

6b.5 Policy ECON.2 Strategic Development Opportunities – Development Criteria

*“Development of the strategic development opportunities identified in Policy ECON.1 will be subject to specific design criteria and conditions.”*

It is considered that these emerging policies are similar in effect to the development plan policies addressed in Section 6a above.

**Land Use Implications**

- 6b.6 The planning policy objective of Policies HPO.5 and CFPO.4 of Central 2000 Structure Plan and Policy LAR 7 of the Larbert & Stenhousemuir Local Plan is to secure special needs housing and appropriate care facilities in a way that is environmentally acceptable.
- 6b.7 Although the site lies outwith the urban limit as defined in the adopted local plan it is within the confines of the RSNH. The site has been chosen as it is located close to the local community and has good transport links. The repositioning of the buildings within the site also assists in integrating the proposed development into the landscape and the adjacent built development. The existing residential properties along Stirling Road and The Bungalows also lie outwith the urban limit.
- 6b.8 An exceptional case has been made for this development to relate it to the community but also to recognise the special needs of future residents and users of the facility. To ensure that it remains in this use and that the extensive landscaped area in which it is located remains undeveloped, the applicants have indicated their willingness to enter into a Section 75 Agreement restricting the future use and development of the site to that of the proposal. This also would ensure that no precedent is created for further development in this area.
- 6b.9 In addition a much improved landscaping scheme has been submitted for the entire application site for which maintenance arrangements will have to be agreed.

**6c Conclusion**

- 6c.1 While the application is contrary to the provisions of the Development Plan in respect of Policy ENPO.3 of the Central 2000 Structure Plan and Policy Rural 1 of the Rural Local Plan, the site proposed lies within the grounds of the RSNH, which is an established institutional use within the countryside. The present facilities provided by the Trust require to be updated. The Trust has considered the site and locational requirements necessary to integrate both the proposed development and the needs of the people who will live in it, into the surroundings, and has indicated its willingness to enter into an agreement to restrict its future use and development.
- 6c.2 Accordingly the provisions in the development plan not favouring the application are outweighed by the material considerations set out above.

## **7 RECOMMENDATION**

**7.1 It is recommended that the Council indicates that it is minded to grant planning permission subject to:**

- (i) the completion of an agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 restricting any further development or use on the site;**

**On completion of the Section 75 Agreement in terms satisfactory to her authorise the Director of Development Services to grant planning permission subject to the following conditions:**

- (1) The development to which this permission relates must be begun within five years from the date of this permission.**
- (2) All road and footway construction shall be carried out in accordance with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000".**
- (3) Before any work commences on construction within the site, visibility shall be improved at the junction of the private access road (The Bungalows) with the A9 Stirling Road. The boundary walls either side of the entrance shall be lowered to form visibility splays of 4.5 x 70 metres. Splays shall be formed such that visibility is available at a height of 1.05 metres at a point to the rear of the "X" distance to a height of 1.05 metres at a point at the extent of the "Y" distance.**
- (4) Before the centre is occupied, a 6 metre radius shall be provided at the junction of the private access road (The Bungalows) with the A9 Stirling Road.**
- (5) Before the centre is occupied, a "STOP" sign with the associated road markings shall be erected on the private road facing traffic emerging on to the A9.**
- (6) Before the building is occupied, the car park shall be constructed in accordance with the specification indicated on the Approved Plan (Ref No 02A).**
- (7) All drainage shall comply with the requirements of the Scottish Environment Protection Agency and the East of Scotland Water Authority and evidence of such compliance shall be exhibited to the Planning Authority on demand.**

- (8) Notwithstanding any specification on the Approved Plans or application form and before any work is commenced on the site, a detailed external material specification shall be submitted to and approved by the Planning Authority.
- (9) The buildings shall be protected so that externally generated noise does not cause internal noise levels to exceed 45 dB(A) Leq 1 hour at any time.
- (10) Within 3 months of the date of this permission, a detailed tree survey shall be submitted to and approved by the planning authority. This survey shall detail the numbers, position and crown spread of all existing trees. No building shall be located nearer than the spread plus one third of the tree. Detailed proposals shall be submitted to ensure that positioning of newly planted beech trees along the northern boundary of the site do not conflict with building positions.
- (11) A landscape management plan, including management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved by the planning authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.
- (12) There shall be no felling, lopping or topping of any trees on the site without the prior permission of the Planning Authority.
- (13) Any trees or hedges dying, removed, being severely damaged or becoming seriously diseased within 5 years after completion of the development shall be replaced with trees or hedges of such size and species as may be agreed with the planning authority.

**Reasons:**

- (1) To comply with Section 58 of the Town and County Planning (Scotland) Act 1997.
- (2 – 6) To safeguard the interests of the users of the highway.
- (7) To ensure that adequate drainage is provided.
- (8, 10, 13) To safeguard the visual amenity of the area.
- (9) To ensure that the occupants of the property are safeguarded against excessive noise intrusion.
- (11) To safeguard the environmental amenity of the area.

- (12) To ensure that the existing trees are retained and protected during construction work.

*R. Geister*  
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Director of Development Services

Date: 16 November 2001

**LIST OF BACKGROUND PAPERS**

1. File F/2001/0700
2. File F/2001/0222
3. Central 2000: The Structure Plan for the former Central Region
4. Larbert and Stenhousemuir Local Plan
5. Rural Local Plan
6. Falkirk Council Structure Plan

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504756 and ask for Ann Russell (Planning Officer).

Drafted: 3.12.01

Engrossed:

Reference: IH/DV/PT/58/1

Doc Name: Stirling Road

**MINUTE of AGREEMENT (S.75)**

between

**FALKIRK COUNCIL**

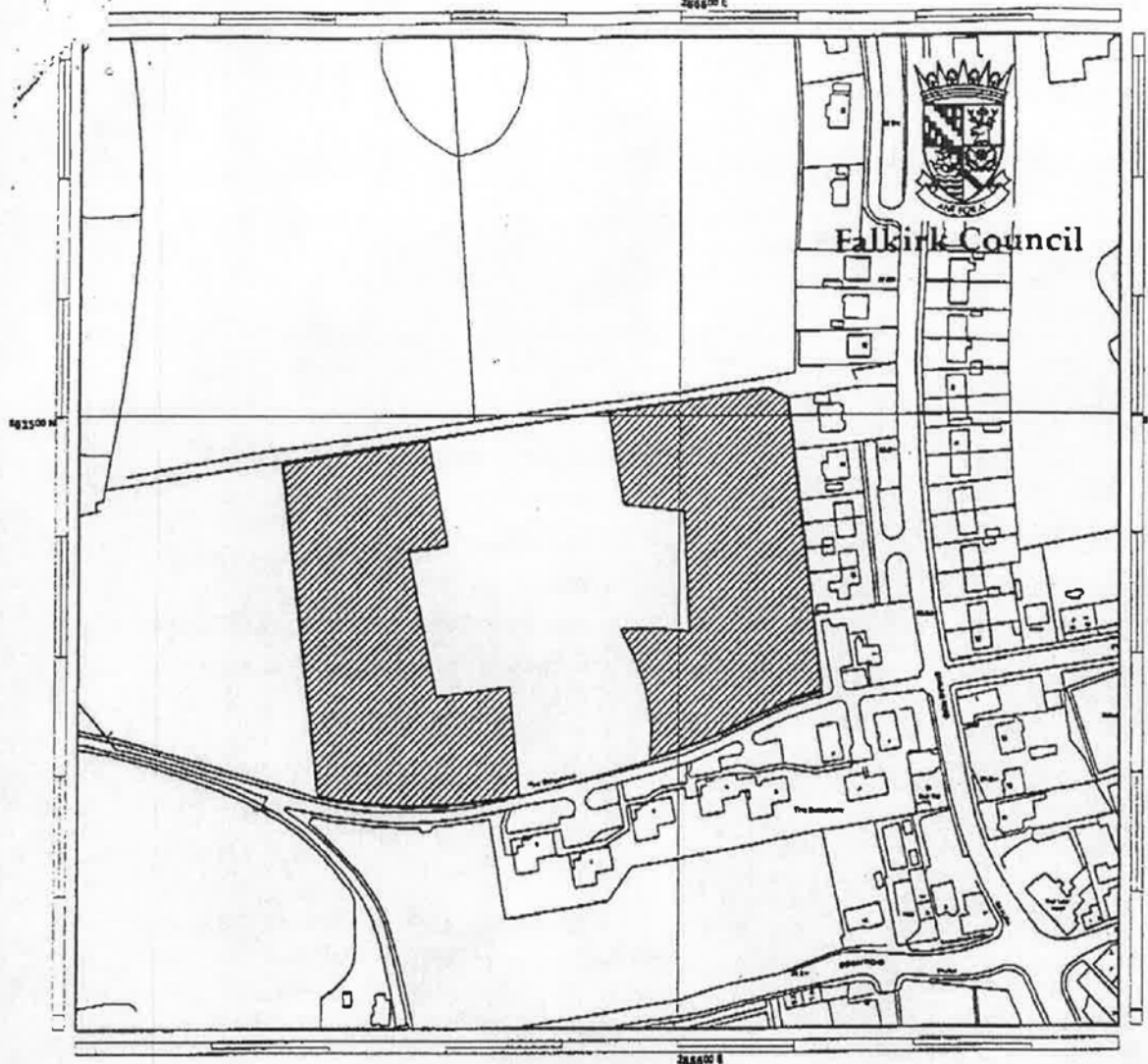
and

**THE FORTH VALLEY PRIMARY CARE**

**NATIONAL HEALTH SERVICE TRUST**

**Subjects: LAND ADJOINING STIRLING  
ROAD, LARBERT**

**Director of Law and Administration  
Falkirk Council  
Municipal Buildings  
FALKIRK**



# **Town and Country Planning (Scotland) Act 1997**

This is the plan referred to in the foregoing Agreement in terms of Section 75 between:

1:2500

*Elizabeth Smith*

Crown  
Copyright  
Licence No.  
LA 090341.

*[Signature]*

FVPT

*E. Anne Handling*

Location	Land off Stirling Road, Larbert		
Details of agreement	Restriction of any further development or use on the site.		
Planning Application No.	F/2001/0700	Section 75 Reference No.	S.75.2001.17

4. The Second Party hereby agree to meet the First Party's whole legal fees and other expenses and outlays in connection with these presents including the dues of registering the same in the Books of Council and Session and of obtaining two extracts, one of which shall be for the First Party's use;
5. The parties hereby grant consent to registration hereof for preservation and execution as well as for publication: IN WITNESS WHEREOF \_\_\_\_\_

Elizabeth S. Harte

Register

E. Hume Hawkins

REGISTER on behalf of the within named FALKIRK COUNCIL for preservation and execution as well as for publication in the REGISTER of the COUNTY of STIRLING.

Iain W. Henderson

Solicitor, Falkirk,  
Agent.

REGISTER on behalf of the within named THE FORTH VALLEY PRIMARY CARE NATIONAL HEALTH SERVICE TRUST for preservation and execution as well as for publication in the REGISTER of the COUNTY of STIRLING.

Solicitors, Edinburgh  
Agents