



Agenda Item

9

**Modification of Planning Obligation under
Section 75 of the Town and Country
Planning (Scotland) Act 1997 attached to
Planning Permission**

**F/2001/0700 to the extent that its terms be
waived insofar as they affect the subjects
under title STG61960 at Forth Valley
Royal Hospital, Stirling Road, Larbert for
John Pollock and Sons Ltd –
P/16/0682/75M**

FALKIRK COUNCIL

Subject: MODIFICATION OF PLANNING OBLIGATION UNDER SECTION 75 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 ATTACHED TO PLANNING PERMISSION F/2001/0700 TO THE EXTENT THAT ITS TERMS BE WAIVED INSOFAR AS THEY AFFECT THE SUBJECTS UNDER TITLE STG61960 AT FORTH VALLEY ROYAL HOSPITAL, STIRLING ROAD, LARBERT, FK5 4WR FOR JOHN POLLOCK AND SONS LTD - P/16/0682/75M

Meeting: PLANNING COMMITTEE

Date: 27 June 2017

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bonnybridge and Larbert

Provost Tom Coleman
Councillor Billy Buchanan
Councillor David Grant

Community Council: Larbert, Stenhousemuir and Torwood

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks to modify the Section 75 planning obligation attached to planning permission F/2001/0700 in that the terms be waived insofar as they relate to an area of land within the western part of the site (see attached location plan).

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application requires consideration by the Planning Committee as the application which the Section 75 planning obligation relates to (F/2001/0700) was determined by the Regulatory Committee on 28 November 2001 (see attached location plan).

3. SITE HISTORY

- 3.1 Planning application F/2001/0700 for the Erection of Residential Accommodation, Therapy Centre and Office (Detailed) by Forth Valley Primary Care (NHS) Trust was approved on 4 February 2002. A Section 75 Legal Agreement (planning obligation) was attached to this permission. A copy of the report relating to F/2001/0700, including the related Section 75 Agreement, is appended for information (Appendix 1).

- 3.2 The report agreed by the Regulatory Committee concluded that while the application was contrary to the provisions of the Development Plan, the site lay within the grounds of the former Royal Scottish National Hospital (RSNH), which was an established institutional use within the countryside. The facilities, at that time, required to be updated. The NHS Trust considered the site and locational requirements necessary to integrate both the proposed development and the needs of those who would live in it, into the surroundings, and indicated a willingness to enter into an agreement to restrict its future use and development. Accordingly, the provisions in the Development Plan not favouring the application were outweighed by the material considerations set out in the Report accompanying the recommendation to grant planning permission subject to the completion of an agreement restricting any further development or use on the site.
- 3.3 On 8 July 2009 Falkirk Council issued a letter of comfort in relation to the site, agreeing that the western boundary of the site on the original S75 plan was incorrect and agreeing a new one. A copy of this letter is appended for information. (See Appendix 2)
- 3.4 Proposal of Application Notice - PRE/2016/0015/PAN - Proposed Residential Development, Access, Landscaping and Associated Works on site to the west of Loch View, Stirling Road, Larbert received on 7 June 2016.
- 3.5 Proposal of Application Notice - PRE/2017/0010/PAN - Proposed Residential Development, Access, Landscaping, Open Space and Associated Works on land to the west of Loch View, Stirling Road, Larbert received on 24 May 2017.

4. CONSULTATIONS

- 4.1 No consultations have been carried out in respect of this application.

5. COMMUNITY COUNCIL

- 5.1 Larbert, Stenhousemuir & Torwood Community Council object to the application. It is appreciated by the Community Council that the current application relates to a legal matter in relation to the use of the land set out by the Section 75 obligation. Approval could have an impact if the current Proposal of Application Notices for housing are progressed or the land is successfully included in the call for sites in relation to the review of the Falkirk Local Development Plan (LPD2).

6. PUBLIC REPRESENTATION

- 6.1 No neighbour notification was required in respect of the proposal but a total of 43 comments have been received.
- 6.2 Thirty-nine contributors object to the proposal for the following reasons:-
- Larbert does not have the public services to support more homes in the area.
 - No green space will be left in Larbert.
 - Infrastructure is limited and road traffic is at capacity.

- The area is green belt and housing should not be allowed.
- Brownfield sites should be developed first.
- Wildlife and the environment will suffer.
- The applicant has not set out the grounds for modification.
- Housing will have a detrimental visual impact on neighbouring property and facilities.
- The approval of the application could be a prelude to a planning application for housing.
- The area is subject to flooding.

6.3 One comment has been received in support of the application, providing much needed housing of this type in the area.

6.4 One comment has been received, neither supporting nor objecting to the application.

7. DETAILED APPRAISAL

7.1 Detailed appraisal is undertaken with regard to the legislation framework to be applied and to matters raised through comment.

7.2 Under section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc. (Scotland) Act 2006), planning obligations are secured through an appropriate legal document to bind the owners and future owners of land. They may also be used to secure payment of a financial contribution towards infrastructure to support a development proposal subject to a planning application.

7.3 Section 75A of the 2006 Act establishes a formal process by which a party to the planning obligation may apply to discharge or modify the obligation.

7.4 Scottish Government Circular 3/2012 (Planning Obligations and Good Neighbour Agreements) set out the circumstances in which planning obligations can be used. The circular states that planning obligations should only be sought where they meet all of the following tests:-

- Necessary to make the proposed development acceptable in planning terms (the necessary test).
- Serve a planning purpose and, where it is possible to identify infrastructure provision requirements in advance, should relate to Development Plan (the planning purpose test).
- Relate to the proposed development either as a consequence of the development or arising from the cumulative impact of development in the area (the relationship to proposed development test).

- Fairly and reasonably relate in scale and kind to the proposed development (the scale and kind test).
- Be reasonable in all other respects (the reasonable test).

- 7.5 The applicant has applied for modification of the legal agreement as the residential accommodation, therapy centre and office on site developed by Forth Valley Primary Care NHS Trust is not owned by the applicant. This matter in relation to land ownership was acknowledged by Falkirk Council in 2009. A letter of comfort to reflect this was duly issued in July 2009. The land in question should not have been involved in the 2002 S75 Agreement. The applicant no longer has an interest in this development.
- 7.6 The points raised through representation refer, in the most part, to the Proposal of Application Notices (POAN) received relating to land in the vicinity of the current application for modification site. Points made with regard to the POAN submission are premature and do not form part of the evaluation of the application for modification of legal agreement as no planning application has been submitted. Any applications submitted following on from the POAN procedure will require to be determined, on their individual merits.
- 7.7 Comment with regard to the reason for application for modification is responded to in point 7.5 (above) and reflects the content of the application form, and subsequent correspondence.
- 7.8 The request to modify the planning obligation is considered to meet all the tests of the circular. The purpose of the modification is to remove an area of land under the ownership of one party from land associated with a second party.
- 7.9 The original planning application F/2001/0700 - which was subject to a Section 75 Legal Agreement - recognised that an exceptional case had been made for the development to relate to the special needs of future residents and users of the facilities. To ensure that it remained in this use and that the extensive landscaped area in which it is located remained undeveloped, a S75 Agreement restricting the future use of and development of the site to that of the proposal was considered appropriate.
- 7.10 The Legal Agreement, in essence, formed two parts:-
1. Any buildings erected on the site in accordance with said planning permission (reference F/2001/0700) shall, in all time coming, be used for the purposes of a therapy centre with relative residential and office accommodation and purposes ancillary thereto and for no other purposes in all time coming.
 2. Except insofar as developed in accordance with the terms of the said planning permission (ref: F/2001/0700), the site shall remain open and unbuilt on and shall be used for landscaping purposes only in all time coming. For the avoidance of doubt, that part of the site to remain open and unbuilt on and to be used for landscape purposes only in all time coming, as aforesaid, is shown outlined and hatched in blue on the said plan annexed and executed as relative thereto.

The application before the Planning Committee refers to part 2 of the above agreement.

- 7.11 It is considered that the modification of the legal agreement to remove part 2 does not prejudice any decision which may be taken in relation to any future planning applications that may be made.
- 7.12 The area agreed by Falkirk Council in the 2009 letter of comfort - agreeing that the western boundary of the site on the original S75 plan was incorrect - should not be affected by the 2002 S75 Agreement in the applicant's title STG61960, and this application seeks formal discharge of the S75 insofar as it affects his title (see attached location plan).
- 7.13 Given the terms of the letter of comfort granted in 2009 it would be unreasonable not to concede to this request.

8. CONCLUSION

- 8.1 The application seeks to modify the S75 Planning Obligation attached to planning permission F/2001/0700, so that the area hatched blue on the attached location plan is excluded from the agreement insofar as it affects the applicant's title STG61960. This is supported by the Minute of Agreement issued by Falkirk Council on 8 July 2009.

9. RECOMMENDATION

- 9.1 **It is therefore recommended that the Planning Committee agree to modify the Section 75 Planning Obligation attached to planning permission F/2001/0700 in accordance with the details set out in the application. The proposed modification was addressed through Minute of Agreement issued by Falkirk Council on 8 July 2009 and the modification is considered to satisfy all of the policy tests of Scottish Government Planning Circular 3/2012 'Planning Obligations and Good Neighbour Agreements'.**

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pp Director of Development Services

Date: 16 June 2017

LIST OF BACKGROUND PAPERS

1. Falkirk Council Local Plan.
2. Scottish Government Planning Circular 3/2012 (Planning Obligations and Good Neighbour Agreements).
3. Planning application ref/ F/2001/0700.
4. Location Plan and extract of legal agreement showing land covered by legal agreement.
5. Minute of Agreement and extract of legal agreement showing land subject to modification.
6. Extract of legal agreement showing remaining land subject to application for modification.
7. Objection received from Mr Iain Constable, 4 Torwood Avenue, Larbert, FK5 4NG received on 22 November 2016.
8. Objection received from Mrs Kirsteen Glen, 33 McCormack Place, Larbert, FK5 4TU received on 15 November 2016.
9. Objection received from Mrs Fiona Gourlay, 29 Wilkie Place, Larbert, FK5 4GW received on 15 November 2016.
10. Objection received from Ms Rachel MacDonald, 90 Russell Hill Court, Main Street, Larbert, FK5 3AU received on 22 November 2016.
11. Objection received from Mrs Annette Steel, 33 Falcon Drive, Larbert, FK5 4QU received on 22 November 2016.
12. Objection received from Mr Douglas Dewar, 100 Stirling Road, Larbert, FK5 4EB received on 22 November 2016.
13. Objection received from Mrs Carrie Dye, 5 Young Crescent, Larbert, FK5 4XS received on 22 November 2016.
14. Objection received from Mrs Tracey Brockie, 17 McCambridge Place, Larbert, FK5 4FY received on 22 November 2016.
15. Objection received from Mrs Helen Wright, 39 Stirling Road, Larbert, Falkirk, FK5 4NE received on 22 November 2016.
16. Objection received from Mrs Shirley Douglas, Laxford House, Falkirk Road, Larbert, FK5 3AF received on 22 November 2016.
17. Objection received from Mr Rhian Devlin, 17 Ladysgate Court, Falkirk, FK2 8HE received on 22 November 2016.
18. Objection received from Mrs Evelyn Roxburgh, 7 Broomagebank, Larbert, FK5 3LB received on 22 November 2016.
19. Objection received from Mr Colin Marshall, 35 Stirling Road, Larbert, FK5 4NE received on 22 November 2016.
20. Objection received from Mrs Susan Henderson, 60 Valeview, Stenhousemuir, Larbert, FK5 3BZ received on 22 November 2016.
21. Objection received from Mr William Salmond, 29A Stirling Road, Larbert, FK5 4NE received on 24 November 2016.
22. Objection received from Mr Adam Fogerty, 10 Henryson Crescent, Larbert, FK5 4GH received on 23 November 2016.
23. Objection received from Mrs Pamela Laing, 3 Eardley Place, Larbert, Falkirk, FK5 4AS received on 15 November 2016.
24. Objection received from Mrs Joanne Stewart, 17 Wilkie Place, Larbert, FK5 4GW received on 15 November 2016.
25. Objection received from Miss Lori Wright, 39 Stirling Road, Larbert, FK5 4NE received on 22 November 2016.
26. Objection received from Mr Steven Parker, 1 Murray Place, Larbert, FK5 4XY received on 22 November 2016.
27. Objection received from Mrs Tracey Roy, 3 Pardovan Place, Falkirk, FK1 4BQ received on 21 November 2016.

28. Objection received from Mrs Lindsay Ramsay, 9 Orchardson Road, Larbert, FK5 4GT received on 22 November 2016.
29. Objection received from Mrs Janine Irvine, 5 Crawhall Place, Larbert, FK5 4GD received on 22 November 2016.
30. Objection received from Mr A McKinlay, Roselyn, 104 Stirling Road, Larbert, FK5 4EB received on 23 November 2016.
31. Objection received from Mr David Gibson, 80 Stirling Road, Larbert, FK5 4NF received on 25 November 2016.
32. Objection received from Mr Tommy Christie, 2 Torwood Avenue, Larbert, FK5 4NG received on 22 November 2016.
33. Objection received from Ms Yvonne Weir, Larbert, Stenhousemuir & Torwood Community Council, Norvia, 92 Stirling Road, Larbert, FK5 4NF received on 7 December 2016.
34. Objection received from Mrs Catherine Cybulska, 43, Forth Avenue, Larbert, FK5 4NJ received on 16 November 2016.
35. Objection received from Miss Clare Quinn, 8, Larbert, FK5 4ZG received on 22 November 2016.
36. Objection received from Mr Gavin Brown, 5 McLachlan Street, Larbert, FK5 3HJ received on 22 November 2016.
37. Objection received from Mr Alex Irvine, 5 Crawhall Place, The Castings, Larbert, FK5 4GD received on 15 November 2016.
38. Objection received from Ms Yvonne Weir, 92 Stirling Road, Larbert, FK5 4NF received on 21 November 2016.
39. Objection received from Mrs Bonita Dodds, 5 Orchardson Road, Larbert, FK5 4GT received on 22 November 2016.
40. Objection received from Mr Thomas Wright, 39 Stirling Road, Larbert, FK5 4NE received on 22 November 2016.
41. Support received from Mr Graham Fisher, Tipperary Place, Falkirk, FK5 4SX received on 22 November 2016.
42. Objection received from Mrs Catherine Moore, 5 Leeming Drive, Falkirk, FK2 8RD received on 22 November 2016.
43. Objection received from Mr Graeme Laurenson, 21 Stirling Road, Larbert, FK5 4NE received on 22 November 2016.
44. Objection received from Mr Samuel McNeish, Lyneriach, 19 Stirling Road, Larbert, FK5 4NE received on 23 November 2016.
45. Objection received from Miss Rosemary Cook, 1/8 Falkirk Road, Larbert, FK5 3AF received on 23 November 2016.
46. Objection received from Mrs Irene Fraser, 2/2 Main Street, Larbert, FK5 3AW received on 23 November 2016.
47. Representation received from Mr & Mrs J H Welsh, j29mwelsh@aol.co.uk received on 23 November 2016.

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

Planning Committee

Planning Application Location Plan

P/16/0682/75M

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



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FALKIRK COUNCIL

Subject: ERECTION OF RESIDENTIAL ACCOMMODATION, THERAPY CENTRE AND OFFICE AT LAND OFF STIRLING ROAD, LARBERT FOR FORTH VALLEY PRIMARY CARE (NHS) TRUST (DETAILED) – F/2001/0700
Meeting: REGULATORY COMMITTEE
Date: 28 November 2001
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Councillor T Coleman

Community Council: Larbert, Stenhousemuir and Torwood

Case Officer: Ann Russell (Planning Officer), ext 4756

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 Detailed planning consent is sought for the erection of a learning disabilities centre. The facility will comprise residential accommodation, therapy centre and office accommodation.
- 1.2 The buildings are planned around a central courtyard, with three units for residential accommodation and a main building which will house the therapy unit, offices and kitchen / laundry area. Each residential unit will provide supported living accommodation for people with special needs, with individual bedrooms with private bathrooms and a communal lounge and dining area. Each unit also has an office area for support staff.
- 1.3 Car parking for staff and visitors is provided adjacent to the buildings, with the only vehicle access to the courtyard area restricted for emergency services. Pedestrian access is gained via a main entrance point in the main therapy / office building.
- 1.4 The site lies on the west side of Stirling Road, Larbert behind the residential properties at 7-21 Stirling Road, and is accessed from the hospital access road to The Bungalows, which are a group of buildings occupied by RSNH. The site extends to approximately 3.5 hectares and is currently used for grazing. The land forms part of the land holding of the Royal Scottish National Hospital.
- 1.5 Supported residential accommodation currently exists to the north of the RSNH site for people with learning disabilities. The facility has, in the past, catered for patients from the central belt of Scotland. The existing facility is now being closed down and

the new facility proposed would benefit people from the Forth Valley area who require such accommodation.

2. SITE HISTORY

- 2.1 A previous application (F/2001/0222) for the same proposal was refused on the 26 June 2001 for the following reason:

"The site lies outwith the urban limit as defined in the adopted Rural Local Plan and it has not been demonstrated to the satisfaction of the Planning Authority that the proposal requires a rural setting or is essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. As such, it is considered that the proposal is contrary to Policy RURAL 1 of the adopted Rural Local Plan and Policy ENPO.3 of the Central 2000 Structure Plan and there are no other material planning considerations which justify a departure from the Development Plan in this case."

- 2.2 An appeal has been lodged against refusal of consent in respect of the above application and the site visit for the appeal inspection has been scheduled for Friday, 30 November 2001.
- 2.3 The location of the current proposal is the same as the previous proposal. However, the layout within the site varies. The revised layout takes better account of the existing adjacent properties. The proposed buildings are re-sited closer to the properties on Stirling Road and The Bungalows and protects the amenity and outlook for both existing and new buildings by use of appropriate landscaping.

3. CONSULTATIONS

- 3.1 The Roads Manager offers no objections to the proposal and suggests conditions to be attached to any grant of planning permission.
- 3.2 The East of Scotland Water Authority offers no objections to the proposal. They advise that the existing public sewer may require to be deepened to drain the site.
- 3.3 The Scottish Environment Protection Agency offers no objection to the proposal. Surface water drainage from the site should be in accordance with the design manual for sustainable urban drainage systems.
- 3.4 The Coal Authority advise that the applicant should seek appropriate technical advice before commencing work on site.
- 3.5 Scottish Natural Heritage advise that there is some natural heritage interest in the site, but the proposal is not considered to pose a threat.

4. COMMUNITY COUNCIL

- 4.1 No consultation response was received.

5. PUBLIC REPRESENTATION

- 5.1 The application was advertised as 'Development Potentially Contrary to the Development Plan. In connection with this and the neighbour notification procedure, no representations were received.

6. DETAILED APPRAISAL

When determining planning applications, the status of the development plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

"the determination shall be made in accordance with the plan unless material considerations indicate otherwise".

6a The Development Plan

- 6a.1 The relevant development plan policies are as follows:

Central 2000: The Structure Plan for the former Central Region

- 6a.2 Policy ENPO.3:

"In areas of countryside, there will be a general presumption against new developments which do not require a rural location and are not essential for the maintenance or promotion of agriculture, forestry or outdoor recreation except where justified exceptionally under Policies EPO.19 or HPO.4."

- 6a.3 Policy HPO.5:

"The Council will encourage the additional provision of special needs housing, therefore:

- (1) Councils should identify suitable sites in Local Plans for special needs housing as part of the Structure Plan housing requirement (see also Policy HPO.2(3));*
- (2) A proportion of special needs housing will generally be required as part of large housing developments, with the exact proportion on specific sites to be determined through Local Plans; and*
- (3) Priority should be given to providing special needs housing for:*
 - (a) elderly people;*

- (b) people with mental illness or learning difficulties; and
- (c) people with physical disabilities.”

6a.4 Policy CFPO.4:

“The Council will initiate discussions with the Forth Valley Health Board to identify current deficiencies and future priorities in the light of the Structure Plan strategy.”

Larbert and Stenhousemuir Local Plan

6a.5 Policy LAR 1 (Urban Limit)

“The Urban Limit is regarded as the desirable limit to the growth of the built up area for the period of the Plan. Accordingly there will be a general presumption against development proposals which would extend the urban area beyond this limit. Within the Urban Limit, proposals for development or changes of use will generally be acceptable provided that:

- (i) these are consistent with the policies and proposals contained in the Local Plan;*
- (ii) these are compatible with adjacent existing land uses, or uses proposed in the Local Plan;*
- (iii) the design is of satisfactory standard; and*
- (iv) access, car parking, drainage and other servicing can be provided to a standard acceptable to the Council.”*

6a.6 Policy LAR 7 (Special Needs and Affordable Housing)

“The Council will generally support proposals for special needs housing, the provision of community based health and social care and affordable housing, provided that the location is suited to the particular group being catered for. The local authority will consult with Scottish Homes and the developers of major housing developments on the means of providing affordable housing, taking account of evidence of need, site, and market conditions at that time.”

6a.7 Policy LAR 59 (Future Use of RSNH (West))

“If it is demonstrated that existing buildings and adjacent land at RSNH (West) are no longer required for healthcare purposes and will consequently form predominantly brownfield sites, the Council will investigate the promotion of redevelopment opportunities, with particular regard to the architectural, landscape, heritage and ecological interests of the site and the needs of patients and the local community. The Council will prepare a Master Plan and Design Brief in order to guide and control the form and phasing of future development in conjunction with the site owners and the Forth Valley Enterprise. Public consultation on the plan and brief will be undertaken following general agreement on their terms by the Council, the site owners and Forth Valley Enterprise.”

Rural Local Plan

6a.8 Policy RURAL 1 (New Development in the Countryside)

"That within the countryside there will be a general presumption against new development except in the following circumstances:

- 1. Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275 (1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependents of such persons.*
- 2. Small scale housing developments within the wooded policies of former country estates, where servicing costs will be met by the developer, where the development can be satisfactorily integrated into the landscape where detailed development briefs have been drawn up by the District Council and provided that the proposed development does not lie within a site included in the "Inventory of Gardens and Designed Landscapes in Scotland".*
- 3. On the Slamannan Plateau as indicated on the Policies and Proposals Map, single dwellinghouses developed in conjunction with significant tree planting schemes. Such proposals will be considered on merit with due regard to the provisions of the District Council's "Guide to Tree Planting/Housing Proposals on the Slamannan Plateau".*
- 4. Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
- 5. Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
- 6. Development for tourism and countryside recreation purposes where the Council is satisfied that the proposal requires a rural setting is appropriate in terms of its type, scale and location and that it would enhance the image of the District. Proposals which accord with the Council's Tourism Strategy are particularly welcome.*
- 7. Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the Council.*

The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the Council's "Design Guide for Buildings in the Rural Areas" and sympathetic to vernacular architectural forms will be expected."

6a.9 Policy RURAL 8 (Changes of Use in the Countryside)

"That proposals for changes of use relating to existing industrial, commercial and institutional uses within the countryside will generally be considered favourably, provided that they comply with the criteria outlined in Policy RURAL 1."

6.a10 The proposal is contrary to the provisions of the Development Plan in respect of Policy ENPO.3 of the Central 2000 Structure Plan as the proposal does not necessarily require a rural location. It is contrary to Policy LAR 1 of the Larbert and Stenhousemuir Local Plan as the site lies outwith the urban limit, and Policy Rural 1 of the Rural Local Plan as the proposal does not meet any of the circumstances set out under the policy.

6b Material Considerations

6b.1 Material considerations in relation to this application are the emerging Falkirk Council Structure Plan and whether the proposal is acceptable in land use terms.

Falkirk Council Structure Plan

6b.2 The finalised Falkirk Council Structure Plan is a material consideration. The relevant policies are as follows:

6b.3 Policy ENV.1 (Countryside and Protected Areas)

"(1) There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.

(2) The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans."

6b.4 Policy ECON.1 Strategic Development Opportunities

"The Council will promote the following as strategic locations for major development:

*Gateways
5. North Larbert"*