

**3 PLANNING APPLICATION REF: 09/00719/FULL
VARIATION OF PLANNING APPLICATION REF: 07/00529/FUL (ERECTION OF 8 FLATS)
ON THE SITE OF THE FORMER JACQUES NIGHT CLUB, THE ESPLANADE, BROUGHTY
FERRY (AN 79-2010)**

Planning application 09/00719/FULL sought planning permission to vary planning application 07/00529/FUL to erect eight flats on the site of the former Jacques Night Club, The Esplanade Broughty Ferry. This application was reported to the Development Quality Committee on 10 November 2009. The Committee approved planning application 09/00719/FULL subject to the completion of a Section 75 legal agreement and conditions as recommended by the Director of City Development.

An existing Section 75 legal agreement was completed by the Applicant and the Council which prevents any dwellings built on the site of the former Jacques Night Club from being used as houses of multiple occupation. This agreement was incorporated into planning permissions 06/00405/FUL and 07/00529/FUL which sought planning permission for the erection of 20 flats on the site of the former Jacques Night Club.

Advice from the Council's Support Services Legal Services Division has confirmed that no dwellings built on the application site can be converted into Houses of Multiple Occupation due to the existing Section 75 legal agreement which binds the application site and any subsequent planning permissions to this ruling. In this respect Legal Services has confirmed that there is no need to amend or enter into another Section 75 legal agreement to prevent any flats/houses built on the site of the former Jacques Night Club from being converted to Houses of Multiple Occupation.

The purpose of this report is therefore to request the permission of the Development Quality Committee to allow the City Development Department to omit the requirement for the completion of a Section 75 legal agreement and grant planning permission subject to conditions as recommended by the Director of City Development.