



Belfast City Council

Report to:	Strategic Policy and Resources Committee
Subject:	Drumglass Gate Lodge
Date:	24 August 2012
Reporting Officer:	Gerry Millar, Director of Property and Projects, Ext 6217.
Contact Officer:	Cathy Reynolds, Estates Manager, Ext. 3493.

1	Relevant Background Information
1.1	Drumglass Gate Lodge was sold by the Council in 1991 by way of a long lease dated 21 November 1991. The lease restricts use of the Gate Lodge to a “residential dwelling”. The present owner of the Gate Lodge has sought a variation of the lease to allow use of the property as a “retail boutique”. At its meeting on 13 January 2011 the Parks and Leisure Committee agreed to the proposed change of use. For the reasons stated in the Committee minute (an extract of which is attached as Appendix 1) the Committee’s decision was qualified by the need to obtain approval from DSD Charities Branch.
1.2	Relevant authorisation has now been obtained from DSD Charities Branch and implementation of the change of use is proposed by way of a Deed of Variation. The Deed of Variation will also deal with an irregularity in the 1991 lease which was granted for a term of 850 years from 21 November 1991. This period exceeds the Council’s title to the site, which is for a period of 900 years from 1 May 1923. The 1991 lease thus requires variation to reduce the term by approximately twenty years to ensure the lease falls within the period covered by the Council’s own title.

2	Key Issues
2.1	In accordance with Standing Orders, Committee approval is sought to a proposed Deed of Variation in respect of a lease dated 21 November 1991. The proposed Deed of Variation would formalise the Council’s approval for a change of use and deal with a technical irregularity in the lease.
2.2	It is considered the proposed change of use does not add to the capital value of the property.
2.3	One of the issues to be incorporated in the proposed Deed flows from a request by the present owner of the property. The other is due to a minor technical error

	by the Council. In view of this it is proposed that each party to the proposed Deed should bear their own legal costs.
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3	Resource Implications
3.1	<p><u>Financial</u></p> <p>It is considered the proposed change of use does not increase the capital value of the Gate Lodge and it would therefore be inappropriate for the Council to seek a premium for grant of the relevant consent.</p>
3.2	<p><u>Human Resources</u></p> <p>Resources in Estates Management Unit and Legal Services required in the preparation and agreement of the terms for the proposed Deed of Variation.</p>
3.3	<p><u>Asset and Other Implications</u></p> <p>The Gate Lodge is already in private ownership and is located on the edge of Drumglass Park. Subject to appropriate controls being put in place, to ensure access routes to the Gate Lodge remain as defined in the 1991 lease (i.e. no access through Drumglass Park) the change of use is unlikely to have any material impact upon the operation or amenity of the Park.</p>

4	Equality and Good Relations Considerations
4.1	There are no equality or good relations issues associated with the proposed change of use

5	Recommendations
5.1	Committee is recommended to authorise a change in the terms of the 1991 lease of Drumglass Gate Lodge to permit present and future owners to use the property as a retail boutique. Committee is also recommended to authorise an alteration in the duration of the lease to shorten it from 850 years to 830 years (or thereabouts) to ensure it is consistent with the Council's title to the property.

6	Decision Tracking
Director of Property and Projects to ensure completion of Deed of Variation at earliest opportunity.	

7	Key to Abbreviations
DSD Charities Branch – Department of Social Development, Voluntary and Community Unit.	

8

Documents Attached

Appendix 1 – Extract from the Minute of the Parks and Leisure Committee 13 January 2011.

APPENDIX 1