

**5 ERECTION OF 86 HOUSES NORTH OF ARBROATH ROAD - SECTION 75 AGREEMENT
(AN253-2009)**

Reference is made to Article I(b) of the minute of meeting of this Committee of 29th June, 2009 wherein the members resolved to approve application 09/00159/FUL for the erection of 87 houses for Miller Homes on land north of the A92 subject to the conclusion of a Section 75 Agreement relating to the payment of a contribution for improved education provision in the Broughty Ferry area necessitated by the proposed development.

The solicitors acting on behalf of Miller Homes have indicated that there is a technical problem in obtaining consent from security holders in connection with 10 of the dwelling units and have therefore requested that these 10 units be removed from the ambit of the Section 75 Agreement and securing the necessary contribution for these dwellings contractually through a Section 69 Agreement. The Section 69 Agreement will require the upfront payment of the education contribution for these 10 units at the time of granting planning permission. It is considered that these amended arrangements for the payment of the education contribution are satisfactory and the Committee is asked to approve matters being taken forward on this basis.