

P119. DISCHARGE OF PLANNING OBLIGATION ATTACHED TO PLANNING PERMISSION F/90/1152 WHICH RESTRICTED OCCUPATION OF THE DWELLINGHOUSE NOW KNOWN AS BIRCHFIELD, HILLS OF DUNIPACE LARBERT FK5 4RY TO A PERSON OR PERSONS (TOGETHER WITH THE DEPENDANT OR DEPENDANTS, IF ANY, OF THAT PERSON) EMPLOYED UPON A FULL TIME BASIS BY THE DUNIPACE NURSERY, A BUSINESS SITUATED AT OR ADJACENT TO DUNIPACE MILL HOUSE AT BIRCHFIELD, HILLS OF DUNIPACE, LARBERT FK5 4RY FOR MRS STEWART - P/13/0757/75D

The Committee considered a report by the Director of Development Services on an application to discharge an existing Legal Agreement under Section 75 (formerly Section 50) of the Town and Country Planning (Scotland) Act 1997 restricting the occupation of the dwellinghouse (approved outline planning permission under Ref: F/90/1152) to a person or persons (together with the dependant, or dependants, if any, of that person) employed, upon a full time basis by the Dunipace Nursery, a business situated at or adjacent to Dunipace Mill House, Larbert.

Decision

The Committee agreed to discharge the 75 Legal Agreement on the grounds that it no longer serves a sound planning purpose and is no longer fair or reasonable based on the current operation of the nursery business and the personal circumstances of the applicant.