

**Section 75 Agreement, Proposed Development at Cowal Golf Club by
Laurieston Developments (Cowal) Limited**

1. SUMMARY

- 1.1 The purpose of this Report is to seek Members' instructions in relation to varying the terms of the Section 75 agreement recently concluded with Laurieston Developments (Cowal) Limited in respect of the proposed development at Cowal Golf Club.

2. RECOMMENDATION

- 2.1 That Members agree to the section 75 agreement being amended as requested with the final drafting to be agreed by the Head of Legal and Protective Services.

3. BACKGROUND

- 3.1 Members will recollect that at their meeting on 4th December 2007 the Committee agreed to grant permission for the proposed development subject to the Developer entering into a section 75 agreement to regulate the position in relation to the provision of affordable housing site on the site and that they gave further consideration to the terms of the agreement at their meeting on 3 June 2008.
- 3.2 Since the said meeting, the S.75 agreement has been concluded and, accordingly, planning permission 07/02508/DET was granted on 19 June 2008.
- 3.3 The agreement provides generally as follows:
- (a) there are to be 16 affordable housing units on the site
 - (b) no more than 24 of the units which are not the affordable housing units (the market units) shall be completed before all of the affordable housing units have been completed and put on the market.

- 3.4 The prospective developers, Laurieston Developments, have recently confirmed that they are in the process of agreeing a deal whereby ACHA would purchase the land that would contain the block of flats which is to have the affordable provision. It is understood that ACHA would thereafter build the approved block of flats, containing 24 flats, when funding became available. The developers have requested that the Section 75 be amended in the following terms:

'notwithstanding the provisions of paragraphs (b) and (c) of this Clause 2.1, if at any time, the Proprietors have entered into legally binding missives with a Registered Social Landlord in respect of the sale of that part of the Agreement Subjects shown hatched in blue and marked 'Block A' on the plan annexed and executed as relative hereto, then the Applicants and the Proprietors will each be deemed, notwithstanding the provisions of Clause 3 of this Agreement, to have satisfied in full the terms of this Section 75 Agreement and the Council shall be obliged to execute and deliver a valid Discharge of this Agreement to the Proprietors on request.'

- 3.5 The suggested amendment would allow the option of a greater proportion of the development to be developed for social housing in accordance with Council policy and is, therefore, considered acceptable in principle. Some consequential redrafting of the agreement may, however, be required.

4. IMPLICATIONS

Policy:	The Section 75 agreement is required in relation to the Council's policy on the provision of affordable housing.
Financial:	None
Personnel:	None
Equal Opportunity:	None

Susan Mair
Head of Legal and Protective Services

1 August 2008

For further information contact: Donald Kelly, Chief Solicitor, Tel: 01546 604221