



Belfast City Council

Report to:	Parks & Leisure Committee
Subject:	Land at Whiterock Close
Date:	16 June 2008
Reporting Officer:	Andrew Hassard, Director of Parks and Leisure
Contact Officer:	Stephen Walker, Principal Parks and Cemeteries Development Manager Ken Anderson, Estates Surveyor, Core Improvement Team

Relevant Background Information

The Committee is reminded that at its meeting on 13 March 2008 the Parks and Leisure Committee deferred consideration of a report on the Council land at Whiterock Close to enable further information to be obtained in relation to the matter. A copy of the report including supporting maps is appended.

Members may recall that the Council leased a portion of land at Whiterock Close to the Trustees of the Blackmountain Irish Medium School in 1995 on a 99 year lease for the purposes of constructing a school on the site. A portable structure was put in place pending funding for a permanent structure, however, towards the end of 2004 the school re-located to an alternative site. The portable accommodation has been removed and the site is currently vacant.

The Committee is further advised that there is currently a high level of arrears of rent in respect of the land. Appendix 1 to this report provides details of the accrual of rent arrears. The current position is as outlined below:

Current level of rent arrears:	£14,625
Estimated level of arrears if Rent Review provisions were applied from 31 December 2004:	£24,250

Council Officers have engaged with representatives from the wider community and the school itself on the future of the site. There are a number of differing demands from various bodies for use of portions of the land in and around the Whiterock Leisure Centre site. There is general agreement that there is a need

to take a more holistic view of the potential uses for the site a whole and to consider some form of master-planning to accommodate different uses which meet community needs and Council objectives.

Discussions are at an early stage. However, it is evident at this stage that there will be issues around the use of land which is currently leased to the school. One proposal put forward has illustrated housing and a drop in centre on the leased site. Council Officers have advised that the site has been leased for educational purposes and have reminded the community that council consent is required for the development of the site.

As Officers it is our view that situation needs to be regularised. There is the issue of the arrears which continue to accrue. A recent payment has been made, but the amount owing remains substantial and there is no agreement to repay at this time. Secondly, it is evident that the land leased will not, in the short term at least, be used for educational purposes. There is a desire by all to optimise the site. As Officers we believe that this can be best achieved by the Council regaining full interest in the site.

Key Issues

The key issues for the Council are as follows and remain as those set out in the March 2008 report.

1. The central issue for the Council to consider is the proposed change of use of the land. The lease relates to educational use and it would appear unlikely that this will be realised. Local discussions indicate a desire, from some of the Trustees of the school to develop the site for housing and/or starter business units. If Committee allow the Trustees (or some of them) to convert the current restrictive 99 year lease to a freehold title free of restrictions this will allow them to develop the site for housing or commercial purposes.
2. The second issue relates to the rent arrears;
 - i) If Committee agree to consider development proposals from the Trustees then Members are asked to approve pursuit of arrears of rent from the Trustees on an ongoing basis. This should continue until such times as any alternative legal arrangements are put in place with the Trustees in relation to sale of the land and acts as an incentive to Messrs Adams and Clarke to expedite the development process.
 - ii) If Committee do not wish the Trustees to put forward development proposals then Members are asked to approve the initiation of action for recovery of the site either by agreement or through commencement of forfeiture proceedings against the Trustees on the basis of breach of certain covenants in the lease. During this process the collection of rent would be suspended.

3. To approve (if considered necessary and appropriate by officers) possible reference to the Lands Tribunal for Northern Ireland to make a determination on the revised level of rent due from the last rent review date (31 December 2004). The additional amount of rent collectable from the review date (based on a rent of £9500 per annum proposed by the Council's Estates Surveyor) currently stands at £9,625. This would increase the level of rent arrears from the current level of £14,625 to approximately £24,250.

Resource Implications

Financial

The main financial implication at this time is the outstanding rent arrears.

Human Resources

There are no additional human resources required at this stage.

Asset and Other Implications

The most straightforward approach and one that carries the least financial risk to the Council is to suspend rental payments and to explore the potential for recovery of the site either by agreement or otherwise. (See 'Explanatory Paragraph 1' on Appendix 3 attached).

The alternative approach is to await proposals from Messrs Adams and Clarke. This course of action brings greater financial and operational uncertainty (see 'Explanatory Paragraph 2' on Appendix 3 attached).

Recommendations

It is recommended that Committee:

1. Authorise officers to initiate action for recovery of the site either by agreement or through commencement of forfeiture proceedings against the Trustees on the basis of breach of certain covenants in the lease;
2. To make a reference to the Lands Tribunal for Northern Ireland (if necessary and appropriate) in relation to the outstanding review of rent from 31 December 2004. [Reference to the Policy and Resources Strategy Committee in accordance with Standing Orders is likely to be required subsequent to any decision on these matters by the Parks and Leisure Committee.]

Key to Abbreviations

None.

Documents Attached

Appendix 1 Report presented to Parks and Leisure Committee on 13 March 2008 (including maps and explanatory paragraphs at appendices 1 -3)
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