

ANGUS COUNCIL

ROADS COMMITTEE

27 NOVEMBER 1997

**NEW HOUSING DEVELOPMENT AT SERVICE ROAD, FORFAR**  
**ROAD CONSTRUCTION CONSENT CONDITIONS**

REPORT BY THE DIRECTOR OF ROADS

**ABSTRACT**

This report considers the request from adjacent residents for a boundary screen fence to be provided by Hillcrest Housing Association as part of their Conditions of Construction Consent for the widening of Service Road.

**1 RECOMMENDATION**

It is recommended the Committee agree:-

- (i) that the provision of a boundary screen fence by Hillcrest Housing Association is not included in the Conditions of Construction Consent and
- (ii) that the granting of the Consent is delegated to the Director of Roads.

**2 INTRODUCTION**

Previous References:-

Report No. 975/96 to the Roads Committee of 28 November 1996 which delegated the authority to grant Road Construction Consents to the Director of Roads provided no representations had been received.

Planning consent for the new housing development by Hillcrest Housing Association was granted in September 1994. The widening of Service Road up to the new housing

road was included in that consent, no fencing was shown and no objections to the widening were received.

On 3 October 1997 the application for Construction Consent for the widening of Service Road was intimated to the owners of land which would front, abut or be comprehended in the extension of the existing road and representations have been received from such landowners in accordance with Section 21 of the Roads (Scotland) Act 1984.

Standing Order 13 gives objectors to permissions a right to be heard although objections to Construction Consents by neighbouring landowners are very rare.

### 3 DETAILS

Representations have been made by the following land owners:-

Ms Lynn Wisely	45 Service Road
Mr Farquhar D MacRae	49 Service Road
Ms Ann Ogilvie	51 Service Road

The two main points of objection are 1) service connection valve covers are currently located in the carriageway since there is no footway and 2) the reduced privacy/security at the objectors' property ( a block of flats) as a result of the new footway being closer to the building than the existing carriageway.

With regard to the valve covers a Condition requiring their relocation in the footway will be included in the Construction Consent.

The provision of boundary fences are not normally included as a requirement of Construction Consents unless in the interests of pedestrian or vehicular safety. The rear of the new footway will be at the same level as the existing ground level so a safety fence will not be required. Screen fencing would be a planning matter and was not required in this case.

In addition there will be a requirement for visibility splays from the cul-de-sac to the west of the properties and the access to the east of the properties across the line of the rear of the footway which would preclude any obstruction greater than 1.0metres high, including a screen fence.

The similar property adjacent to the block of flats occupied by the objectors is the same distance from the existing footway and with the same open plan aspect as the proposed footway will be from the objectors' property. Provision and maintenance of a fence would have to be agreed with all the owners in the block and the adjacent block, depending on the extent of the fence. There is no boundary fence between the properties.

The ground owned by Milne and Watson (immediately to the east of the property) is at a lower level and the widened section of Service Road will be supported by a retaining wall with a pedestrian safety barrier atop.

#### 4 **FINANCIAL IMPLICATIONS**

There are no financial implications for the Council. If the provision of a fence was included in the Construction Consent Conditions the costs would have to be borne by Hillcrest Housing Association.

#### 5 **CONSULTATION**

The Chief Executive, the Director of Law and Administration, the Director of Finance and the Director of Planning have been consulted in the preparation of this Report.

#### 6 **CONCLUSION**

In view of the visibility requirements for traffic safety a fence high enough to provide a privacy screen cannot be considered an option.

NOTE

No background papers as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AWM/EDJ  
19 November 1997  
REPORTS/service.rd





Hillcrest Housing Association  
c/o Ove Arup & Partners Scotland  
14 Long Wynd  
Marketgait  
Dundee  
DD1 1QR

45 Service Road  
Forfar  
DD8 3ER

24 October 1997

Dear Sirs

Application for Construction Consent - Service Road, Forfar

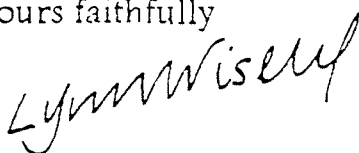
In reference to the above application of which I was notified via post dated 3 October 1997, I write to request clarification of the situation. I have visited the Roads Department at the County Buildings, Market Street, Forfar to inspect the plans and it appears that no provision has been made for demarcation of the boundary between the private property of the residents of Service Road and the pavement of the proposed route.

I have no objection to the plans other than it is imperative that part of your development appraisal must provide for either a wall or a fence, similar to that which currently bounds the east of the properties on Service Road, between the proposed pavement and the private properties. I trust this request will be acted upon as a basic means of security, privacy and public safety.

A copies of this letter have been sent to the Roads Department and the Director of Law.

I will be happy to discuss this matter further and look forward to your response.

Yours faithfully



LYNN WISELY

cc. Mr D. Munro, Roads Department.  
cc. Director of Law and Administration.

51 Service Road.  
FORFAR.

October 21st 1997.

The Director of Law & Administration  
Angus Council.  
New Road.  
FORFAR DD8 2 AF.

Dear Sir,

Proposed ~~NEW~~ <sup>TME</sup> Road at ~~SAWS~~ <sup>SAWS</sup> Service Road:  
~~lodged by Hillcrest Housing Association:~~

Reference to above intimation of application dated 3rd October 1997, I wish to make representation regarding this application.

I find that the edge of the footpath will finish approx. at the Eighteen inch boundary fence at the houses.

I am a widow occupying a Ground Floor Flat, and am concerned at the loss of privacy this will cause me. The close proximity will give Pedestrians an uninterrupted view into my flat. This is a busy road, used daily by the public, using the nearby Job Centre. Many of them are young unemployed and no respectors of others property. This proposal is giving me a great deal of anxiety.

I understand a wall or fence is to be erected on the adjoining ground and I would request that this be extended on the same lines as the houses.

There is also some doubt being cast re the siting of the individual Water Hydrants for the flats, and I intend to pursue these matters with my advisors in the near future.

I will be pleased to hear your further comments on the situation.

Yours faithfully,

*Ann Ogilvie*



*Roads*      *Angus Council*  
The Director of Law & Administration,  
Angus Council,  
New Road,  
FORFAR,      DD8 2AF

49 Service Road,  
FORFAR,  
DD8 3ER

17th October, 1997.

Dear Sir,

I refer to your letter of 3rd October 1997 regarding the intimation of application for construction consent for a new road at Service Road lodged by Hillcrest Housing Association.

After viewing the plans, I wish to make representation regarding the application as follows:-

- (a) When widening the road and providing pavements on either side they are taking away the spare ground between the houses and the present road which will deprive me of extra privacy and security which I presently enjoy.
- (b) According to the plans the edge of the footpath will march up to the eighteen inch boundary fence at the houses, completely doing away with the occupiers' privacy and security.
- (c) The Job Centre offices are at the east end of Service Road and many people use the road, some of whom are undesirables with problems.
- (d) Several of the proprietors of the ground flats fronting the proposed new road are single women and some are elderly and apprehensive by the closeness of the proposed new road.
- (e) I understand that a wall or fence is to be erected on the ground owned by Milne & Wilson. I therefore request that if this application is to be granted, a similar fence or wall be erected on the same line at the houses.
- (f) The individual water hydrants for the flats are at present about two feet into the road. When the new road is widened they will be in the middle of the road. This is totally unacceptable and dangerous. A Water Board Inspector told me that they should have been sited on the pavement.

I shall be pleased to hear from you as I intend to pursue this matter further.

Yours faithfully,

*Farquhar D MacRae*

Farquhar D. MacRae.

