

TO:	PLANNING & DEVELOPMENT (BUILDINGS AND PROPERTY) SUBCOMMITTEE	SUBJECT:
FROM:	DIRECTOR OF PLANNING & DEVELOPMENT	GARAGE RESERVE SITE, CAIRNHOPE AVENUE, AIRDRIE ACQUISITION OF PROPERTY RIGHTS
DATE:	11 AUGUST 1998	REF: HOC1671 WP/HM

1. PURPOSE OF REPORT

This Report concerns the proposed acquisition property rights from the proprietors of 4E Cairnhope Avenue.

2. BACKGROUND

A Report was presented to the Planning & Developments (Buildings and Property) Sub-Committee on 17 February 1998 detailing the results of a marketing exercise in respect of the former Garage Reserve Site at Cairnhope Avenue, Airdrie. This back lying site attracted one offer in the sum of £22,500 from Fairfield Property Investment Company Limited, who wished to use the site for residential development.

Before the Council could reasonably expect to sell the site, land and property rights would need to be purchased from the proprietors of Nos. 2 and 4E Cairnhope Avenue, which would complete site assembly and so provide enough land for the purchaser to create a new access road from Cairnhope Avenue.

It was decided that the Garage Reserve Site be offered to Fairfield Property & Development Company Limited subject to the Council securing satisfactory agreements with the owners of Nos. 2 and 4E Cairnhope Avenue. The Head of Economic Development & Property was to pursue these acquisitions with the respective property owners.

3. 4E CAIRNHOPE AVENUE

The proprietors of 4E Cairnhope Avenue, Mr and Mrs Cairns were granted a one-sixth share of common ground associated with the two storey block of flats when they acquired their property. To facilitate the development of the Garage Reserve Site, some 447 sq metres or thereby of land affected by these common property rights has to be re-acquired. The area of land in question is highlighted on the accompanying plan.

After negotiations with Mr and Mrs Cairns, it has been provisionally agreed that this particular property interest be conveyed to the Council for a consideration of £500. The Council would also be liable to cover the Seller's reasonable legal costs and outlays. Funding for this acquisition would come from Housing as the Garage Reserve Site is on their account holding. The Housing Department have confirmed that they can source the necessary funding for this acquisition.

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There is an issue over whether to pursue this acquisition regardless of the outcome of the proposed sale to Fairfield Property Investment Company Limited or make the acquisition conditional on the sale of the Garage Reserve Site. Since the acquisition sum is relatively small, coupled with the fact that this particular property interest will need to be acquired to facilitate the sale of the Garage Reserve Site no matter whether it is to Fairfield or any other party, the consensus of opinion is that this particular acquisition should be allowed to proceed. If the acquisition were to be made suspensively conditional on the sale of the Garage Reserve Site, there is a greater risk that circumstances may change which could work against the Council's ambitions.

4. OTHER ISSUES ARISING

The remaining 5 flats at 4 Cairnhope Avenue are owned by North Lanarkshire Council, and managed by the Housing Department. The tenancy agreements have been adjusted to regulate the common areas to exclude the ground required in connection with the Garage Reserve Site.

Terms and conditions have been issued to the proprietors of No.2 Cairnhope Avenue which have been verbally turned down. Negotiations will continue with a view to reaching a mutually acceptable settlement. Any agreement reached will be reported to Committee for approval.

Discussions have taken place with Fairfield, although they are understandably loathe to pursue matters until the Council can complete site assembly. As the prospective purchasers were the only bidders when the subject site was last tendered for sale before re-organisation, a degree of design work has already been undertaken, therefore they will not necessarily be starting completely afresh as and when they turn their attention to matters such as planning permission etc.

5. RECOMMENDATION

It is recommended that the terms provisionally agreed with the proprietors of 4E Cairnhope Avenue be accepted, and that the Council proceed to acquire the necessary common property rights from them.

All other terms and conditions to be adjusted by the Head of Economic Development & Property.



STANLEY COOK
Director of Planning & Development

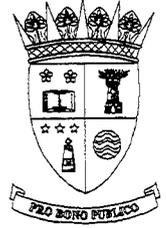
LOCATION PLAN - For Information Only

Title : LAND AT CAIRNHOPE AVENUE

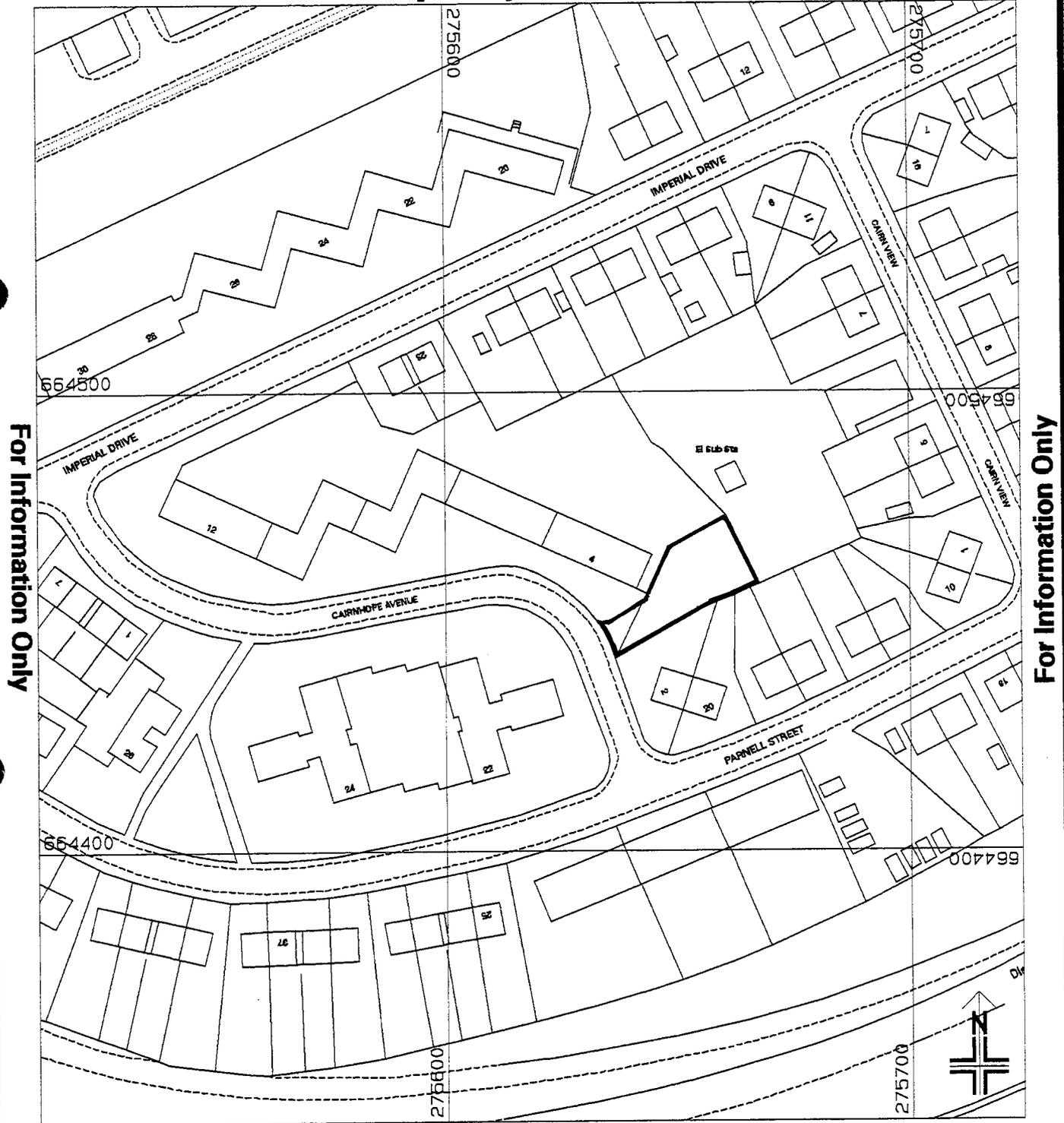
Scale: 1:1250

Town: AIRDRIE

Date : 17 Jul 98



Property Division



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DEPARTMENT OF PLANNING & DEVELOPMENT

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Stanley C. Cook MRTPI
 Director of Planning & Development
 North Lanarkshire Council
 Fleming House, 2 Tryst Road, Cumbernauld G67 1JW