

WEST DUNBARTONSHIRE COUNCIL

Report by Executive Director of Housing, Environmental and Economic Development

**Housing, Environment and Economic Development Committee:
3 December 2008**

Subject: Servitude Right of Access to North Lodge, Auchentoshan Estate, Clydebank

1. Purpose

- 1.1** The purpose of this report is to seek Committee approval to grant a Servitude Right of Access from Mountblow Road, through Auchentoshan Estate, to North Lodge, Great Western Road, Clydebank.

2. Background

- 2.1** North Lodge, Auchentoshan Estate, Great Western Road, Clydebank is owned by Mr D. Ramsay. Mr Ramsay and his family live in North Lodge and the outbuildings within his property are used for his commercial business as a blacksmith, specialising in the manufacture of automatic gates and barriers, railings, fencing, and handrails etc. Vehicular access to these premises is from Great Western Road (A82). Historically there was an access road from Auchentoshan House to North Lodge. However over recent years this access road was not maintained and became overgrown with trees and vegetation.
- 2.2** Planning Consultants, acting on behalf of Mr Ramsay, have had meetings with representations of the Roads Section and Development Management Section of Housing, Environmental and Economic Development department.
- 2.3** The Roads Section of West Dunbartonshire Council advises that there is a general presumption against direct vehicular access onto the A82 Great Western Road. The Roads Section is supportive of any development which removes or reduces any vehicular use of existing accesses.
- 2.4** The Roads Section is in favour of the existing commercial vehicular access being permanently closed off at the connection to the A82 Great Western Road and the private residential access being relocated to Mountblow Road through the Auchentoshan Estate to North Lodge. The Roads Section requires all costs associated with the works to be met by the owner of North Lodge.
- 2.5** Planning Services have indicated that if the commercial business was relocated to an industrial estate, then the site could accommodate a limited residential development. The maximum number of houses that could share joint access off the existing entrance from Great Western Road would be three which includes the existing North Lodge.

3. Main Issues

- 3.1** The Roads Section considers that there are road safety benefits to the Council by relocating the vehicular access from Great Western Road to Mountblow Road, Clydebank, resulting in the permanent closure of the existing access.
- 3.2** The Development Management Section is supportive of the relocation of the commercial business from the rear of North Lodge to an Industrial Estate. In the event of vehicular access being taken from Auchentoshan Estate then three houses could be accommodated on the site.
- 3.3** The existing access road through Auchentoshan Estate serves Kilpatrick School, Auchentoshan Adult Training Centre and three detached dwelling houses.
- 3.4** The route of the new access road from Auchentoshan Adult Training Centre to North Lodge follows the existing line of the original road that served Auchentoshan House from North Lodge. By using the old road that lies beneath the existing pathway route there will be little disturbance to the existing woodland. The pathway will be upgraded by Mr Ramsay, at his expense, and will continue to be available for pedestrian use. Mr Ramsay shall plant suitable trees along the route of the access road to enhance the area.
- 3.5** Following the meetings with Planning and Roads officials of West Dunbartonshire Council, Mr Ramsay approached the Estates Section of Housing, Environmental and Economic Development to negotiate appropriate terms and conditions of a Servitude Right of Access through Auchentoshan Estate to the rear of North Lodge. The following terms and conditions have been provisionally agreed:-
- (a) West Dunbartonshire Council shall grant a servitude right of vehicular access from Mountblow Road, through Auchentoshan Estate to the rear of North Lodge, Great Western Road, Clydebank.
 - (b) The servitude right of vehicular access shall only be granted on condition that the commercial use of the outbuildings at North Lodge is relocated.
 - (c) The servitude right of vehicular access shall be in favour of North Lodge and a maximum of three other properties which may be built within the existing boundaries of North Lodge.
 - (d) The date of settlement shall be 30 January 2009.

- (e) The price paid for the servitude right of vehicular access shall be £5,000 (Five Thousand Pounds).
- (f) In exchange for the servitude right of vehicular access, over the existing roadway and ground from Mountblow Road to the rear of North Lodge, Mr Ramsay shall carry out the following works at his expense;
 - i) construct a new roadway from the side of Auchentoshan Adult Training Centre to the rear of North Lodge for vehicular and pedestrian access and thereafter upkeep, maintain and repair to the Council's satisfaction.
 - ii) remove existing gates and block off the existing access off A82 Great Western Road with sandstone boulders to match the existing wall.
- (g) The Council reserves the right to alter the route of the access in the event of development within Auchentoshan Estate.
- (h) Mr Ramsay and the owners of the other two houses which may be built within the boundaries of North Lodge shall pay a proportionate share of the cost of maintenance, upkeep, and repair of the access road from Mountblow Road to the side of the Adult Training Centre.
- li) Mr Ramsay shall pay the Estates Administration Fee of £500 +VAT irrespective of the outcome of these negotiations.
- (j) Mr Ramsay shall pay the Council's Legal fees, expenses, outlays and VAT in connection with this servitude right of vehicular access.

4. Personnel Issues

- 4.1 There are no personnel issues.

5. Financial Implications

- 5.1 West Dunbartonshire Council will receive a sum of £5,000 for the grant of the servitude right of vehicular access.

6. Risk Analysis

- 6.1 There is no risk associated with the grant of the servitude right of vehicular access.

7. Conclusions

- 7.1 West Dunbartonshire Council shall benefit from the removal of a vehicular access onto the A82 Great Western Road and the relocation of a commercial use into an industrial estate. West Dunbartonshire Council shall receive a capital sum of £5,000 for the servitude right of vehicular access.

8. Recommendations

- 8.1 The Committee is invited to grant a servitude right of vehicular access from Mountblow Road, through Auchentoshan Estate to the rear of North Lodge, Great Western Road, Clydebank.**
- 8.2 The Committee is also invited to authorise the Executive Director of Housing, Environmental and Economic Development to refer this matter to the Head of Legal, Administrative and Regulatory Services to conclude the provisionally agreed terms and conditions stated within clause 3.5 of this report subject to such legal conditions that are considered appropriate.**

Elaine Melrose

Executive Director of Housing, Environmental and Economic Development

Date: 11 November 2008

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Appendices: OS Plan showing Servitude Right of Access.

Background Papers: Estates Section File

Ward Affected: Ward 5