

4 VARIATION OF SECTION 75 AGREEMENT, WEST GREEN PARK (AN303-2007)

This application was approved by the Development Quality Committee on 28 March 2005 subject to a number of conditions and to the signing of a Section 75 Agreement to cover a number of issues including phasing. The phasing incorporated into the Section 75 Agreement provided for four distinct phases comprising both new build and conversion in each phase. Planning permission was also subsequently granted for conversion of the proposed leisure facility to form eight flats and two townhouses (reference 06/00261/FUL) in June 2006 and a non material amendment to the original consent (reference 04/00622/FUL) was granted in December 2006 to make amendments to the site layout as a result of site circumstances.

In order to protect the listed buildings as they became vacant, work has proceeded on their conservation at the expense of the new build and the conversions have proven to be more attractive to buyers. This now requires to be formally reflected in a variation of the original Section 75 Agreement.

There is no delegated power for the Director of Planning and Transportation to agree such a Variation Agreement. Accordingly, the Development Quality Committee is invited to approve the Variation Agreement with the developer. Members may recall that this matter was reported to Committee in June 2007 but this agenda note sets out fully the final detailed amendments to the phasing which require to be set out and reflected in the Variation Agreement.

Original Section 75 phasing:

- 1 26 new build and 32 conversions including conversion of Liff House to 1 single house, and leisure centre.
- 2 7 new build and 21 conversions, restaurant/cafe and nursery.
- 3 25 new build and 8 conversions.
- 4 new build and 21 conversions.

The total conversions were 82 and new build 62.

Liff House should have been additional to the original 32 conversions which raised the total conversions to 83. One conversion in Greystanes House was completed in Phase 1 rather than Phase 2. The leisure centre which forms part of Greystanes House was subsequently granted approval to be converted to 10 units.

Propose new phasing:

- 1 new build and 33 conversions and conversion of Liff House.
- 2 30 conversions.
- 3 new build and 21 conversions.
4. 54 new build and 8 conversions.

The total conversions are 93 and new build 61.

Due to amendments to the layout as a result of site circumstances, the total number of new build units to be included in this Section 75 has been reduced by one.

In addition the layout plan in terms of the Non Material Amendment erroneously identified sites for two new build houses which did not form part of the non material amendment and for the avoidance of doubt the Variation Agreement will confirm that no development will take place on these areas in terms of the Consent.