

**NORTH LANARKSHIRE COUNCIL
REPORT**

To: POLICY AND RESOURCES (REGENERATION AND INFRASTRUCTURE) SUB-COMMITTEE		Subject: PROPOSED RE-ROUTE OF SERVITUDE RIGHT OF ACCESS
From: HEAD OF ENVIRONMENT AND ESTATES		
Date: 20 February 2014	Ref: MS / GG1931 / W12	11 & 13 BALBAKIE ROAD, HARTHILL

1. INTRODUCTION

- 1.1 The purpose of this report is to see Committee approval for the granting of the re route of the Servitude Right of Access serving 13 Balbakie Road, Harthill.

2. BACKGROUND

- 2.1 The tenant at 13 Balbakie Road, Harthill applied to purchase their Council house. Whilst surveying the property to draw up the plans for the sale it was noted that the neighbour at 11 Balbakie Road had erected an extension over the common footpath and altered the route of the footpath which serves the Council tenanted property at 13 Balbakie Road. The sale of the Council House has been put on hold until the matter is resolved.
- 2.2 The Servitude is required as the properties outlined above share an access route common for terraced dwellings. The shared access is vital to allow the transportation of refuse bins.
- 2.3 Housing Services have been consulted on the proposal have confirmed that they have no objections. Committee should note that a suspensively conditional variation in tenancy will be required to be signed by the tenant at 13 Balbakie Road to allow the proposal to proceed.

3. DESCRIPTION

- 3.1 The new servitude right of access will now be the route, as shown highlighted on the attached plan.

4. SALE PROPOSAL

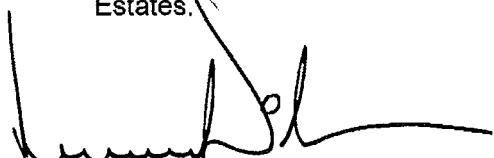
- 4.1 A consideration of £250 will be paid to the Council by the owner of 11 Balbakie Road in return for the granting of the re-routed Servitude Right of Access . In addition, the owner of 11 Balbakie Road will be responsible for the Council's Legal and Professional fees in relation to this matter.

5. CORPORATE CONSIDERATIONS

- 5.1 The granting of the Servitude does not have an impact on the Council's operations.
- 5.2 The transaction would generate a small capital receipt and ensure that sufficient access rights are maintained for the property still within Council ownership.

7. RECOMMENDATIONS.

- 7.1 It is recommended that the Committee approves the required Servitude Right of Access in favour of Mr & Mrs Paxton, 11 Balbakie Road, Harthill on the terms outline above.
- 7.3 All other terms and conditions to be adjusted by the Head of Environment and Estates.



KENNETH WILSON
Head of Environment and Estates

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

LOCATION PLAN - For Information Only

Title: 11 BALBAKIE ROAD

Scale 1:NTS



Town: HARTHILL

Date: 28/1/2014

ENVIRONMENT & ESTATES



CARTOGRAPHIC & MAPPING SERVICES

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