



## Belfast City Council

<b>Report to:</b>	Strategic Policy and Resources Committee
<b>Subject:</b>	Disposal of Land at 67 Schomberg Avenue, Belfast
<b>Date:</b>	23 October 2009
<b>Reporting Officer:</b>	Gerry Millar, Director of Improvement, Ext. 6217.
<b>Contact Officer:</b>	Ken Anderson, Estates Surveyor, Core Improvement, Ext. 3496.

### Relevant Background Information

At its meeting on 12 February 2009 the Parks and Leisure Committee received a report entitled "Interim Policy on Land Disposal". Among other things the report recommended that the Council should progress with three enquiries already received from members of the public to purchase portions of park at different locations across the city. An extract from the Committee minute is attached as Appendix 1 to this report.

Among the terms of disposal set out in the above mentioned Parks and Leisure Committee was a condition that the land be retained for use as open space. This condition was to be applied to all three disposals and on this basis the following outline terms were agreed with the prospective purchaser of 67 Schomberg Avenue:

- i) Area for disposal comprises approximately 82 square metres as outlined with a heavy black line on the attached map (Appendix 2).
- ii) Use of the land will be restricted to open space and to garden use in particular.
- iii) Disposal price agreed at £10,000.
- iv) Purchasers will re-locate boundary fence at their own expense.

Following agreement on the above terms the owner of 67 Schomberg Avenue has requested that the restriction which would limit use of the land to open space be varied to allow a small part of a single storey house extension to be constructed on the land being acquired. From plans currently available the extent of the proposed building on Council land is minimal (approximately 0.13 square metres) but it would contravene the proposed restriction as agreed by Parks and Leisure Committee.

### Key Issues

- Disposal of land following Parks and Leisure Committee decision of 12 February 2009.
- Terms of Disposal had been agreed with prospective purchaser Dr JM Cartwright-Shamoon, but variation of these requested to allow minimal building on the land.
- Legal advice has been obtained which indicates the approval of the Department of the Environment is not required in this instance in order to comply with the Local Government Act (NI) 1972.

## **Resource Implications**

### Financial

Small capital receipt, no additional revenue or capital costs to Council.

### Human Resources

No additional human resources required. Resources in Estates Management Unit and Legal Services Department required to bring the disposal to a conclusion.

### Asset and Other Implications

Loss of a small portion of Council land at boundary of Belmont Park. The land has some tree cover and associated woodland undergrowth. It is of benefit to the owner of the dwelling at 67 Schomberg Avenue by enlarging their limited garden amenity area and thus making the property more attractive. The proposed restriction on use to open space guards against redevelopment of this portion of the site for housing or other commercial purposes and helps retain a buffer between the park and neighbouring buildings. The minimal portion of building now sought by the proposed purchaser, while being unwelcome in close proximity to the park, does not significantly diminish the buffer.

## **Recommendations**

Disposal of 82 square metres shown outlined with a heavy black line on the attached map (Appendix 2) at the price of £10,000, is recommended on the basis of the terms outlined in this report, to DR JM Cartwright-Shamoon, subject to a suitable legal agreement to be prepared by the Director of Legal Services, such agreement to permit the placing of a small area of building on the land (as referred to in the body of this report) and strictly subject to no further building being permitted.

## **Decision Tracking**

Director of Improvement to arrange completion of disposal by 31 March 2010.

## **Documents Attached**

Appendix 1 – Extract from minute of the Parks and Leisure Committee of 12 February 2009.

Appendix 2 – Map showing the land for disposal outlined with a heavy black line.