

**KEY INFORMATION****Ward** North East**Proposal**

Change of use of ground to car parking area

**Address**

Land North of Forfar Road Service Station

**Applicant**PFS Sebastian Nonis  
c/o Forfar Road Service Station  
Forfar Road  
Dundee**Agent**RGS Architectural Design  
Consultants  
Burnbank Cottage  
Mayfield Road  
St Cyrus  
By Montrose  
DD10 0BT**Registered** 4 May 2007**Case Officer** Julie Young

## Proposed New Parking Area at Petrol Filling Station in Forfar Road

A change of use to car parking area is **RECOMMENDED FOR APPROVAL** subject to conditions.  
Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposal complies with the policies in the Dundee Local Plan Review 2005. The objections are not supported and there are no material considerations to justify refusal of the application. Accordingly the application is recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- Planning permission is sought for change of use from public open ground to car parking area for adjacent petrol filling station and shop.
- Planning permission was granted for an upper storey extension to the ancillary retail unit on 31 May 2006. The upper level will be used for storage and office use and conditions were attached to restrict the retail floorspace.
- One letter of objection was received with an attached petition with 182 signatures with the main objections relating to an increase in traffic, access problems and noise disturbance.
- The application was referred to Transport Scotland and BEAR Scotland, who have no adverse comments.
- The proposal is supported and there are no material considerations to justify refusal of the application.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for change of use from public open ground to car parking area for adjacent petrol filling station and associated shop. The total site area is 0.143 hectares. 33 car parking spaces and 2 disabled car parking spaces will be provided in total with various trees planted around the boundary of the site. Access to the parking area is from the existing petrol filling station.

## SITE DESCRIPTION

The application site is located on the west side of Forfar Road and east side of Hebrides Drive. The site is a grassy area, which is separated from Forfar Road by a grass verge and public footpath. A petrol filling station and associated shop are located to the south. There is a high mesh fence along the east boundary and high timber fence along the south boundary. There are flatted properties to the north and west. There are some footpaths to the north and west of the site.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

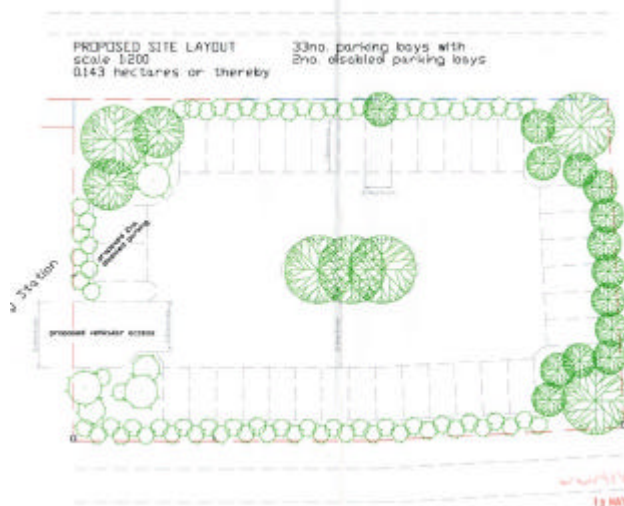
### Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 1: Vibrant and Sustainable Communities - The City Council will promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. New development should be in accordance with other policies in the Plan and seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

## Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy relevant to the determination of this application.



## Non Statutory Statements of Council Policy

There are no non statutory Council policies relevant to the determination of this application.

## SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.



## SITE HISTORY

Planning permission was granted on 31 May 2006 for an extension to the petrol filling station retail unit. The proposal consisted of an increased retail floorspace on the ground floor; and storage and office space on the

upper level. Conditions were attached to restrict the retail floorspace and goods that can be sold.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and one valid letter of objection with an attached petition with 182 signatures was received from a neighbouring business and residents on the grounds of:

- 1 Increase in traffic;
- 2 Access problems; and
- 3 Noise from cars parking at night time.

Copies of the objection letter and attached petition are available for inspection in the Members' Lounges and the issues raised are discussed in the "Observations" section below.

## CONSULTATIONS

No adverse comments were received from statutory consultees or other bodies. Transport Scotland have advised that conditions should be attached regarding boundary treatments/screening and the installation of a safety fence along the trunk road boundary. If Members are minded to grant approval of the application, these conditions will be applied.

## OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider:

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by other material considerations.

## The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above.

Policy 1 of the Dundee Local Plan Review 2005 seeks to minimise any

affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell. The main issues to be considered with the proposal are the potential impact on traffic movement. The site will be accessed from within the grounds of the existing petrol filling station business to the south and a new access will not be formed from Forfar Road. It is considered that this will not have an adverse impact on traffic movement. The provision of these additional car parking spaces will ensure that the petrol filling station forecourt is freed up from traffic. It is not considered that there will be any layout, noise or smell issues with the proposal.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

## Other Material Considerations

The other material considerations to be taken into account are as follows:

## Objections

### 1 Increase in Traffic

The existing entrance and exit facilities from the petrol filling station will be used by cars using the proposed car park area. The purpose of the car park is to provide an area for customers to park their cars, whilst using the facilities associated with the petrol filling station. No new services or facilities, which would attract an increase in customers, are being provided as part of the proposal. It is not considered that there will be such an increase in traffic levels to merit refusal of the application.

### 2 Access Problems

As discussed above, traffic will continue to use the existing entrance and exit facilities of the petrol filling station. The proposed car park will be accessed from within the confines of the petrol filling station. Transport Scotland and BEAR Scotland have been consulted and have not objected to the proposal. They have advised that conditions are attached regarding boundary treatment and screening, if planning permission is granted. It is considered that

there will be no access problems with the proposal.

### 3 Noise From Cars Parking At Night Time

It is considered that any residential properties are located sufficient distance from the application site to not be disturbed by noise from cars parking at night time.

The objections are not considered to carry sufficient weight to merit refusal of the application.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the refusal of planning permission. It is therefore recommended that planning permission be granted with conditions.

## Design

The proposal raises no design issues.

## CONCLUSION

The proposal is considered acceptable and complies with Policy 1 of the Dundee Local Plan Review 2005. Traffic movement, access and residential amenity will not be adversely affected by the proposal and the objections are not supported. There are no material considerations that would justify refusal of the application.

## RECOMMENDATION

### Recommendation 1

In terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997, if Members are minded to approve the planning application it will be necessary to refer it to the Scottish Ministers due to the fact that the Council has landownership interests in the site and the substantial body of objections received to the application.

### Recommendation 2

It is recommended that consent be GRANTED subject to the following conditions:

- 1 The development hereby permitted shall be commenced within five years from the date of this permission

- 2 Full details of the method of surfacing for the proposed car park shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details
- 3 Details of the proposed boundary treatment, including screening along the trunk road boundary and landscaping within the site shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details
- 4 The proposed car park shall only be used by customers using the adjacent petrol filling station and other facilities and in accordance with details as outlined in a letter from the applicant dated 11th June 2007.
- 5 An unclimbable safety fence of a type approved by the Planning Authority, after consultation with the Roads Authority shall be provided and maintained by the developer or subsequent owner of the land, along the boundary of the site with the trunk road.

## Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 3 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area and to minimise the risk of pedestrians gaining uncontrolled access to the trunk road.
- 4 To ensure the proposed car park is only used in the manner as stated by the applicant in his letter of 11th June 2007 and will not cause traffic or access problems on the Forfar Road.

- 5 To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.