

PDH4. 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

The Committee considered a report by the Director of Place Services on an application seeking planning permission in principle for the erection of a visitor centre to include an information/exhibition space, arts and craft workshop, restrooms, café, retail area and 82 bungalows at Airth Mains Farm, Cemetery Road, Airth.

1. The Senior Planning Officer (B Vivian) outlined the nature of the application and the consultations carried out. The application was assessed as being significantly contrary to the Local Development Plan 2 and required that a Pre Determination Hearing be held.
2. The applicant's representative (D Jones) was heard in relation to the application. He explained that the planning application, as submitted, sought planning permission in principle for the erection of a visitor centre to include an information/exhibition space, arts and craft workshop, restrooms, café, retail area and 82 bungalows. He referred to Falkirk being a popular destination.

Thereafter, due to technical issues, the Convener agreed a short adjournment at 6.31 p.m. to allow the applicant's representative to reconnect to the meeting. This was followed by a second adjournment at 6.42 p.m. that due to his continued technical issues, allowed the applicant's representative to phone into the meeting. The meeting reconvened at 6.49 p.m. with all Members present as per the sederunt.

The applicant's representative made reference to the popularity of Falkirk as a destination. He highlighted the likely benefits of and for tourists to the area from the proposed visitor centre being located in the vicinity of the tourist attraction, the Pineapple. He indicated that the site of the Pineapple had no tourist facilities to encourage a longer stay. There is no equivalent of the modern visitor facilities such as those at Callendar House. The centre would, for example, include visitor interpretation displays. The centre would, by extending visitors' interest and experience, provide jobs and boost the local area. It would also improve things like parking provision. He was not aware of other parties intending to improve the visitor experience at the Pineapple. He then referred to the present shortfall in Council housing land supply. He noted that facilities come at a cost and the capital funding requires additional enabling development from the time of the previous application that committee was minded to grant. He advised that the previous proposal had less cross funding and was unviable. The bungalows would be built in stages linked to the work on the visitor centre. He noted that there is a need for the kind of housing proposed.

3. Jon Anslow, Convener, Airth Parish Community Council, a statutory consultee indicated that the first planning application was generally supported by the Community Council. In relation to this second application, however the Community Council was neutral. This was because the Covid 19 pandemic had meant that it had been considered too dangerous to hold a public meeting to gauge the views of the local community in the normal way. No other consultee representatives present wished to be heard in respect of the application at this point.

4. Questions were then asked by Members of the Committee as follows:-

Q(a) Clarification was sought on the response on whether it was still the applicant's intention to restrict occupation of the bungalows to persons over 55 years of age.

Response by the applicant's representative:-

Yes, that is still the applicant's intention.

Q(b) Clarification was sought on whether the age restriction relating to the housing development and the position under equality legislation.

Response by the Legal Services Manager:-

Section 8 of the report by the Director of Place Services made reference to the equalities position. The pre-determination meeting is an opportunity for parties to be heard and the merits are not discussed at this point. It will be fully discussed within the final report submitted to the Planning Committee for consideration.

Q(c) Clarification was sought on the anticipated market value of the 82 bungalows proposed in the development.

Response by the applicant's representative:-

A financial report had been submitted to the Council. He can't give all of the figures at the present time but each bungalow would be around £250k. The total contract would be around £20m. The infrastructure costs and project construction for the visitor centre would be a significant proportion as well as the roundabout.

Q(d) Clarification was sought on whether there is a shortfall in the housing land supply to be plugged.

Response by the Senior Planning Officer:-

Para 7.b.6 of the report referred to a 4.5 year effective housing

land supply and a shortfall of 310 units.

- Q(f) Clarification was sought on whether this was a new planning application and whether there is an existing planning permission.

Response by the Legal Services Manager:-

The previous planning application was withdrawn. There is therefore no existing planning permission for the site. Planning applications require to be determined on their own merits.

- Q(g) Clarification was sought on how a restriction on occupation to +55 year olds would be created.

Response by the applicant's representative:-

This would require a burden to be placed on the title of the properties.

- Q(h) Clarification on this was sought from the Legal Services Manager.

Response by the Legal Services Manager:-

A burden can be created in the title deeds which would be among the developer, the relevant owner of a house and owners of the other houses. That wouldn't involve the Council. Further information on this will be set out in the final report.

- Q(i) Clarification was sought on when the visitor centre would be built as part of the overall development.

Response by the applicant's representative:-

It had always been proposed that the visitor centre would be built as the priority.

- Q(j) Clarification was sought on whether collaborative discussions had taken place with the National Trust for Scotland (NTS) for the visitor centre to thrive and encourage visitors.

Response by the applicant's representative:-

The plans started 4 years ago and contact was made then with the NTS. During the early stages, the applicant was encouraged to progress the application. They thought until 12 months ago that all was going well and the NTS would be an active partner. The applicant was surprised to see the latest NTS comments. He advised that the applicant is committed to work with them and other partners to deliver this project. He commented that he did not see a conflict between the

development proposals and the NTS arrangements. It is a no brainer to connect with their arrangements at the visitors centre at the Pineapple.

- Q(k) Clarification was sought on whether the Council had passed proposals for a retirement village and on what basis.

Response by the Senior Planning Officer:-

This can be considered for the report to Planning Committee.

- Q(i) Clarification was sought on the business plans for the proposals and their submission bearing in mind that all that had been provided were projections.

Response by the applicant's representative:-

A high level of financial information has been provided by the applicant. Some of this is confidential but it is with the planning officer. As the report shows, the District Valuer had looked at the matter.

- Q(m) Clarification was sought on how the affordable housing requirement could be met.

Response by the applicant's representative:-

This would be achieved in compliance with the Council affordable housing policy. Most likely, it would involve a housing association dealing with the affordable housing element.

5. Section 38A of the Town and Planning (Scotland) Act 1997 together with Regulation 27 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 give those persons who have submitted representations on relevant planning applications the right to be heard before a Committee of the Council before the application is determined. The deliberations were also livestreamed.

- (a) Mr G Henderson, an objector to the development and along standing resident of the area, noted the significant opposition by residents to the south of the proposed development site to the development. He stressed the that the area was hugely important to the community who regularly enjoyed the walkways, the Pineapple, the walk to the Castle and the extensive views. He highlighted that this was all fantastic for the whole community. It positively impacted through the green space on mental health. It provided substantial views across the Ochil Hills and the River Forth. Should the development go ahead this would be negatively affected and have a detrimental impact on the amenity and quality of life of those in

the area. It is our responsibility to keep that and if the development were to be approved it would always be there and could not be undone. Residential amenity and infrastructure will be adversely affected. The proposal is not in compliance with the development plan. There will be increased traffic through the area which would be unsafe for families and children. He then referred to the school catchment area and the effect on schools. Airth School had reached its limit. There would be busy traffic and blockages on the local roads. The 108 houses provided for already within the development plan would exacerbate problems and this did not take this development for 82 bungalows into account. He highlighted that residents over 55 years old can have children of primary and secondary school age thereby impacting on schools. He then made reference to the objection from the National Trust for Scotland (NTS) and therefore questioned why the community should support the development. He raised concern that the café within the proposed visitor centre would be run by the developer and therefore could be closed at any time. The detrimental impact on wildlife including deer and pheasants would be significant by depleting numbers. He highlighted the importance of adhering to the environmental priorities at the COP26 conference in Glasgow this year and importance of improving the environment. He stressed the rural nature of the area and that there was no commitment by the developer for a designated bus route. Other effects were increased street lighting and light pollution generally as well as increased noise and traffic from the construction phase and in the long term. There would be a detrimental effect on the local infrastructure and amenities such as the GP surgery and NHS services including Forth Valley. These services could be stretched further due to the increased number of residents over 55 years old experiencing health problems. He questioned the number of supporters who appeared not to reside in the local area and that the objectors were local residents and had provided detailed reasons.

- (b) Mr G Lawrie, an objector to the development, stressed that the development had not been included in the Local Development Plan 2 (LDP2). It was significantly contrary to LDP2. There may be a general demand for housing but there is demand for a lot of things. He stressed that the building of the 82 houses was an enabling project to support the visitor centre. However, there is no support for this proposal from the National Trust. He has lived in the area for over 20 years and has played a part in the community over that period., He cannot see the justification for this whole project. The priorities would appear to be generation of profit for the developer thus allowing them to build on countryside land. New housing may bring children and he believed this was already happening. Properties that previously had no children living in them now had children at the local schools. The Community Council had taken a neutral

stance although there had been no opportunity for them to gauge the local views. The report shows that many representations came from outside the Parish boundary, but in analysing the responses from within the area, the large majority of these are opposed to the proposal.

- (c) Mrs S Lawrie, an objector to the development, indicated she had resided in the area for many years and lived 20 metres from the development. The development would adversely affect the amenity of the area, the residents and the environment. The development was not compliant with Falkirk Council's Local Development Plan 2. She highlighted that the development plan was updated in early 2020 and questioned what had changed since then. There would be a loss of quality agricultural land. The proposal for 82 houses was totally unjustifiable and breached the LDP. There is no overriding local or national need for an extra 82 homes. A visitor centre shouldn't be the driver for that. She concurred with the representations by Mr Henderson on behalf of the community. She then stated that the house types were not sympathetic to the area and there would be a lack of privacy as well as light and noise pollution and drainage concerns due significant surface water and the proportion of the site being at a higher level. If approved, any grant of permission would need to be subject to guarantees on these points.
- (d) Ms P Rodger, an objector to the development, concurred with the representations by Mr Henderson on behalf of the community. The additional 82 houses would have an adverse impact on the area. The focus should be on these houses rather than the visitor centre. She questioned the number of supporters who appeared not to reside in the local area. She stressed that 82 houses would add to the 200 houses already built and that Airth did not have the infrastructure to support this number. Airth Primary and Larbert Secondary Schools were full. She believed that Airth residents over 55 years old may move into the bungalows resulting in residents from other areas below that age group moving in adding to the burden on local amenities. She also expressed concern over how enforcement would be achieved if the permission were to be granted.
- (e) Ms S Williamson, an objector to the development, concurred with the concerns of the other residents present at the meeting. She highlighted that there appeared to be a breakdown in the relationship between the developer and the NTS. It was misleading for the developer to give the impression that the relationship will be rectified and that we should treat this as fact. She referred to the developer not owning the Pineapple yet trying to support the attraction of visitors to it. A poor experience could impact on the National Trust who do run the Pineapple. She raised concern that the

over 55 age restriction of the bungalows may be a red herring as some within that age group may prefer more amenities within, for instance, a city environment.

- (f) Response by the applicant. The applicant stated, with reference to paragraph 4.7 of the report, that there did not appear to be a school capacity issue. A +55 years age restriction would help to address long term capacity constraints and should assist the housing shortfall. He did not consider that there is a major issue in relation to the planning assessment regarding the roads network and no issue was raised in the report. NHS Falkirk believe there is no difficulty with the GP service in Airth and the surrounding areas. In terms of public transport, he noted that issues can only be addressed by encouraging public use. The visitor centre would have facilities that could benefit this. In terms of wildlife, there are no issues raised on the submissions and there is no issue in relation to loss of farming enterprise. The local farm has many hectares and the development is only 15 hectares. The development will not impact land or farming. There is no intention to close public walkways and access will be improved onto the site. This would be dealt with at the detailed stage. There will be new proposals for the integration of the development into the landscape to enhance the local wildlife. There have been useful discussions with the NTS in the past. They have latterly changed officers and the applicant will need to be able to convince them that there will be no adverse impact. The applicant will work with them to bring detailed proposals forward. In terms of housing land supply, there is a shortfall and this proposal would make a contribution. In terms of the position with the development plan, it is not possible to bring forward proposals to change the plan between cycles. However, that is just part of the overall assessment and it is competent to put forward applications for consideration in terms of the plan and material considerations. The development will add to the attractions already in the Falkirk area. He commented that he disagreed with the issues raised by objectors relating to the bungalows. The report shows the need for this type of housing and it will make a contribution. In terms of the expansion of the village, there were three site allocations within the LDP. Only now is Lochay coming forward. There seems to be little interest in bringing forward these sites and this misses an opportunity. There is a gap not filled just now. The development meets tourist and business needs and increases the profile of Airth through an economic boost, providing jobs and increasing opportunities.

6. Further questions were then asked by Members of the Committee as follows:-

- (a) Clarification was sought on what drainage would be included in the development.

Response by the applicant's representative-

The applicant has provided indicative drainage plans. These have been looked at by the Council, Scottish Water and the Scottish Environment Protection Agency (SEPA). None of the bodies has raised any concerns in relation to what has been provided to them.

- (c) Clarification was sought on the applicant's representative's comment that the application fell between two Local Development Plans or was this not part of the LDP2 process.

Response by the Senior Planning Officer (L Blance):-

This site was considered in the LDP2 and was dismissed by the Reporter. The reasons for dismissal were the impact on listed buildings, landscape and a number of other reasons.

- (d) Clarification was sought on how will the 82 bungalows demonstrate the reduction in carbon footprint and climate change proposals.

Response by the applicant's representative-

The bungalows are subject to current building standards. They would need the level of design to meet the standards.

- (e) Clarification was sought on whether the bungalows will meet the bronze, silver or gold standard in relation to their carbon footprint.

Response by the applicant's representative-

I cannot give this information as there are no detailed planning arrangements.

- (f) Clarification was sought on who is allowed to submit an objection relating to a planning application.

Response by the Legal Services Manager-

There is nothing in the legislation preventing those outwith an area to providing representation on planning applications.

- 7. Further information requested by Members of the Committee within the report for the meeting of the Planning Committee included:-

- (a) Greater clarification from Children's Services on educational impacts of the proposed development and capacities at the local schools showing further detail on workings. A detailed breakdown was requested with information on the basis of the calculation including information on whether the Lochay development and other development proposals has been taken into account in the considerations. Information on the potential for extension of Airth

Primary School was requested;

- (b) Information on any impact in relation to Great Crested Newts;
- (c) Greater clarity on the position of the National Trust in relation to the proposed development;
- (d) Information on the capacity of the Health Board in the area and in the local clinic. It was requested that more detail be provided and that it be clarified that their considerations take account of the additional housing under consideration in the area (including Lochay);
- (e) Information on the developer's business case for the proposals;
- (f) Visual information to show the full extent of both sites;
- (g) Information on the Reporter's considerations of the site during the Local Development Plan process;
- (h) Information on the environmental impact assessment and how a visitor centre and enabling development might impact on the environment;
- (i) Information on the impact of potential coalescence on Dunmore and Airth and that having regard to the siting of the visitor centre;
- (j) Information on other developments in the Council area which involve a +55 restriction on occupancy;
- (k) Detailed assessment of the equalities position and in particular around considerations of legitimate aim and proportionate means. It was requested that this not be limited to considerations around impact on under 55-year-olds but also restriction on +55-year-olds who may end up with children or any other under 55 year olds living with them over time (for instance, circumstances arise after they purchase or start living in the house). Issues around maternity and pregnancy also being protected characteristics under the Equality Act were also requested to be explored;
- (l) Information in relation to how a legal restriction on occupancy would be intended to be monitored and enforced. For instance, what might the Council's position be if a property was found to be occupied by a person under 55 years old or by a child of school age; and
- (m) Analysis on the assessed need for housing.

8. Additional Information

Prior to the close of the Hearing members agreed to visit the site on an unaccompanied basis to view the physical characteristics of the site.

9. Close of Meeting

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee at the next appropriate meeting in 2022.