

**Options Re House Extension.**

Option 1. Proceed with disposal of original area agreed by Committee for the original sale price of £10,000 but on basis that the already constructed house extension be permitted to remain but that no further building be permitted on the land being sold. It was previously reported to the Strategic Policy and Resources Committee that the presence of approximately 0.31 square metres of the extension on the land being sold would not have a material affect on the disposal price. The attached photographs numbered '1' and '2' (Appendix 5) illustrate the relationship of the house extension to the previous boundary.

Option 2. Request the owner of 67 Schomberg Avenue to remove the portion of the extension constructed on Council owned land. Withhold disposal of land until building removed.

Probability of success is lower than for Option 1. Purchaser may refuse to remove extension and/or may seek to involve the Council in legal action and/or seek to gain wider support. Relative to Option 1 there is likely to be greater delay in completion of sale and payment of purchase price.

Option 1 is recommended.

**Options Re Retaining Wall.**

Option 1. Allow owner of 67 Schomberg Avenue to keep all the retaining wall. This could be achieved by disposal of an additional strip of land to the owner of 67 Schomberg Avenue (area shown shaded blue in Appendix 4). Assurances would also be sought from the owner of 67 Schomberg Avenue regarding the proposed levels of land within his new boundary and stabilisation/support to retained Council land. Agreement would also be required on the nature of any fencing or other boundary structures as part of the land transfer arrangements. This Option should ensure responsibility for the retaining wall would remain with the owner of 67 Schomberg Avenue. The disposal of the additional strip of land is considered to provide additional amenity for the house site at 67 Schomberg Avenue and the modest disposal price of £2500 reflects this.

Option 2. Require the owner of 67 Schomberg Avenue to remove the retaining wall from land which falls outside the area Committee had originally agreed to dispose of. This would amount to removal of a 1.5 metre length of retaining wall.

Given the difference in level between the Park and the new garden level at 67 Schomberg Avenue, stabilisation works may be required to ensure the Council's land does not slip and subsequently impact on the site of 67 Schomberg Avenue and/or the adjoining garden of 53 Schomberg Avenue.

It should be noted that in this Option the area of land on which stabilisation works would be carried out, would remain in Council ownership and there may be land stability risks if the stabilisation is not appropriately carried out. This would pass an increased risk to the Council in the event of any third party claims.

Option 3. As Option 2 (i.e. require removal of retaining wall) but with the Council carrying out all stabilisation works and then seeking to recover all costs associated with this work from the owner of 67 Schomberg Avenue.

This Option would still pass risk to the Council in terms of any future land instability although the risk may be lessened due to the control the Council would retain over the stabilisation works. There is however an added financial risk associated with the Council's ability to recover the full cost of the works from the owner of 67 Schomberg Avenue.

Option 1 is recommended.

### **Options Re Deposit of Spoil**

Option 1. Provide authority for further discussions between the Council officers and the owner of 67 Schomberg Avenue regarding suitable reinstatement of Council land, including: potential removal of further deposited soil; levelling of affected area; tree management/felling/re-planting. In the event that agreement cannot be reached regarding these matters, the outcome of discussions to be reported to a future meeting of Committee.

Option 2. Maintain the status quo. That is, allow the residual spoil to remain and carry out no tree felling. This would eventually lead to the death of the affected trees. In addition their future stability may give rise health & safety risks to third parties and/or damage to property. The presence of the spoil is to the visual detriment of this part of Belmont Park. No information is currently available on whether the spoil contains any contaminants. Approximately 20 trees are affected ranging from 10cm to 32cm diameter at chest height. Species are mainly Alder and Larch.

Option 1 is recommended.