



Belfast City Council

Report to:	Parks and Leisure Committee
Subject:	Disposal of Land at Belmont Park, Adjoining 67 Schomberg Avenue
Date:	11 August 2011
Reporting Officer:	Andrew Hassard, Director of Parks and Leisure
Contact Officer:	Stephen Walker, Principal Parks and Cemeteries Development Manager Cathy Reynolds, Estates Manager, Property and Projects

1	Relevant Background Information
1.1	The Strategic Policy and Resources Committee at its meeting on 23 October 2009 approved the disposal of a 3 metre wide strip totalling approximately 82 square metres of land adjoining 67 Schomberg Avenue. The terms of disposal are set out in the extract from the relevant Minute (attached Appendix 1) and are clarified in e-mail dated 3 November 2009 from the Chief Executive's Department (copy attached as Appendix 2).
1.2	The main element of debate at committee was whether to permit the construction of a small portion of building on the land being sold and it was agreed that to permit this building would contravene the restriction agreed at the Parks and Leisure Committee of 12 February 2009 (i.e. that use of the land be restricted to open space and garden use). Consequently it was agreed that building should not be permitted.
1.3	Members may wish to note that at the 12 February 2009 meeting Committee had also agreed two similar disposals of land to members of the public. Both of these were subsequently approved by the Strategic Policy and Resources Committee on the basis of use being restricted to open space/garden use.
1.4	The disposal of the land adjoining 67 Schomberg Avenue has not yet been completed on account of small part (approx. 13 sq metres) having been registered at Land Registry as being owned by DRD Roads Service. It appears this element of Registration may be erroneous and legal steps are being taken to clarify the matter.

3.2	<p><u>Human Resources</u></p> <p>All options will require input from existing resources in Legal Services, Estates Management Unit and Parks and Leisure Department. Given the nature of potential site works associated with some options these may require engagement of contractors.</p>
3.3	<p><u>Asset and Other Implications</u></p> <p>Those options which transfer risk associated with land movement to the owner of 67 Schomberg Avenue will require disposal of additional land, however the amount of land can be quantified and the disposal regulated by a legal agreement. If land ownership is not transferred the risks associated with potential future land movement remain with the council and are not presently quantifiable in financial terms. The construction of part of the house extension, on land upon which the council had sought to prevent building, is technically a breach of the arrangements previously agreed by committee, however a pragmatic approach could bring a solution which could be to the benefit of all parties.</p>

4	Equality and Good Relations Considerations
4.1	No known equality or good relations issues associated with these matters.

5	Recommendations
5.1	<p>Committee is recommended to approve those options (as set out in further detail in Appendix 3) which are most likely achievable within a reasonable timeframe and bring reasonable outcomes for both parties, that is:</p> <ul style="list-style-type: none"> - House Extension, Option 1, allow house extension to remain and proceed with disposal of originally proposed area at the previously agreed value of £10,000. - Retaining Wall, Option 1, allow the retaining wall to remain and dispose of an additional 41 square metre strip of land (shaded blue on Appendix 4) for the sum of £2500. - Deposit of Spoil, Option 1, provide authority for further discussions between council officers and the owner of 67 Schomberg Avenue, regarding suitable reinstatement, and in the event that agreement cannot be reached regarding reinstatement, to report the outcome of discussions to a future meeting of committee. <p>All subject to the approval of the additional land disposal by the Strategic Policy and Resources Committee in accordance with Standing Orders 46 and 60 and incorporation of appropriate terms in a legal agreement to be prepared by Legal Services and subject to completion of the land transaction by the purchaser in accordance with the proposals contained in this report.</p>

6	Decision Tracking
<p>Director of Parks and Leisure to liaise with Director of Property and Projects with a view to bringing a report to the Strategic Policy and Resources Committee within two months. Return to Parks and Leisure Committee within three months if agreement cannot be reached on reinstatement measures on council land.</p>	

7	Key to Abbreviations
None.	

8	Documents Attached
<p>Appendix 1: Extract from minute of the Strategic Policy and Resources Committee of 23 October 2009.</p> <p>Appendix 2: Email clarifying contents of Appendix 1.</p> <p>Appendix 3: List of options for dealing with extension, retaining wall and removal of spoil etc.</p> <p>Appendix 4 : Map showing land (outlined red) as previously approved for disposal and additional area (shaded blue) disposal of which is now being proposed. Heavy blue line shows approximate position of retaining wall recently constructed by owner of 67 Schomberg Avenue.</p> <p>Appendix 5: Photographs illustrating site conditions, including position of existing and proposed boundaries, house extension, retaining wall and deposits of spoil. Photograph 1 - illustrates position of fence which previously formed boundary between 67 Schomberg Avenue and Belmont Park and the small portion of house extension which lies outside the original house site. Also shows approximate line of 3 metre wide strip previously agreed for disposal by Committee. Photograph taken 26 November 2010. Photograph 2 - illustrates position of previous boundary line and of the retaining wall constructed by owner of 67 Schomberg Avenue. Photograph taken 26 November 2010. Photograph 3 - illustrates residual spoil and newly erected fence. Photograph taken 14 June 2011.</p>	