

**PDH5. 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 an update report by the Director of Place Services on an application for 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.

A pre-determination hearing for this application was held on 20 January 2022 and a copy of the report submitted to that meeting was provided as an appendix to the report. The application was assessed as being significantly contrary to the Local Development Plan 2 and required that a Pre Determination Hearing be held.

The application sought planning permission in principle for the erection of a visitor centre and 82 dwellinghouses (two-and three-bedroom bungalows). A +55-age occupancy restriction was proposed for the dwellinghouses. The dwellinghouses were intended as 'enabling development' to cross-fund provision of the visitor centre. The principal use proposed for the visitor centre was a café, with other uses indicated as a tourist information and display area, an arts and craft workshop, and a retail area.

The report dated 20 January 2022 included a detailed description of the proposal, a list of the information accompanying the application, details of a previous planning decision for the site, a summary of the consultation responses and public representations, including the position of the Airth Parish Community Council, a list of the relevant policies of LDP2 which the application would be assessed against, and relevant aspects of Scottish Planning Policy.

At the hearing of 20 January 2022, the Committee identified a range of matters that they sought to have addressed in the report prepared for a future meeting of the Planning Committee. The matters identified at the previous pre-determination hearing that the Committee wished further information on were:-

- Education,
- Healthcare,
- Equality issues,
- Housing Need,
- Proposed age occupancy restriction,
- Business Case,
- Landscape and visual impacts,
- Environmental impact on The Pineapple,
- Protected species,
- Local Development Plan history for the site, and
- Further information from National Trust for Scotland.

The applicant had submitted further information since the first pre-determination hearing, which included:-

- Letter from McLean and Stewart Solicitors in respect of the proposed age occupancy restriction and the Equalities legislation,
  - Business Plan,
  - Response to Matters Raised at the Pre-determination Hearing,
  - Amended Masterplan,
  - 3D Views of Proposed Visitor Centre,
  - Cycling and Walking Addendum, and
  - Visitor and Natural Asset Plan.
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. There had been public representations submitted.
  2. The applicant's representative (D Jones) was heard in relation to the application. He explained that the planning application 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 with iconic tourist destinations. A visitor centre at the Pineapple was seen to enhance the tourism offer. A visitor centre with café and safe access for all would generate increased economic activity. It would provide a destination for cyclists. The proposed number of bungalows would allow the site to be financially viable. A need existed for this type of accommodation and would contribute to meeting the Council's identified shortfall in effective land supply. Further information had been provided in response to issues raised at the previous hearing. In relation to the proposed age occupancy restriction the applicant had provided legal advice that the restriction was appropriate and enforceable. The business case for the café had been reviewed by the Council's Business Gateway service and considered fair and reasonable. The scale of the housing development was proportionate to the development costs. The applicant has previous experience of successful operation of a café business. Landscaping and visual impact study incorporated 13 viewpoints. The development would have minimum visual impact once mitigating planting was mature. The ecological study found no adverse impact on protected species.
  3. Jon Anslow, Convener, Airth Parish Community Council, a statutory consultee stated that provision of a visitor centre would be an essential part of the development as the area was felt to have road safety problems with coaches using roads that were not suitable for them. The Community Council supported the original application. However, in the subsequent application with the increase of housing provision the Community Council had some elements of interest. Being unable to hold a public meeting to determine the views of the wider community the Community Council took a neutral stance on the application.

Stuart Maxwell of the National Trust for Scotland (NTS), a statutory consultee and objector then addressed the hearing. The objection was made on the grounds that the application did not accord with Scottish Planning Policy. That there would be an impact on the Pineapple and Walled Gardens which were grade A listed structures in accordance with Scottish Planning Policy. The application was also not compatible with the LDP. There was concern over the viability of running a visitor centre at the location. NTS had no plans to develop the site.

Karen Strang of the Council's Housing department highlighted the need for affordable housing in the area and the need for wheelchair accessible housing.

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

- (a) Clarification was sought on the intention for age restriction.

Response by the applicant's agent:-

The properties would be designed for purchase and living by the age group 55 years plus.

- (b) Clarification was sought regarding further discussions with adjacent landowners and land users in relation to woodland walks and how the area was used.

Response by the applicant's agent:-

Discussion with NTS and consultants in preparing the report had analysed service users and visitors to the area. On that basis a document was produced which has led to NTS being happy with proposals. Impact on network deemed to be relatively small numbers of visitors to the centre itself. Not felt to have significant adverse impact on existing uses. Mitigation measures would be brought through to ease and provide some comfort to adjoining owners.

- (c) Clarification was sought on whether increased footfall would impact on biodiversity and the wider Dunmore Park area.

Response by the applicant's agent:-

Consultants undertook that work. The report has been provided to the Council.

- (d) Clarification was sought on the view of NTS on the proposal.

Response by the applicant's agent:-

Change of personnel at NTS. When first discussed with NTS in 2019 their view was no concern regarding the design and impact of the visitor centre. A second set of proposals were then drawn up and in January 2022 a letter of objection in principle was received from

NTS. There was a good working relationship with NTS in dealing with the operational issues of having a visitor centre and what would be required in terms of additional visitor management.

- (e) Clarification was sought on the application of the age restriction where a younger person would inherit the property.

Response by the applicant's agent:-

Legal opinion that the burden would be on the property title and any ownership is subject to the age restriction test. There would also be a restriction on young people living with older owners at those properties.

- (f) Clarification was sought on how the staged development would operate.

Response by the applicant's agent:-

The visitor centre and café would be developed as phase one. There would be a staged release of housing to bring in funds. The business case supported the phased development proposal.

- (g) Clarification was sought on whether the visitor centre would disturb the pineapple and walled gardens at construction stage

Response by the representative for NTS (S Maxwell):-

No issues predicted by construction or operation of the visitor centre.

- (h) Clarification was sought on whether NTS would be happy if there were more visitors.

Response by the representative for NTS (S Maxwell):-

Open site with no charge, runs at deficit. The pineapple has holiday lets with a 25 year agreement to another trust and generates no income to NTS. Resource light operation apart from maintenance and grass cutting. Possible benefit of converting visitors to members but downside of wear and tear. Increased visitor footfall may help tackle antisocial behaviour issues at the location. Pineapple not a priority area for NTS to invest in.

- (i) Clarification was sought on the impact of the roundabout and new road in helping traffic calming through Airth.

Response from Roads Officer (C Russell):-

Roundabout would likely reduce vehicle speeds on the approach to and exit from Airth.

- (j) Clarification was sought on the viability of a visitor centre from NTS perspective.

Response from representative of NTS (S Maxwell):-

Hard to find a like for like property to compare to.

- (k) Clarification sought on whether the re-sale of age restriction properties was legally enforceable.

Response by the Council's Legal Services Manager (I Henderson):-  
The point was noted at the previous PDH and information would be included in the officer report to committee.

- (l) Clarification was sought on whether the committee would be able to see basis of legal opinion from applicant and what was considered in terms of equalities.

Response by the applicant's agent:-

Legal officers presented case to the Council. The applicant has provided information necessary to support case. Sure committee report will include answers being sought.

- 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.

- (a) G Henderson, objector, stated that the initial application had been for 22 bungalows and a visitor centre which required a roundabout. The change of scale had raised objections. Non-compliance with LDP2. Detriment to amenities in the area and the environment at the Pineapple, impact on schools, and NTS objection. Residents nearby to the proposed development site had spent many years using the existing landscape and access. This area was essential for people's wellbeing, enjoyed by families and dog walkers and for exercise. Existing views would be compromised by the development. Residents supported a 20mph limit in the area even before more housing is built at sites with current permissions. It was felt to be hazardous for pupil's walking to school. Further traffic calming would need to be considered. School capacity was an issue toward a peak of 84% in 2024. Larbert High School was the most crowded high school in Scotland in a media report. People aged 55+ could have school aged children. The Community Council had taken a neutral stance and the reasons were understood. However, 28 people in nearby streets objected compared to 2 supporting. Locally there was more of a view against development than for it. Local residents objected while a number of the letters of support came from people living further away even in other council areas. The viability of the business was also a concern.
- (b) G Lawrie, an objector, highlighted the contradiction to LDP2. That the proposal submitted was not contained within LDP2 which was only adopted on 7 August 2020 taking housing through to 2040. If not suitable in 2020 cannot see justification for it being suitable now in 2022. Scheme had been rejected twice. Original scheme with 22

units reviewed within LDP2 process and not adopted. Went to Reporter for Review and was not adopted. A reason given was that the original development would not outweigh the landscape harm that would be produced. Strong feeling of objection locally at a ratio of 5 to 1. Request that Airth Community Council reconsider their neutral stance to being against to reflect views of the local community. Non-required homes in a designated countryside area.

- (c) S Williamson, an objector, highlighted congestion and traffic through Airth village. It was noted that this was considerable already and would only be exacerbated by the proposed development. There was a very limited bus service in the area which would mean the burden on private transport was high. Local campaign for a 20mph speed limit. Impact on air flow and quality in the village. New houses would have a detrimental impact. Over 55 age bracket puts an unhealthy burden on a small village with limited infrastructure and capacity.
  - (d) Response by the applicant's agent. The LDP process Reporter's conclusions were that sufficient evidence was not provided to release the land for housing or a visitor centre at that time. 16 detailed studies provided through the previous and current applications point to answering as many questions as possible. If the Reporter had had such a weight of information they may have reached a different conclusion. In June 2020 the Planning Committee considered the first application and were minded to approve on the basis of the information available then. It is not a static process. Falkirk Council currently has a shortfall in the required 5 year housing land supply which this development would help bridge. 21 units would be affordable housing. Loss of amenity space had to be viewed against what was required and needed versus the totality of open space. Information had been provided which satisfied development long term. Traffic calming would be assisted by the development through provision of a roundabout at north of the village. There would be a contribution to public bus services to assist in running a Sunday bus service.
6. Further questions were then asked by Members of the Committee as follows:-
- (a) Clarification was sought on the view of GH that the visitor centre was unwanted, would this be the case even without housing.

Response by GH:-

Unwanted in the sense of by the NTS. NTS do not see the demand for this facility. Personal view is that there was the potential for this venture to fail and then have an empty building creating an eyesore on countryside land.

- (b) Clarification was sought on the impact of the roundabout.

Response by the Council's Roads Officer (CR):-

The transport planning unit assess traffic impact from development in terms of number of vehicles likely from the development. He stated that his previous comment was on the likely impact of a roundabout on vehicle speeds as the application was in principle so detail of the roundabout not known. It was likely to slow vehicles as all roundabouts did.

- (c) Clarification was sought on the enforceability of the title burden for over 55s ownership and occupancy.

Response by the Council's Legal Services Manager (IH):-

Information would be included in the final report to committee.

Burdens were not uncommon in title deeds and were generally effective in the case of a sale when purchasers' solicitors would be examining title. The Council was not a party to what was in the title deeds and had no enforcement role in what was in such title deeds.

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

- (a) Impact on school capacity if the housing generated school age children.
- (b) Explanation of health care provision for those in the area and those in the proposed development.
- (c) Equalities issues.
- (d) Information on Housing Need and Effective Housing Land Supply and their relationship.
- (e) Information on the environmental impact of the development particularly that on biodiversity and protected species.
- (f) Information on what the impact on air quality from additional traffic generated by development would be.
- (g) Information regarding social care provision and whether there would be an impact on these services.

- 8. Close of Meeting

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined at a future meeting of the Planning Committee.