

## AGENDA ITEM NO 15

### REPORT NO 382/15

#### ANGUS COUNCIL

#### COMMUNITIES COMMITTEE – 29 SEPTEMBER 2015

#### SERVITUDE RIGHT OF ACCESS AT 48 BLOOMFIELD ROAD, ARBROATH

#### REPORT BY HEAD OF PLANNING AND PLACE

**Abstract:** This report relates to a request for a servitude right of access at Bloomfield Road, Arbroath.

### 1. RECOMMENDATION

1.1 It is recommended that the Committee agrees to grant a servitude right of access over an area of ground adjacent to 48 Bloomfield Road, Arbroath to the owner of that property on appropriate terms and conditions, subject to:

(i) The purchaser meeting all costs in connection with the servitude.

### 2. BACKGROUND

2.1 The owner of 48 Bloomfield Road, Arbroath has requested a servitude right of access from the Council over a grassed area of ground and footpath adjacent to her property. The owner proposes to create a driveway at the side of the property and the servitude will allow vehicular access.

2.2 The footpath adjacent to the property is held on the Housing Revenue Account. It was discovered during the consultation process following the owner's request that rights in common to this footpath had been conveyed to the proprietor of 52 Bloomfield Road when that property was purchased under the Right to Buy. The owner's solicitor has confirmed that a Deed of Servitude from the proprietor of number 52 has been obtained

2.3 As well as crossing the ground and footpath held on the Housing Revenue Account, the adopted footpath requires to be crossed and permission for this, and to drop the kerb, was granted in February of this year.

2.3 The owner of the property would be responsible for forming a hard standing surface on the grassed area and for ongoing maintenance.

2.5 The Council's valuers, Messrs J & E Shepherd, have valued the servitude at £750.

2.6 The area of ground to which the servitude relates measures 22.5 square metres and is shown coloured pink on the **attached plan**. The footpath over which the servitude is also required is shown coloured green and cross hatched.

2.7 **Assessment of Risks.** An assessment has been undertaken and due to the nature of the subject a detailed risk assessment is not considered to be required. Other than the normal risks inherent in carrying out asset sales, no other significant risks have been identified.

2.8 **Property Implications.** Properties and assets affected by this report are all on the Housing Revenue Account – there are no implications for other corporate assets.

### 3. FINANCIAL IMPLICATIONS

3.1 The financial implications arising from this report would be a capital receipt of £750 accruing to the HRA capital account.

### 4. HUMAN RIGHTS IMPLICATIONS

4.1 There are no Human Rights implications arising from this report.

### 5. EQUALITIES IMPLICATIONS

5.1 The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

### 6. CONSULTATION

6.1 The Chief Executive, Strategic Director - Resources, Strategic Director – People, Head of Corporate Improvement and Finance, Head of Legal and Democratic Services and the Head of Technical & Property Services have been consulted in the preparation of this report.

### 7. CONCLUSION

7.1 By granting a servitude right of access, the owner of 48 Bloomfield Road can benefit from off-street parking, which will in turn slightly reduce the number of cars parked on the public road. As well as a capital receipt of £750 accruing to the Housing Revenue Account, there will also be a small reduction in the Council's maintenance obligation. Consequently it is recommended that the servitude right of access is granted.

**NOTE:** No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

**REPORT AUTHOR:** VIVIEN SMITH, HEAD OF PLANNING AND PLACE  
**EMAIL DETAILS:** [communitiesbusinesssupport@angus.gov.uk](mailto:communitiesbusinesssupport@angus.gov.uk)