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LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013

CERTIFICATE A, B, C, D OR CERTIFICATE E MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than myself was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application. ☐
- (2) None of the land to which the application relates constitutes or forms part of agricultural land. ☐

Signed:

On behalf of:

Date:

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are: ☒

Name	Address	Date of Service of Notice
MOIRA WILLIAMSON	44 MANSION HOUSE RD CAMERON FALKIRK FK1 4PS	26/08/17

- (2) None of the land to which the application relates constitutes or forms part of agricultural land ☒

or

- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐



24/08/17

PLANNING APPLICATION DETERMINED BY DIRECTOR OF DEVELOPMENT SERVICES UNDER DELEGATED POWERS – REPORT ON HANDLING

PROPOSAL : Erection of Fence (Retrospective)
LOCATION : 42 & 44 Mansionhouse Road, Falkirk, FK1 4PS,
APPLICANT : Mr Stephen Graham
APPN. NO. : P/17/0567/FUL
REGISTRATION DATE : 27 September 2017

1. SITE LOCATION / DESCRIPTION OF PROPOSAL

This retrospective application seeks permission for the erection of a timber boundary fence at a corner plot within an established residential area of Falkirk. The fencing varies from 4 feet (1.22m) in height along the frontage of the site with Mansionhouse Road and 6 feet (1.83m) in height along most of the boundary with Carmuir Avenue.

2. SITE HISTORY

None relevant to this application.

3. CONSULTATIONS

The following responses to consultation were received:

Roads Development Unit	Concerns raised in respect of the height of fencing within visibility splays and the subsequent negative impact on road safety.
Environmental Protection Unit	No response to consultation.

Where the local Community Council requested consultation, their comments appear above.

4. PUBLIC REPRESENTATION

During consideration of the application, no letters of objection or representation were received.

5. THE DEVELOPMENT PLAN

The Falkirk Local Development Plan was adopted on 16 July 2015. The proposed development was assessed against the following policy or policies:

D03 - Urban Design

HSG07 - Residential Extensions and Alterations

5A. MATERIAL CONSIDERATIONS

The following matters were considered to be material in the consideration of the application:

Consideration of the site in relation to coal mining legacy

6. PLANNING ASSESSMENT

The Development Plan

The Falkirk Local Development Plan (LDP) was adopted on 16 July 2015. It replaces the previous Structure Plan and Local Plan and includes a number of Supplementary Guidance documents which now have statutory status.

Local Plan Policies

The fencing is constructed along the boundary of the site with Mansionhouse Road and Carmuir Avenue and is constructed hard against the footpath. The type of fencing constructed is typical of a residential setting and does not appear out of character with the surrounding area. The Roads Development Unit has however confirmed that the fencing is located within the visibility splays required for the junction between Mansionhouse Road and Carmuir Avenue and also that the fencing interferes with visibility at the two driveway accesses at the property. The fencing is therefore not in the best interests of Road Safety and does not comply with the terms of the Falkirk Local Development Plan.

Consideration of the Site in relation to Coal Mining Legacy

The application site falls within or is partially within the Development High Risk Area as defined by the Coal Authority. It is recognised that flexibility and discretion are necessary parts of the planning system and as such there may be exemptions to the requirement for a desk based Coal Mining Risk Assessment within the Development High Risk Area.

Exemption can be on the grounds of the type of application or the nature of development. Only one of these needs to be met to exempt the need for a desk based Coal Mining Risk Assessment and also the consequential need for the Council to consult the Coal Authority. This proposal is considered to fall into one of these exempt groups, but ground conditions should still be considered as part of the Building Standards process, if relevant.

Where planning permission is to be granted, an appropriate informative note appears on the Decision Notice.

7. CONCLUSION

The proposal is an unacceptable form of development and fails to accord with the Development Plan. There are no material planning considerations that warrant a grant of planning permission in this instance.

8. RECOMMENDATION

Refuse Planning Permission

Refusal is recommended for the following reason(s):