 metres (but with a minimum of 1.5 metres over a length of 20 metres or so) can be provided by removing all of the existing dirt and vegetation from the footway. The road safety auditor found these mitigation measures to be satisfactory. The applicant suggests that the remaining issues identified in the road safety audit could be considered further at detailed planning/ Road Construction Consent stage. Ideally, at least some of these matters should be addressed at this stage, in order to ensure there would be no major issues with a future detailed application. Secure covered cycle parking should be incorporated close to the main entrance to the visitor centre, to encourage cycling. Consideration should be given to providing electric vehicle charging points within the visitor centre car park. A travel plan statement should be prepared for the visitor centre, and a residential travel plan/ welcome travel pack for the residential element. The residential element consists of a large cul-de-sac, which appears to measure around 1100 metres in length due to the scale of the proposed housing. This design is not in line with the Scottish Government's Designing Streets policy guidance, which strongly discourages conventional cul-de-sac layouts, while indicating that short cul-de-sacs may occasionally be required due to topography, boundary or other constraints.

- 4.4 The Council's Transport Planning Unit have advised that data from a temporary traffic counter on the A905 in the vicinity of the proposed access roundabout suggested that 85th percentile speeds were 57.5mph southbound (towards Airth) and 52.1mph northbound (towards Dunmore). The proposed roundabout access along with the accompanying 40mph transition zone should slow traffic considerably in the vicinity of the new access. There should also be a corresponding reduction in the speed of traffic approaching Airth itself. With regard to traffic impact, it is difficult to quantify just how attractive the proposed visitor centre would be in this location. The vehicle trip generation is likely to be predominately off-peak during weekdays and at weekends, with no real impact anticipated during the traditional morning and evening weekday peak periods. There is also likely to be a seasonal impact, with slightly higher flows during the summer months than through the winter. The submitted Visitor and Natural Asset Plan suggests that around 278 daily covers are achievable in the café (between 9am and 5pm) by Year 3. The café is likely to be the highest trip generator, as many visitors would drop in for a coffee or lunch without going on to visit The Pineapple. If it is assumed that around 90% would arrive by car with a minimum occupancy of two, this corresponds to around 16 vehicles per hour on average between 9am and 5pm. An additional 2 vehicles per hour on average are assumed to visit The Pineapple itself. In contrast, the peak trip generation of the residential element is likely to be during traditional morning and evening weekday peak periods, with lower flows anticipated during off peak hours. The submitted Transport Statement suggests that 64 two-way vehicle trips are likely to be generated by the housing element during the traditional morning and evening weekday peak periods, when 85th percentile trip rates are assumed. The typical off-peak trip generation is predicted to be around 40 two-way vehicle trips per hour on average. In terms of trip distribution, not all of these new trips would travel through Airth. Existing daily flows on the A905 in this location suggest that just as much traffic heads north as heads south towards Airth. Therefore, if existing movements are used as an indication of likely origin/ destinations, it is not unreasonable to assume that around half of the total trips generated by the development would head north, away from Airth. This means that only around 32 additional two-way vehicle trips are predicted to travel through Airth during the traditional morning and evening peak periods, and an additional 38 two-way vehicle trips during a typical off-peak hour, which is unlikely to cause any significant capacity issues. In terms of congestion, the proposed new roundabout on the A905 is likely to have adequate capacity to accommodate the predicted flows, so traffic congestion is not anticipated at the new access. In Airth, other than temporary congestion caused by buses (both school buses and scheduled services) stopping at bus stops where central traffic islands/ refuges may restrict overtaking until the bus moves off, or due to temporary traffic signals for road works, traffic congestion is not known to be an issue.
- 4.5 The Council's Environmental Protection Unit have requested the carrying out of a noise survey to determine the effect of commercial activities in the area in close proximity to certain sections of the proposed development. A contaminated land assessment is required which covers the entire planning application site boundary. There are records of extensive mining (including mine entries within the site boundary), agricultural activities and other potential sources of contaminated land within 250 metres of the site. In addition, further information and clarification is required in relation to the site investigations and gas monitoring carried out. There are no significant local air quality concerns associated with the application. In addition, as the Airth area is relatively rural and not in close proximity to any of the active Falkirk Council Air Quality Management Areas (AQMAs), traffic slowing at the proposed new roundabout would not give rise to any immediate air quality concerns.

- 4.6 The Coal Authority have advised that their records indicate that the site is within an area of both recorded and probable shallow coal mining that may be attributable to the coal seams inferred to outcrop within the site. In addition, their records indicate the presence of a recorded mine entry, but no details of the treatment of this mine entry are held. The submitted geotechnical, environmental and mining report has confirmed that parts of the site will require remediation measures (ground stabilisation works) and/ or mitigation measures (foundation design). However, the report informs that it would only be once the probe drilling/ grouting programme has commenced that the detailed level of remediation/ mitigation can be finalised. The Coal Authority consider that the applicant has demonstrated that the site can be made safe and stable for the proposed development by incorporating remedial/ mitigation measures. However, due to the on-site recorded mine entry, it is considered that further ground investigation is required within the specific area of the site (cluster 2) to inform the layout of this phase of the development. Therefore, there is no objection to the application subject to the imposition of conditions to secure the carrying out of further site investigations and the necessary remediation and mitigation measures.
- 4.7 Scottish Water have no objection to the application but advise that this does not confirm that the proposed development can currently be serviced. At present they are unable to confirm that the Turret Water Treatment Works and the Airth Waste Water Treatment Works have capacity to serve the proposed development. It is suggested that the applicant complete and submit a Pre-Development Enquiry (PDE) Form. Their records indicate that the development proposals impact on existing Scottish Water infrastructure. Any identified conflicts with assets may be subject to restrictions on proximity of construction.
- 4.8 The Scottish Environmental Protection Agency (SEPA) have no objection to the application on the grounds of flood risk. The site is outwith the functional floodplain based on the SEPA Flood Maps. This indicates that there is a low risk of flooding from the Forth Estuary. The submitted flood risk assessment is based on appropriate methods and its representation of flood risk at the site is in line with all other evidence that is currently available. The site is significantly elevated above the Forth Estuary and other small watercourses on site. The flood risk assessment has demonstrated that the risk to the development from the small watercourse, named Burn 1 in the assessment, is low and all built development is outwith this functional floodplain.
- 4.9 Falkirk Council's Children's Services have advised that Airth Primary School, Sacred Heart RC Primary School and St Mungo's RC High School are anticipated to be able to accommodate the pupils from this proposed development. The development would, however, contribute to rising schools rolls at Larbert High School and the need for investment to resolve the growing capacity pressures at this school attributable to new housing development in the area. A developer contribution is therefore requested, at a rate of £2673.97 per dwellinghouse, in accordance with Supplementary Guidance SG13 'Developer Contributions'. However, if the same restrictions were placed on this application as for the previous planning application (P/19/0578/PPP) there would be no education contribution payable. Those restrictions included that no house shall be occupied by any child of school age or younger as their only main residence, and that any future discharge or removal of the restriction would incur the appropriate education contribution to be paid by the owner within 28 days of the notice by the authority.

- 4.10 Falkirk Council Children's Services have confirmed that the school roll projections for Airth Primary School show that the occupancy levels of this school are expected to peak at around 84% in 2024/25 due to housing building. The occupancy levels of the school are then expected to settle at around 78% and 77% for the following two years. The Housing Land Audit estimates that the Castle View site and the Glebe site will to be completed by 2026/27 with no further house building in the area. The school roll projections estimate that the school occupancy levels will drop below 70% following 2028/29. The estimates indicate that the primary school will have some available long-term capacity to accommodate further new housing. The current capacity of Larbert High School is 2,174 and the occupancy level is 96% for the school session 2022/23. The school roll is set to increase over the next 3 years peaking at 99% in 2024/25. Occupancy levels at the high school are estimated to remain high for some time, with occupancy levels over 90% for the next 7 years. Any new housing proposals will exacerbate this. Further investment in classroom capacity will therefore be required over the next 5 years and developer contributions will continue to be required to support this essential infrastructure investment.
- 4.11 Falkirk Council's Housing Services and Falkirk Health and Social Care Partnership have provided a joint response to the application. They are not in a position to comment on the housing need for over 55 year olds across all tenures including private housing. However, the information from the Council's waiting list demonstrates that there is a need for social rented housing for over 55-year olds within the Larbert, Stenhousemuir and Rural North sub-market area. The waiting list information does however also demonstrate that there is a substantial need for affordable housing for those under the age of 55. The Council works with affordable housing providers to provide a balanced programme to meet the needs of all groups. Generally, the preference is to provide a mix of house types leading to balanced communities. A requirement for 25% of the units to be affordable housing units applies to this site. In addition, the Council's Supplementary Guidance for Affordable Housing (SG06) includes wheelchair accessible housing as a new category of affordable housing. SG06 makes it clear that there is a target of 5 to 10% wheelchair units across all tenures. It is expected that the applicant would give consideration to the target for wheelchair accessible housing as set out in SG06. As the applicant proposes to target older people in this development, it is essential that the properties are properly designed to accommodate future adaptations, to allow people to remain safely in their homes as their health and social care needs change and mobility reduces. It is recommended that the Council's housing occupational therapist, or another suitably qualified professional approved by the Council, have input into the design process if the application is approved. There are concerns with the proposed development in terms of the high number and concentration of properties for an older age group and the potential pressure this could put on local health and social care services such as Care at Home services, community nursing, allied health professional (e.g. occupational therapy, podiatry), day opportunities and carer support. However, if the houses are designed effectively, these people would be living in accommodation more suited to their needs. There are also concerns that the mental and physical wellbeing of the residents may be negatively impacted by the isolated location of the properties and lack of easy access to vital services such as public transport, shops, and existing social and community activities. They do not have enough evidence locally to determine whether the proposal is a positive step for older people. They would add, however, that there may be people under the age of the 55, with particular mobility needs, who would benefit greatly from being in a bungalow, and it is not considered to be right that these people should be excluded from the development on the grounds of age.

- 4.12 Falkirk Council Housing Services have further advised that the Housing Needs Team have nearly 4500 applicants who have selected the allocation area of Larbert/ Stenhousemuir, which include Airth, as a place to live. Over 300 of these require an adapted property. They would not wish to see an age occupancy restriction placed on the affordable housing units and a mix of size of affordable units would be sought. The greatest need is for housing for small households, so two-bedroom and some one-bedroom properties, but there is also an acute need for larger houses (4+ bedrooms, for 7 or 8 persons). Some wheelchair standard properties would also be expected (5 to 10% of units on the site). In summary, the following would be sought in respect of the affordable housing provision for the site: 20 properties for social rent, built to Housing for Varying Needs standard; 4 full wheelchair standard units - at least 2 of these should be larger units (three or four bedroom); and some 1 and 2 bedroom properties. An age occupancy restriction to over 55's would impact on the mix of house sizes sought. The applicant should engage with a Registered Social Landlord (RSL) which is approved by the Council. If some of the proposed bungalows were designed to meet full wheelchair standard, these could count towards the affordable housing requirement.
- 4.13 NHS Forth Valley have noted that the proposed bungalows would be specifically for the +55 age group. This may lead to a large proportion of patients registering with the local practice having one to two chronic diseases. Patients may need a lot of attention, monitoring and care when they join the practice and there is an expectation that this could result in a need for more clinics to be provided and an increase in workload. The proposed residential development is located within the catchment of Airth Health Centre. The health centre currently has capacity to serve this proposed development. Discussions have also been undertaken with Ochilview Medical Practice (located within Stenhousemuir Health Centre) and Tryst Medical Centre as they also cover the Airth area and they have not raised any capacity issues resulting from the proposed development. A cumulative assessment to take account of the allocated housing sites in and around Airth identified in the Falkirk LDP2 and the Housing Land Audit 2020/ 21 has confirmed that Airth Health Centre has capacity to service the proposed residents resulting from the effective housing sites within the catchment area plus the 82 dwellings proposed in this application. A development contribution towards primary health care will therefore not be sought in relation to this planning application.
- 4.14 NHS Forth Valley have advised that the Airth Health Centre is operated as a branch surgery of the main Practice at Fallin. Patients registering within the catchment area are registered with the main Practice and as a branch surgery the Airth site is staffed by clinical staff on a reduced basis. In essence what this means is should an Airth patient seek to book an appointment, the appointment slots will be available on a limited basis and when fully utilised patients may be asked to attend Fallin where capacity for routine appointments is greater. This is voluntary on the part of the patient who could then choose to attend Fallin or a future appointment in Airth. This access arrangement will fluctuate according to daily staffing levels at the Practice/s. Airth Health Centre is also within the catchment area for two of the three Practices in Stenhousemuir Health Centre. There would be no obligation for the Airth/ Fallin/ Cowie Practice to take on a patient already registered at the Stenhousemuir Health Centre due to proximity. However, they could choose to do so if they are accepting new patients.

- 4.15 Falkirk Council Museum Services have advised that the site lies on the Hill of Airth and recent work has indicated the absence of archaeological sites in the general area. The only historic feature of this nature was the main road northwards from Airth which ran along the top of the ridge from Black Avenue to the manse and on to Dunmore Tower. However, the northern end of the development intrudes upon the important designed landscape of Dunmore Estate associated with The Pineapple. The proposal would divorce the Gothic style lodge from the policy as well as introducing new buildings and traffic. Lodges acted as a distant herald of things to come and the proposal would isolate this structure, which provided the main approach, from those in the core. The historic setting of the old manse of 1814 is also radically altered by the proposed development, although its main façade and prospect to the north-east is unaffected.
- 4.16 Historic Environment Scotland have advised that the current proposal is likely to detract from the understanding and experience of the Garden and Designed Landscape (GDL) at Dunmore Park. The applicant's submissions that the proposed visitor centre would have little visual impact and minimal impact on the landscape are not accepted. Similarly, the proposed mitigation strategy, to introduce screen planting in an area of the GDL which is characterised by open parkland and farmland character, is not agreed with. It is therefore considered that the site layout and building design should be reconsidered to seek to mitigate impacts on the historic driveway, lodge and landscape. This should include further consideration of the proposed new road and its impact on the B-listed lodge, as the proposal divorces the lodge from its context and diminishes the experience and understanding of this important historic access to the estate, particularly as this is the main route to The Pineapple. It is noted that the proposed residential element has increased for 22 to 82 units, running in a long thin corridor from the edge of the GDL to the village. As the GDL is characterised by heavily planted inner policies surrounded by less formal policies and open farmland, careful consideration should be given to how this new urban corridor would impact on the setting of the GDL. It is not considered that the submitted heritage statement adequately assesses impacts to the historic environment. Instead, it largely focuses on the potential of improved access and facilities, concluding that the overall impact on The Pineapple, when considered in the round, would be beneficial. It is expected that a heritage impact assessment would offer a detailed analysis of impacts of the visitor centre and new housing on this nationally important Inventory site and the setting of the listed buildings, including the Category A-listed Pineapple. Notwithstanding the above, the application is not objected to as it is not considered to raise historic environmental issues of such national significance to justify an objection. However, this should not be taken as support for the proposals for the reasons detailed above.

4.17 National Trust for Scotland have objected to the proposed development. The proposed development would have a significant impact on a greenfield area, including a designated Historic Garden and Designed Landscape, along with nationally significant heritage assets. In particular, the proposal would have a direct impact on a significant proportion of a designed landscape at Dunmore Park, which is in the National Inventory of Historic Gardens and Designed Landscapes. The Pineapple and its associated walled garden are A listed, designating a built heritage asset of national and international importance. Together they form a tranquil visitor experience combining elements of nature and human invention. It is understood that the proposal would create a suburban approach to the site in the form of ribbon development, and close to the site, in close proximity to The Pineapple building, would insert a commercial building which has no aesthetic or functional relationship to The Pineapple or walled garden. This would fundamentally alter the quality of place and the visitor experience, potentially diminishing the qualities that would attract visitors in the first place, and adversely affecting the setting of The Pineapple and walled garden. The Pineapple site hosts a healthy population of great crested newts. There is concern that the conversion of open space to built development may have an adverse effect on this population and its ability to colonise other areas. The current LDP2 has identified the proposed development area as a protected landscape and has not zoned the area for housing or any other built development. LDP2 identifies housing sites within Airth (H48 and H50) which respect the settlement boundary and local road system, and do not impinge on the protected landscape. The applicant states in their design and access statement that NTS welcome the development proposals and future partnership for use of the centre and facilities. NTS have not welcomed the proposed development, committed to a partnership, or identified the proposed visitor centre as of benefit to The Pineapple. There was contact around July 2019 between the applicant and the former Trust representatives to an earlier, smaller proposal that also included a proposed visitor centre. At that time, concerns were raised in relation to the great crested newts at the site and that the proposal provided no explanation as to how the visitor centre would benefit The Pineapple in terms of access, visitation, knowledge, support, or use. It was asked at that time that the proposed visitor centre not be referred to as a visitor centre for the Dunmore Pineapple. There has been no subsequent contact with the developer, and the current application makes no reference to how the visitor centre would relate to the work of the Trust in conserving and interpreting The Pineapple. The Pineapple and walled garden are a core heritage asset for the National Trust, having been acquired in 1973. The Trust is currently developing a new 10-year strategy which will cover access, inclusion, visitor experience and conservation at their properties. It is therefore premature to propose a visitor centre intended to serve this site in some form, given that the Trust as owners will be making their own plans which will inevitably supersede those of the applicant. It is an unusual step to propose a visitor centre for another owner's assets without having regard to the owner's own plans. Their objection to the application ties in with the soon to be published 10 year strategy. The Trust would have no interest in, or connection to, the proposed visitor centre as it is not in their plans to have one at this site. Indeed, any development at The Pineapple is likely to be low key and would more than likely be garden-led (including allotments) with facilities such as toilets.

- 4.18 National Trust for Scotland have reviewed the submitted Visitor and Natural Asset Plan and advised that it does not address their concerns as to the impact of the proposed development on the heritage resource, and that it has raised further questions over the proposal. There is no explanation as to how the visitor centre would relate to The Pineapple or the Garden and Designed Landscape, or what contribution it would make to the area's heritage, beyond an offer to promote National Trust for Scotland membership at the café. The projections for visitors to the centre appear very ambitious (over 100,000 a year). By comparison, existing significant attractions in the Falkirk Council area have less than this per year, for example, Callander House has 62,465 and Blackness Castle has 79,265 (Association of Scottish Visitor Attractions data). VisitScotland data (Most Popular Activities Undertaken as Part of Day Trip) reports that only 33% of day visitors took a meal as part of their visit. On that basis, to achieve 100,000 food and drink customers at a visitor attraction would imply a much larger number of visitors would be required, perhaps as many as 300,000. The proposed visitor centre appears to have only a tenuous link to The Pineapple site, with the submitted visitor plan stating that perhaps only 5% of visitors to the centre could be expected to go on to visit The Pineapple or the Garden and Designed Landscape. Five percent of 100,000 visitors is 5,000 and The Pineapple is already assessed as receiving 5,000 to 10,000 visits each year. On that basis the visitor centre would not provide any uplift in visitation. The proposal is perhaps best understood as a café and retail use and assessed on that basis. Furthermore, the proposed visitor centre has no relationship to the Trust's conservation and management of The Pineapple.
- 4.19 Scotland's Garden and Landscape Heritage have noted that they offered no comments on the previous planning application (P/19/0578/PPP) considering it would have minimal impact on either Dunmore Park or The Pineapple designed landscapes. They are however concerned by the nearly four-fold increase in bungalows in this latest application. While not wishing to object outright to the application, it is strongly advised that additional tree planting is introduced along the existing B9124 to provide effective screening along that section of the Dunmore Park Inventory boundary, and also to create a degree of separation to the two areas of the development. Further is it asked that the Council ensure they are confident that, in the case of the additional housing units, this development in the countryside meets the appropriate criteria.
- 4.20 The Council's Growth and Investment Unit have advised that a Business Plan rather than just financial projections would have been expected. It is difficult to make comments without the information that would usually be in a business plan. However, it is evident that the financial projections for the proposed café have been professionally prepared and appear to be in order. The projections have been based on established businesses of similar size and nature and the business is projected to make a loss in the first year and move to a profitable position in subsequent years. However, the lack of a business plan means that there is no real context or assumptions that can be made. Their overall comment remains that such a visitor attraction would be welcomed in the area, aligned to one of the area's most popular visitor attractions. However, with the level of additional residential development now proposed, it is considered that local development plan policy must be the primary indicator for assessing this proposal.

- 4.21 The Council's Growth and Investment Unit have reviewed the Business Plan submitted after their original comments summarised in paragraph 4.20. Their comments on the Business Plan were summarised in paragraph 8 of the update report prepared for the Pre-determination Hearing on 1 September 2022. Overall, they consider the Business Plan to be professionally prepared, thorough and robust, and provides a good case for viability of the proposed café. They have also reviewed the submitted Visitor and Natural Asset Plan and the letter from National Trust for Scotland commenting on this information. They advise that the plan is well written and makes some strong points for the proposed development, however, that National Trust for Scotland is clearly in a better position than they are to comment on the likely visitor number anticipated and needed.
- 4.22 District Valuer Services (DVS) of the Valuation Office Agency have reviewed the applicant's valuation report at the request of the Council's Development Management Unit. DVS's appraisal factors in a 25% affordable housing requirement in accordance with LDP2 policy (which the applicant's appraisal does not), adjusts the developer contributions based on current advice and adds/alters some key inputs, while also reflecting some other differences. Within the conclusion of their report DVS comment that the appraisal provided in the applicant's valuation produces a low profit margin at 10.12% of Gross Development Cost and this is further reduced to 7.85% when affordable housing is included in the appraisal. On a similar basis (i.e. inclusion of affordable housing and an age restriction to over 55's) DVS have calculated profit margins of 11.84%, which is higher than the 7.85% figure based on the applicant's appraisal. The profit margin of 11.84% reduces to 9.34% when no age restriction is applied (because education and play space contribution will apply). The proposed occupancy restriction to over 55's is not in itself considered to impact on selling price. DVS also comment that these profit rates fall considerably below the 'industry standard' of a profit in the region of 20%, although lower rates may be acceptable to some developers especially in this case where the intention is for the applicant to operate the Visitor Centre themselves. The number of units that would produce both 20% profit and a Nil profit was of interest to the Council's Development Management Unit. DVS have indicated that 148 units would be required to achieve a 20% profit (including 37 affordable housing units), rising to 196 units if there is no age restriction to over 55's (including 49 affordable housing units and factoring in education and play space contributions). DVS have also indicated that 40 units (including 10 affordable housing units) would be required to achieve approximately nil profit (0.76% profit), increasing to 43 units (including 11 affordable housing units) if there is no age restriction to over 55's (0.223%), and that approximately nil profit is unlikely to be acceptable to the developer given the nature of development and the numerous variables involved, including build costs and current economic uncertainty.

5. COMMUNITY COUNCIL

- 5.1 The Airth Parish Community Council have decided to take a neutral stance on the overall project proposals and highlight the concerns and objections which some residents have made, the potential benefits, as well as making constructive comments. In normal times they would have arranged a public meeting to discuss the application. However, with the current pandemic and Covid-19 restrictions, they were unable to arrange this. As a result, they are unable to be certain as to the true wishes of the community.

5.2 Their comments are as follows:-

- It is recognised that this is an entirely new and different application and directly affects many more residents than the original application, and has generated much more interest from residents and many have lodged objections to the application
- It is also realised that there is still a degree of support for the proposals within the community, particularly because of the potential advantages which the visitor centre may bring to the area
- Although this new and the previous proposal which was for the visitor centre and 22 bungalows both contravene several national and local planning policies, for the sake of consistency, the proposals for the visitor centre café etc, new road access and parking facilities and the 22 bungalows on cluster 1 on the site plan as this part of the new application are still supported i.e. this will have a positive effect on the parish by bringing in much needed facilities and services for visitors to the area, provide local employment, upgrade the access road to The Pineapple grounds, provide a suitable formal footpath link between the Black Avenue and the Pineapple, improve road safety on the A905 and B9124 and address the demand for the bungalow type accommodation proposed
- The landscaping and planting of trees and shrubs within and around the proposed development will create new habitat for birds, insects and small mammals on what is currently intensively farmed arable land with no cover or permanent wildlife habitat
- The siting of homes on the higher ground of the area is preferable to building on other areas which may become subject to coastal flooding in the new few decades due to climate change
- The design and materials used in construction of the visitor centre must be sympathetic to the historic designed landscape in which it is located
- If not previously implemented, a dialogue with the National Trust for Scotland should be entered into, to ensure that there are no concerns over the expected increase in visitor numbers to the Dunmore Pineapple and that there will be mutual benefit from the creation of the visitor centre and facilities
- While it is realised that the construction of the visitor centre etc. would be financially dependent on profits accrued from the sale of the bungalows which are part of the proposals, it is requested that a legally binding agreement be made to ensure that the visitor centre and associated works are completed prior to the completion of the housing development
- The creation of these houses must not lead to additional pressure on Airth Primary School
- Cognisance should be taken of the historic coal mining in the area when considering the design and location of the homes
- The granting of permission to erect these 82 houses should not be used as a precedent to seek further developments on the adjacent agricultural land
- Should this development be approved, assurances should be given that affordable homes are constructed within the proposed development as required by the current LDP guidance or they are constructed on an alternative site within Airth Parish, as this type of accommodation is also required and is a priority for the community council

5.3 The Community Council also acknowledge and understand the written concerns and objections which they have received from residents at five addresses in Douglas Avenue and one from Castle Drive. They note that some, but not all, of these residents seem to support the concept of the visitor centre etc. with some reservations about traffic, and their main objections relate to the housing aspect of the proposals, particularly the area known as cluster 4 on the site layout. The following is a summary of those objections which they realise the Council may have received direct from the residents, but they wish to highlight them on their behalf:-

- The site of the development proposals is currently prime agricultural land and it's use for development is not supported by LDP2 and several other pieces of legislation relating to development in the countryside and the loss of agricultural land
- The visitor centre etc. is on an area listed in the inventory of Historic Gardens and Designed Landscapes
- The development would have an adverse effect on the setting of the Dunmore Pineapple
- The houses at the North of Douglas Avenue (numbers 6,8,10,12 & 14) will lose privacy, and views by the building of houses in the area designated cluster 4 and some rooms could be overlooked
- The design of the proposed bungalows is not in keeping with the existing houses nearby
- The houses at the north end of Douglas Avenue could lose value if lesser quality and affordable homes are built in close proximity to them
- The development of the area known as cluster 4 will have an adverse effect on the quality of life of existing residents through light and noise pollution
- The additional homes could exceed the target set for housing in the area by 36% and could place additional pressure on Airth Primary School and the local medical practice
- The traffic generated by the development of the visitor centre and housing will increase the congestion and road safety problems in the area
- Quality of life, health and property could be adversely affected by the disturbance and dust created during construction
- The ground drainage of properties and surroundings could be adversely affected by the development
- The development will adversely affect and displace the wildlife which is currently seen in the area
- Trees in the vicinity of the development may be damaged during construction
- The planned planting is insufficient to provide reliable screening between properties and the development
- The peaceful nature of the quiet country walk from Airth Castle to the Pineapple will be lost

6. PUBLIC REPRESENTATION

6.1 A total of 156 public representations have been received in relation to the application. These consist of 83 representations in support, 68 objections and 5 neutral representations.

6.2 The matters raised in the representations in support can be summarised as follows:-

Tourism and Local Economy

- The Pineapple is a fantastic piece of heritage
- Visitor centre will attract many visitors and locals alike
- Will highlight The Pineapple as a destination
- Beneficial to the village, local area and economy
- Enhance visitor experience
- Will create local employment opportunities
- Most likely encourage further business opportunities such as re-opening of the shop

Amenities

- The area lacks amenities
- Over the last few years, a convenience store, the post office, two pubs and the social club have all closed down
- Excellent additional amenity to the area

Need / Demand

- The visitor centre would provide a much needed facility
- Shortage of bungalow type accommodation
- Bungalows are much desired in the area
- Interest in buying one of the bungalows
- Lack of appropriate housing for the downsizing market
- An aging population that wishes to remain independent ensures that demand will continue into the future

Accessibility

- Situated between Falkirk and Stirling, the village has easy transport links and motorway networks to Glasgow and Edinburgh minutes away
- The development is a short distance from local shops, chemist, bus stops, etc

Others

- The bungalows will free up larger houses for families as older people downsize
- Bungalows are suitable for over 55's, allowing them to live in their own homes for longer
- The proposed housing doesn't go against the Equalities Act as there is reasonable accommodation for all ages already in Airth
- The development will be attractive
- Sympathetic to the local environment
- There will be no detriment to Airth provided traffic and flooding considerations are properly addressed
- There are good walking and cycling opportunities in the area
- The application would not put pressure on the education system or the local NHS, as most of the residents purchasing the bungalows would already be in the Forth Valley area
- The estate would build a community for the elderly, with the construction of the visitor centre, café and small retail 6.3. Forty seven of the representations in support gave no reasons for supporting the application.

6.4 The matters raised in the objections and the neutral representations can be summarised as follows:-

Local Development Plan

- Non-compliance with the Falkirk Local Development Plan (LDP2)
- The site lies outside the village limits for Airth
- The site is not allocated for housing in LDP2
- The proposal does not meet any of the requirements of LDP2 to support new housing and business development in the countryside
- LDP2 provides for limited enabling development within the countryside to support the restoration of historic buildings - no restoration of historic buildings is proposed in this application and the scale of the proposed housing is significant
- The Council's response to LDP2 submissions and comments made by the Scottish Government Reporter both confirmed that there is no justification for development on these sites
- Comments by both the Council and the Scottish Government Reporter on the impact of proposed development on greenfield land, including designed landscapes and listed buildings and their curtilages, would not support this development in this setting
- LDP2 does not identify the site as a strategic node for business and tourism
- Development of this type which is by proportion overly retail driven should not be allowed unless in an area previously identified within the LDP

Need / Demand

- There are currently no building works being undertaken on allocated sites H48, H49 and H50 within the village, so there are still suitable sites available for new housing development
- There is no overriding local or national need for additional housing within the Rural North area of Falkirk
- Unnecessary development detrimental/ with no benefit to the local area
- The village does not need any more housing
- The large number of houses proposed exceeds the LDP2 requirement
- No information has been provided to demonstrate a need for the proposed visitor centre

Age Occupancy Restriction

- Fail to see how the age of people who buy the houses could be controlled/ restricted
- The age occupancy restriction would free up properties for backfill be families moving to the village, resulting in unplanned additional strain on school capacity
- No suitable justification has been provided to restrict the bungalows to age 55 plus
- There is a perceived presumption by the applicant that there is a need for this age group housing
- Suitable supporting evidence to differentiate the need for any specific form of housing more than any other type has not been provided
- Current planning practice promotes all new housing to be designed in a manner which provides flexibility as to not discriminate

- The Council's Local Housing Strategy 2017/22 recognises that there is lower demand for specialist housing accommodation in Larbert, Stenhousemuir and Rural North
- The proposed age occupancy restriction is likely to be an attempt to circumvent the issues surrounding education faced by the village
- Approving a development with an aged-based occupancy restriction would be discriminatory under the Equality Act 2010 unless it can be demonstrated that it is a proportionate means of achieving a legitimate aim

Affordable Housing

- Where are the 20 affordable bungalows to go?
- Who would manage these properties?
- Affordable housing for elderly people should be situated nearer to a large town or village centre and to full-time health care facilities
- Single storey housing of the type proposed is not considered to be affordable housing as defined by the Council

Viability / Financial Return

- The development proposal is purely for financial gain
- Is a café and farmer's market a viable business given the low volume of passing traffic?
- The Pineapple currently has low visitation and is not a tourist attraction
- The visitor centre is 2 kilometres from the village and unlikely to be used by villagers due to poor transport links
- The economic benefits are solely for the applicant and investors, not for the village
- The application is thinly veiled as an 'investment in the community' by erecting a visitor centre, which is just buying a permission to build dozens of bungalows

Heritage

- The Pineapple is one of the most remarkable buildings in Scottish architectural history and a key part of a site included in the Inventory of Gardens and Designed Landscapes in Scotland
- The aspect and view from The Pineapple was designed to be to the south, towards the application site
- One of the most attractive qualities of The Pineapple, apart from its remarkable architecture, is that it can still be appreciated as part of an estate
- Detrimental impact on the quality of place/ heritage / character / woodland and field setting / ambience of The Pineapple, a grade A listed building
- Detrimental impact on a designed landscape
- Significant impact on the setting of the Lodge, which sits within the curtilage of The Pineapple, and is also listed
- The development would be visible from both The Pineapple and the Lodge
- The scale of the development is not in keeping with the historic landscape
- The application fails to grasp the significance of the land to be used for development, its role within the designed landscape and the impact on its historic buildings
- The development would create a suburban approach to the site in the form of ribbon housing development which would fundamentally alter the quality of place and the visitor experience
- No consultation or agreement with the National Trust of Scotland (NTS) - NTS have objected to the application
- The proposed visitor centre is based on a misunderstanding that increased visitor use would benefit the conservation of The Pineapple

- There is no explanation as to how the visitor centre would benefit The Pineapple in terms of access, visitation, knowledge, support or use
- The Pineapple is not a day visitor attraction open to the public as it is let wholly and exclusively to guests for self-catering holidays booked via the Landmark Trust
- NTS are experts on how to manage the historic buildings in their area and their assessment of how best to present and manage The Pineapple as an asset for the heritage of Scotland's future, including appropriate visitor numbers, must be respected
- The pre-application consultation report states that a number of discussions have taken place with Historic Environment Scotland (HES) regarding their use and participation in the visitor centre and support services - HES are not the owners of the Pineapple and, beyond their role in listing, have no involvement with the property
- The Pineapple and surrounding Dunmore Woods could not withstand a major increase in visitors without substantial damage to wildlife and the path network
- Upkeep of the path network would not be the responsibility of the developer or the visitor centre and would therefore fall to others

Design / Scale / Visual / Landscape / Village Setting

- The number of bungalows now proposed (from 22 to 82) is excessive and not justifiable
- The proposed housing does not respect the local context in terms of scale, proportion, density and type
- The proposed linear development is unsustainable urban sprawl
- The proposed development would completely take away the semi-rural backdrop of the village
- Current outlook of open countryside from existing houses would be lost/restricted
- The long linear route of the housing would completely change the open vista along the popular walking track and the nature of this walk
- The development would diminish the prevailing open, rural character and have a significant landscape and visual impact
- The site is positioned on the west or outside edge of an escarpment, which forms the only elevated ground in an otherwise flat landscape
- Due to the topography, the site is clearly visible and prominent in short and long range views from the west, north-east and north surroundings, including from the B9124, A9 and A905
- Landscaping would not compensate for the visual impact of this proposal
- The development would further extend the village onto greenfield land, outwith the urban boundary, and effectively extend the village limits beyond the rounding off of the village as set in LDP2
- The development would intrude into the foreground of Letham Village to the south-west, which is a conservation area
- Scottish Planning Policy as set in PAN72 'key design principles for development in the countryside' emphasises the importance of landscape setting and context

Amenity

- Proposed housing cluster 4 would result in overlooking and loss of privacy of adjacent houses (Douglas Avenue)
- Light pollution
- Existing trees between proposed cluster 4 and adjacent houses do not afford full privacy, especially in winter
- New planting would take many years to grow tall enough to protect privacy
- The new housing would result in requests to remove trees that have a tree preservation order

- Risk of accidental damage to existing trees during construction
- Increase in population and traffic would adversely affect quiet enjoyment of garden amenities
- Construction related traffic would result in dust and general mess
- Construction related disturbance

- Light pollution from new street lighting
- Walking to The Pineapple and local area would be ruined by busy roads and more housing
- Amenity of the countryside would be compromised
- Loss of amenity to a popular country walk/ right of way used by villagers

Ecology

- Adverse impact on wildlife in the area
- Loss of wildlife habitat
- There is exceptional wildlife in the area, including pine marten and badger
- The ecological appraisal states that there are no suitable habitats for bats in this area, which is incorrect as there are bats in the area
- There are endangered crested newts in the area
- Further ecological investigation and protection is needed

Agricultural Land

- Loss of fertile arable land/ prime quality agricultural land
- Unwise to convert prime agricultural land to residential when brownfield land is available

Facilities / Infrastructure

- Existing facilities and services in the village such as the health centre and the primary school are already under strain/ at capacity
- Airth Primary School is of limited size and available space, so there are limitations in terms of space for play and available space to expand to increase capacity
- Increased wear on roads
- The village doesn't have the infrastructure in place to support more housing
- Parking is an issue in the village
- Any requirement to protect and/ or deviate existing Scottish Power overhead lines / underground cables in the vicinity of the proposed development would be at the applicant's expense
- The proposed housing would worsen poor water pressure in the village

Traffic / Road Safety / Access

- Increase in traffic / traffic related impacts
- Increased risk of accidents
- Increased risk to pedestrians where existing footway infrastructure is poor
- Existing traffic issues in the village/ on the main road
- The local road network carries a significant volume of traffic
- Additional traffic would increase air pollution
- Major roadworks associated with the visitor centre construction would cause traffic jams
- Impact on access to the cemetery

Public Transport / Active Travel

- The village is poorly served by public transport
- No details of the route of the proposed cycle/ footpath from the village to the visitor centre are provided - there is no obvious free land on which this could be constructed

- The visitor centre would therefore become yet another destination that requires a car to get to
- The right-of-way along the edge of the field and Manse garden should be kept as it is a well-used path that avoids the main road and leads to The Pineapple

Flooding / Drainage/ Ground Stability

- The drainage system already struggles as heavy rainfall has shown over the last year
- Impact on ground drainage as the area is prone to flooding
- Risk of flooding to the land to the south as this land is lower than the field which slopes down
- Potential subsidence being a coal area

Conditions to Attach to any Grant of Planning Permission

- Any grant of planning permission should be subject to guarantees to ensure: there are no extensions built to properties overlooking Douglas Avenue; there is no affordable housing; additional landscaping is provided; there is no removal of the age occupancy restriction; there is no construction traffic for access or parking through Castle View; and the land between the development boundary and adjacent houses is not used

Others

- Airth Mains Farm has been neglected and is not used as a working farm anymore
- Who would manage and run the proposed visitor centre?
- No benefits to the village
- The bungalows would provide little uplift to the local area given that the residents would be unlikely to invest in the local community
- The proposal would set a dangerous precedent
- The level of support for the application does not reflect the local community
- Concern that the comments in support are not from anyone with a connection to the village
- Lack of expertise / diligence with the original application worrying and concern that further amendments would be applied for

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 Falkirk Local Development Plan 2 (LDP2) was adopted on 7 August 2020. The proposed development will be assessed against the policies set out below.

- 7a.2 The application site lies outwith the Airth village limits, within the countryside, as defined in LDP2. The northern portion of the site also lies within a site identified in the 'Inventory of Gardens and Designed Landscapes in Scotland'. A portion of the northern part of the site also lies within a pipeline consultation zone.
- 7a.3 The Spatial Strategy as set out in LDP2 sees a continuity with previous plans, with the bulk of new housing being on sites which have previously been allocated. Most communities will have a level of housing growth, while the focus will be on 12 Strategic Growth Areas. At Airth the most significant housing allocation is at Castle View, a large greenfield extension on the escarpment above the village. The current application site partly adjoins this site to the west. Two smaller sites are also allocated for housing, at Airth Castle and The Glebe.

Policy PE01 Placemaking

- 7a.4 The proposed development is not considered to promote all the qualities of successful places. The proposed visitor centre and associated car parking and new road infrastructure involve a significant intervention within an inventory designed landscape, which would be prominent within the landscape, disrupt the historic layout, and impact on the setting of the listed East Lodge. It would also elongate the village beyond the B9124 and adversely affect the landscape setting of the village through the loss of open agricultural land.
- 7a.5 The housing element of the development consists of a linear development which would encroach into open countryside, beyond a private road/ core path which provides a defensible boundary to the limits of the village. . For the most part the land proposed for the housing is not contained by any existing natural or physical features, and while a landscape buffer strip is proposed along the outer edge of the site, it is recognised that this would take a considerable amount of time to provide effective screening. Furthermore, an expansive outlook of the countryside and further afield is currently available from the core path, which would be significantly impacted on by the proposed housing to the detriment of the open character of the village setting. This is exacerbated by the scale of the linear form of the development.
- 7a.6 The intended street layout for the proposed housing consists of a single long cul-de-sac. This would not provide for a variety of streets or public spaces, which is an important element of creating distinctive places and a sense of identity. In addition, the intended house types are restricted to two types of bungalows. This lack of variety would result in a uniform character and lack of distinctiveness within the development clusters.
- 7a.7 The edge of village location, the location of the proposed housing at the top of an escarpment, above the village centre, and the substandard nature of the footway along the A905, raises concerns regarding ease of movement for pedestrian and cyclists. This concern is compounded by the age of the intended occupants of the proposed dwellinghouses. In addition, while the applicant proposes to design the cul-de-sac so it is suitable for a bus service, this would not mean that a bus service would actually serve the proposed housing, particularly given the peripheral location.
- 7a.8 In other respects, it is recognised that the creation of a welcoming place and a resource efficient place in terms of such matters as energy efficient design and inclusion of low and zero carbon generating technologies could be considered at detailed design stage.

Policy PE02 Placemaking Tools

- 7a.9 The application is supported by a masterplan showing an indicative layout and four clusters of housing development. There is no relevant development framework or planning brief for the masterplan to conform to. The application is also accompanied by a design and access statement. This statement is not considered to demonstrate how all the six qualities of successful places would be achieved. Concerns in relation to successful place-making are raised above in relation to Policy PE01. As the application is for a major development, a community consultation event was carried out prior to submission of the application. This took the form of an on-line chat session given Covid-19 restrictions. An on-line exhibition of the development proposals was also made available. The public comments received by the applicant as part of the community consultation are recorded in the submitted pre-application consultation report and an indication is given that a landscape and visual impact assessment was commissioned in response to comments received. There is no indication that the Place Standard or interactive design workshops were used.

Policy PE06 - Archaeological Sites

- 7a.10 No scheduled monuments or archaeological resources have been identified that would be adversely affected by the proposed development. Recent work in the Hill of Airth area has indicated the absence of archaeological sites in the general area.

Policy PE07 - Listed Buildings

- 7a.11 There are a significant number of listed buildings within the Airth area. The setting of two of these buildings – The Pineapple and its associated Walled Garden (Category A) and East Lodge (Category B) – is considered to be significantly adversely affected by the proposed development. The proposed realignment of the B9124 and location of the visitor centre and associated car-parking between the East Lodge and The Pineapple would effectively divorce the lodge from its context and isolate it from the core buildings. Furthermore, the alterations to the access arrangements (such that visitors would no longer pass by the lodge) would diminish the experience and understanding of an important historic access to the estate, particularly as it is the main route to The Pineapple. While The Pineapple would be retained within its immediate woodland setting, its wider setting within open parkland and farmland would also be adversely affected.

Policy PE08 - Conservation Areas

- 7a.12 The central core of Airth Village is a conservation area. While the proposed development could be seen to affect the wider setting of the village, the application site does not adjoin the conservation area and is not considered to affect the setting of this conservation area.

Policy PE10 - Historic Gardens and Designed Landscapes

7a.13 The extent of the proposed development north of the B9124 encroaches within the inventory Garden and Designed Landscape site of Dunmore estate associated with The Pineapple. The proposal represents a significant intervention within this designed landscape and includes the construction of a visitor centre and associated parking facilities for cars and buses within open farmland and severing of the lodge house from the core buildings by the proposal to realign the B9124 as detailed in paragraph 7a.11. The application is supported by a heritage statement which is not considered to adequately assess the impacts on the historic environment. Instead, it largely focuses on the potential for improved access and facilities, concluding that the overall impact on The Pineapple, when considered in the round, would be beneficial. This conclusion is not supported, nor is the proposed mitigation strategy to introduce screen planting in an area of the designed landscape characterised by open parkland and farmland. As such, the proposed development is considered to detract from the understanding and experience of this inventory designed landscape and significantly adversely affect its character, integrity and setting. As detailed on paragraphs 4.15. and 4.16, Historic Environment Scotland have raised concerns in relation to site layout and design, and National Trust for Scotland have objected to the application.

Policy PE13 - Green and Blue Network

7a.14 The proposed development lies in close proximity to the Central Scotland Green Network as identified in LDP2. As such, the proposal provides an opportunity to contribute to the green network, for example, through biodiversity enhancements and additional outdoor access opportunities. However, this must be balanced overall against such matters as impacts on the historic environment and successful place-making in the round.

Policy PE14 – Countryside

7a.15 The application site lies outwith the urban/ village limits, with the countryside, as defined in LDP2. The proposed development must therefore be assessed against the relevant countryside policies for specific uses. In this instance those policies are HC05 'Housing in the Countryside' and JE05 'Business Development in the Countryside'. The application is assessed against these policies further on in this report.

Policy PE17 - Open Space and New Development

- 7a.16 A local open space audit has been carried out in accordance with SG05 'Green Infrastructure and New Development', to inform the approach to open space provision. The audit noted that the masterplan indicates an open space 'break' between each housing cluster, but that no play space is identified, and the open spaces are likely to be too small and too close to houses to provide for suitable parkland/ informal play/ recreational areas. The preference is to secure a financial contribution towards improvements to the park at nearby Graham Terrace, in accordance with the rate set out in SG05 (£800 per dwellinghouse). The suggested improvement works include path creation and seating. The audit also noted the proposal to restrict the age of occupancy of the houses to 55 plus and for no children of school age or younger to occupy the houses as their only main residence. It is considered that a financial contribution towards improving the existing play space at Airth Recreational Ground (The Wilderness) would be required if there was no restriction on occupancy by children, in accordance with the rate set out in SG05 (£600 per dwellinghouse). This play space is within an acceptable walking distance of the proposed housing. The audit has not identified any requirement for open space contributions towards sports area or natural greenspace/ green corridor improvements.

Policy PE18 - Landscape

- 7a.17 The application is supported by a landscape and visual appraisal. The appraisal identifies that the application site lies entirely within the Carselands Landscape Character Type which is characterised predominantly by open agricultural land cover. The appraisal identifies potential high and medium visual impacts, including from sensitive receptors to the west of the site, but considers that the impacts would be reduced to predominantly minor (medium in one case) with new woodland and edge planting. The landscape impacts are assessed in the landscape and visual appraisal as minimal, due to the topography and existing woodland. However, it must be highlighted that there would be medium to high visual impacts for some time until the new planting matures, given the open character of the site. This impact is exacerbated by the scale of the linear form of the proposed housing. It is also considered that the loss of a significant area of open agricultural land at the edge of the village as a result of the proposed development would be detrimental to the landscape setting of the village. It must also be appreciated that the landscape and visual appraisal does not constitute a heritage impact assessment. Heritage impacts are considered above in relation to Policies PE07 'Listed Buildings' and PE10 'Historic Gardens and Designed Landscapes'.
- 7a.18 The existing village does not presently extend northwards to the B9124, but this road is considered to form a logical and defensible boundary to the village. This is similarly the case for the core path running along the top of the escarpment to the west of the village. The proposed development would extend the village beyond these logical physical limits. North of the B9124, the proposed visitor centre and associated new road and parking infrastructure would effectively extend Airth village towards Dunmore Village. The encroachment towards Dunmore Village would increase further if granting of the proposed development was to result in further development between the B9124 and The Pineapple. Overall, however, it is considered that the Tree Preservation area within the Garden and Designed Landscape at Dunmore Park would provide a sufficient and defensible buffer to avoid coalescence between these two villages.

Policy PE19 - Biodiversity and Geodiversity

7a.19 The application is supported by a preliminary ecological appraisal. The appraisal identifies that the site is virtually all arable fields with very limited ground cover or hedgerows present. It concluded that the site survey area has very limited potential to support protected species and species of conservation concern and is of poor ecological value. No suitable habitats for bats, red squirrels, badger, water vole, otters or great crested newts were recorded. No signs of any protected species were recorded; however, badgers are known to be present in the area. Badger mitigation is proposed during the construction phase. No trees are proposed to be felled during the construction phase. The appraisal also identifies that the site lies within 2 kilometres of the Firth of Forth Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI) but concludes that the proposed development would have no impacts on these designated sites. The appraisal does not specifically consider measures to promote biodiversity, but the proposed new planting and open space areas provide an opportunity for biodiversity enhancement, which could be considered further at the detailed planning stage if planning permission in principle is granted.

Policy PE20 - Trees, Woodland and Hedgerows

- 7a.20 The preliminary ecological appraisal identifies that the site is virtually all arable fields, and no trees are proposed to be felled during the construction phase. However, there are trees in proximity to the site boundaries, which include part of an area covered by a blanket Tree Preservation Order (TPO) to the east and south-east of the proposed housing clusters. A tree protection plan would be required where appropriate to demonstrate that the longevity, health and stability of the TPO area would not be adversely affected by the proposed development. It is noted that the masterplan indicates the provision of a landscape buffer zone along some of the boundary shared with the TPO area.

Policy PE24 - Flood Management

- 7a.21 The application is supported by a flood risk assessment. The assessment notes that the site is at risk of surface water flooding and coastal flooding from the River Forth has shown that tidal surges reach the A905 that runs along the eastern boundary of the site. The assessment also notes that there are smaller watercourses (ditches) flowing through and close to the site. These ditches were assessed to not have flood risk to the site due to their size and levels. In addition, an unnamed watercourse (Burn 1) flows in an easterly direction through the site and is culverted to the west of the site and under the B9124 and the A905 and becomes an open channel east of the A905. The flood modelling indicates that the site is at risk of flooding on the north bank of Burn 1, upstream of the A905. Most of the site lies above the identified flood level. It is recommended that all development is set back a minimum of 10 metres from the burn on the north side of the B9124, with ground levels designed to provide the necessary storage and contains the flows in this area. The masterplan indicates this area to be undeveloped. In addition, finished floor levels above the maximum predicted water level in a 200-year flood event and with a 0.6 metre freeboard are recommended, with an allowance for climate change considered.
- 7a.22 The assessment also includes modelling of a 50% blockage scenario of the two culverts. In the event of blockage of the culvert under the B9124, water would spill onto the B9124 and enter the site further east. Site levels should be designed to ensure that these flows can discharge back into the burn. In the event of blockage of the culvert under the A905, water would spill out to the north, within the site, pooling against the A905. Ground levels slope up steadily from the A905 and the ground level at the site of the proposed visitor centre is approximately 0.5 metres above the spill levels on the A905. As the condition of the culverts is not known, the undertaking of a CCTV survey to understand the integrity of the culverts is recommended, along with future maintenance. The outcome of the survey may result in a need for further blockage modelling to inform the design.
- 7a.23 The assessment notes that parts of the A905 become impassable and parts of the B9124 and A905 can flood when the culverts block. The proposed new roundabout junction and realignment of the B9124 through the site is approximately 50 metres north of where Burn 1 daylight. Flooding from Burn 1 is unlikely to impact on the B9124 realignment or the new residential access.

7a.24 The overland flow analysis indicates that surface water is likely to enter the northern portion of the site from the western boundary. It is generally recommended that overland flow pathways are maintained so that overland flow remains as existing. However, the assessment suggests that runoff into the site from the A905 due to the capacity of the road drainage being exceeded should be intercepted as part of the drainage design. Surface water originating from within the site should also be managed as part of the site drainage system.

Policy PE27 - Vacant, Derelict and Contaminated Land

7a.25 The application site lies within the defined Development High Risk Area and the records of the Coal Authority indicate that the site is within an area of both recorded and probable shallow coal mining. In addition, their records indicate the presence of a recorded mine entry. The submitted geotechnical, environmental and mining report confirms that parts of the site would require remediation measures (ground stabilisation works) and/ or mitigation measures (foundation design). As detailed in paragraph 4.6, the Coal Authority are satisfied that the site can be made safe and stable for the proposed development by incorporating remedial/ mitigatory measures at the site. However, due to the presence of the mine entry, further ground investigations would be required within housing Cluster 2 of the site to inform the layout of this phase of the development. In addition, there are records of agricultural activities on the site and other potential sources of contaminated land with 250 metres of the site. Further information in relation to contaminated land issues is required, which could be the subject of a condition attached to any grant of planning permission in principle.

Policy HC01 - Housing Land

7a.26 This policy indicates that a housing supply target of 6894 houses has been set for the period 2017 to 2030, of which 3723 is market housing and 3171 affordable housing. The basis for the target is the Council's Housing Needs and Demand Assessment (HNDA) carried out in 2016. The target equates to an annual target of 530 houses, of which 244 are affordable. The HNDA does not provide an analysis of housing need broken down by house type. To ensure that the housing land supply is sufficiently generous to allow for delays or problems in the delivery of sites, a flexibility of 17% has been added, giving an overall housing land requirement for 2017 to 2030 of 8066 new homes. The application site is not identified in LDP2 as a contributing site to meet the housing supply target, nor can the proposed development be considered as a windfall housing opportunity within the terms of Policy HC02, as the site does not lie within the urban or village limits.

7a.27 The Council's latest Housing Land Audit (HLA) 2021/22 indicates that the Council has an effective housing land supply of 4.8 years. As noted in part 2 of Policy HC01, the Council will maintain a 5-year effective housing land supply. 'Effective housing land supply' refers to the part of the established land supply that is expected to be free of constraints in the 5 year period under consideration and will therefore be available for the construction of houses. The effective land supply is calculated by assessing the 5 year effective land supply against the annual housing land requirement. The current effective housing land supply of 4.8 years equates to a shortfall of 122 units. The HLA indicates that the factor driving the current shortfall is the effective supply of affordable housing rather than market housing. However, the tenure split in the effective housing land supply is indicative only and the policy is assessed in terms of the all-tenure shortfall (122 units). In the circumstances of a shortfall in the effective housing land supply, additional sites for housing will be supported where the proposal would constitute sustainable development, having regard to the relevant criteria in Scottish Planning Policy and other LDP policies. The relevant criteria in Scottish Planning Policy are listed in paragraph 7b.3. The sustainability of the proposed housing

development, having regard to these criteria, is considered in the report's conclusion (see section 9).

7a.28 Part 2 of the policy also states that the scale of the proposed development relative to the scale of the shortfall will be a material consideration. The proposal, for 82 dwellinghouses, could potentially make a significant contribution to addressing the shortfall of 122 units identified in the latest HLA. However, the grant of planning permission does not automatically mean that a site is effective and capable of delivery in the first 5 years of the HLA. A start on start would be some way off in this case as the application is for planning permission in principle and applications for Approval of Matters Specified in Conditions would need to be approved before the development could commence.

Policy HC03 - Affordable Housing

7a.29 The proposed development is required to provide 25% of the housing units as affordable housing. This equates to 20 units. Supplementary Guidance SG06 'Affordable Housing' sets out the types of housing which will be considered as affordable, and the options and mechanisms for complying with the requirement. The preference under the guidance is normally for the affordable housing to be provided on-site at an affordable rent and managed locally by a Registered Social Landlord (RSL). In addition, there is a target for 5 to 10% of the total units on a site to be wheelchair accessible, which can count towards the affordable housing provision.

7a.30 The application is for 82 bungalows that would be subject to an age occupancy restriction of over 55 year olds. The indicative drawings submitted for the bungalows indicate 2 and 3 bedroom properties.

7a.31 SG06 sets out the priority groups for affordable housing. Persons over the age of 55 are not identified as a specific priority group. Housing Services would not wish to see occupancy of the 20 affordable housing units restricted to persons over the age of 55. Rather, they would seek unrestricted affordable housing provision consisting of social rented properties built to Housing for Varying Needs standard and reflecting their assessment of local need. This would include four full wheelchair accessible properties (at least two of which should be larger units of three or four bedrooms) and some one and two bedroom properties. SG06 indicates that delivery of the affordable housing would be secured by a Section 75 planning obligation.

Policy HC04 - Housing Density and Site Capacity

7a.32 The site is not identified within the Proposals and Opportunities Schedule as a housing opportunity and therefore LDP2 does not provide an indicative capacity for the site. However, the application is accompanied by an indicative masterplan which includes provision for 82 bungalows served by a single cul-de-sac, landscape buffer strips, open space, and surface water detention basins. The submitted Design and Access Statement indicates that due to the open and semi-rural nature of the site, any development would need to be low density single-storey and incorporate significant areas of greenspace, including perimeter planting and the housing broken into clusters to minimise the perceived scale of the development.

7a.33 Policy HC04 indicates that the density and overall capacity of housing sites should be determined by a site planning process, based on the place-making principles set out in Policy PE01 and the factors listed in sub-section (1) of Policy H04. It is evident that the housing masterplan has been informed by such matters as surface water management and landscape impacts. Equally, however, the proposed housing raises a number of place-making issues as detailed in paragraphs 7a.4 to 7a.7. Residential amenity considerations such as privacy, daylighting, and suitable provision of garden ground would be considered in detail at detailed planning stage.

Policy HC05 - Housing in the Countryside

7a.34 Proposals for housing in the countryside of a scale, layout and design suitable for its intended location will be supported in the circumstances set out in this policy. The proposed housing lies outwith the Airth village limits, within the countryside, and does not meet any of the circumstances to support new housing development in the countryside.

7a.35 Supplementary Guidance SG01 'Development in the Countryside' contains design guidance to inform development proposals in the countryside. The guidance indicates that new development should integrate with and take advantage of existing features of the landscape or the site including topography, trees, woodlands, water features, existing buildings and boundary treatments. New development should 'nestle' within the landscape. While cluster 4 of the proposed housing lies largely between existing housing and the Airth Mains farm buildings, the other three house clusters encroach into open countryside and beyond a private road/ core path which provides a defensible limit to the village. These clusters do not take advantage of any existing features to integrate the housing with the landscape or contain the outer edge of the development, and the mitigation strategy is based in single storey build in combination with new landscape buffers strips which would take some time to mature to provide effective screening.

Policy JE01 - Business and Tourism

7a.36 The site is not identified as a Strategic Business Location or a tourism node under LDP2. The Pineapple is similarly not identified as a tourism node. The proposed visitor centre is being promoted as a facility which could potentially draw visitors to the area. As such, the proposal may be seen as unlikely to support the identified tourism nodes and tourism networks/ themes including the canal corridor and the Antonine Wall but may serve to enhance the overall visitor/ tourism infrastructure of the Falkirk area.

Policy JE05 - Business Development in the Countryside

7a.37 The proposed visitor centre does not meet any of the circumstances to support new business development in the countryside. It does not lie within an area specifically identified for business development on the Proposals Map, it does not involve the re-use of industrial, commercial, or institutional land or premises, or conversion of farm buildings, or involve a limited extension to an existing established business in the countryside. Furthermore, the applicant does not propose to justify the proposed visitor centre based on farm diversification and the need for a countryside location has not been demonstrated. The proposed visitor centre cannot be considered as an extension or improvement of facilities integral to the operation and management of the adjacent 'Pineapple', and rather is a stand-alone private economic enterprise supported by housing development. While it is recognised that the new parking facility at the visitor centre could benefit visitors to The Pineapple to a degree, the walking distance between the two would be some 700 metres and it would normally be expected that the owner/ operator would take the necessary steps to address such matters as parking and access as part of their own management or development strategy for the heritage asset. As detailed in this report, the owner of The Pineapple (National Trust for Scotland) has objected to the application and considers that the proposed visitor centre is best understood as a cafe and retail use that would provide no additional uplift in visitation to The Pineapple and have no relationship to the Trust's conservation and management of this asset. The objection for National Trust for Scotland suggests that there is no current working relationship or partnership to deliver the proposed visitor centre as an integral and complementary facility to The Pineapple and one that aligns with the Trust's own strategy for management and operation of this heritage asset. As a proposal with a tenuous link to The Pineapple, the need for a countryside location has not been demonstrated.

7a.38 As advised in paragraph 7a.35, SG01 'Development in the Countryside indicates that new development should integrate with and take advantage of existing features of the landscape or the site including topography, trees, woodlands, water features, existing buildings and boundary treatments. New development should 'nestle' within the landscape. The proposed visitor centre would sit within an open field which is particularly visible from the A905 and the access road to The Pineapple. As such, there are limited existing features to integrate and nestle the proposed visitor centre within the landscape. The scale of the proposal, which includes an indicative 125 car parking spaces and a coach parking area, contributes to the significance of the effect. The mitigation strategy relies upon new planting which would take some time to mature to provide effective screening.

Policy JE06 - Major Hazards

7a.39 The northern edge of the application site falls within the outer and middle zones of a Scottish Gas pipeline. No physical development is proposed to take place within these zones. As such no increase in the number of people exposed to the risk from this pipeline is anticipated and the proposed development is acceptable in Health and Safety terms.

Policy JE10 - Food and Drink

7a.40 The principal use of the proposed visitor centre is a café with an indicative floor area of 251m² and indicative seating capacity of 126. The policy encourages food and drink uses to be located within town, local and commercial centre, in association with other neighbourhood shops or services, or at tourism nodes. The site of the proposed café lies outwith the village limits for Airth, within the countryside, isolated from existing local shops and services, and is not identified as a tourism node.

7a.41 In terms of part 2 of the policy, no impacts on the amenity of the area by virtue of noise or odour arising from the proposed cafe are anticipated given the intended location. Parking and access requirements would be satisfied by the provision of on-site parking in accordance with guidance and the proposed access arrangements including a new roundabout on the A905.

Policy IR02 - Developer Contributions

7a.42 The proposed development generates a requirement or a potential requirement for developer contributions as its nature and scale would create or exacerbate deficiencies in existing infrastructure. A transport contribution would be required to fund a Sunday service for the existing F16 bus service. An open space contribution would be required towards improving a local park. An education contribution towards improving capacity at Larbert High School and an open space contribution towards improving an existing play space in the local area would be required if children were to reside in the proposed dwellinghouses. The submitted valuation report (viability statement) assumes the payment of open space, healthcare and public transport contributions and factors these into the viability assessment. However, the advice of NHS Forth Valley is that a healthcare contribution is not required. The report assumes that no education contributions would be payable due to the proposal to restrict occupancy of the proposed dwellinghouses to over 55 year olds.

Policy IR03 - Education and New Housing Development

7a.43 Children's Services have advised that it is anticipated that Airth Primary School, Sacred Heart RC Primary School and St Mungo's RC High School would be able to accommodate the pupils generated by the proposed housing development. The development would, however, contribute to rising schools rolls at Larbert High School and the need for investment to resolve the growing capacity pressures at this school attributable to new housing development in the area. However, Children's Services consider that if there were restrictions in place so that none of the dwellinghouses could be resided in by any child of school age or younger there would be no education contribution payable.

Policy IR04 - Community Facilities

- 7a.44 This policy supports new community facilities in certain circumstances. The proposed café, retail area and arts and craft workshop within the proposed visitor centre could potentially be valued new facilities for the local community. However, the proposal raises issues in terms of the circumstances to support such facilities. In particular, the site is not accessible from the existing village by a footway of a suitable width and the scale and character of the proposed visitor centre is not considered to be compatible with the surroundings. As detailed in this report, the site is an open field, prominent in view from the A905 and the access road to The Pineapple and the proposed new building, in combination with extensive parking provision and the proposed access arrangements, would not integrate with the landscape and would represent a significant intervention within a garden and designed landscape, to the detriment of its character, integrity and setting.

Policy IR05 - Travel Hierarchy and Transport Assessment

- 7a.45 The Council's Transport Planning Unit have reviewed the submitted Transport Statement and are satisfied that the proposed roundabout should have sufficient capacity to accommodate the proposed housing and visitor centre. No other capacity impacts on the road network were identified. The proposed development is supported by a Stage 1 Road Safety Audit has been prepared which identified several potential safety risks for users of the roundabout and pedestrians which would be considered in further detail at Stage 2 of the road safety audit process.
- 7a.46 Policy IR05 requires development proposals to support a hierarchy of travel which maximises the extent to which its travel demands are met by sustainable modes of transport. The proposed development supports this hierarchy to a degree by indicating footpath links from the proposed housing clusters to the neighbouring housing development currently under construction, widening of the existing footway along the A905 to the extent practicable, and providing new footway and bus infrastructure within the development site. However, the footway along the A905 would remain sub-standard in width despite the proposed widening and the provision of bus infrastructure within the proposed housing area, including a bus turning circle, would not guarantee the provision of a bus service as explained in the comments from the Council's Transport Planning Unit (see paragraph 4.3). Overall, the maximising of the extent to which the travel demands of the proposed development can be met by firstly walking, then cycling and then public transport is constrained by the edge of village location of the site and the location of the proposed housing at the top of an escarpment above the village. The Council's Housing Services and Falkirk Health and Social Care Partnership have raised wellbeing concerns for the intended over 55 year old residents stemming from the isolated location of the properties and lack of easy access to vital services (see paragraph 4.11).

Policy IR06 - Active Travel

- 7a.47 This policy states that the Council will safeguard, improve and extend the network of active travel routes, with particular emphasis on the core path network. Development proposals should contribute to active travel infrastructure, either through direct provision or developer contributions.

- 7a.48 There are a number of active travel routes close to the application site. Core Path 010/85 'Gamekeeper Cottage to Airth Castle Hotel' adjoins proposed housing clusters 1,2 and 3. A section of Core Path 010/69 'The Pineapple' is the access road to The Pineapple and lies partly with the application site. Core Paths 010/87 'Airth Market Cross' and 010/78 'The Pineapple' also lie close to the site. The proposed development provides an opportunity to improve the local active travel network. The submitted Masterplan indicates three footpath links from the proposed housing to Core Path 010/85. In addition, the applicant proposes a new footpath from the proposed visitor centre to The Pineapple, meaning that pedestrians would have the choice of avoiding a section of Core Path 010/85 used by vehicles for access, including to the existing carpark for The Pineapple. The applicant also proposes to fill in the significant potholes along the access road. These proposals are welcomed, although there is a lack of detail at this stage and there are no wider proposals by the applicant to contribute to improvement of the active travel network in the local area. Appropriate measures would need to be put in place to safeguard active travel routes through the construction stage, including the provision of temporary alternative routes where necessary.
- 7a.49 The submitted Cycling and Walking Addendum considers how the proposed visitor centre could link to the National Cycle Network. It is suggested in the addendum that cyclists could access the proposed visitor centre from National Cycling Route 76 'Round the Forth' at a point south of Airth Village, utilising the A905, High Street in the village centre, Cemetery Road, and the new road to serve the proposed housing. A section of this route (over 800 metres) is on an A-Class road with over 6,000 vehicles per day (pre-Covid) and no cycling facilities. A third of this 800-metre section is also de-restricted, that is the speed limit is 60mph. However, the applicant considers that the route would safely link to the National Cycle Network having regard to carriageway width, available visibility, traffic speed and volume, and the smooth, well drained surface.
- 7a.50 The applicant also suggests that a Forth Bike Hub for the hire of electric bikes could be installed at the proposed visitor centre, with three new routes being promoted by Forth Bikes; one from Falkirk (Helix), one from Stirling Town Centre, and a third to link up historic buildings across the Forth Valley, utilising existing roads and cycleways. At this stage the bike hub is a suggestion only but would be welcomed if it were to come to fruition.

Policy IR07 - Bus Travel

- 7a.51 Both the proposed visitor centre and housing sites are peripheral to Airth village and do not have good access to existing bus services. The applicant is proposing to incorporate a bus stop within the visitor centre coach parking area which is welcomed. The current F16 bus service provides an hourly service, Monday to Saturday. In order to provide public transport to the proposed visitor centre on a Sunday, a financial contribution to fund a Sunday service would be required. In addition, the applicant is proposing to design the street (cul-de-sac) serving the housing so that it could accommodate a future bus service. The design would include provision of a bus turning circle. Based on these comments, the proposed development is considered to accord with Policy IR07, notwithstanding concerns that the proposed design measures would not, in themselves, guarantee provision of a bus service for the reason detailed in paragraph 4.3.

Policy IR09 - Parking

- 7a.52 The proposed development would be required to meet the parking standards in the National Roads Development Guide. This would be assessed at detailed planning stage. The submitted masterplan indicates the provision of electric vehicle charging spaces at the proposed visitor centre, which is welcomed. The design of these spaces would be considered at detailed planning stage.

Policy IR10 - Drainage Infrastructure

- 7a.53 The sewage associated with the proposed visitor centre and each cluster of proposed housing is proposed to be treated by a Bio Disc Sewage Treatment Plant before dispersal into the ground using a soakaway. The applicant has advised that this is intended as an interim measure pending the arrangements being finalised in discussion with Scottish Water. Policy IR10 indicates that connection to the public sewer is the most sustainable option to minimise any pollution risk to the environment. SEPA would need to be satisfied with alternative options. The options for sewage treatment and discharge and timing of delivery of the essential infrastructure would be considered further at detailed planning stage.
- 7a.54 The application is supported by an indicative drainage network plan. The plan indicates that surface water from each housing cluster would drain to its own detention basin. Ultimately all surface water from the housing would be routed through the detention basin for Cluster 1. It is indicated that a pumping station would be required at Cluster 4 to pump the surface water into the detention basin at this part of the site. The surface water from the proposed visitor centre and associated parking area would be treated by permeable paving and filter trenches before passing through a detention basin. The discharge from the detention basins for Cluster 1 and the visitor centre would be to the watercourse along the existing B9124. The indicative drainage proposals are considered acceptable for the purposes of planning permission in principle in showing compliance with Sustainable Urban Drainage Systems (SUDS) principles. The design would be considered further at detailed planning stage.

Policy IR13 - Low and Zero Carbon Development

- 7a.55 Under Policy INF13, all new buildings are required to incorporate on-site low and zero carbon generating technologies (LZCGT) to meet a proportion of the overall energy requirements. A condition would attach to any grant of planning permission in principle requiring submission of an Energy Statement to demonstrate compliance with the terms of this policy.

Policy IR14 - Heat Networks

- 7a.56 The Energy Statement required to demonstrate compliance with Policy INF13 would also need to assess the viability of the inclusion on the site of a local energy centre or district heating system to generate energy to serve the proposed development. The satisfactory location and design of associated plant would also need to be assessed. Where this is assessed as unviable, development sites should be future-proofed where possible for connection to future heat networks.

Policy IR18 - Waste Management in New Development

7a.57 Measures to minimise waste during the construction phase of the development would need to be considered at detailed planning stage. Similarly, the layout and design of the proposed development, to provide for the collection and storage of waste and recyclable materials, would need to be considered at detailed planning stage.

7b Material Considerations

7b.1 The material planning considerations to be assessed in determining this planning application include Scottish Planning Policy, Falkirk Council Supplementary Guidance, the consultation responses, the public representations, the planning history for the site, the principles of enabling development, and monitoring and enforceability of the proposed age occupancy restriction.

Scottish Planning Policy

7b.2 Scottish Planning Policy (SPP) 2014 sets out national planning policies for the development and use of land. SPP recognises that the planning system has a vital role to play in delivering high quality places for Scotland and contributing towards sustainable economic growth. It contains the following two principal policies:-

- There is a presumption in favour of development that contributes to sustainable development
- Planning should take every opportunity to create high quality places by taking a design-led approach

7b.3 SPP advises that the planning system should support economically, environmentally, and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost. This means that policies and decisions should be guided by the following principles:-

- Giving due weight to net economic benefit
- Responding to economic issues, challenges and opportunities, as outlined in local economic strategies
- Supporting good design and the six qualities of successful places
- Making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities
- Supporting delivery of accessible housing, business, retailing and leisure development
- Supporting delivery of infrastructure, for example transport, education, energy, digital and water
- Supporting climate change mitigation and adaptation including taking account of flood risk
- Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation
- Having regard to the principles for sustainable land use set out in the Land Use Strategy

- Protecting, enhancing and promoting access to cultural heritage, including the historic environment
- Reducing waste, facilitating its management and promoting resource recovery
- Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality

7b.4 SPP advises that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained, and SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.

7b.5 Where relevant policies in a development plan are not up-to-date or the plan does not contain policies relevant to the proposal, the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision Making should also take into account any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the wider policies of the SPP. Where a shortfall in the 5 year effective housing land supply emerges, development plan policies for the supply of housing will not be considered up-to-date.

7b.6 The Falkirk Council 2021/22 Housing Land Audit (HLA) indicates that that Council has a 4.8 year effective housing land supply. This amounts to a shortfall in the 5 year effective supply of 122 units. The HLA uses the Council's housing land requirement to calculate the effective housing land supply. The presumption under SPP in favour of development that contributes to sustainable development will therefore be a significant material consideration in determining this application.

7b.7 SPP also advises that the planning system should:-

- Promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environment as national assets
- Allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities
- Give due weight to net economic benefit of proposed development.

7b.8 SPP also advises that the planning system should:-

- Facilitate new housing development by identifying a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5 year supply of effective housing land at all times
- Enable provision of a range of attractive, well designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places
- Have a sharp focus on the delivery of allocated sites embedded in action programmes, informed by strong engagement with stakeholders

Falkirk Council Supplementary Guidance

7b.9 The following adopted Falkirk Council Supplementary Guidance (SG) has been taken into account in assessment of the application:-

- SG01 'Development in the Countryside'
- SG02 'Neighbourhood Design'
- SG05 'Green Infrastructure and New Development'
- SG06 'Affordable Housing'
- SG07 'Biodiversity and Development'
- SG09 'Landscape Character Assessment and Landscape Designations'
- SG10 'Trees and Development'
- SG12 'Listed Buildings and Unlisted Properties in Conservation Areas'
- SG14 'Renewable and Low Carbon Energy'
- SG13 'Developer Contributions'

Consultation Responses

7b.11 The consultation responses are summarised in section 4 of the report. Historic Environment Scotland, National Trust for Scotland and Falkirk Council Museum Services have all expressed concerns with the impact of the proposed development on the Garden and Designed Landscape at Dunmore Park and The Pineapple. National Trust for Scotland have objected to the application. Falkirk Council's Engineering Design Unit have raised concerns in relation to pedestrian access and safety given the substandard nature of the footway along the A905 between the village and the proposed visitor centre. Falkirk Council Housing Services and Falkirk Health and Social Care Partnership have advised that the preference is generally to provide a mix of house types leading to balanced communities. They question whether it is right to exclude people who might benefit from residing in a bungalow based on age. In addition, they are concerned that the wellbeing of the residents may be negatively impacted by the isolated location of the properties and lack of easy access to vital services, and that a high number and concentration of properties for older people may put pressure on local health and social care services.

7b.12 A number of matters have been raised in the consultation responses that could be the subject of planning conditions or a Section 75 planning obligation attached to any grant of planning permission in principle.

Representations Received

7b.13 The representations are summarised in sections 5 and 6 of the report. They consist of a total number of 156 representations, made up of 83 representations in support, 68 objections and 5 neutral representations. In addition, a neutral representation has been received from the Airth Parish Community Council.

7b.14 The concerns raised in the representations that are material to determining the planning application have, in the main, been considered in the planning assessment and consultation responses contained in this report. In addition, the following comments are made:-

- Any grant of planning permission in principle could include a condition requiring the submission of a Construction Environmental Management Plan (CEMP). This plan would be expected to include measures to mitigate all construction related impacts, provision within the site of parking for construction workers, and the routing of construction vehicles to the site

- Imposing a condition to prevent extensions to the properties nearest Douglas Avenue would not meet the tests for conditions set out in Scottish Government Planning Circular 4/1998 'The Use of Conditions in Planning Permissions'
- Amenity related matters such as overlooking, loss of privacy and landscape provision would be given detailed consideration at detailed planning stage following any grant of planning permission in principle
- The application site is not identified as comprising prime quality agricultural land (Classes 1, 2 and 3.1). The loss of prime quality agricultural land is therefore not a consideration in assessing this application

Planning History

7b.15 The relevant planning history is set out in section 3 of the report. As detailed in that section, planning application P/19/0578/PPP for a visitor centre and 'enabling development' consisting of 22 units was approved as a minded to grant decision by the Council's Planning Committee on 17 June 2020 and was subsequently withdrawn due to viability issues. Paragraph 3.3 sets out the material planning considerations that the Committee determined outweighed the development plan, which related to the benefits of the proposed development. Paragraph 3.5 sets out the main differences between the current application and the previous application. These include a reduction in the size of the proposed visitor centre and a nearly four-fold increase in the number of proposed bungalows to cross-fund the visitor centre. As the previous application was withdrawn, there is no extant planning permission for the visitor centre and the supporting enabling housing development.

7b.16 The following comments are relevant to a consideration of the current application against the previous withdrawn application which the Committee were minded to grant:-

- There were no 'in principle' concerns raised in the consultation responses to the previous application in respect of impacts on the Garden and Designed Landscape at Dunmore Park and The Pineapple and such concerns did not form part of the reasons recommended in the Committee report to refuse this application. While National Trust for Scotland were consulted on the previous application, it would appear that no consultation response was received. In contrast, National Trust for Scotland have objected to the current application. The objection considers that the proposed development would have a significant impact on the designated Historic Garden and Designed Landscape, along with nationally significant heritage assets (see paragraph 4.16). This objection and concerns by Historic Environment Scotland that the submitted Heritage Statement does not adequately assess impacts on the historic environment have informed the assessment that this current application does not comply with Policies PE07 'Listed Buildings' and PE10 'Historic Gardens and Designed Landscapes' of LDP2 (see paragraphs 7a.11 and 7a.13)
- The scale and associated impacts of the proposed enabling housing is significantly increased in the current application compared to the previous application. The number of bungalows proposed has increased from 22 to 82. The visual and landscape impacts are accentuated by the increased scale of the linear nature of the proposed housing and its encroachment, for the most part, onto open fields, where it would not be contained by existing natural or physical

features. The substantial linear nature of the proposed housing also accentuates the impact on the open character of the village setting and the outlook from the core path (010/85 'Gamekeeper Cottage to Airth Castle Hotel')

- Falkirk Council Housing Services and Falkirk Health and Falkirk Council Housing Services and Falkirk Health and Social Care Partnership were consulted on the current application (see paragraph 4.11) but not the previous application. They have advised that the preference is generally to provide a mix of house types leading to balanced communities and a number of concerns are raised. They question whether it is right to exclude people who might benefit from residing in a bungalow based on age. In addition, they are concerned that the wellbeing of the residents may be negatively impacted by the isolated location of the properties and lack of easy access to vital services, and that a high number and concentration of properties for older people may put pressure on local health and social care services. The substantial increase in the number of proposed bungalows accentuates these concerns
- Airth Parish Community Council supported the previous application while taking a neutral stance on the current application. They advise that they were unable to arrange a public meeting to ascertain the views of the community due to the Covid restrictions. They continue to support the scope of the previous application, but recognise that the current application directly affects more residents and has generated much more interest and objections
- There were 76 representations in support of the previous application and one representation objecting to the application. In contrast, the current application has attracted far more representations (156) including a similar number of representations in support (83) and many more objections (68)
- The terms of the Section 75 planning obligation as part of the Mindful to Grant decision included a definition of floor areas to ensure the visitor centre was the principal use. The applicant has confirmed in the current application that the principal use of the proposed visitor centre is a café (251m²). The other uses indicated for the visitor centre are a tourist information and display area (193m²), an arts and craft workshop (30m²) and a retail area (30m²)
- In determining the previous application, the Committee decided that the material planning considerations outweighing the development plan included that the proposal would enhance the tourism and leisure provision in the area and bring economic and employment benefits. National Trust for Scotland have reviewed the Visitor and Natural Asset Plan submitted with the current application and consider that the projections for visitors to the centre appear very ambitious by comparison to existing significant attractions in the Falkirk Council area. Furthermore, they note that the proposed visitor centre appears to have only a tenuous link to The Pineapple site based on the submitted visitor plan, which states that perhaps 5% of visitors to the centre could be expected to go on to visit The Pineapple or the Garden and Designed Landscape. Based on the submitted visitor plan they consider that the visitor centre would not provide any uplift in visitation and the proposal is best understood as a café and retail use

- The current application has been subject to a robust assessment against Equalities legislation as informed by specialist legal advice (see section 8 below). The report prepared for the previous planning application considered that insufficient information had been provided to the planning authority to be able to substantiate the position with respect to the Equalities legislation. The Committee had regard to the Equality Act 2010 and the public sector equality duty in reaching a decision (see paragraph 3.3).

Principles of Enabling Development

- 7b.17 LDP2 allows for limited enabling housing development in the countryside to secure the restoration of historic buildings or structures. Enabling development in that sense is development that would not normally be acceptable in general policy terms but can be justified where there are overriding conservation benefits to be gained for the overall development scheme, which could not be achieved through alternative means. The enabling housing development proposed in this application is to cross-fund a new building (visitor centre) and not to secure the restoration of historic buildings or structures. The proposal therefore does not have policy support under LDP2, and the application have been assessed as significantly contrary to LDP2. However, it is noted that the Planning Committee previously accepted the principle of enabling development to cross-fund a visitor centre at this location in their determination of planning application P/19/0578/PPP, albeit that the scale of enabling housing development has increased significantly in the current application. It is considered that the principles of enabling development in the context of historic buildings and structures can generally be applied to this application.
- 7b.18 It is relevant to consider whether the proposed visitor centre could be secured by alternative means or whether alternative means could reduce the scale of proposed enabling development. The applicant has stated that no grant funding has been identified and that the scale of company borrowing would be subject to concluding detailed development proposals and the terms of planning obligation. It is expected, however, that a developer would provide evidence to demonstrate that attempts to find alternative sources of funding have been fully explored. The availability of any alternative means to reduce the scale of the proposed enabling development may be particularly relevant given the significant increase in the number of houses compared to the previous application which the Committee were minded to grant. The proposed visitor centre is to be managed by the applicant and the café operated by the applicant as a family run enterprise. The submitted financial projections indicate that the café would be profitable from Year 2. It is relevant to consider whether any of the profits generated by the café could be utilised to reduce the scale of enabling housing development.

- 7b.19 The case of enabling development to secure the restoration of historic buildings or structures rests on there being a conservation deficit. This is the amount by which the cost of the restoration works exceeds market value on completion of the works, allowing for all appropriate development costs. Applying this deficit concept to the current application, the submitted Valuation Report appears to factor in sale prices for the proposed houses, a rental rate for the proposed visitor centre, and construction and all other development costs. A sale price for the proposed visitor centre does not appear to have been included. Presumably this is because the applicant intends to retain and manage the facility and operate the café as a family run business. Any subsequent sale of the building would potentially realise a significantly increased level of profit and undermine the basis of any grant of the enabling housing development or the scale of enabling housing development granted.
- 7b.20 As noted in paragraph 7b.17, LDP2 allows for limited enabling housing development in the countryside to secure the restoration of historic buildings or structures. In that context, the sums of money generated through enabling development are provided to directly solve the conservation needs, not to solve the financial needs of the landowner, support/ finance a business, or compensate for the purchase price paid for a site. In the context of the current application, the proposed enabling development would support/ finance the applicant's business proposal for a family run café. The café would be the principal use of the visitor centre. The applicant is promoting the proposed visitor centre as a facility for The Pineapple, but it is considered that it should be framed principally as a stand-alone café. It is acknowledged, however, that the facility could also provide a valued facility for the local community and that the Committee previously accepted the principle of enabling development to cross-fund the visitor centre, albeit at a significantly lesser scale.
- 7b.21 The scale of enabling development should be the minimum necessary to secure the beneficial development, while allowing an appropriate level of developer profit. The previous application, to cross-fund the proposed visitor centre by 22 bungalows, was withdrawn due to viability issues. The Valuation Report submitted with the current application has been reviewed by District Valuer Services (DVS), who have also carried out their own appraisal and advised that a profit margin of 11.84% is achieved factoring in a 25% affordable housing requirement and an age occupancy restriction of over 55's, reducing to 9.34% if there is no age occupancy restriction and therefore education and play space contributions are factored in (totalling additional contributions of £3,273.97 per dwellinghouse). What constitutes a fair and reasonable level of developer profit will depend on the particular circumstances. Allowing too great a profit could result in a permission being granted for more units than is necessary while, if sufficient profit is not allowed for, the development may fail. While DVS have advised that the housing industry standard for profit is in the region of 20%, they also advise that a lower rate of profit may be acceptable to some developers, especially in this case where the intention is for the applicant to manage the proposed visitor centre and operate the café as a family run business. Graham Sibbald Chartered Surveyors and Property Consultants, acting for the applicant, advised in May 2022 that they consider unequivocally that the proposal is only deliverable based on provision of 82 enabling residential units, the land being included at nil cost, and there being no requirement for education and play space contributions. They also noted that the construction costs adopted in their valuation appraisal dated August 2021 for the residential units and visitor centre would now appear optimistic given the recent price inflation for materials and labour within the construction industry, which places further significant pressure on the viability of the proposal and the increase in construction costs is unlikely in this area to have matched house price inflation.
- 7b.22 It is preferable for the beneficial development to be secured as early as possible within the time period of implementation of the development, prior to completion or

occupation. Otherwise enabling development may be carried out without the beneficial development. The submitted Business Plan indicates that the proposed visitor centre would be built as part of Phase 1 of the development, with the applicant in essence absorbing the cost of the credit advance to achieve this. It is assumed that Phase 1 of the development consists of Cluster 1 comprising 22 bungalows. Completion of the proposed visitor centre at the same time as the first cluster of houses would ensure to a large degree that enabling development is not carried out without the beneficial development.

7b.23 It should be noted that viability appraisals are only a snapshot in time and are prone to inaccuracy as they depend on inputs and assumptions. The submitted Valuation Report is dated August 2021 and the construction costs adopted in this valuation would now appear optimistic as noted in paragraph 7b.21. No updated viability assessment to update the costs and other inputs and assumptions as necessary has been submitted.

Monitoring and Enforceability of the Proposed Age Occupancy Restriction

7b.24 The applicant is proposing to restrict occupancy of the proposed bungalows to over 55 year olds and that ownership and occupancy of the proposed bungalows be legally controlled by title burden and a Section 75 planning obligation. It is suggested that any restriction be limited to occupancy as there does not appear to be any need to apply the age restriction to an owner who is not an occupier, as that would unnecessarily limit the class of landlords. The title burden is not enforceable by the Council. However, it is recognised that it would assist as conveyancing solicitors are more likely to notice and report to potential purchasers on a title burden than a planning condition.

7b.25 Scottish Government guidance states that Section 75 planning obligations should only be used when a planning condition cannot be used. Scottish Government guidance in Circular 4/1998: 'The Use of Conditions in Planning Permissions' advises that occupancy restrictions should only be used 'when special planning grounds can be demonstrated and where the alternative would normally be refusal of permission'. The guidance also states that conditions have to satisfy the following tests: a condition must be necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects.

7b.26 Compliance with an occupancy restriction is under the control of the person with an interest in each house. When the developer sells each house, responsibility for compliance passes to the purchaser and any tenant or other occupier. A condition is enforceable against owners, occupiers and any other person with any interest in the land.

7b.27 Enforceability requires consideration of the feasibility of monitoring and taking enforcement action if there is a breach. There are a variety of events which can alert the Council to prospective or actual first occupation of each house, for example, issue of a completion certificate and registration for the purposes of council tax. The Council could then request confirmation from the occupier(s) of compliance with the restriction. Changes to council tax registration would also alert the Council to changes of occupier. An alternative is to include a reporting system within the condition. That would be most effective when the houses are first sold by the developer. Although each owner/ occupier thereafter could be obliged to report changes of occupancy, it is suspected that compliance would be low, as conveyancing solicitors might not advise incoming purchasers of the requirement to notify the Council. This approach would rely on provision of information from the occupiers to highlight a potential breach. School roll information could presumably be checked to ensure that no children are enrolled from houses which are subject to the occupancy restriction.

- 7b.28 If a breach of the occupancy restriction is identified, the Council would have the usual enforcement powers – enforcement notices, breach of condition notices, etc. Those can be used to require the non-conforming occupancy to cease. Inevitably there could be practical difficulties, as the enforcement powers do not extend to eviction, so a stalemate could emerge. Even if the recipient of a notice is willing to comply, practical difficulties selling or leasing the house could be a problem, given the need to comply with the restriction. The recipient might not be able to afford to move out until a sale or lease is completed. A substantial period might have to be allowed for compliance with the enforcement action. Potential legal issues arising under the Equalities Act 2010 and the Human Rights Act 1998 in respect of enforcement are considered below.
- 7b.29 In practice, and taking into account resourcing, it is considered that the Council would probably have to rely on the condition being self-policed, through the initial marketing of the development, and then from conveyancing solicitors advising prospective purchasers of the restriction on the title and planning condition, and lenders seeking assurance that occupiers will comply with the restriction.
- 7b.30 In terms of the ‘precise’ test under Circular 4/1998, the drafting of the occupancy condition would require careful consideration. For example, do all occupiers need to be aged 55 or over, or is it sufficient if one occupier is? Would the restriction extend to family members or other visitors staying over? Would the length of stay be a determining factor?
- 7b.31 A restriction imposed by the Council, whether by condition or a Section 75 planning obligation, can be challenged in the future, without putting the permission itself at risk. That underlines the importance of identifying a clear justification for any restriction. It is also relevant to consider whether there is any risk of the developer seeking to revisit the age restriction in the future, if market conditions change or sales are not as successful as is projected. There could be difficult choices involved, if parts of the site have been started but left unfinished.
- 7b.32 It is also recognised that personal circumstances can change as a consequence of which residents may be less likely to adhere to the condition whether through choice or as a matter of necessity. For example, an elderly resident who since moving in is being cared for by a younger family member residing with them. This type of situation is relevant to consideration of whether a condition of this sort is appropriate.
- 7b.33 If any of the properties were to be occupied by children of school age, the Council would not be relieved of its statutory duties to make adequate provision for the education of those children. The Council is not able to abrogate its responsibilities as education authority on the basis that the planning condition is being breached. The planning condition is not relevant to the right of a child to education in accordance with the law and it would fall upon the Council to find a means of resolving issues relating to the availability of places in local schools. This is not a situation the Council would wish to find itself in. Attendance at Larbert High School by an occupant of the properties would be in circumstances where a developer contribution had not been paid towards addressing future capacity issues at this school, if a restriction to exclude school age children from residing in the development was imposed.

- 7b.34 In conclusion, it is considered that it is possible for an occupancy condition to be drafted which is compliant with the Scottish Government guidance, if appropriate justification can be provided. It is doubtful however that the justification could rely on 'special planning grounds' where the alternative would normally be to refuse planning permission. As an alternative to refusal of the application, a developer contribution towards education provision at Larbert High School could be paid. In addition, the application would not be refused on housing shortfall/ need grounds if the proposed age occupancy restriction was not imposed.
- 7b.35 If there were justification for the proposed condition, a carefully considered condition along with the title burden would probably be sufficient to ensure general compliance with the age restriction, although the Council would probably have to rely on the condition being self-policed. However, problems cannot be ruled out as highlighted above and enforcement would not necessarily be straightforward.

Environmental Impact of the Proposed Visitor Centre on The Pineapple from a Land Management Perspective

- 7b.36 The Committee requested at the pre-determination hearing on 20 January 2022, further information on the environmental impact of the proposed development from a land management perspective, including information on how a visitor centre encouraging access to neighbouring land outwith its boundaries could affect the quality of the environment, biodiversity, core paths and the historic designed landscape. In response to these matters, the applicant has submitted a Visitor and Natural Asset Plan.
- 7b.37 The plan considers it reasonable to presume that 5% of those visiting the visitor centre would then go onto to visit The Pineapple (5000 people by Year 3). The Pineapple is stated as being 700 metres from the proposed visitor centre. The assessment concludes that daily visitors to The Pineapple would remain at numbers that are modest relative to current visitor numbers. The plan recognises that, while visitor numbers can bring significant benefits, it can create additional pressures on the environment and infrastructure. Those impacts could presumably increase if visitor numbers exceed those projected and potentially conflict with the plans of National Trust for Scotland for The Pineapple which are likely to be low key (see paragraph 4.17).
- 7b.38 The plan assesses that the additional number of visitors to The Pineapple is not considered significant enough to impact on the current footpaths. Ecological impacts are assessed in paragraph 7a.19. In addition, the Visitor and Natural Asset Plan notes that there are no statutory or non-statutory ecological designations covering The Pineapple and Walled Garden and there is a known population of Great Crested Newt within and around the pond at The Pineapple. The plan assesses that the habitat within the walled garden is not sensitive with the clearly defined and surfaced paths running alongside grass and woodland. The plan also assesses that the increase in visitors is not considered significant enough to impact on the habitats and biodiversity surrounding The Pineapple. The majority of visitors would use the established path network and those that stray from the path within the walled garden would be walking on grass which at the level of use identified is not sensitive. Impacts on the historic environment are assessed in paragraphs 7a.11 and 7a.13.

7b.39 The submitted plan assesses that the increase in visitors would not be significant enough to overwhelm the walled garden and negatively impact on the quality of the visitor experience. The plan considers that the application provides an opportunity to improve the visitor experience by not only provision of a visitor centre but other supporting facilities and infrastructure. This includes car-parking at the visitor centre and a footpath link from the visitor centre to The Pineapple. The plan also outlines a number of recommendations. These include enhanced and co-ordinated signage, interpretation boards, new timber benches, improved passing places/ laybys on land within the control of the applicant, allocation of the existing parking area at The Pineapple adjacent to the Walled Garden as accessible (DDA) parking only, and a strategy to deal with litter. The recommendations include improvement works on third party land and the applicant has advised that a developer agreement would be sought with National Trust for Scotland in relation to all operational and management issues. The Council would not be party to such an agreement and would have no control over whether these proposed benefits would be delivered.

7a.40 National Trust for Scotland have reviewed the Visitor and Natural Asset Plan and consider that there would be no uplift in visitors to The Pineapple based on the 5% estimate as The Pineapple is already assessed as receiving 5,000 to 10,000 visitors each year (see paragraph 4.17)

8. HUMAN RIGHTS AND EQUALITY ASSESSMENT

8.1 The Human Rights Act 1998 and the Equality Act 2010 (the 2010 Act) are required to be considered in determining the application.

8.2 Section 29 of the 2010 Act provides that "A person must not, in the exercise of a public function that is not the provision of a service to the public or a section of the public, do anything that constitutes discrimination, harassment or victimisation." When determining planning applications and taking enforcement action, the Council is carrying out a public function that is not the provision of a service. It is acting in a quasi-judicial capacity. Accordingly, the Council must not do anything which constitutes discrimination in determining the Planning Application.

8.3 Age is a protected characteristic under the 2010 Act and can be defined by reference to wide age groups. However, section 29 only applies to the protected characteristic of age so far as relating to persons who have attained the age of 18. As detailed in this report, the applicant is proposing to restrict the age of ownership or occupancy of the 82 bungalows to over 55 year olds.

8.4 Under section 13 of the 2010 Act, direct discrimination occurs where, because of a protected characteristic, a person (A) treats another less favourably than A would treat others. In terms of the applicant's proposal, the discriminatory effect is that someone aged 55 or under would not be able to occupy any of the properties.

8.5 In addition, there are potential impacts of the proposed restriction with regard to other protected characteristics under the Act including disability, marriage and civil partnership, and pregnancy and maternity. Issues may also arise where there is a change of circumstances for an existing occupier and the Council seeks to enforce the condition. For example, the occupancy condition may be breached if:

- a resident aged over 55 chooses to co-habit (within the development) with a younger partner

- an elderly resident is being cared for by a younger family member who resides with them
- a resident over the age of 55 becomes a parent (including by adoption, fostering or surrogacy)
- the adult child of a resident over the age of 55 moves in with their parent for a short or long period
- a resident over the age of 55 is required to look after grandchildren, nieces and nephews to any other child for a short or longer period
- Considerations such as these serve to demonstrate that if permission was granted and in the event of a condition being breached, enforcement action would require to be carefully considered on a case- by -case basis.

- 8.6 Section 13(2) of the 2010 Act provides that that, if the protected characteristic is age, 'A' does not discriminate against 'B' if 'A' can show 'A's treatment of 'B' to be a proportionate means of achieving a legitimate aim. Therefore, inclusion of the proposed age restriction condition would not be discriminatory if the Council can show that imposing the condition is a proportionate means of achieving a legitimate aim.
- 8.7 After establishing whether the proposed condition has a legitimate aim or aims, the Council must then consider whether implementing the condition is a proportionate means of achieving the aim(s). To do so, the Council does not need to prove that there were no other available courses of action. Instead, it needs to be able to show that the measures taken were 'reasonably necessary' to achieve the legitimate aim. This will involve a balancing exercise between the discriminatory effect of the condition and the need to achieve the legitimate aim. However, if there is a less discriminatory course of action available to the Council which would achieve the same aim, then the measures are unlikely to be considered reasonably necessary.
- 8.8 The legitimate aims or potentially legitimate aims in this case are considered to be (1) preventing pressure on the capacity of local schools, (2) meeting a shortfall/ need in available housing for those over the age of 55, and/ or (3) enabling the construction of the proposed visitor centre. Each of these is considered in turn.
- 8.9 In addition, the proposed condition may have a discriminatory effect in relation to the protected characteristic of pregnancy and maternity, which is also a protected characteristic for the purposes of section 29 of the 2010 Act.
- 8.10 Enforcing the condition may also interfere with rights protected by Article 8, Article 14 and Article 1 Protocol 1 ("A1P1") of the European Convention on Human Rights. In order to justify any interference with those rights, the Council will require to show that the enforcement action is a proportionate means of achieving a legitimate aim. For the purposes of Article 8, there are limited grounds which may constitute a legitimate aim. The Council may have in mind the relevant planning condition. However, whether this could reasonably be viewed as a legitimate aim for Article 8 would require detailed consideration given the limited circumstances in which Article 8 rights may be interfered with. If the Council is satisfied that it is a legitimate aim, the extent to which the relevant planning conditions are a proportionate means of achieving a legitimate aim (as previously discussed) will be relevant to determining whether the enforcement action meets that test.

Preventing Pressure on the Capacity of Local Schools

- 8.11 Children's Services have advised that Airth Primary School has the capacity to accommodate the pupils that would be anticipated to attend this school from the proposed development if there was no restriction on occupancy of the proposed bungalows by school age children or younger. Occupancy levels are projected to peak at around 84% in 2024/ 25 and drop below 70% following 2028/ 29 (see paragraph 4.10). In contrast, occupancy levels at Larbert High School are set to increase over the next 3 years, peaking at 99% in 2024/ 25 and remaining high for some time, with occupancy levels over 90% for the next 7 years. Children's Services have therefore requested a financial contribution towards future investment in classroom capacity if there was no restriction on occupancy of the proposed bungalows by school age children or younger.
- 8.12 The applicant proposes to prevent pressure on the capacity of local schools by restricting the occupancy of the proposed bungalows to over 55 year olds. First it must be considered whether placing an age restriction on the occupancy of the development would in fact achieve the legitimate aim of preventing pressure on the capacity of the local schools. If those over 55 who move into the development are moving from houses that are located within the catchment area of Larbert High, this would free up properties for families with children to move into the catchment area. The Council would have no power to add conditions to the sale or rent of the properties that the individuals moving into the development are vacating. Therefore, the overall number of children within the catchment could increase. If the condition is not likely to have the desired effect of preventing pressure on the capacity of local schools, then it could not be justified on this basis and would be discriminatory.
- 8.13 At this stage there is no indication of who would move into the development once it is completed or from where they would move. If it is presumed that the condition is a means of achieving a legitimate aim, it must be considered whether it is a *proportionate* means of doing so.
- 8.14 It is evident however from the advice of Children's Services that the legitimate aim (preventing pressure on school capacity) could be addressed by the applicant paying a proportionate contribution towards future investment in classroom capacity at Larbert High School. This would avoid the discriminatory effect of the proposed occupancy condition. As such the proposed occupancy condition is not considered reasonably necessary to achieve this legitimate aim and is therefore not a proportionate means to achieve the aim.

Meeting a Shortfall/ Need in Available Housing for Over 55 Year Olds

- 8.15 The submitted Housing Assessment states that the applicant's own market research and expressions of interest in the proposed development is indicative of strong demand for the type of housing proposed and an increasing population of over 55 year olds means that on that basis there is demand for new bungalows. Housing Services have noted that it is important to understand the distinction between 'housing need' and 'housing demand'. Scottish Government Planning Advice Note 2/2010 defines 'housing need' as referring to households lacking their own housing, or living in housing which is inadequate or unsuitable, who are unlikely to be able to meet their needs in the housing market without some assistance. 'Housing demand' relates to the quantity and type/ quality of housing which households wish to buy or rent and are able to afford. The applicant's submissions appear to focus on the applicant's confidence that there is market demand for bungalows for over 55 years olds. There is no assessment of housing need based on the distinction between 'housing need' and housing demand' set out in Planning Advice Note 2/2010.
- 8.16 Housing Services have advised that they are not in a position to comment on the housing need for over 55 year olds across all tenures including private housing. They advised in October 2021 that there were 1,431 people on the Council's waiting list over the age of 55 looking to be rehoused in a social tenancy in the Larbert, Stenhousemuir and Rural North area. Of those, 160 were classed as being 'in need', for example, homeless, living in overcrowded properties or their homes were no longer suitable. The requirement for affordable housing on the site is 25% (20 units).
- 8.17 It is relevant to consider how the proposed house type (bungalow) would help address any housing need/ shortfall for over 55 year olds. Bungalows can meet a housing need by providing adapted properties and wheelchair accessible properties. Wheelchair accessible properties would be required to form part of the affordable housing requirement for the site. Housing Services have advised that current research in October 2021 indicated a need for an additional 90 wheelchair accessible properties in the Stenhousemuir, Larbert and Rural North housing submarket area. This figure is not broken down by age category. Housing Services would not wish to see an age occupancy restriction imposed on the affordable housing units as there is an increasing number of younger people needing accessible housing. Prioritising the needs of those with an accessible housing need over the age of 55 over the needs of younger individuals with an accessible housing need would in of itself be discriminatory and would be subject to the proportionality test.
- 8.18 Fundamentally it is considered that there is no inherent need for an over 55 year old to reside in a bungalow. It is however acknowledged that the need for accessible housing may increase as a person gets older, particularly in older age (i.e. over 65 to 70 years of age), and it is desirable for houses to be designed to accommodate potential future adaptations to allow people to remain safely in their homes as their health and social needs change and mobility reduces.
- 8.19 The applicant proposes to meet a shortfall/ need in available housing for over 55 year olds by restricting the occupancy of the proposed bungalows to this age category. However, it is not considered that this legitimate aim has been demonstrated as the applicant's case appears to be focused solely on market demand rather than on housing need. Furthermore, the proposed restriction would not necessarily address an accessible housing need, as over 55 year olds without an accessible housing need would be able to purchase the bungalows.

- 8.20 Guidance produced by the Equality and Human Rights Commission provides that for the purposes of direct discrimination under section 29 of the 2010 Act a legitimate aim should be “*an outcome that is socially positive or in the public interest*”. This means that, satisfying market demand of over 55 year olds for bungalows is unlikely to constitute a legitimate aim for the purposes of section 29. In any event, this demand could be met without the proposed restriction, as over 55 year olds could still purchase the properties where they have the financial means to do so.

Enabling the Construction of the Proposed Visitor Centre

- 8.21 The proposed occupancy condition does not relate specifically to the proposed visitor centre. However, if any grant of planning permission (containing the proposed condition) is considered as a whole, and the bungalow housing would enable the proposed visitor centre to be constructed, it may be regarded as relevant. The lack of explicit LDP2 support for the visitor centre, along with the current position of National Trust for Scotland, does however somewhat weaken the status of the principle of the proposed visitor centre as a legitimate aim.
- 8.22 The Committee decided that it was minded to grant the previous planning application on the grounds that the proposed development would afford benefits to the area of such weight to indicate that the development plan should not be afforded priority. Those benefits included an enhancement of tourism and leisure provision, economic and employment benefits, and recreation and leisure space. The submitted Business Plan indicates that the proposed visitor centre would bring economic, tourism, recreation, wellbeing and transportation benefits to the local area. The plan states that these would include the creation of jobs, the bringing of additional revenue to the village, enhancement of tourism both locally and across the whole of the Falkirk area, encouraging and facilitating more people to visit The Pineapple, providing interesting information on the history of the building, provision of a much-needed café to the village, improved access and parking provision, and helping to improve health and wellbeing through improved access to walks.
- 8.23 The perceived tourism benefits are qualified to a degree based on the submitted Visitor and Natural Asset Plan which estimates that perhaps only 5% of visitors to the centre could be expected to go on to visit The Pineapple or the Garden and Designed Landscape. On that basis, National Trust for Scotland do not envisage an uplift in visitation to these historic assets as a consequence of the proposed visitor centre. In addition, National Trust for Scotland have cautioned that the projections of visitors to the centre appear ambitious, when compared to visitation to existing significant attractions in the Falkirk area.

- 8.24 Enabling the proposed visitor centre to take place could potentially be considered a legitimate aim if it can be demonstrated that the proposed benefits are likely as a consequence of the enabling development and that the benefits are discernible. The submitted Business Plan suggests a partnership with National Trust for Scotland, local historical groups and local education establishments to create an engaging, interactive and informative experience at the visitor centre about the history of The Pineapple and other local heritage sites. However, no evidence has been submitted of a working partnership with, or commitment from, any party to deliver the proposed tourist information display area. Therefore, there are concerns as to how or if this proposed benefit would be delivered. The applicant has intimated that if National Trust for Scotland were unable or unwilling to contribute, this would not cause any issue as the Falkirk Local History Society and other local historian groups could provide the engaging content required (but no evidence of this is provided). In addition, the provision of a bike hub at the visitor centre is a suggestion only at this stage (see paragraph 7a.50), and the Council would not be party to the developer agreement that the applicant advises they would seek with National Trust for Scotland in relation to operational and management issues (see paragraph 7b.39). As noted in this report, National Trust for Scotland have objected to the application.
- 8.25 The applicant is proposing to construct the visitor centre with all supporting infrastructure including the new roundabout and road realignment, parking, and footway improvements as part of the phase 1 development programme. This provides a level of comfort that the proposed benefits would be delivered relatively early in the overall development and that substantial enabling housing development would not occur without these benefits being realised.
- 8.26 The scale of enabling development should be the minimum necessary to secure the proposed benefits, while allowing an appropriate level of developer profit. This matter is considered in paragraph 7b.21. What constitutes a fair and reasonable level of developer profit will depend on the particular circumstances. As DVS have advised, a lower level of profit than the industry standard may be acceptable to some developers, especially in this case where the applicant intends to retain a business interest in the proposed visitor centre (a family run café). However, it is recognised that increases in construction costs have placed new pressure on viability such that it is relevant to consider whether viability now rests on a further increase in the number of enabling housing units and/ or a further reduction in the size of the proposed visitor centre. The submitted Valuation Report is dated August 2021 and no updated viability assessment has been submitted.
- 8.27 Construction of the proposed visitor centre may be considered a legitimate aim if it were to result in the benefits described in paragraph 8.22 above and such benefits were discernible. However, it has not been demonstrated that all the benefits of the proposed visitor centre promoted by the applicant would be delivered. As a consequence, it has not been demonstrated that this is a legitimate aim. If the construction of the proposed visitor centre was to be considered a legitimate aim other concerns arise. In particular, there are also concerns that the current application may still not resolve the issue of viability due to increases in construction costs. This means that granting the application with the proposed condition in relation to the restriction in relation to the age of occupancy may not result in this aim being achieved. It has also not been demonstrated that the proposed occupancy restriction is reasonably necessary to achieve this legitimate aim or outweighs the discriminatory effect of the restriction. Accordingly, it has not been demonstrated that the proposed restriction is a proportionate means to achieve this aim.

- 8.28 The Council's specialist legal advice is that the Council should exercise considerable caution in respect of the applicant's proposals in relation to equality issues. The above assessment concludes that it has not been demonstrated that the proposed age occupancy restriction is a proportionate means to achieve a legitimate aim.
- 8.29 The Council will also have to comply with the Socio-Economic and Public Sector Equality Duty, as set out in sections 1 and 149 of the 2010 Act. The Public Sector Equality Duty places a 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. It is not apparent that granting planning permission for the development would assist with eliminating discrimination or that it would advance equality of opportunity between those who are over 55 and those who are under 55.
- 8.30 The Socio-Economic Duty requires the Council, when making decisions of a strategic nature about how to exercise its functions, to have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage. The provision of affordable housing may make a contribution to improving social economics, however, the Council has policies in place designed to ensure that where appropriate new development makes a contribution towards affordable housing. There is nothing about this application which distinguishes it from other applications that might relate to developments of a similar scale.

9. CONCLUSION

- 9.1 The application is a major development and seeks planning permission in principle for the erection of a visitor centre and 82 dwellinghouses (bungalows). The dwellinghouses are intended as 'enabling development' to cross-fund provision of the visitor centre. Owing to the scale of the proposed housing outwith the Airth village limits, within the countryside, and the impact of the proposed development on the historic environment/ Dunmore Park and The Pineapple designed landscapes, the application is considered significantly contrary to LDP2. A pre-determination hearing is required for a 'significantly contrary' application. A first pre-determination hearing was held on 20 January 2022 and a second on 1 September 2022.
- 9.2 A planning application is to be determined in accordance with the local development plan unless material planning considerations indicate otherwise. The material planning considerations are in this instance are Scottish Planning Policy (SPP), Falkirk Council Supplementary Guidance, the consultation responses, the representations received, the planning history, the principles of enabling development, monitoring and enforceability of the proposed age occupancy restriction, the environmental impact of the proposed visitor centre on The Pineapple from a land management perspective, and human rights and equality issues.

- 9.3 SPP advises that in circumstances where there is a shortfall in the 5 year effective housing land supply, the primacy of the development plan is maintained, while a significant material consideration is a presumption in favour of development that contributes to sustainable development. As stated in the report, the Council has a shortfall in the effective housing land supply. The Council's Housing Land Audit 2021/2022 indicates that the Council has a 4.8 year effective housing land supply, which equates to a shortfall of 122 units. The presumption under SPP in favour of development that contributes to sustainable development will therefore be a significant material consideration in determining this application.
- 9.4 SPP advises that the planning system should support economically, environmentally, and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The means that policies and decisions should be guided by the principles set out in paragraph 7b.3 of this report and relevant LDP2 policies. SPP also indicates that decision making should take into account any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the wider policy of SPP.
- 9.5 The proposed housing development has both benefits and costs, having regard to the principles set out in SPP. The potential benefits include:-
- The potential for economic and employment benefits, both at the construction stage and once the proposed visitor centre is operational. The submitted Business Plan anticipates the creation of 35 construction jobs and up to 20 full and part time jobs when the visitor centre is fully operational (noting, however, that National Trust for Scotland consider that the projections for visitors to the proposed visitor centre appear very ambitious when compared to existing significant attractions in the Falkirk Council area)
 - The potential to make a significant contribution towards addressing the Council's shortfall in the effective housing land supply (noting, however, that the grant of planning permission does not automatically mean that a site is effective and capable of delivery in the first 5 years of the HLA)
 - Meeting, according to the applicant, a market demand for bungalows by people aged over 55
 - Providing new facilities of value to the local community and visitors to the area, including visitors to The Pineapple
 - An increase in parking facilities in the area for use by visitors to The Pineapple and those wishing to access the local network of active travel routes (noting, however, that access to The Pineapple from the visitor centre car park would involve a walk of around 700 metres)
 - The possibility of a bike hub being established at the visitor centre for the hire of electric bikes
 - An opportunity to improve the facilities associated with The Pineapple such as new signage, interpretation boards and timber benches, and joint working with National Trust for Scotland to deal with operational and management issue including litter (noting, however, that the applicant proposes a developer agreement with National Trust Scotland to deliver these benefits. The Council would not be party to such an agreement and would have no control over whether these proposed benefits would be delivered)
 - The provision of new habitat for wildlife and enhancements to biodiversity arising from the planting strategy

- The provision of a new roundabout on the A905 which is likely to act as a traffic calming feature and slow traffic speed at the village edge

9.6 The costs of the proposed development are considered to include:-

- The proposed development represents a significant intervention within the Garden and Designed Landscape at Dunmore Park and The Pineapple which is considered to detract from the understanding and tranquil experience of this inventory designed landscape and significantly adversely affect its character, integrity and setting
- The proposed development extends beyond the logical and defensible village limits for Airth, onto open agricultural land, to the detriment of the landscape setting of the village. The impact is exacerbated by the scale of the linear form of the proposed housing

- The proposed development extends onto open agricultural land and is largely unable to take advantage of existing features to integrate it into the landscape and contain the development
- The proposed housing would significantly detract on the outlook from, and open character, of the core path to the west of the village, to the detriment of the experience and appreciation of the users of the core path
- The intended layout and design of the proposed housing including access by a single cul-de-sac and a single house type (bungalow) is at odds with the variety and interest sought to promote successful place-making, and the provision of a long cul-de-sac is at odds with the principles of Designing Streets
- The edge of village location of the proposed development does not promote accessibility and ease of movement for pedestrians. This is compounded by the sub-standard nature of the existing footway along the A905 beyond the existing village and the location of the proposed housing at the top of an escarpment above the village. The latter is a particular concern given the intended age of the occupants of the proposed housing
- The relatively isolated location of the proposed housing means that even if the street is designed to accommodate a bus service (including provision of a turning circle) there is no guarantee that a bus service would be provided to serve the new bungalow development
- Falkirk Housing Services do not support the proposed age occupancy restriction as this would exclude people of 55 or under in age who would benefit greatly from being in a bungalow for mobility reasons
- Falkirk Health and Social Care Partnership are concerned with the proposed development in terms of the high number and concentration of properties for an older age group and the potential pressure this could put on health and social care services such as Care at Home Services, community nursing, allied health professionals (e.g. occupational therapy, podiatry), day opportunities and carer support
- National Trust for Scotland have objected to the application and have advised that the proposed visitor centre has no relationship to the Trust's conservation and management of The Pineapple. They further advise that they have no interest in, or connection to, the proposed visitor centre, and have no plans of their own to have one on the site and any development at The Pineapple is likely to be low key and more likely to be garden-led (including allotments) with facilities such as toilets. Furthermore, no evidence has been presented to demonstrate an ongoing or future working partnership between the applicant and National Trust for Scotland, or that National Trust for Scotland would enter into the developer agreement proposed by the applicant to deliver benefits proposed by the applicant, including improved facilities within The Pineapple walled garden

- No information has been provided to demonstrate that the proposed tourist information display area within the visitor centre would be delivered. The principal use intended for the visitor centre is a café run by the applicant as a family business. National Trust for Scotland consider that the proposal is perhaps best understood as a café and retail use and assessed on that basis

- 9.7 It is not considered that the benefits of the proposed housing development would outweigh the costs. The proposed housing is therefore not considered to contribute to sustainable development.
- 9.8 There are not considered to be any other material planning considerations to indicate that the local development plan should be set aside in this instance. . The material considerations considered in this report include the consultation responses, the representations received, the planning history for the site, the principles of enabling development, the monitoring and enforceability of the proposed age occupancy condition, and human rights and equality issues. A number of points are highlighted which are relevant to consideration of the current application compared to the previously withdrawn application (P/19/0578/PPP) which Committee were minded to approve. The principles of enabling development are explored and questions are raised in relation to the availability of alternative sources of funding and whether the proposed enabling housing is the minimum necessary to cross-fund the proposed visitor centre given increases in construction cost since the viability assessment was prepared and allowing for a fair and reasonable level of developer profit. It is concluded that a carefully worded condition along with a titles burden would probably be sufficient to ensure general compliance with the proposed age occupancy condition, however, the condition would probably have to be self-policed, and problems cannot be ruled out and enforcement may not necessarily be straightforward. The Equalities assessment, however, has concluded that such a condition should be treated with caution, and it has not been demonstrated that it is a proportionate means to achieve a legitimate aim.
- 9.9 The overall conclusion is that the application should be determined in accordance with the local development plan (LDP2). The application is therefore recommended for refusal for the reasons detailed below.

10. RECOMMENDATION

- 10.1 It is therefore recommended that the Committee refuse the application for the following reasons:-**

- (1) The application is contrary to Policies PE14 'Countryside', HC05 'Housing in the Countryside' and JE05 'Business Development in the Countryside' of Falkirk Local Development 2 as the proposed development does not satisfy any of the circumstances to justify new housing or business development in the countryside. The application therefore represents unjustified development in the countryside, outwith the urban and village limits.**

- (2) The application is contrary to Policies PE14 ‘Countryside’, HC05 ‘Housing in the Countryside’ and JE05 ‘Business Development in the Countryside’ of Falkirk Local Development Plan 2 as the scale, layout and design of the proposed development are not considered to be suitable for the intended countryside location. In particular, the proposed development extends onto open agricultural land and is largely unable to take advantage of existing features such as topography and woodland to integrate and nestle it within the landscape.**
- (3) The application is contrary to Policy PE01 ‘Placemaking’ of Falkirk Local Development Plan 2 as the proposed development is not considered on balance to promote the qualities of successful place-making**
- (4) The application is contrary to Policies PE07 ‘Listed Buildings’ and PE10 ‘Historic Gardens and Designed Landscapes’ of Falkirk Local Development Plan 2 as the proposed development would significantly adversely affect the character, integrity and setting of the East Lodge Category B listed building and the inventory Garden and Designed Landscape of Dunmore Estate associated with The Pineapple and the understanding and experience of this designed landscape.**
- (5) The application is contrary to Policy PE18 ‘Landscape’ of Falkirk Local Development Plan 2 as the proposed development would extend onto open agricultural land to the detriment of the landscape setting of the village and it is not considered that a satisfactory landscape fit would be able to be achieved.**
- (6) The application is contrary to Policy HC01 ‘Housing Land’ of Falkirk Local Development Plan 2 as the site is not identified as a contributing site to meet the Council’s housing supply target for the period 2017 to 2030. While additional sites for housing will be considered as there is currently a shortfall on the 5-year supply of effective housing land, this is only where the proposal constitutes sustainable development. The proposed development is not considered to constitute sustainable development.**
- (7) The application is contrary to Policy JE01 ‘Business and Tourism’ of Falkirk Local Development Plan 2 as the site is not identified as a Strategic Business Location or a tourism node and the proposed development is unlikely to support the tourism nodes and tourism networks/ themes identified in the development plan. The Pineapple is not identified as a tourism node in the plan.**
- (8) The application is contrary to Policy IR04 ‘Community Facilities’ of Falkirk Local Development Plan 2 as it is not considered that the criteria to support new community facilities have been satisfied. In particular, it is not considered that good access to the proposed visitor centre by walking and cycling would be provided, and the scale and character of the visitor centre and associated road and parking infrastructure would not be compatible with its location within the inventory designed landscape.**

- (9) The application is contrary to Policy IR05 ‘Travel Hierarchy and Transport Assessment’ of Falkirk Local Development Plan 2 as the extent to which the travel demands of the proposed development can be maximised by firstly walking, then cycling, then public transport is constrained by the edge of village location, the location of the proposed housing (for over 55’s) at the top of an escarpment above the village, and the substandard width of the existing footway along the A905 between the village and the proposed visitor centre. It is considered that no suitable mitigation measures have been identified to provide a suitable, safe and convenient footway connection between the village and the proposed visitor centre.**
- (10) It has not been demonstrated to the satisfaction of the planning authority that the proposed scale of enabling housing development (82 units) is the minimum necessary to deliver the proposed visitor centre while allowing an appropriate level of developer profit**
- (11) The proposal to restrict occupancy of the proposed bungalows to over 55 year olds is not considered to meet the relevant tests under the Equality Act 2010 in relation to discrimination as it has not been demonstrated that the restriction would be a proportionate means to achieve a legitimate aim.**

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pp Director of Place Services

Date: 8 November 2022

LIST OF BACKGROUND PAPERS

1. Falkirk Council Local Development Plan 2, August 2020.
2. SG01 'Development in the Countryside'.
3. SG02 'Neighbourhood Design'.
4. SG05 'Green Infrastructure and New Development'.
5. SG06 'Affordable Housing'.
6. SG07 'Biodiversity and Development'.
7. SG09 'Landscape Character Assessment and Landscape Designations'.
8. SG10 'Trees and Development'.
9. SG12 'Listed Buildings and Unlisted Properties in Conservation Areas'.
10. SG13 'Developer Contributions'.
11. SG14 'Renewable and Low Carbon Energy'
12. SG15 'Low and Zero Carbon Development', Adopted under LDP1.
13. Scottish Planning Policy 2014.
15. Falkirk Council Housing Land Audit, 2021/22.
16. Equality Act 2010.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

LIST OF REPRESENTATIONS

Representation received from Airth Parish Community Council, FAO Jon Anslow, Convenor, 2 Kersie Terrace, South Alloa, Stirling, FK7 7NJ, on 28 May 2021

Intimation of Support received from Ms Dianne Allan, 28 Huntburn Avenue, Linlithgow, West Lothian, EH49 7LE on 7 April 2021

Intimation of Support received from Miss G Anderson, 25 Muirhead Avenue, New Carron, FK2 7SQ, on 1 May 2021

Intimation of Support received from Mr Ed Andrews, 117 Nelson Terrace, Keith, Banffshire, AB55 5FD on 8 March 2021

Objection received from Mrs Kirsty Auld, 8 Castle View, Airth, FK2 8GE, on 1 June 2021

Objection received from Mr Andy Auld, 8 Castle View, Airth, FK2 8GE, on 1 June 2021

Intimation of Support received from Mrs Gemma Baillie, 36 Eeagle Avenue, Auchterader, PH3 1GD on 22 March 2021

Objection received from Mrs Mairian Beattie, Garden Cottage, Dunmore Park, Airth, Falkirk, FK2 8LU on 30 March 2021

Objection received from Mrs Heather Bell, 37 Elphinstone Crescent, Airth, Falkirk, FK2 8JX, on 20 March 2021

Objection received from Mr John Bell, 64 Elphinstone Crescent, Airth, Falkirk, FK2 8JX, on 6 April 2021

Objection received from Mr Alistair Berrill, 19 Benview, Bannockburn, Stirling, FK7 0HY on 30 March 2021

Intimation of Support received from Mr Graeme Beveridge, 11 Galan, Alloa, FK101RJ on 21 March 2021

Intimation of Support received from Mrs Nicola Beveridge, 11 Galan, Alloa, FK10 1RJ on 22 March 2021

Objection received from Ms Hazel Borthwick, Dunmore Villa, Dunmore, FK2 8LY on 30 March 2021

Intimation of Support received from Mr Scott Brown, 1A Old Mailings, Banton, Kilsyth, G65 0QU on 20 March 2021

Intimation of Support received from Mr Eddie Bryce, 37 Butlers Place, Livingston, EH54 6TD on 30 March 2021

Intimation of Support received from Mr Kris Brzezina, Sclandersburn Road, Denny, FK6 5LP on 23 March 2021

Objection received from Mr Graham Burden, 43 Elphinstone Crescent, Airth, Falkirk, Stirlingshire, FK2 8JX on 18 March 2021

Objection received from Mr Graham Burden, 43 Elphinstone Crescent Airth, Falkirk, FK2 8JX on 6 April 2021

Intimation of Support received from Mr Lee Burden, 98 Muirhead Road, Larbert, Falkirk, FK5 4JB on 8 March 2021

Objection received from Mr Colin Campbell, 15 Chestnut Grove, Stenhousemuir, Larbert, FK5 4DU on 4 April 2021

Intimation of Support received from Mr Grant Clark, 13 Springfield Court, Linlithgow, EH49 7TH on 21 March 2021

Intimation of Support received from Mr David Cochrane, 17 Forbes Place, Laurieston, Falkirk, FK2 9AY, on 29 March 2021

Intimation of Support received from Mr Allan Conry, 4 Castle Avenue, Airth, FK2 8GA on 10 March 2021

Intimation of Support received from Mrs Kim Constable, Ladysland, Mosscastle Road, Slamannan, FK1 3EK on 10 April 2021

Intimation of Support received from Mr James Constable, Ladysland, Mosscastle Road, Slamannan, FK1 3EL on 10 April 2021

Intimation of Support received from Mr R Crow, 4/3, 1310 Gallowgate, Glasgow, G31 4DR on 6 April 2021

Intimation of Support received from Mr Andrew Cruse, Coolaulin House, Sauchenford, Stirling, FK7 8AR on 7 April 2021

Intimation of Support received from Mr Matthew Cummings, 48, The Ness, Dollar, FK14 7EB on 25 March 2021

Intimation of Support received from Ms Nicola Darby, 6 Millbank Road, Kinbuck, Dunblane, FK15 0NJ on 7 April 2021

Objection received from Diana Davidson, 22 Douglas Avenue, Airth, Falkirk, FK2 8GF on 7 April 2021

Intimation of Support received from Mr Tom Davidson, Ashton Victoria Place, Brightons, Falkirk, FK2 0TZ on 10 March 2021

Objection received from Mr Martin Davidson, 22 Douglas Avenue, Airth, Falkirk, FK2 8GF on 6 April 2021

Intimation of Support received from Miss Jill Davidson, 19 South Green Drive, Airth, Falkirk, FK2 8JP, on 8 April 2021

Intimation of Support received from Mr Scott Davis, 55 Tern Crescent, Alloa, FK10 1SG on 7 April 2021

Intimation of Support received from Mrs Julia Davis, 55 Tern Crescent, Alloa, FK10 1SG on 7 April 2021

Objection received from Miss Evelyn Drummond, 43 Elphinstone Crescent, Airth, Falkirk, FK2 8JX, on 6 April 2021

Intimation of Support received from Mrs Annette Duff, 47 Castle Avenue, Airth, Falkirk, FK2 8GA on 3 August 2021

Objection received from Mr Archie Easton, 7 High St, Airth, Falkirk, FK2 8JL on 6 April 2021

Intimation of Support received from Mr Eric Evans, 1 Middleton Park, Keltybridge, KY4 0GZ on 22 March 2021

Intimation of Support received from Mrs Jane Evans, 1 Middleton Park, Kelty, KY4 0GZ on 22 March 2021

Objection received from Dr Guillaume Evrard, 21 Watson Crescent, PF3, Edinburgh, EH11 1EZ, on 4 July 2021

Objection received from Mr Euan Fairweather, 10 Douglas Avenue, Airth, Falkirk, FK2 8GF on 30 March 2021

Intimation of Support received from Mrs Jane Findlay, 4 Bridgeway Court, Kirkintilloch, G66 3HN on 22 March 2021

Objection received from Ms Mhari Findlay, 13 Southgreen Drive, Airth, Falkirk, FK2 8JP on 10 April 2021

Intimation of Support received from Mr Steven Fraser, 14 Hazel Road, Grangemouth, Falkirk, FK3 8PL on 8 March 2021

Objection received from Miss Kelly Gardiner, The Bungalow, Dunmore Estate, Dunmore, FK2 8LP on 28 March 2021

Objection received from Mrs Sonya Glenister, Netherby, The Wilderness, Airth, FK2 8LN on 8 April 2021

Objection received from Mr Christopher Glennon, 30 Castle View, Airth, Falkirk, Fk2 8GE, on 8 June 2021

Intimation of Support received from Mr Steven Govan, 4 Kirkway, Falkirk, FK2 8LEE on 6 April 2021

Intimation of Support received from Mr David Gow, 10A Gailles Road, Cumbernauld, G68 0JJ on 24 March 2021

Intimation of Support received from Miss Lauren Grant, 16 McAllister Court, Bannockburn, Stirling, FK7 8PT on 22 March 2021

Intimation of Support received from Mr James Grant, 61 Woolcarders Court, Stirling, FK7 9RA on 5 April 2021

Objection received from Nigel Gray, 3 Bruce Gate, Airth, Falkirk, FK2 8GN on 9 April 2021
Intimation of Support received from Miss Bethany Gray, 3 Bruce Gate, Airth, Falkirk, FK2 8GN on 19 March 2021
Objection received from Mr Nigel Gray, 3 Bruce Gate, Airth, Falkirk, FK2 8GN on 6 April 2021
Intimation of Support received from Mrs Joan Greenshields, 74 Kennedy Way, Airth, FK2 8GG on 26 March 2021
Objection received from Ms Catriona Hamilton, 101 St Brides Way, Bothwell, Glasgow, G71 8QG on 30 March 2021
Intimation of Support received from Mr Kevin Hanson, 67 Blackstoun Oval, Paisley, PA3 1LR on 16 March 2021
Intimation of Support received from Miss Klarna Harley, 10 Ashley Street, Bonnybridge, Falkirk, FK4 1NL on 6 April 2021
Intimation of Support received from Mr Iain Heddle, 6 Sir James black gate, Lochgelly, KY5 9PU on 24 March 2021
Objection received from Mr Graham Henderson, 12 Douglas Avenue, Airth, Falkirk, FK2 8GF on 4 April 2021
Objection received from Mr Lyn Henderson, 12 Douglas Avenue, Airth, Falkirk, FK2 8GF on 4 April 2021
Objection received from Graham & Lyn Henderson, 12 Douglas Avenue, Airth, Falkirk, FK2 8GF, on 7 April 2021
Intimation of Support received from Mrs Helena Honeyman, Ballindalloch, Ballindallich, Elgin, AB37 9DS on 7 April 2021
Intimation of Support received from Mr Craig Hughes, 2 Tummel Place, Grangemouth, FK3 0JH, FK3 0JH on 9 June 2021
Objection received from Mrs Mairi Johnston, 97 Kennedy Way, Airth, Falkirk, FK28GG on 7 April 2021
Objection received from Mr William Kane, 4 Stark Avenue, Camelon, Falkirk, FK14PR, on 5 May 2021
Intimation of Support received from Mr Joseph Kennedy, 4 Linn Place, Airth, Falkirk, FK2 8JU on 31 March 2021
Intimation of Support received from Miss Amanda Kennedy, 4 Linn Place, Airth, Falkirk, FK2 8JU on 31 March 2021
Intimation of Support received from Mrs Elizabeth Kennedy, 4 Linn Place, Airth, Falkirk, FK2 8JU on 31 March 2021
Objection received from Ms Emma Kilbride, 10 Douglas Avenue, Airth, Falkirk, FK2 8GF, on 19 March 2021
Intimation of Support received from Mr Richard Kincaid, Caulwellknowe, Kirtlebridge, Lockerbie, DG11 3LP on 9 March 2021
Objection received from Miss Emma Kirkbride, 10 Douglas Avenue, Falkirk, FK2 8GF on 30 March 2021
Objection received from Brenda Sutherland & Daniel Laverty, 21 Douglas Avenue, Airth, Falkirk, FK2 8GF, on 1 June 2021
Objection received from Mr George Lawrie, 8 Douglas Avenue, Airth, Falkirk, FK28GF on 22 March 2021
Objection received from George & Shona Lawrie, 8 Douglas Avenue, Airth, Falkirk, FK2 8GF, on 22 March 2021
Objection received from George and Shona Lawrie, 8 Douglas Avenue, Airth, Falkirk, FK2 8GF, on 26 March 2021
Objection received from Mrs Shona Lawrie, 8 Douglas Avenue, Airth, FK2 8GF on 21 March 2021
Intimation of Support received from Mr Gavin Lindsay, Deerpark, Sauchie, Alloa, FK10 3LL on 19 March 2021

Intimation of Support received from Miss Fiona Logan, 37 Castle Drive, Stenhousemuir, Falkirk, Fk5 4DH on 11 April 2021

Intimation of Support received from Ms Elaine Logan, 37 Castle Drive, Stenhousemuir, Falkirk, FK5 4DH on 28 April 2021

Objection received from Mr Philip Long, The National Trust for Scotland, 5 Cultins Road, Edinburgh, EH11 4DF on 29 March 2021

Objection received from Mr Kevin Lynch, 6 Nether By Road, Airth, FK2 8LQ on 6 April 2021

Objection received from Mrs Andrea Lynch, 6 Netherby Road, Airth, Wrexham, FK2 8LQ on 6 April 2021

Intimation of Support received from Mrs Sheelagh MacDonald, 6 Gannel Hill View, Fishcross, Alloa, FK10 3GN on 7 April 2021

Objection received from Ms Ann MacPherson, 2 Castle View, Airth, FK2 8GE, on 6 July 2021

Intimation of Support received from Mrs Morven Mack, 3 Russel Street, Falkirk, FK2 7HX on 10 March 2021

Objection received from Miss Lynsey Mackay, 36 Elphinstone Crescent, Airth, Falkirk, FK2 8JX on 8 April 2021

Objection received from Mrs G Mackie, 26 Douglas Ave, Airth, FK2 8GF, FK2 8GF on 6 June 2021

Objection received from Mrs Dorothy Mackinlay, Gamekeepers Cottage, Airth Castle Estate, Airth, FK2 8JG on 9 August 2021

Intimation of Support received from Miss Avril Magill, 1 The Greens, Maddiston, Falkirk, FK2 0FN on 11 March 2021

Intimation of Support received from Mrs Victoria Marriott, Auchingramont Road, Hamilton, ML3 6JT on 22 March 2021

Objection received from Miss Sarah McCusker, Dunmore House, Airth, FK2 8LS on 7 April 2021

Objection received from Mrs Catriona McDade, 125 Kennedy Way, Airth, FK2 8GG on 8 April 2021

Representation received from Stewart & Anne McDonald, 14 Douglas Avenue, Airth, Falkirk, FK2 8GF on 30 March 2021

Intimation of Support received from Mr George McGrath, 19 Glengask Grove, Kelty, KY4 0LZ on 2 April 2021

Objection received from Mrs Michelle McHugh, 16 High Street, Airth, Falkirk, FK2 8JL on 6 April 2021

Intimation of Support received from Mr Avril McVey, 8 Annfield Drive, Stirling, FK7 7PN on 6 April 2021

Intimation of Support received from Mr Robert McCormack, 5 The Links, Cumbernauld, Glasgow, G68 0EP on 7 April 2021

Intimation of Support received from Mr Graham Mckinlay, 4 Pendreich Road, Bridge of Allan, FK9 4LY on 19 March 2021

Objection received from Mrs Frances Miller, 21 Henry Street, Alva, FK12 5LA on 6 April 2021

Objection received from Ms Morag Miller, 89 Kennedy Way, Airth, FK2 8GG on 6 April 2021

Objection received from Mr Hamish Miller, 15 Castle Avenue, Airth, Falkirk, FK2 8GA on 31 March 2021

Intimation of Support received from Mr Thomas Miller, 26 Lithgow Place, Denny, FK6 5BF on 31 March 2021

Intimation of Support received from Mrs Jackie Moffat, 21 Balfour Street, Bonnybridge, Falkirk, Fk4 1np on 12 March 2021

Representation received from Mr Kieran Moran, 25 Ochre Crescent, Stirling, FK7 7AZ on 11 April 2021

Intimation of Support received from Mr Kevin Moran, 25 Ochre Crescent, Stirling, FK7 7AZ on 11 April 2021

Objection received from Mrs Deborah Nicolson, Simatai, 6 Douglas Avenue, Airth, Falkirk, FK2 8GF on 5 April 2021

Objection received from Mr Gary Nicolson MBE, Cottars Neuk, Dunmore, Falkirk, FK2 8LY on 9 April 2021

Intimation of Support received from Mr Jim Nolan, 98A Greengairs Road, Greengairs, Airdrie, ML6 7SY on 16 March 2021

Intimation of Support received from Mrs Nicola Nugent, 10 Ashley Street, Falkirk, FK4 1NL on 6 April 2021

Intimation of Support received from Mr James O'Neill, 2 Beatty Avenue, Raploch, Stirling, FK8 1QQ on 20 March 2021

Representation received from Mrs Alison Patterson, 18 Castle Drive, Airth, Falkirk, FK2 8GD on 25 March 2021

Intimation of Support received from Mrs Gwen Rae, 7 Philip Street, Falkirk, FK2 7JE on 16 March 2021

Intimation of Support received from Mr Raymond Renton, 42 Ell Crescent, Cambuslang, G72 8ZJ on 8 March 2021

Intimation of Support received from Mr Steven Riddell, 17 West Boarland Road, Denny, FK6 6PA on 24 March 2021

Objection received from Mr Callum Robertson, 89 Kennedy Way, Airth, FK2 8GG on 6 April 2021

Objection received from Mr Robbie Robertson, 89 Kennedy Way, Airth, FK2 8GG on 6 April 2021

Objection received from Mrs Pauline Rodger, 4 Bruce Gate, Airth, FK2 8GN on 6 April 2021

Objection received from Mr Graeme Rodger, 4 Bruce Gate, Airth Castle Park, Falkirk, FK2 8GN on 31 May 2021

Objection received from Mr Mark Rodger, 4 Bruce Gate, Airth Castle Park, Falkirk, FK2 8GN on 31 May 2021

Intimation of Support received from Mr Alana Roy, 29 Campie Terrace, Skinflats, Falkirk, FK2 8NN on 9 March 2021

Representation received from SP Energy Networks, FAO Cathy Burrows, Land Clerical Assistant, SPD Land & Planning, Leafield Road, Dumfries, DG1 2DN, on 17 March 2021

Objection received from Mr John Sanders, Simpson & Brown, The Old Printworks, 77a Brunswick Street, Edinburgh, EH7 5HS on 5 April 2021

Intimation of Support received from Mr Grant Simpson, 1 Greenhill Square, Bonnybridge, FK4 2EG on 6 April 2021

Objection received from Mrs Anna Skeldon, 36 Caiystane Gardens, Edinburgh, EH10 6SZ on 2 April 2021

Objection received from Mr Stephen Sloper, The Gardens, Airth Castle Estate, Letham, Falkirk, FK2 8JF on 6 April 2021

Objection received from Dr Rachel Smith, 1 Greenbank Crescent, Edinburgh, EH10 5TE on 30 March 2021

Intimation of Support received from Mr Alan Smith, Airth Mains Farm, Airth, Falkirk, FK2 8JG on 8 March 2021

Intimation of Support received from Mr Gordon Smith, 15 North Street, Alloa, FK10 2DP on 19 March 2021

Intimation of Support received from Mrs Laura Stenhouse, 5 Garvock Hill, Dunfermline, KY12 7TZ on 22 March 2021

Intimation of Support received from Mr Gary Stenhouse, 5 Garvock Hill, Dunfermline, KY12 7TZ on 1 April 2021

Objection received from Mrs Clare Taylor, 52 Hastings Road, Maidstone, ME15 7SP on 3 April 2021

Intimation of Support received from Mr John Templeman, 18 Avon Street, Grangemouth, FK3 8HH on 16 March 2021

Objection received from Mr Edmond Tinlin, 2 Sutton Park Crescent, Stenhousemuir, FK5 4LQ on 6 April 2021

Intimation of Support received from Mr Scott Togher, 1 Greenhill Square, Bonnybridge, FK4 2EG on 6 April 2021

Intimation of Support received from Mrs Jemma Tugawin, 85 Springhill Road, Garrowhill, G69 6PP on 10 April 2021

Intimation of Support received from Mr Robin Turnbull, 69 Lansbury Street, Alexandria, G83 0SA on 26 March 2021

Intimation of Support received from Mr Brian Twiddle, 18 Douglas Avenue, Airth, Falkirk, FK2 8GF on 11 March 2021

Objection received from Mr Simon Verdon, The Landmark Trust, Shottesbrooke, Maidenhead, SL6 3SW on 7 April 2021

Intimation of Support received from Mr John Waddell, Windyhills Cornhills Farm, Hamilton, ML3 8RX on 7 April 2021

Intimation of Support received from Miss Nicola Wallace, 4 Kirkway, Airth, Falkirk, FK2 8LE on 6 April 2021

Objection received from Miss Lily Wardrope, Flat 3, 26A Graham's Road, Falkirk, FK1 1HR on 31 March 2021

Objection received from Mr Stephen Williams, 6 Linn Place, Airth, Falkirk, FK2 8JU, on 25 March 2021

Objection received from Mrs Suzanne Williamson, 12 Castle View, Airth, FK2 8GE on 9 April 2021

Objection received from Mr Martin Williamson, 12 Castle View, Airth, FK2 8GE on 9 April 2021

Intimation of Support received from Mrs Margaret Wilson, 4 Ingram Place, Maddiston, FK2 0FT on 12 March 2021

Intimation of Support received from Mrs Lisa Woodcraft, 19 Gowan Lea, Dollar, FK14 7FA on 24 March 2021

Intimation of Support received from Mr Mark Woodcraft, 19 Gowan Lea, Dollar, FK14 7FA on 30 March 2021

Intimation of Support received from Mrs Kay Wright, 71 Stevenson Avenue, Polmont, FK2 0GU on 22 March 2021

Intimation of Support received from Mr John Young, Bentend Farm, Denny, FK6 5JH on 16 March 2021

Objection received from Ms Serena Parsons, Dunmore House, Airth, Falkirk, FK2 8LS on 28 November 2021

Objection received from Mr Gordon Wallace, Dunmore House, Airth, Falkirk, FK2 8LS on 28 November 2021

Planning Committee

Planning Application Location Plan

P/21/0110/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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