

NORTH LANARKSHIRE COUNCIL

REPORT

To: <b>POLICY &amp; RESOURCES (REGENERATION &amp; INFRASTRUCTURE) SUBCOMMITTEE</b>		Subject:  <b>BACKBRAE STREET, KILSYTH: SERVITUDE</b>
From: <b>HEAD OF REGENERATION &amp; INFRASTRUCTURE SERVICES</b>		
Date: <b>16 May 2013</b>	Ref: <b>HR/WARD1</b>	

**1. INTRODUCTION**

1.1 The purpose of this report is to seek Committee approval to grant a servitude to Barratt West Scotland. (Barrat)

**2. BACKGROUND**

2.1 Barratt approached the Council with a request that a servitude be granted by North Lanarkshire Council to allow them to lay a surface water drainage outfall route across a strip of Council-owned land. The route will connect from their proposed development of a site at Newtown Street, Kilsyth, to the Garrell Burn, and will cross Council owned land at Backbrae Street, as shown on the attached plan.

2.2 Barratt have proposals to develop a derelict brown field site at Newtown Street with 35 starter homes. A planning application in this respect was submitted to NLC Planning (Development Management) in November 2012.

**3. DESCRIPTION**

3.1 The land affected is currently planted with trees, and slopes away from Backbrae Street to the Garrell Burn.

3.2 The length of the drainage route across Council land is estimated at 24 metres or thereby, and the area of land affected will be 227 square metres or thereby. The area of land affected is shown on the attached plan.

**4. TERMS**

4.1 The servitude will be granted over the area shown on the attached plan.

4.2 The servitude will be granted in favour of Barratt West Scotland Ltd. to lay a surface water drainage outfall route.

4.3 Barratt will be responsible for ensuring that all required statutory consents are in place for the proposed works.

- 4.4 A consideration of £500 per dwelling will be paid to the Council. On the basis of the current planning application, which proposes 35 dwellings, this will amount to £17,500. It is acknowledged that this total figure may change as the planning application progresses. The £500 per dwelling will apply to the final number of dwellings approved.
- 4.5 Barratt will be responsible for payment of the Council's reasonably incurred legal costs in relation to granting of this servitude.
- 4.6 The servitude will be granted on the basis that, following any works over the impacted ground, full reinstatement will be carried out to the reasonable satisfaction of the Council.

## **5. CORPORATE CONSIDERATIONS**

- 5.1 The granting of this servitude will not impact on Council operations. It is assessed that the granting of the servitude will not adversely impact any future development of the affected area.
- 5.2 The granting of this servitude will provide a capital receipt for the Council.
- 5.3 The granting of this servitude will assist in delivery of the development of the brownfield site at Newtown Street by Barratt.

## **6. RECOMMENDATIONS**

- 6.1 It is recommended that Committee approve the granting of a servitude at Backbrae Street, Kilsyth to Barratt West Scotland Ltd, or their nominees, on the terms outlined in section 4 above.
- 6.2 All other terms and conditions to be adjusted by the Head of Regeneration & Infrastructure Services.



**ERIC HISLOP**  
Head of Regeneration & Infrastructure Services

Members seeking further information on the contents of this report are asked to contact Mary Anne Robb Section Manager on 01236 632667.

# LOCATION PLAN - For Information Only

Title: SERVITUDE – BACKBRAE STREET

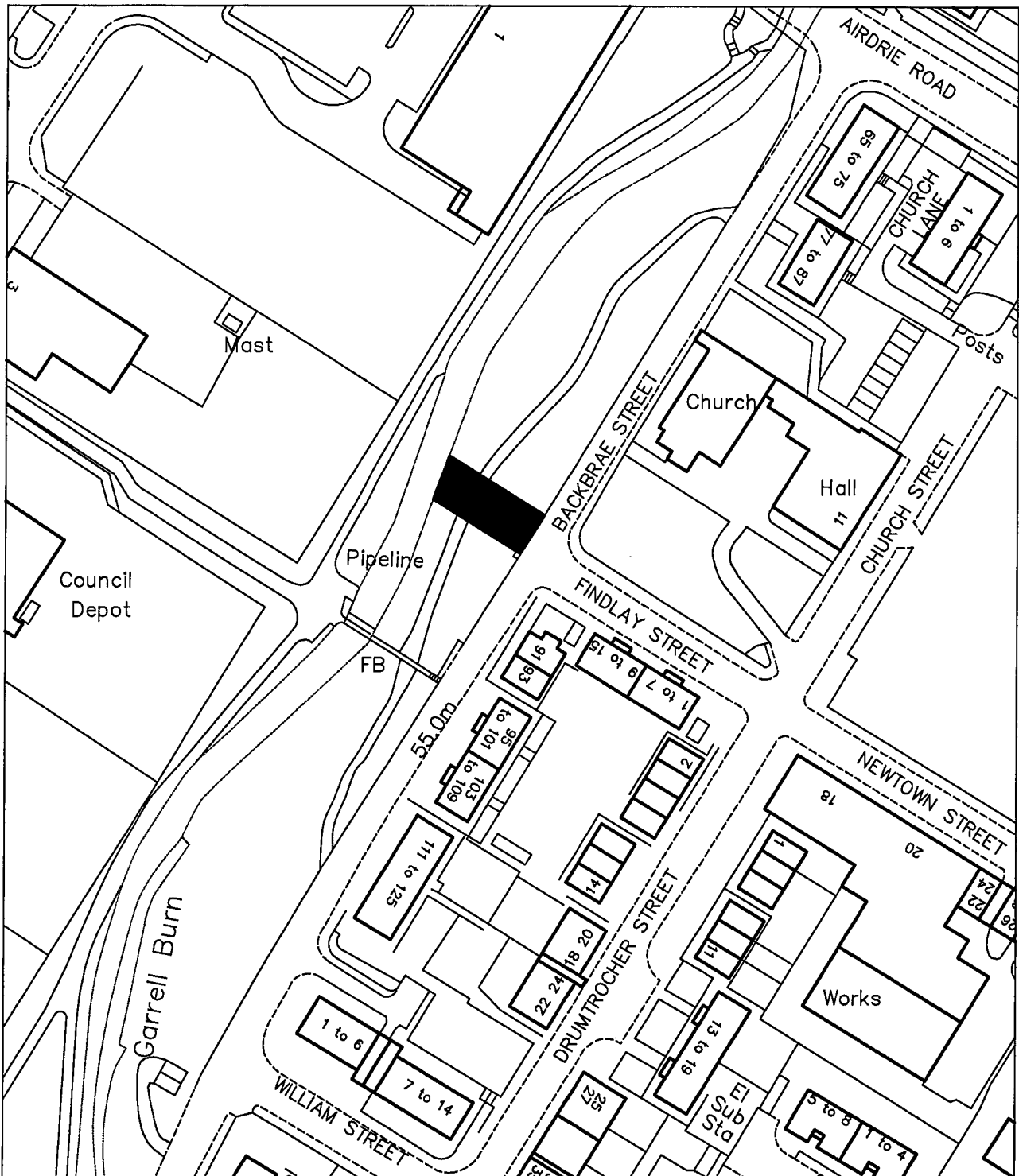
Scale 1:NTS



Town: KILSYTH

Date: 17/4/2013

## ENVIRONMENTAL SERVICES



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## CARTOGRAPHIC SERVICES

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