

PLANNING APPLICATION REF. 18/00270/FULL

**DESCRIPTION OF DEVELOPMENT:
ERECTION OF A PETROL FILLING STATION INCLUDING ANCILLARY PFS
RETAIL UNIT AND CAFE/RESTAURANT WITH ANCILLARY DRIVE THRU
AND FORMATION OF ACCESS, CAR/HGV PARKING, LANDSCAPING
AND ASSOCIATED WORKS**

AT

**LAND OPPOSITE ANGUS HOUSE SILVIE WAY ORCHARDBANK
BUSINESS PARK FORFAR**

REPRESENTATIONS

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Submitted via email to planning@angus.gov.uk

Our Ref: DM/2018/05/0134

Date: 16/05/2018

Dear Mr Kelly,

Letter of Representation to Planning Application Ref: 18/00270/FULL at Land opposite Angus House, Sylvie Way, Orchardbank Business Park, Forfar

I write on behalf of our client Ms Melville-Evans in relation to the above planning application for the erection of a Petrol Filling Station including ancillary PFS retail unit, and café/restaurant with ancillary drive-thru and formation of access, car/HGV parking, landscaping, and associated works.

Ms Melville-Evans is the owner of the Stracathro Service Area, which is located approximately 13.5 miles to the northeast of the application site. Our client strongly **objects** to the planning application on the grounds that the Petrol Filling Station element of the proposal is not in accordance with the land use requirements set out in local planning policy; and also raises concerns in relation to accessibility and road safety. Furthermore, the development of a petrol filling station at this location will result in an over-supply that would be detrimental to existing local services.

Land Use

The **Angus Local Development Plan (LDP)** was adopted in September 2016, and the application site is located within the Forfar settlement boundary under the allocation **F9 Working – Orchardbank**. This allocation denotes an "Existing Employment Site" which extends to 29.6ha, comprising the Orchardbank Industrial Estate and Angus House, the head offices of Angus Council. The location also features some existing Class 3 and drive-thru uses adjacent to the A90/A94 junction to the west of the application site.

The F9 allocation description within the LDP states that:

"29.6 ha of land to the west of Orchardbank adjacent the A90(T) is reserved for a 'Gateway' development comprising Class 4 (business), Class 5 (general industry), Class 6 (storage and distribution) and Roadside facilities in accordance with Policy TC10 – Roadside Facilities.

Development should be in accordance with the approved Development Brief for the site updated as appropriate to reflect policies in this Local Development Plan."

It is accepted that the allocation allows for the development of "roadside facilities" in this location, however it is also a requirement that proposals accord with the **Orchardbank Development Brief**. The development brief sets out guidelines for development proposals at the location and



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specifically refers to the southern boundary of the application site (along Glamis Road) as a Prime Frontage Site. The guidance for these sites is set out as follows:

“Highly visible, gateway sites alongside the A90(T) and Glamis Road, including prime sites adjacent to the main entrance to the Business Park. This zone is suitable for Class 4 business uses requiring a high amenity location and uses which fall within Use Classes 5 and 6 where the overall high-quality character and appearance of the site is not compromised. In line with Local Plan policy there may be scope for travel lodge type accommodation within this area. These sites will be expected to return a very high standard of building design in a quality setting. The close proximity of residential property at the south eastern corner, will require sensitive consideration in order not to introduce conflict.”

The planning application proposes to locate a petrol filling station, with HGV parking, on the southern part of the site, on the Prime Frontage onto Glamis Road. This is not in line with the acceptable uses outlined above in the development brief, and it is not considered that such a development would represent the high standard of design quality, character and visual appearance required.

The application is not in accordance with the development brief, and is therefore contrary to the terms of the policy allocation F9 in the LDP.

Accessibility and Road Safety

The requirement for all new development to be safely accessible by a range of transport modes is enshrined in both National and Local planning policy.

Scottish Planning Policy (SPP) Paragraph 270 states that development proposals should *“provide safe and convenient opportunities for walking and cycling for both active travel and recreation, and facilitate travel by public transport”*, among other priorities.

Additionally, *“all new development should follow the placemaking approach ... to ensure the creation of places which are distinctive, welcoming, adaptable, resource efficient, safe and pleasant and easy to move around”*, according to **Paragraph 280**, in order to provide safe opportunities for walking and cycling and achieve the objectives of Paragraph 270.

The Angus LDP contains **Policy DS2 Accessible Development**, which states that *“development proposals will require to demonstrate, according to scale, type and location, that they (inter alia):*

- *allow easy access for people with restricted mobility;*
- *provide and/or enhance safe and pleasant paths for walking and cycling which are suitable for use by all, and link existing and proposed path networks; and*
- *are located where there is adequate local road network capacity or where capacity can be made available”*

It is accepted that by its nature, this proposal would attract and be primarily aimed at vehicular traffic using the A90. However, the proposed restaurant and retail unit would inevitably also be used by employees and visitors from the adjacent offices, businesses and industrial estate.

The development proposals offer no access or opportunities for cycling, although this is also reflected throughout the surrounding road network.



In terms of pedestrian access, the proposed plans indicate that pedestrians would use the vehicular access point at the north, and if approaching from the east of Sylvie Way would require to cross the junction. When moving through the site, pedestrians would be confined to small pavement areas primarily only to one side of the road. Given the intended use of the site by HGVs, and the traffic levels estimated in the submitted Transport Statement of up to 120 vehicle trips (excluding existing diverted trips) during peak hours; it is not considered that these proposals provide safe, convenient and pleasant movement for pedestrians as required by SPP and LDP Policy DS2 above.

HGVs accessing the site via Sylvie Way would also present traffic and road safety issues. This route is already used by vehicles accessing the Angus Council offices to the north and overspill vehicles from the car park also park along the northern side of Sylvie Way, reducing the stretch of road approaching the proposed access point to a single lane. The introduction of frequent HGV movements to this location would lead to significant traffic issues, which the applicant's Transport Statement does not acknowledge or seek to address. It is therefore not clear that the surrounding road network would be able to accommodate the proposed development.

Over-supply of Petrol Filling Stations

It is considered that the offer of a petrol filling station in this location contributes to an existing over-supply of similar businesses in the area. Within Forfar itself there are three businesses of this type; the Gulf service station on Academy Street, the Shell service station on the A926, and the Asda filling station. Additionally, there are a number of other existing petrol filling stations within a 15-mile radius of the proposal site, including the Transis at Stracathro Services, Esso in Brechin, and BP in Kirriemuir, all of which are within minutes of, or in the case of Stracathro immediately adjacent to, the A90. A further services area proposal on the A90 at Mains of Luther, near Luthermuir, approximately 15 miles from the site, has also been granted consent by Aberdeenshire Council as of 15th May.

A petrol filling station at the proposal site would therefore be an eighth petrol filling station within a 15-mile radius, and the fourth in Forfar, which all cater for the limited passing trade on the A90.

Whilst it is accepted that competition is not a valid material planning objection, economic benefit and viability is a key principle of SPP when considering new development proposals. It is considered that there is no locational justification for a petrol filling station at the site which would further dilute the local market for these facilities.

For the reasons detailed above, it is considered that the proposed development is contrary to the aims, requirements and principles of SPP and the Angus Local Development Plan. Our client strongly objects to the proposals on these grounds, and requests that planning permission is refused.

Yours sincerely,



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