

**AGENDA ITEM 1(a)**

**FALKIRK COUNCIL**

**MINUTE of MEETING of the REGULATORY COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 28 JANUARY 2009 at 9.30 A.M.**

**PRESENT:** Councillors Buchanan, Carleschi, J Constable, Lemetti, A MacDonald, Mahoney, C Martin, McLuckie, McNeill, Nicol and Oliver.

**CONVENER:** Councillor Buchanan.

**APOLOGY:** Councillor H Constable.

**ATTENDING:** Director of Development Services; Acting Director of Law and Administration Services; Acting Head of Planning and Transportation; Development Manager (I Dryden); Development Management Co-ordinator (B Whittle); Legal Services Manager (D Blyth); Network Co-ordinator (R Steedman) and Committee Officer (A Sobieraj).

**DECLARATIONS**

**OF INTEREST:** Councillor Mahoney declared a non-financial interest in item R137 (planning application P/07/1229/FUL) due to his family relationship with the applicant. Councillor Mahoney left the meeting during consideration of this item of business.

**R121. MINUTES**

There were submitted and **APPROVED:-**

- (a) Minute of Meeting of the Regulatory Committee held on 3 December 2008; and
- (b) Minute of Meeting of the Regulatory Committee held On Site on 18 December 2008.

Prior to the consideration of business, the Members listed below made the following statements:-

- Councillor J Constable informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/08/0053/FUL and P/08/0456/OUT (minute R128 and R129) but that he would take part in consideration of planning applications 06/0968/FUL, P/07/0222/FUL and P/07/0254/FUL (minute R123, R124 and R125) as he was sufficiently familiar with the sites.
- Councillor Mahoney informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications 06/0968/FUL, P/07/0222/FUL, P/07/0254/FUL, P/08/0657/FUL, P/08/0053/FUL, P/08/0456/OUT and P/08/0336/FUL (minute R123, R124, R125, R126, R128, R129

and R130) but that he would take part in consideration of planning application P/08/0729/FUL (minute R127) as he was sufficiently familiar with the site.

- Councillor MacDonald informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/08/0657/FUL, P/08/0729/FUL and P/08/0456/OUT (minute R126, R127 and R129) but that he would take part in consideration of planning applications 06/0968/FUL, P/07/0222/FUL, P/07/0254/FUL, P/08/0053/FUL and P/08/0336/FUL (minute R123, R124, R125, R128 and R130) as he was sufficiently familiar with the sites.
- Councillor Buchanan informed the Committee that agenda item 21 (planning application P/08/0614/VRC) had been withdrawn by the applicant.

**R122. THE FALKIRK COUNCIL (ON-STREET PARKING SPACES FOR DISABLED PERSONS) (No 485) ORDER 2008**

With reference to Minute of Meeting of the Regulatory Committee held on 3 December 2008 (Paragraph R113 refers), Committee gave further consideration to an application and an additional Report (circulated) dated 15 January 2009 by the Director of Development Services seeking a decision on an Order for the introduction of a disabled person's parking space at Annan Court, Hallglen.

**AGREED** that the Falkirk Council (On Street Parking Spaces for Disabled Persons) (No 485) Order 2008 be made.

**R123. ERECTION OF GOLF CLUBHOUSE AND PROFESSIONALS SHOP AT LAND TO THE SOUTH OF STENHOUSEMUIR CRICKET CLUB, TRYST ROAD, STENHOUSEMUIR FOR FALKIRK TRYST GOLF COURSE - 06/0968/FUL (CONTINUED)**

With reference to Minute of Meeting of the Regulatory Committee held on 3 December 2008 (Paragraph R107 refers), Committee gave further consideration to Report (circulated) dated 27 November 2008 by the Director of Development Services and an additional Report (circulated) dated 20 January 2009 by the Director of Development Services on an application for planning permission for the erection of a new 2 storey golf clubhouse and professionals shop on land to the south of Stenhousemuir Cricket Club, Tryst Road, Stenhousemuir.

**AGREED** 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) There shall be no work on site until such time as a Drainage Strategy has been submitted to and approved in writing by the Planning Authority.
- (3) There shall be no work on site until such time as an Environmental Risk Assessment, including a Remediation Strategy where contamination is found has been submitted to and approved in writing by the Planning Authority.

- (4) There shall be no work on site until such time as an Environmental Risk Assessment Remediation Strategy approved in writing by the Planning Authority has been implemented in full.
- (5) The proposed development shall not be brought into use until such time as the car parking provision has been fully completed and is available for use.
- (6) The proposed development will operate at all times in a manner in-keeping with the terms of the approved Environmental Noise Assessment.
- (7) The development shall be implemented in accordance with the approved drawings and any other submitted details which have been approved in writing by the Planning Authority.

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure that adequate drainage is provided.
- (3-4) To safeguard the environmental amenity of the area.
- (5) To safeguard the interests of the users of the highway.
- (6) To ensure that the occupants of adjacent premises are protected against excessive noise intrusion.
- (7) To ensure that the development is carried out to the satisfaction and approval of the Planning Authority.

**R124. ERECTION OF 12 FLATS AND DEMOLITION OF EXISTING CLUBHOUSE AT 86 BURNHEAD ROAD, LARBERT, FK5 4BD FOR FALKIRK TRYST GOLF CLUB - P/07/0222/FUL (CONTINUED)**

With reference to Minute of Meeting of the Regulatory Committee held on 3 December 2008 (Paragraph R108 refers), Committee gave further consideration to Report (circulated) dated 27 November 2008 by the Director of Development Services and an additional Report (circulated) dated 20 January 2009 by the Director of Development Services on an application for planning permission for the demolition of the existing clubhouse and the erection of 12 flats at 86 Burnhead Road, Larbert.

**AGREED** that the Committee is **MINDED TO GRANT** planning permission, subject to the successful completion of a Section 69 Agreement requiring the payment of a pro-rata sum of £650 per flat (£7,800 total) as a contribution to education provision at St. Francis RC Primary School and St. Mungo's RC High School as a result of the impact of the development.

On completion of the Section 69 Agreement referred to above, it is remitted to 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 boundary treatments shall be completed prior to the occupation of any of the flats.
- (3) No work shall commence on site until details of landscaping have been approved in writing by the Planning Authority.
- (4) All landscaping shall be completed by the end of the first planting season following the occupation of the first flat. For the avoidance of doubt the date of the end of the planting season shall be taken to be 31 March.
- (5) The access roadway into the site, the two parallel parking bays on Burnhead Road and all footways shall be designed and constructed in accordance with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000."
- (6) Visibility Splays measuring 2.4 metres x 60 metres shall be provided in both directions from the car park access within which there should be no obstruction to visibility over 1 metre in height above carriageway level.
- (7) The parking area shall be constructed to ensure that no surface water or loose material is discharged onto the public road.
- (8) Before development on the site begins details of a footpath link between points A and B on Drawing No PF-02C shall be submitted to and approved in writing by the Planning Authority. The footpath shall be constructed in accordance with the approved scheme before development of the flats begins.
- (9) Prior to any works commencing on site a site investigation to establish of contamination (as defined in Part 11a of the Environmental Protection Act 1990) is present on site shall be approved in writing by the Planning Authority. Where contamination is identified, the site investigation shall include a scheme of remediation measures which shall include:-
  - (a) The nature, extent and type(s) of contamination on the site;
  - (b) Measures to treat/remove contamination to ensure the site is fit for the proposed use;
  - (c) Measures to deal with contamination during construction works;
  - (d) Condition of the site on completion of decontamination measures; and
  - (e) Details of a monitoring programme following site redemption.
- (10) No work shall commence on site until any contamination remediation measures approved in writing by the Planning Authority and required to be carried out prior to development are completed and the completion of which has been confirmed in writing by the Planning Authority.
- (11) There shall be no work on site until such times as a Drainage Strategy has been submitted to, and approved in writing by the Planning Authority.

- (12) The development shall be implemented in accordance with the approved drawings and any other submitted details which have been approved in writing by the Planning Authority.

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-4) To safeguard the visual amenity of the area.
- (5-7) To safeguard the interests of users of the highway.
- (8) To ensure the safety of pedestrians.
- (9, 10) To safeguard the environmental amenity of the area.
- (11) To ensure that adequate drainage is provided.
- (12) To ensure that the development is carried out to the satisfaction and approval of the Planning Authority.

**R125. ERECTION OF 9 DWELLINGHOUSES ON LAND TO THE EAST OF 81 BURNHEAD ROAD, LARBERT FOR FALKIRK TRYST GOLF CLUB – P/07/0254/FUL (CONTINUED)**

With reference to Minute of Meeting of the Regulatory Committee held on 3 December 2008 (Paragraph R109 refers), Committee gave further consideration to Report (circulated) dated 27 November 2008 by the Director of Development Services and an additional Report (circulated) dated 20 January 2009 by the Director of Development Services on an application for planning permission for the erection of 9 detached dwellinghouses on land to the east of 81 Burnhead Road, Larbert.

**AGREED** that the Committee is **MINDED TO GRANT** planning permission, subject to an appropriate Legal Agreement requiring the payment of a financial contribution of £9,000 towards education provision at Larbert High School as a result of the impact of the development.

On completion of the Legal Agreement referred to above, it is remitted to 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 boundary treatments shall be completed prior to the occupation of any of the dwellinghouses.
- (3) All accesses, footways and the three parallel parking bays on Burnhead Road shall be designed and constructed in accordance with the “Design Guidelines and

Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000.”

- (4) There shall be no obstruction to visibility over 1 metre in height above carriageway level within 2.5 metres of the carriageway edge along the entire site frontage with Burnhead Road.
- (5) All driveways shall be constructed to ensure that no surface water or loose material is discharged onto the public road.
- (6) Any access gates shall only open inwards.
- (7) Prior to the occupation of any of the dwellinghouses drop kerbs shall be provided opposite each other on both the east and west footpaths on Burnhead Road from a point 2 metres north of plot 9. The drop kerbs shall be designed and constructed in accordance with the “Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000.”
- (8) Prior to any works commencing on site, a site investigation to establish if contamination (as defined in Part 11a of the Environmental Protection Act 1990) is present on site shall be approved in writing by the Planning Authority. Where contamination is identified, the site investigation shall include a scheme of remediation measures which shall include:-
  - (a) The nature, extent and type(s) of contamination on the site;
  - (b) Measures to treat/remove contamination to ensure the site is fit for the proposed use;
  - (c) Measures to deal with contamination during construction works;
  - (d) Condition of the site on completion of decontamination measures; and
  - (e) Details of a monitoring programme following site redemption.
- (9) No work shall commence on site until any contamination remediation measures approved in writing by the Planning Authority and required to be carried out prior to development are completed and the completion of which has been confirmed in writing by the Planning Authority.
- (10) There shall be no work on site until such time as a Drainage Strategy has been submitted to, and approved in writing by the Planning Authority.
- (11) The development shall be implemented in accordance with the approved drawings and any other submitted details which have been approved in writing by the Planning Authority.

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To safeguard the visual amenity of the area.

- (3-6) To safeguard the interests of users of the highway.
- (7) To ensure the safety of pedestrians.
- (8, 9) To safeguard the environmental amenity of the area.
- (10) To ensure that adequate drainage is provided.
- (11) To ensure that the development is carried out to the satisfaction and approval of the Planning Authority.

**R126. ERECTION OF 14.2M HIGH MONOPOLE TELECOMMUNICATIONS MAST WITH 1 NO. 300MM TRANSMISSION DISH, EQUIPMENT CABINETS AND ANCILLARY WORKS, SITE TO THE WEST OF 71 BRECHIN DRIVE, GILSTON CRESCENT, POLMONT, FALKIRK FOR VODAFONE - P/08/0657/FUL (CONTINUED)**

With reference to Minute of Meeting of the Regulatory Committee held on 3 December 2008 (Paragraph R111 refers), Committee gave further consideration to Report (circulated) dated 27 November 2008 by the Director of Development Services and an additional Report (circulated) dated 20 January 2009 by the Director of Development Services on an application for detailed planning permission for the erection of a 14.2 metre high monopole telecommunications mast with a 300mm transmission dish, equipment cabinets and ancillary works on a site to the west of 71 Brechin Drive, Gilston Crescent, Polmont.

**AGREED** that as the applicant had not attended the earlier site visit that consideration of this item of business be **CONTINUED** to allow a further inspection of the site by Committee.

**R127. ALTERATIONS TO HOTEL COMPRISING INSERTION OF NEW WINDOW TO BREAKFAST ROOM, ENLARGEMENT OF 2 NO. WINDOWS AND INSERTION OF 2 NO. NEW WINDOWS TO BASEMENT, ENLARGEMENT OF DOOR OPENING TO BASEMENT, AND ENLARGEMENT OF 3 NO. WINDOWS TO PUBLIC BAR AT 26 LINLITHGOW ROAD, BO'NESS, EH51 0DN FOR PRYCE AND CO. LTD - P/08/0729/FUL (CONTINUED)**

With reference to Minute of Meeting of the Regulatory Committee held on 3 December 2008 (Paragraph R106 refers), Committee gave further consideration to Report (circulated) dated 27 November 2008 by the Director of Development Services and an additional Report (circulated) dated 20 January 2009 by the Director of Development Services on an application for detailed planning permission for alterations, in retrospect, to an existing hotel facility where internal rearrangements had required a new doorway and window details to be installed at 26 Linlithgow Road, Bo'ness.

**AGREED** to **GRANT** detailed planning permission, subject to the following condition:-

- (1) Further details shall be submitted to, and approved in writing by the Planning Authority, as to the application of obscure film on the west elevation breakfast

room window shown hatched on the approved drawing ref: 002E/003. Such details as approved shall be implemented within 1 month of the date of this consent and thereafter retained and maintained in perpetuity.

**R128. CONVERSION OF AND EXTENSION TO REDUNDANT FARM BUILDING TO FORM ONE DWELLINGHOUSE AT LOCHS OF AIRTH, FALKIRK, FK2 8QH FOR MR W FERGUSON - P/08/0053/FUL (CONTINUED)**

With reference to Minute of Meeting of the Regulatory Committee held on 3 December 2008 (Paragraph R104 refers), Committee gave further consideration to Report (circulated) dated 27 November 2008 by the Director of Development Services and an additional Report (circulated) dated 20 January 2009 by the Director of Development Services on an application for planning permission for the conversion of and extension to a redundant farm building to form one dwellinghouse at Lochs of Airth, Falkirk.

Councillor Martin, seconded by Councillor Nicol, moved that the application be approved subject to appropriate conditions, as determined by the Director of Development Services.

By way of an Amendment, Councillor Carleschi, seconded by Councillor MacDonald, moved that planning permission be refused for the reasons detailed in the report.

On a division, 7 Members voted for the Motion and 2 for the Amendment.

Accordingly **AGREED** to **GRANT** planning permission, subject to appropriate conditions, as determined by the Director of Development Services.

**R129. ERECTION OF DWELLINGHOUSE AT LAND TO THE SOUTH EAST OF 5 BROADSIDE COTTAGE, DENNY FOR MR GARY CULLEN - P/08/0456/OUT (CONTINUED)**

With reference to Minute of Meeting of the Regulatory Committee held on 3 December 2008 (Paragraph R103 refers), Committee gave further consideration to Report (circulated) dated 27 November 2008 by the Director of Development Services and an additional Report (circulated) dated 20 January 2009 by the Director of Development Services on an application for planning permission for the erection of a dwellinghouse on land to the south east of 5 Broadside Cottage, Denny.

**AGREED** to **GRANT** planning permission, subject to appropriate conditions, as determined by the Director of Development Services.

**R130. USE OF LAND FOR OUTDOOR SPORTS (PAINTBALL) AND ERECTION OF ANCILLARY SHELTERS, FENCING, NETTING AND PORTABLE TOILETS AT LAND TO THE SOUTH EAST OF CRADALIE, BONNYBRIDGE FOR REBELLION PAINTBALL LIMITED - P/08/0336/FUL (CONTINUED)**

With reference to Minute of Meeting of the Regulatory Committee held on 3 December 2008 (Paragraph R100 refers), Committee gave further consideration to Reports (circulated) dated 30 October 2008 and 27 November 2008 by the Director of



Development Services and an additional Report (circulated) dated 20 January 2009 by the Director of Development Services on an application for detailed planning permission for development of the land for use as an Outdoor Sports venue (Paintball) and erection of ancillary shelters, fencing, netting and portable toilets on land to the south east of Cradalie, Bonnybridge.

Councillor J Constable, seconded by Councillor Nicol, moved that the application be refused for the following reasons:-

- The current public footpath would be used for cars to access the site;
- The use as a paintball facility would pose a health and safety risk to the public using the adjacent pathways;
- The paths adjacent to the site were shown on the Scottish Rights of Way map networks;
- The use of the area for a paintball site would ruin the wooded area and be detrimental to wildlife;
- The site would require the felling of mature trees; and
- The noise created by games being played would disturb an area which was otherwise peaceful.

By way of an Amendment, Councillor Lemetti, seconded by Councillor Martin, moved that planning permission be granted for a temporary period of three years subject to the conditions outlined in the recommendation to the Report.

On a division, 5 Members voted for the Motion and 5 for the Amendment.

There being an equality of votes and in terms of Standing Order 21.6, the Convener used his casting vote in favour of the Motion.

Accordingly, **AGREED** to **REFUSE** detailed planning permission for the reasons set out in the Motion.

**R131. EXTENSION TO DWELLINGHOUSE AT 11 MANNERSTON HOLDINGS, LINLITHGOW, EH49 7NP FOR MR AND MRS GRANGER - P/08/0767/FUL**

There was submitted Report (circulated) dated 20 January 2009 by the Director of Development Services on an application for detailed planning permission for the extension to a dwellinghouse comprising (a) removal of an existing side extension and replacement with a one and a half storey extension; and (b) erection of a further single storey extension to the rear of the dwellinghouse at 11 Mannerston Holdings, Linlithgow.

**AGREED** that consideration of this item of business be **CONTINUED** to allow an inspection of the site by Committee.

**R132. FORMATION OF DRIVEWAY (DETAILED) AT TIDINGS HILL, 15A CADZOW CRESCENT, BO'NESS, EH51 9AZ FOR MR AND MRS TONER - P/08/0246/FUL**

There was submitted Report (circulated) dated 20 January 2009 by the Director of Development Services on an application for detailed planning permission for the formation of a driveway at Tidings Hill, 15a Cadzow Crescent, Bo'ness.

Councillor J Constable, seconded by Councillor Mahoney, moved that the application be continued to allow an inspection of the site by Committee.

By way of an Amendment, Councillor Martin, seconded by Councillor McLuckie, moved that the application be approved as detailed in the report.

On a division, 8 Members voted for the Motion and 3 for the Amendment.

Accordingly, **AGREED** that consideration of this item of business be **CONTINUED** to allow an inspection of the site by Committee.

**R133. FORMATION OF DRIVEWAY (LISTED BUILDING CONSENT) AT TIDINGS HILL, 15A CADZOW CRESCENT, BO'NESS, EH51 9AZ FOR MR AND MRS TONER - P/08/0245/LBC**

There was submitted Report (circulated) dated 20 January 2009 by the Director of Development Services on an application for Listed Building Consent for the formation of a driveway at Tidings Hill, 15a Cadzow Crescent, Bo'ness.

**AGREED** that consideration of this item of business be **CONTINUED** to allow an inspection of the site by Committee.

**R134. CONVERSION OF FORMER WAREHOUSE AND TRADE OUTLET TO 3 COMMERCIAL UNITS (CLASS 4) AND 2 NO. FLATS AT LION SAFETY PRODUCTS, JACKSON AVENUE, GRANGEMOUTH, FK3 8JU FOR ALEC MILLER - P/08/0694/FUL**

There was submitted Report (circulated) dated 20 January 2009 by the Director of Development Services on an application for detailed planning permission for the subdivision and alteration of former storage and distribution premises to form an office and residential accommodation at Jackson Avenue, Grangemouth.

**AGREED** to **GRANT** detailed planning permission subject to referral to Scottish Ministers and with the following conditions:-

- (1) The development to which this permission relates must be begun within five years from the date of this permission.
- (2) Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997, the commercial premises shall only be used for Class 4 (Business) use and no other use shall be undertaken without the prior written permission of the Planning Authority.

- (3) Prior to the first unit being occupied, three parking spaces shall be created and delineated within the curtilage of the site and shall be available as such in perpetuity.

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure that the Planning Authority can control the future use of the premises.
- (3) To protect the residential amenity of the area.

**R135. SITING OF MOBILE SNACK VAN AT UNIT 2B ALEXANDER HOUSE, STEWART ROAD, FALKIRK, FK2 7AS FOR MISS NORICE BAIN - P/08/0766/FUL**

There was submitted Report (circulated) dated 20 January 2009 by the Director of Development Services on an application to locate a mobile snack van at Stewart Road, Falkirk.

**AGREED** that consideration of this item of business be **CONTINUED** to allow an inspection of the site by Committee.

**R136. ERECTION OF DWELLINGHOUSE AND DETACHED GARAGE AT LAND TO THE NORTH OF CASTLEWOOD, GLEN ROAD, TORWOOD FOR MR S MCLEOD - P/08/0912/FUL**

There was submitted Report (circulated) dated 20 January 2009 by the Director of Development Services on an application for detailed planning permission to erect a large detached dwellinghouse and detached garage on land to the north of Castlewood, Glen Road, Torwood.

**AGREED** that consideration of this item of business be **CONTINUED** to allow an inspection of the site by Committee.

In accordance with his Declaration of Interest, Councillor Mahoney left the meeting.

**R137. CONVERSION OF PIGGERY TO FORM 3 DWELLINGS (DETAILED) AT 45 MANNERSTON HOLDINGS, LINLITHGOW, EH49 7ND FOR MR S RUSSELL - P/07/1229/FUL**

There was submitted Report (circulated) dated 20 January 2009 by the Director of Development Services on an application for detailed planning permission for the restoration and conversion of part of a disused piggery to form 3 dwellinghouses at 45 Mannerston Holdings, Linlithgow.

**AGREED** that consideration of this item of business be **CONTINUED** to allow an inspection of the site by Committee.

Following conclusion of the foregoing item of business, Councillor Mahoney re-entered the meeting.

**R138. ERECTION OF DETACHED DOMESTIC GARAGE (DETAILED) AT DARRACH LODGE, DENNY, FK6 5JE FOR MR AND MRS REID - P/08/0907/FUL**

There was submitted Report (circulated) dated 20 January 2009 by the Director of Development Services on an application for detailed planning permission for the erection of a double garage with accommodation within the roofspace at Darrach Lodge, Denny and a garage within the rear garden of 4 Broadside Cottages.

**AGREED** to **GRANT** detailed 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) The garage shall only be used for domestic purposes ancillary to the enjoyment of the existing dwellinghouse (Darrach Lodge).

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure that the Planning Authority can control the future use of the premises.

Informative(s)

- (1) for the avoidance of doubt, the plans to which this decision refers bear Development Services' reference 01, 02, 03, 04, 05, 06, 07 and 08.

**R139. PROPOSED AMENDED LEGAL AGREEMENT FROM SECTION 69 TO SECTION 75 - ERECTION OF 29 DWELLINGHOUSES AND ASSOCIATED INFRASTRUCTURE (DETAILED) AT LAND TO THE WEST OF 23 CHURCH ROAD, CHURCH ROAD, CALIFORNIA, FALKIRK FOR DUNDAS ESTATES - P/07/0809/FUL**

There was submitted Report (circulated) dated 20 January 2009 by the Director of Development Services (a) referring to the decision of the Regulatory Committee on 18 June 2008 to grant planning permission to the applicant subject to completion of a Section 69 Agreement securing payment of £116,000 towards education improvements; (b) attaching, as an appendix to the report, a copy of the report considered at the said meeting in June 2008; (c) outlining a request by the applicant to make payment of the financial contribution on a phased basis, in light of the current economic conditions; and (d) advising that, if Committee was minded to agree to phased payments, they would require to be secured by a Section 75 Agreement.

**AGREED**

- (1) That the Committee is **MINDED TO GRANT** planning permission subject to the conclusion of a Legal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 to secure the provision of £116,000 towards education improvements required as a result of the proposed development and, that the matter thereafter be remitted to the Director of Development Services to grant planning permission subject to the conditions proposed in the Report to Regulatory Committee dated 18 June 2008; and
- (2) To authorise the Director of Development Services to consider and allow, if she thinks fit, subsequent requests to change from a Section 69 Agreement to a Section 75 Agreement for any other developments which have been the subject of a minded to grant decision by Committee.

**R140. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES (OUTLINE)  
AT LAND TO THE WEST OF 65 SLAMANNAN ROAD, SLAMANNAN  
ROAD, LIMERIGG, SLAMANNAN, FALKIRK FOR JAMES BELL  
LIMERIGG LIMITED - P/08/0617/OUT**

There was submitted Report (circulated) dated 20 January 2009 by the Director of Development Services on an application for outline planning permission for residential purposes at land to the west of 65 Slamannan Road, Limerigg, Slamannan, Falkirk.

**AGREED** that consideration of this item of business be **CONTINUED** to allow an inspection of the site by Committee.