

**P81. CHANGE OF USE OF OFFICE (CLASS 2) TO FORM HOT FOOD TAKE-AWAY (SUI GENERIS) AND EXTERIOR ALTERATIONS AT 11 MAGGIE WOODS LOAN, FALKIRK FK1 5HR FOR MR JATESH SANDHU - P/13/0317/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 22 August 2013 (Paragraphs P66 refers), Committee gave (a) further consideration to a report by the Director of Development Services, and (b) considered an additional report by the said Director on an application for change of use of office (Class 2) to form a hot food take away and exterior alterations at 11 Maggie Woods Loan, Falkirk.

Councillor Chalmers, seconded by Councillor Turner moved that Committee refuse the application on the ground that the proposal is contrary to policy EP9 of the Falkirk Council Local Plan.

By way of an amendment, Councillor McLuckie, seconded by Baillie Paterson moved that Committee grant the application in accordance with the recommendations in the report.

On a division, 4 Members voted for the motion and 5 for the amendment.

**Decision**

**The Committee agreed to grant planning permission subject to the following conditions:-**

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**
- (2) Anti-vibration fixings shall be utilised where appropriate with the cooking odour extraction system equipment. A plan of the final layout of the cooking odour extraction system, including the details of the fixings, shall be submitted to and approved in writing by the Planning Authority prior to work commencing on-site.**

**Reason(s):-**

- (1) As these drawings and details constitute the approved development.**
- (2) To safeguard the environmental amenity of the area.**

**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 and 02.**
- (2) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this**

permission is granted unless the development to which this permission relates is begun before that expiration.

- (3) Any plant or equipment associated with the completed development should be sited and operated in such a manner as to prevent any noise/odour nuisance occurring at nearby dwellings. If complaints are received about noise/odour from the development, the Environmental Health Unit would be obliged to investigate and take action as necessary if the complaints were found to be justified under Statutory Nuisance legislation contained in the Environmental Protection Act 1990.