

FALKIRK COUNCIL

Subject: SITING OF MOBILE SNACK VAN AT UNIT 2B, ALEXANDER HOUSE,
STEWART ROAD, FALKIRK, FK2 7AS FOR MISS NORICE BAIN -
P/08/0766/FUL
Meeting: PLANNING COMMITTEE
Date: 25 February 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Provost Pat Reid
Councillor Cecil Meiklejohn
Councillor Craig Martin
Councillor David Alexander

Community Council: Grahamston, Westfield and Middlefield

Case Officer: David Paterson (Planning Officer), ext 4757

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Regulatory Committee on 28 January 2009 (copy of previous report appended) when it was agreed to continue the application and to undertake a site visit. This visit took place on 10 February 2009.
2. The following issues were highlighted:
 - The compact nature of the service yard which constitutes the application site.
 - Parking at Stewart Road whereby vehicles park either side of the road effectively reducing Stewart Road to single lane traffic.
 - The close proximity of the application site to the vehicular entrance to the nursery school and education/library services at Victoria Buildings.
3. The restricted width of the site was noted by Members. The applicant advised that loading/offloading of vehicles in connection with the existing glazing business takes place from Stewart Road rather than from within the site.

4. In addition to road safety grounds it is recommended that planning permission be refused on grounds that it has not been demonstrated that there is a need for the proposed development which cannot be met by existing permanent facilities. In response to this issue the applicant detailed steps taken prior to the submission of the application to ascertain whether local businesses and residents are likely to utilise the proposed development. The applicant advised that the response was positive. The owner of the application site has no objection to the proposed development.
5. In conclusion, it is considered that the proposed development is detrimental to the best interests of road safety and it has not been demonstrated that there is a need for the proposed development which cannot be met by existing permanent facilities in the area.
6. Should Members be minded to grant planning permission, the proposal is not considered to represent a significant departure to the Development Plan as the size of the proposal and nature of the operation is of a small scale, and therefore would not require to be referred to Scottish Ministers.
7. **It is recommended that planning permission be refused for the following reasons:-**
 - (1) **The proposal is contrary to Policy FAL 7.8 of the Falkirk Local Plan "Food and Drink Outlets" and Policy EP10 of the emerging Falkirk Council Local Plan Finalised Draft (Deposit Version) "Mobile Snack Bar Outlets" as the operational location of the proposal on the site is contrary to the best interest of road safety as it will obstruct the flow of vehicular movements to and from the site and on Stewart Road.**
 - (2) **It has not been demonstrated that there is a need for the proposed development which cannot be met by existing permanent facilities in the area. The proposed development does not therefore accord with Policy EP10 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) "Mobile Snack Bar Outlets".**

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For Director of Development Services

Date: 18 February 2009

Contact Officer : David Paterson (Planning Officer) Ext. 4757

LIST OF BACKGROUND PAPERS

1. Falkirk Local Plan
2. Falkirk Council Local Plan Finalised Draft (Deposit Version)

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson (Planning Officer).

FALKIRK COUNCIL

Subject: SITING OF MOBILE SNACK VAN AT UNIT 2B, ALEXANDER HOUSE,
STEWART ROAD, FALKIRK, FK2 7AS FOR MISS NORICE BAIN -
P/08/0766/FUL
Meeting: REGULATORY COMMITTEE
Date: 28 January 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Provost Pat Reid
Councillor Cecil Meiklejohn
Councillor Craig Martin
Councillor David Alexander

Community Council: Grahamston, Westfield and Middlefield

Case Officer: David Paterson (Planning Officer), ext 4757

1. DESCRIPTION OF PROPOSAL/SITE LOCATION

- 1.1 The application site comprises part of the service yard and parking area of a glazing business at the west side of Stewart Road, Falkirk.
- 1.2 It is proposed to locate a mobile snack van at the application site.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called-in to the Regulatory Committee for determination at the request of Provost Reid.

3. SITE HISTORY

- 3.1 There is no planning site history.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has advised that the proposed mobile snack van would partially block the access to the loading bay of the commercial premises in which the snack van is to be located. Heavy goods vehicles and vans servicing the premises would not readily be able to reverse in off Stewart Road. As a consequence, vehicles may tend to park on Stewart Road, thereby causing an obstruction which would be detrimental to the safety of road users. It is noted that Stewart Road is already a busy road with residents of the nearby tenements, local businesses and a nearby education establishment parking vehicles along both sides of the street which restricts vehicle flows.
- 4.2 The Environmental Protection Unit has raised no objections.

5. COMMUNITY COUNCIL

- 5.1 Grahamston, Westfield and Middlefield Community Council has made no representation.

6. PUBLIC REPRESENTATION

- 6.1 No representations have been received, following neighbour notification procedures being undertaken and advertising of the application in the Falkirk Herald.

7. DETAILED APPRAISAL

When determining planning applications, the status of the development plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.

Accordingly,

7a The Development Plan

Falkirk Local Plan

- 7a.1 Policy FAL 7.8 ‘Food and Drink Outlets’ states:

“Proposals for food and drink outlets (Class 3 as defined by the Town and Country Planning (Use Classes)(Scotland) Order 1997), public houses and hot food takeaways will only be permitted where:

- (i) there will be no adverse impact on the amenity of adjacent residential properties, or the surrounding area generally, by virtue of noise, disturbance, litter or odours;*
- (ii) the proposal meets the terms of Policy FAL 7.9 on protected shopping frontages; and*
- (iii) the proposal is satisfactory in terms of parking, access and traffic generation.”*

7a.2 It is noted that the Roads and Development Unit has advised that the proposed development is detrimental to the safety of road users. The reasons for the Roads Development comments are detailed in paragraph 4.1 above.

7a.3 Therefore proposal does not accord with Policy FAL 7.8.

7a.4 Accordingly, the proposed development does not accord with the Development Plan.

7b Material Considerations

7b.1 The material considerations are the Falkirk Council Local Plan Finalised Draft (Deposit Version) and the consultation response from the Roads Development Unit.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 Policy EP10 - 'Mobile Snack Bar Outlets' states:

"Proposals for mobile snack bar vans will not be permitted as permanent uses. Temporary consent may be granted within the Urban or Village Limits where:

- (1) A specific need is demonstrated, which cannot be met by existing permanent facilities;*
- (2) There is no adverse affect on local amenity or the visual quality of the area, particularly as viewed from major transport routes; and*
- (3) Parking and access requirements are satisfied."*

7b.3 It has not been demonstrated that there is a specific need which cannot be met by existing permanent facilities in the area. It is considered that the proposal would not have an adverse visual impact upon the amenity of the area.

7b.4 It is noted that the Roads Development Unit has advised that the proposed development would be detrimental to the safety of road users. Parking and access provision is not adequate. The applicant has also not provided any evidence to demonstrate that this particular proposal is required in this location and the need cannot be met by existing permanent facilities.

7b.5 Accordingly the proposal does not accord with Policy EP10 and the proposed development does not accord with the Falkirk Council Local Plan Finalised Draft (Deposit Version).

Consultation Response From the Roads Development Unit

7b.6 It is noted that for the reasons given in paragraph 4.1 of this report, the Roads Development Unit has advised that the proposed development is detrimental to the safety of road users.

7c Conclusion

7c.1 The proposed development does not accord with the Development Plan.

7c.2 The proposed development also does not accord with the emerging Falkirk Council Local Plan Finalised Draft (Deposit Version).

7c.3 It has not been demonstrated that there is a need for the proposed development which cannot be met by existing permanent facilities in the area.

- 7c.4 The Roads Development Unit has advised the proposed development is detrimental to the safety of road users.
- 7c.5 There are no material considerations which would justify a departure from the Development Plan.

8. RECOMMENDATION

8.1 It is recommended that detailed planning permission be refused for the following reasons:-

- (1) The proposal is contrary to Policy FAL 7.8 of the Falkirk Local Plan "Food and Drink Outlets" and Policy EP10 of the emerging Falkirk Council Local Plan Finalised Draft (Deposit Version) "Mobile Snack Bar Outlets" as the operational location of the proposal on the site is contrary to the best interest of road safety as it will obstruct the flow of vehicular movements to and from the site and on Stewart Road.**
- (2) It has not been demonstrated that there is a need for the proposed development which cannot be met by existing permanent facilities in the area. The proposed development does not therefore accord with Policy EP10 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) "Mobile Snack Bar Outlets".**



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For Director of Development Services

Date: 20 January 2009

Contact Officer : David Paterson (Planning Officer) Ext. 4757

LIST OF BACKGROUND PAPERS

1. Falkirk Local Plan
2. Falkirk Council Local Plan Finalised Draft (Deposit Version)

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson (Planning Officer).