



Belfast City Council

Report to:	Strategic Policy and Resources Committee
Subject:	<p>Asset Management: Leases, Licences & Disposals:</p> <p>(i) Entrances to City Cemetery/Falls Park and Cavehill Country Park – Environmental Improvements.</p> <p>(ii) Contractor’s Licence at Clifton Street Graveyard</p> <p>(iii) Cherryvale Gate Lodge – Proposed Change of Use and Grant of Rights to Services</p> <p>(iv) Proposed disposal land at Balmoral Industrial Estate</p>
Date:	19 September 2014
Reporting Officer:	Gerry Millar, Director of Property & Projects, Ext: 6217
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1	Relevant Background Information
	<p>(i) Entrances to City Cemetery/Falls Park and Cavehill Country Park – Environmental Improvements</p>
1.1	<p>At its meetings on 14 August 2014 and 11 September 2014 the Parks and Leisure Committee approved the carrying out of Environmental Improvement works by the Department of Social Development (DSD) at all three Falls Road entrances to the City Cemetery/Falls Park and at the Carr’s Glen entrance to Cavehill Country Park. Appendix 1 to this report contains a copy extract from the minute and report to the 14 August Committee and a copy of the report to the 11 September Committee. DSD are 100% funding the capital works with the Council to carry out any future maintenance which the Council considers appropriate. The combined estimated capital cost of the schemes is £337,000 (split £273K at City Cemetery/Falls Park and £64K at Cavehill Country Park).</p>
	<p>(ii) Contractor’s Licence at Clifton Street Graveyard</p>
1.2	<p>Clifton Street Graveyard dates from the late 18th century and is of historic significance. Boundary walls at the cemetery are Listed by NIEA. Portions of the Listed walls immediately adjoin the gable wall of private commercial premises at 13/15 Antrim Road. The owner of the commercial premises wishes to carry out repair works to the gable of her property and, to facilitate this, is seeking approval to erect scaffolding on the</p>

	Council's land within Clifton Street Graveyard.
1.3	A building contractor has been engaged by the owner of 13/15 Antrim Road to carry out repairs to the gable and other elements of her property. The works are planned to last approximately 2 to 3 weeks and the contractor has sought a facility to allow the installation and retention of scaffolding for the duration of the works.
1.4	The contractor plans to construct scaffolding from the Antrim Road side of the boundary and bring scaffolding elements on to the Council's land from there. No materials or vehicles will be brought along the access paths/roads within the Graveyard.
1.5	This scaffolding will be erected independently of the boundary and other Listed walls and will not bear upon these walls. The contractor will also be required to satisfy the Council he has complied with any NIEA requirements in relation to carrying out works in the vicinity of Listed structures.
	(iii) Cherryvale Gate Lodge – Proposed Change of Use and Grant of Rights to Services
1.6	The Gate Lodge at Cherryvale Playing Fields was sold by the Council in 1998 by way of a 999 year lease which, among other things, restricted use of the property to residential purposes. The current owner of the property has sought a lifting of this restriction to allow use of the property for office and/or residential purposes. To accommodate the change of use a Deed of Variation is proposed and the Deed will also sweep up some detailed issues related to the installation of utility services which cross the Council's adjoining land.
1.7	The report attached at Appendix 3 was received by the Parks and Leisure Committee on 11 September 2014. The report sets out the proposed changes, for incorporation in a proposed Deed of Variation, subject to the approval of the Strategic Policy and Resources Committee. The Director of Property and Projects will provide a verbal update on the outcome of the Parks and Leisure Committee in this regard.
	(iii) Proposed disposal land at Balmoral Industrial Estate
1.8	The site at 29-33 Boucher Road, shown outlined red on the plan attached at Appendix 4 and known as plot 18 Balmoral, was sold by the Council to Kennedy & Morrison by way of a 999 year lease in August 1972. The Kennedy & Morrison interest is now held by Eldora Ltd. This plot forms part of Balmoral Industrial Estate where the Council is still the Head Landlord for the most of the Estate. The majority of the sites are held under 125 year leases with ground rents which are subject to review every 5 years. This particular site was however one of the initial sites disposed of within the Estate by way of a 999 year Lease. The area of land shaded green on the plan attached at Appendix 4 was retained by the Council for a proposed road scheme; the scheme did not proceed and the land is surplus to Council's requirements. Eldora Ltd have recently approached the Council seeking to acquire the site shaded green on the attached plan.

2	Key Issues
	(i) Entrances to City Cemetery/Falls Park and Cavehill Country Park – Environmental Improvements
2.1	The reports to Parks and Leisure Committee note the requirements for Licence Agreements at each location to regulate access to the sites by DSD contractors. In

	<p>accordance with Standing Orders the approval of the Strategic Policy and Resources Committee is required to the grant of Licences of this nature. A Licence Fee is not appropriate in these cases on account of the capital investments/enhancement of the respective Council property assets being carried out by the Licensee.</p> <p>(ii) Contractor's Licence at Clifton Street Graveyard</p> <p>2.2 The purpose of the proposed Licence Agreement between the contractor and the Council is to allow the erection of scaffolding within the Council's property and to set out the responsibilities and liabilities of the parties.</p> <p>2.3 One of the reasons for the proposed works is believed to be the presence of ivy growing up the gable wall at 13/15 Antrim Road. This ivy may originate on Council owned land, although this presently remains uncertain. Parks and Leisure personnel have however agreed to treat any ivy identified on the Council's side of the site boundary. In view of the circumstances it is not proposed to charge the contractor the Licence Fee which would normally accompany the grant of such permissions to contractors. However Members may wish to note that part of the purpose of levying such a fee is to discourage contractors from remaining on site any longer than is required to expeditiously complete necessary works. In view of this it has been agreed with the contractor in this case that the envisaged period of the works (up to 3 weeks) would not be subject to a Licence Fee but that any period thereafter would be subject to a fee of £50 per week.</p> <p>2.4 The Council will retain a right to terminate the Licence if the presence of the scaffolding results in anti-social behaviour within the graveyard.</p> <p>(iii) Cherryvale Gate Lodge – Proposed Change of Use and Grant of Rights to Services</p> <p>2.5 The proposed variation to the permitted use of the gate lodge, for offices and/or residential purposes remains consistent with the use of the immediately adjoining Council land at Cherryvale Playing Fields. It is considered the value of the property for office purposes does not exceed its value for residential purposes and thus no premium is being sought from the current owner.</p> <p>2.6 In relation to regularisation of rights associated with utility services across the Council's adjoining land, there is benefit to both the Council and the gate lodge owner from the proposed arrangements. In any case their omission from the original lease is likely to have simply been a minor oversight.</p> <p>(iv) Proposed disposal land at Balmoral Industrial Estate</p> <p>2.7 Part of the Eldora Ltd site at plot 18 adjoining the site shaded green has become infested with Japanese knotweed. The Eldora Ltd is in the process of removing and treating the Japanese knotweed. As part of those works Eldora Limited would like to incorporate the lands shaded green into their site.</p> <p>2.8 Due to the location of this small site between the back of the footpath and the Eldora site there would be no demand from any other party for this area of land. Officers have therefore agreed, subject to Council consent, to sell this area of land to Eldora Ltd for £4000.</p>
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3	Resource Implications
	<p data-bbox="298 271 536 302"><u>Finance and Assets</u></p> <p data-bbox="209 342 1359 409">3.1 (i) Entrances to City Cemetery/Falls Park and Cavehill Country Park – Environmental Improvements</p> <ul data-bbox="298 450 1359 913" style="list-style-type: none"> <li data-bbox="298 450 1359 658">• Potential additional revenue costs of £1000 per annum, related to additional electricity consumption at Falls Park due to new lighting installations. Any other additional maintenance costs at either location are likely to be minimal and in any case remain at the Council’s discretion. All works are to be completed by March 2015 to ensure no financial liability for the capital schemes transfers to the Council post 1 April 2015. <li data-bbox="298 698 1359 913">• The works will improve the appearance of the various entrances and will make the assets more visually attractive. The capital works at City Cemetery/Falls Park include re-surfacing of parts of the adjoining Roads Service footways and the works at Cavehill Country Park include some improvements on adjoining land owned by the Belfast Education and Library Board. The responsibility for seeking agreement from these adjoining land owners lies with DSD. <p data-bbox="209 954 922 985">3.2 (ii) Contractor’s Licence at Clifton Street Graveyard</p> <ul data-bbox="298 1025 1359 1200" style="list-style-type: none"> <li data-bbox="298 1025 1359 1093">• A Licence Fee of £50 per week would become payable if the proposed works extend beyond the envisaged 3 weeks duration. <li data-bbox="298 1133 1359 1200">• The Licence Agreement would require the contractor to reinstate any damage caused as a result of his use. <p data-bbox="209 1240 1342 1272">3.3 (iii) Cherryvale Gate Lodge – Proposed Change of Use and Grant of Rights to Services</p> <ul data-bbox="298 1312 1359 1563" style="list-style-type: none"> <li data-bbox="298 1312 890 1344">• No financial implications arise from this report. <li data-bbox="298 1384 1359 1563">• The Leaseholders and the Council will mutually benefit in relation to the proposed formalised arrangements associated with provision of utility services. The Leaseholder would benefit from the flexibility the proposed change of use would bring and the Council would retain safeguards in the Lease in relation to the future compatibility of any future development with the surrounding Playing Fields. <p data-bbox="209 1603 1002 1635">3.4 (iv) Proposed disposal land at Balmoral Industrial Estate</p> <ul data-bbox="298 1675 1359 1783" style="list-style-type: none"> <li data-bbox="298 1675 1232 1706">• The sale of this area of land will generate a receipt of £4000 for the Council. <li data-bbox="298 1747 1337 1778">• The sale will have no impact on retained Council assets at Balmoral Industrial Estate. <p data-bbox="298 1823 523 1854"><u>Human Resources</u></p> <p data-bbox="298 1895 1327 1962">Staff resources from the Estate Management Unit, Parks and Leisure Department and Legal Services will be required to complete all agreements.</p>

4	Recommendations
	<p>It is recommended that Members agree:</p>
4.1	<p>(i) Entrances to City Cemetery/Falls Park and Cavehill Country Park – Environmental Improvements</p> <p>To grant relevant Licence Agreements to DSD to regulate access by DSD contractors onto Council land to carry out agreed Environmental Improvement works at the entrances to Falls Park and Cavehill Country Park, in accordance with the plans submitted to the Parks and Leisure Committee and if DSD have proceeded in advance of Council approval to require DSD to complete such Licences at the earliest opportunity.</p>
4.2	<p>(ii) Contractor’s Licence at Clifton Street Graveyard</p> <p>To authorise the provision of access onto Council land at Clifton Street Graveyard to enable the construction and use of scaffolding for approximately 3 weeks to facilitate the carrying out of works to the gable wall of 13/15 Antrim Road, subject to the terms outlined in this report being incorporated in an appropriate Licence Agreement to be drawn up by the Town Solicitor.</p>
4.3	<p>(iii) Cherryvale Gate Lodge – Proposed Change of Use and Grant of Rights to Services</p> <p>To ratify the decision of the Parks and Leisure Committee, that is:</p> <ol style="list-style-type: none"> 1. Authorise the proposed alteration of the User clause in the Lease dated 18 March 1998 to allow use of the premises for residential and/or office purposes. 2. Authorise the formalisation of arrangements in relation to the grant of rights to the Leaseholder and the Council, as set out in the Parks and Leisure Committee report, in relation to utility services at 670 Ravenhill Road/ Cherryvale Playing Fields. 3. Authorise the proposed change of User and Grant of Rights be incorporated within a Deed of Variation to be drawn up by the Town Solicitor with each side bearing their own legal costs.
4.4	<p>(iv) Proposed disposal land at Balmoral Industrial Estate</p> <p>Members are asked to approve the sale of the area of land shaded green on the plan attached at Appendix 4 to Eldora Ltd for £4000.</p>

5	Key to Abbreviations
	<p>DSD – Department for Social Development NIEA – Northern Ireland Environment Agency</p>

6	Documents Attached
6.1	<p>Appendix 1 – Extract from minute and report to the Parks and Leisure Committee of 14 August 2014 (in relation to Falls Park) and copy of report to Parks and Leisure Committee of 11 September 2014 (in relation to Cavehill Country Park).</p>

6.2	Appendix 2 – Map showing the location of Clifton Street Graveyard together with the proposed area in which the scaffolding will be erected (outlined in red and shaded in yellow), and the Council’s surrounding Park (shaded yellow).
6.3	Appendix 3 – Copy of Report and Appendices presented to Parks and Leisure Committee 11 September 2014.
6.4	Appendix 4 – Map showing location of area of land to be disposed of at Balmoral Industrial Estate shaded green.