



Our Ref : TMCI/JL/1437

31 August 2016

Mr John Morris
Development Management Unit
Falkirk Council Development Services
Abbotsford House
David's Loan
Falkirk
FK2 7YZ

Dear Mr Morris,

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
LOCAL REVIEW : APPLICATION P/16/0313/FUL
SITING OF CATERING OUTLET AND ERECTION OF FENCE (RETROSPECTIVE)
KELPIES HUB, THE HELIX, FALKIRK**

I refer to your letter dated 17th August relative to the above application for review and offering the opportunity to comment on representations made by Scottish Canals and Mr A. Scott.

In the first instance our client is concerned with regard to comments submitted by Scottish Canals where it is stated ***"Further with two catering outlets already included in existing Hub buildings referred to above, the need for another in this location has been correctly questioned by the Council Planning Officers as is required by Policy TC04, referred to in the reasons for refusal"***. As stated previously, the applicant simply responded to an invitation to tender for a business opportunity advertised on a Scottish Government website at the request of the Falkirk Community Trust. In this context there was no issue of need arising since the agency responsible for the operation of the site at Helix Park invited the operation. As such there is no justification for need as a basis for the refusal of planning consent.

The remaining comments of Scottish Canals relate primarily to location and design but, as stated previously, all such aspects of the proposal were subject to detailed discussions and consideration by the Falkirk Trust prior to the placement of the unit on the site at the Helix. In all respects the location was agreed by the site operator.

It is accepted that the contract required planning permission, however, the Falkirk Community Trust were fully aware of the nature and location of the proposed food unit and allowed the applicant to operate from the site and provided clearance that landowner

P L A N N I N G & D E V E L O P M E N T C O N S U L T A N T S

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Directors: Tom McInally Dip.T.P. MRTPI HonFRIAS (Managing Director), Mrs R. McInally (Company Secretary), Scott Graham B.A. (Hons) MRTPI (Associate Director)

31 August 2016

Falkirk Council

consent was not required (as confirmed by e-mail from Mr Craig Isdale of the Asset Management Unit).

In this context it is of extreme importance that the applicant acted in good faith throughout negotiations with the Trust and acceded to the preferences of the Falkirk Community Trust at considerable expense, prior to locating this particular catering unit on this site.


As can be seen from the attached correspondence, consideration was given to these matters by representatives of various sections within Falkirk Council and Falkirk Community Trust.

Had the appellant been made aware of concerns arising from the design or indeed the location, all elements of which had been submitted to the Trust, those matters would have been addressed and the design and location amended accordingly.

As far as the representation made by Mr Scott is concerned I can make no comment on the statements on copyright legislation and maintain the position that the applicant has acted in good faith based on the advice and guidance offered by officers at Falkirk Community Trust and Falkirk Council.

In these circumstances it is respectfully requested that the Review considers the financial commitment made by the applicant to the catering unit required by the Falkirk community Trust and grants planning permission. If however the Review Board has concerns re design or location the applicant is willing to accept a condition that unit be relocated to the satisfaction of the head of planning.

Yours faithfully



TOM MCINALLY Dip; MRTPI; Hon FRIAS
MCINALLY ASSOCIATES LTD

tommcinally@mcinally-associates.co.uk

Artisan location on Kelpies site-plan.txt

From: [REDACTED]
Sent: 18 March 2016 10:25
To: Stephen.Fulton@falkirkcommunitytrust.org
Cc: [REDACTED]
[REDACTED]

Subject: Artisan location on Kelpies site-plan

Attachments: image001.jpg; image002.jpg;
image003.jpg; Kelpies site plan
- Artisan outlet with dimensions.pdf; Kelpies park
- site plan - artisan
outline.pdf; _Certification_.htm

Stephen,

This is a plan of the Artisan outlet to scale,
using your existing plotted map.

If this can go for approval by land owners. I
presume we will need a signed letter of consent
from them first?

And then we can apply for 'planning permission'.

Will we use the "eplanning.scot" web site? Or is
there a 'fast track' way we can use?

Just mindful of how long applications may take on
the eplanning portal system.

Regards,

Artisan location on Kelpies site-plan.txt

Stuart Heywood

Operations Manager

T: 0

M: 0

E: s

Description: Supreme Logo Black

www.thesupremegroup.com
<http://www.thesupremegroup.com>

Description: red tractor small
seafood small

Description:

FW Landowners permission.txt

From: Fulton, Stephen
[Stephen.Fulton@falkirkcommunitytrust.org]
Sent: 10 May 2016 16:46
To: Yasmin Kayes
Subject: FW: Landowners permission

Hi Yasmin

Can you please pass this along to Stuart, I don't have his email address

Thanks

Stephen

Please note my landline number has now changed

Stephen Fulton | Catering & Retail Co-ordinator
Falkirk Community Trust

T: 01324 590978 | M: 07921942217

From: isdale, craig
Sent: 10 May 2016 16:04
To: Fulton, Stephen
Cc: Smith, John
Subject: FW: Landowners permission

Stephen

In respect of the lease from FC to FCT no landlord's consent is required for this type of development as long as the use falls within that specified and the sub lease is no longer than 3 years, assuming no significant structural changes – so all ok from that point of view I assume.

Regarding the planning applications for the catering operators FCT are required to ensure all appropriate consents are in place. Presumably you have required the operators to do this. Owner's consent is not required prior to a planning application being made but all legally interested parties including the owners should be notified.

I trust this helps.

Craig Isdale

Interim Manager

Asset Management Unit

Falkirk Council

Abbotsford House

Tel: 01324 504811 (ext 4811)

FW Landowners permission.txt

From: Fulton, Stephen
Sent: 09 May 2016 16:03
To: Broadley, Richard
Subject: Landowners permission

Hi Richard

Following a conversation with Alistair Shaw I believe that you would be the correct person to deal with the following.

We have appointed 2 external catering operators to work on the Helix Park for the next 3 years, as part of this contract each operator is required to apply for planning permission. As part of this process they are required to complete the land owners certificate which requires the consent of the land owner before applying for the planning permission, as the land is owned by Falkirk Council they would require this permission from yourself.

Can I pass your contact details on to them and ask them to send details of their application to you to allow you to provide this permission?

Regards

Stephen

FW Landowners permission.txt

Please note my landline number has now changed

Stephen Fulton | Catering & Retail Co-ordinator
Falkirk Community Trust

T: 01324 590978 | M: 07921942217

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RE Water point - behind Kelpies cafe.txt
From: Hunter, Alan
[Alan.Hunter@falkirkcommunitytrust.org]
Sent: 29 April 2016 08:29
To: Stuart Heywood
Cc: Fulton, Stephen
Subject: RE: Water point - behind Kelpies cafe

Attachments: image001.jpg; image002.jpg;
image003.jpg

Stuart

FYI – the tap has been installed outside the VC plant room for your use. Can I ask that the handle is never left on the tap, so unauthorised use is less likely to happen. A tap handle and the hose is in the VC office ready for you to pick up. If these items are lost/damaged then Supreme will need to replace. To save damage to the tap please ensure bucket handles are not hung on it but kept on the ground.

On a couple of other points:

- . Do not move the litter bins to gain access to the Kelpies plaza. Any access to the Plaza by vehicle must be controlled via FCT. These bins will be bolted down in the near future.

- . Please instruct your teams to walk on the hard standing rather than cut over the fern bed behind your unit at the Kelpies. We're in the process of trying to get these plants to grow.

RE Water point - behind Kelpies cafe.txt

Thanks, Alan

From: Hunter, Alan
Sent: 26 April 2016 13:29
To: 'Stuart Heywood'
Cc: Fulton, Stephen
Subject: RE: Water point - behind Kelpies cafe

Stuart

Materials are now on site and just awaiting the installation which should be done by the end of this week.

It's not a problem for my teams to be beside you as you fill the barrels, as they know it's only short term.

Alan

From: Stuart Heywood
[REDACTED]
Sent: 26 April 2016 09:54
To: Hunter, Alan

RE Water point - behind Kelpies cafe.txt
Cc: Fulton, Stephen
Subject: Water point - behind Kelpies cafe

Alan,

Hope you are well?

I am just chasing up the install of an external water point (tap) at the café by the Kelpies.

A tap at the rear fire door.

I was over there yesterday and it hasn't been installed as yet.

This is for convenience from ourselves and the café staff.

We can only fill our water containers during quiet times (usually first thing in the morning).

As a member of the Café staff have to stand beside the open fire door at the rear-side of the building, whilst we fill these.

If you can come back to me and let me know when this is scheduled in for?

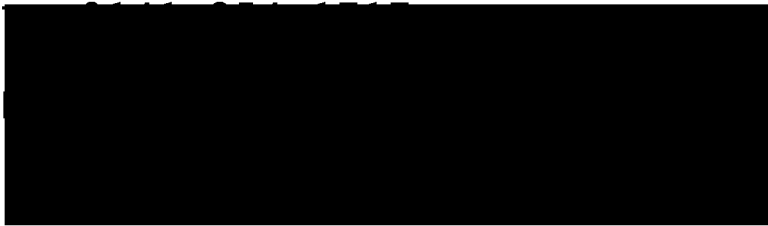
RE Water point - behind Kelpies cafe.txt

Many thanks.

Regards,

Stuart Heywood

Operations Manager



Description: Supreme Logo Black

105 Clydeholm Road, Whiteinch, Glasgow, G14 0QQ

www.thesupremegroup.com

Description: red tractor small
seafood small

Description:

RE Water point - behind Kelpies cafe.txt

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