

**NORTH LANARKSHIRE COUNCIL**  
**REPORT**

To: <b>POLICY &amp; RESOURCES (PROPERTY) SUBCOMMITTEE</b>	Subject:
From: <b>HEAD OF PROPERTY SERVICES</b>	<b>PROPOSED RE ROUTE OF SERVITUDE RIGHT OF ACCESS</b>
Date: <b>21 April 2011</b>	<b>25 &amp; 27 NESS STREET, PATHER, WISHAW</b>
	Ref: <b>MS/SERV/GG167 9/W20</b>

**1. INTRODUCTION**

- 1.1 The purpose of this report is to seek Committee approval for the granting of the re route of the Servitude Right of Access serving numbers 25 & 27 Ness Street, Pather, Wishaw.

**2. BACKGROUND**

- 2.1 The Council was informed that the owner occupiers of 25 Ness Street, Pather had built a decking area over the common footpath and altered the route of the footpath which serves the Council tenanted property at 27 Ness Street. 23 Ness Street, which is the end terraced privately owned property, is not affected by this change.
- 2.2 The Servitude is required as the properties outlined above share an access route common for terraced dwellings. This common access is also vital to allow the transportation of refuse bins.
- 2.3 Housing & Social Work Services have been consulted and the Committee should be aware that a suspensive conditional variation in tenancy will be required to be signed by the tenant at 27 Ness Street in relation to this proposal.

**3. DESCRIPTION**

- 3.1 The variation to the common footpath will now take the route, as shown cross-hatched on the attached plan.

**4 TERMS**

- 4.1 A consideration of £250 will be paid to the Council by the owner of 25 Ness Street.
- 4.2 The owner of 25 Ness Street will be responsible for the Council's legal and professional fees in relation to this type of transaction.
- 4.3 The Council will have to be satisfied in terms of the proposed reinstatement and physical construction of the link over the new route.

**5. CORPORATE CONSIDERATIONS**

- 5.1 The grant of the Servitude does not impact on the Council's operations.
- 5.2 The transaction will generate a capital receipt and ensure that sufficient access rights are maintained for the properties still within Council ownership.

**6. RECOMMENDATIONS**

- 6.1 It is recommended that Committee approves the required Servitude Right of Access in favour of Mr and Mrs Fairly, 25 Ness Street, Wishaw, on the terms outlined above.
- 6.2 All other terms and conditions to be adjusted by the Head of Property Services.



**IAN NISBET**  
**Head of Property Services**

Members seeking further information on the contents of this report are asked to contact Ian Nisbet, Head of Property Services, on 01236 616305.

# LOCATION PLAN - For Information Only

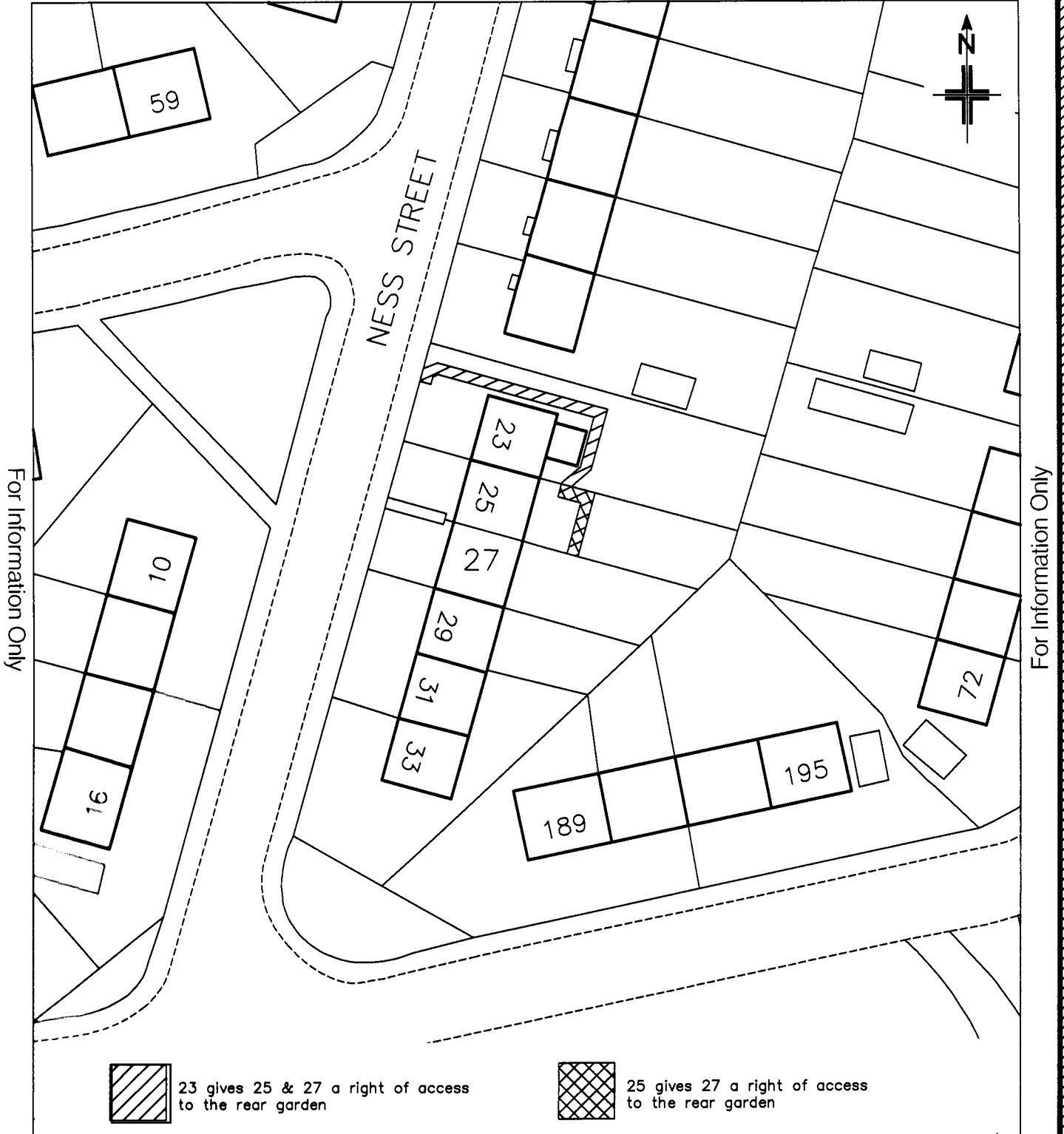
Title: 25/27 Ness Street

Scale 1:na



Town: Wishaw

Date: 19/04/11



## Property Services

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