

FALKIRK COUNCIL

Subject: SITING OF SNACK VAN AT MEEKS ROAD CAR PARK, MEEKS ROAD, FALKIRK, FOR HAZEL NIBBLO – P/10/0665/FUL
Meeting: PLANNING COMMITTEE
Date: 23 February 2011
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk North
Provost Pat Reid
Councillor David Alexander
Councillor Craig R. Martin
Councillor Cecil Meiklejohn

Community Council: Grahamston, Middlefield and Westfield

Case Officer: Gavin Clark (Assistant Planning Officer) Ext. 4704

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this planning application was originally considered at the Planning Committee on 26 January 2011 (copy of previous report appended), when it was agreed to continue the planning application for a site visit. This visit took place on 7 February 2011.
2. At the visit, the Committee viewed the site and the location of the proposed snack van which would result in the use of up to three existing parking spaces.
3. The applicant was heard in support of the proposal.
4. Members sought clarification in relation to the orientation of the proposed snack van, potential loss of revenue for car parking, the proposed opening hours, concerns in relation to litter and security of the snack van outwith opening hours.
5. A representative of the Community Council was also heard. Issues in relation to opening hours, litter and loss of parking were highlighted. A letter of representation was subsequently received from the Community Council on 15 February 2011 requesting a condition in relation to opening hours.
6. Objectors were also heard, raising concerns, including potential litter and odour problems, and the existing (limited) facilities available within the station. The proximity of Tesco and Morrisons' supermarkets and an existing catering establishment in Melville Street were also highlighted. The objectors also considered that there would be an adverse impact on the local community.

7. Local Members, Councillors Alexander and Meiklejohn, were heard in relation to the proposals.
8. It was advised that competition amongst similar uses operating within the area is not a material planning consideration nor is the issue of anti-social behaviour. It is considered that the proposed snack van is located far enough away as not to cause any adverse effect on amenity for residents in the vicinity. Regarding the hours of operation the applicant confirmed that the proposed hours are 7am to 2pm and it is considered that this would not affect the amenity of neighbours. It is not considered necessary to impose a restriction on opening hours given the location of the snack van in the car park as it will be sited far enough away from residential properties not to affect amenity of neighbours. This is considered to be the case even if the hours of operation were extended, although the applicant has confirmed no intention to operate later than 2pm. Regarding the security of the snack van when it will be parked overnight insitu, this is being investigated and an update will be provided at Committee.
9. No matters were raised which would amend the original recommendation to grant temporary planning permission.

10. RECOMMENDATION

10.1 It is therefore recommended that Committee grant planning permission subject to the following condition(s):

- (1) This permission shall be valid for a limited period until 31st December 2013 and, at that time, unless further permission is granted, the site shall be vacated, cleared and left in a neat and tidy condition.**

Reason(s):

- (1) The proposal is not considered to be a suitable form of permanent development.**

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02 and 03.**

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Director of Development Services

Date: 15 February 2011

LIST OF BACKGROUND PAPERS

1. Structure Plan
2. Falkirk Council Local Plan.
3. Letter of Objection from Mrs J Forsyth, 6/6 Leishman Tower, Falkirk, FK1 1TP.
4. Letter of Objection from Mrs K Rutherford, 16 Meeks Road, Falkirk, FK2 7ES.
5. Letter of Objection from Mrs J Paterson, 28 Meeks Road, Falkirk, FK2 7ET.
6. Letter from Grahamston, Middlefield and Westfield Community Council

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504704 and ask for Gavin Clark, Assistant Planning Officer.

FALKIRK COUNCIL

Subject: SITING OF SNACK VAN AT MEEKS ROAD CAR PARK, MEEKS ROAD, FALKIRK, FOR HAZEL NIBBLO – P/10/0665/FUL
Meeting: PLANNING COMMITTEE
Date: 26 January 2011
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk North
Provost Pat Reid
Councillor David Alexander
Councillor Craig R. Martin
Councillor Cecil Meiklejohn

Community Council: Grahamston, Middlefield and Westfield

Case Officer: Gavin Clark (Assistant Planning Officer) Ext. 4704

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site is located in the south-east corner of Meeks Road Car Park, adjacent to Falkirk Grahamston railway station.
- 1.2 It is proposed to locate a snack van on site. The applicant has indicated that the proposed operating times would be Monday-Friday 07.30 – 14.00 and Saturday and Sunday 09.00 – 14.00.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application relates to land in the ownership of the Council and, under the Council's amended Scheme of Delegation, such applications require to be consideration by the Planning Committee.

3. SITE HISTORY

- 3.1 There is no relevant site history.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has raised no objections.
- 4.2 The Environmental Protection Unit has raised no objections.

5. COMMUNITY COUNCIL

5.1 Grahamston, Middlefield and Westfield Community Council have made no comment.

6. PUBLIC REPRESENTATION

6.1 During the consideration of the application, three letters of objection were received. The grounds of objection relate to the proximity of existing businesses, litter and traffic problems associated with the intended use.

7. DETAILED APPRAISAL

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

7a.1 The proposed development is not of a strategic nature. The policies of the Falkirk Council Structure Plan do not therefore apply.

Falkirk Council Local Plan

7a.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."*

7a.3 Given the site's location, existing permanent facilities are not within easy reach of the proposed snack van which would presumably meet the needs of rail travellers.

7a.4 It is not considered that the proposal will have an adverse affect on local amenity, or the visual quality of the area, and parking and access requirements have been satisfied.

7a.5 The proposal is considered to accord with Policy EP10 of the Falkirk Council Local Plan.

7a.6 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

Representations Received

- 7b.1 The proximity of businesses in the area is not a material planning consideration
- 7b.2 The Environmental Health Unit have no objections to the proposal, however, if complaints were to be received regarding noise, odour and litter nuisances the Environmental Protection Unit would be obliged to investigate and take action as necessary.
- 7b.3 The Roads Development Unit have no objections to the proposal, and have raised no concerns in terms of traffic generation.

7c Conclusion

- 7c.1 The proposed development is considered to accord with the Development Plan for reasons detailed in this report. The points raised through representation are addressed in this report. There are no material planning considerations which would justify refusal of planning permission.

8. RECOMMENDATION

- 8.1 It is therefore recommended that Committee grant planning permission subject to the following condition:
 - (1) This permission shall be valid for a limited period until 31st December 2013 and, at that time, unless further permission is granted, the site shall be vacated, cleared and left in a neat and tidy condition.

Reason:

- (1) The proposal is not considered to be a suitable form of permanent development.

Informative:

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02 and 03.

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Director of Development Services

Date: 18 January 2011

LIST OF BACKGROUND PAPERS

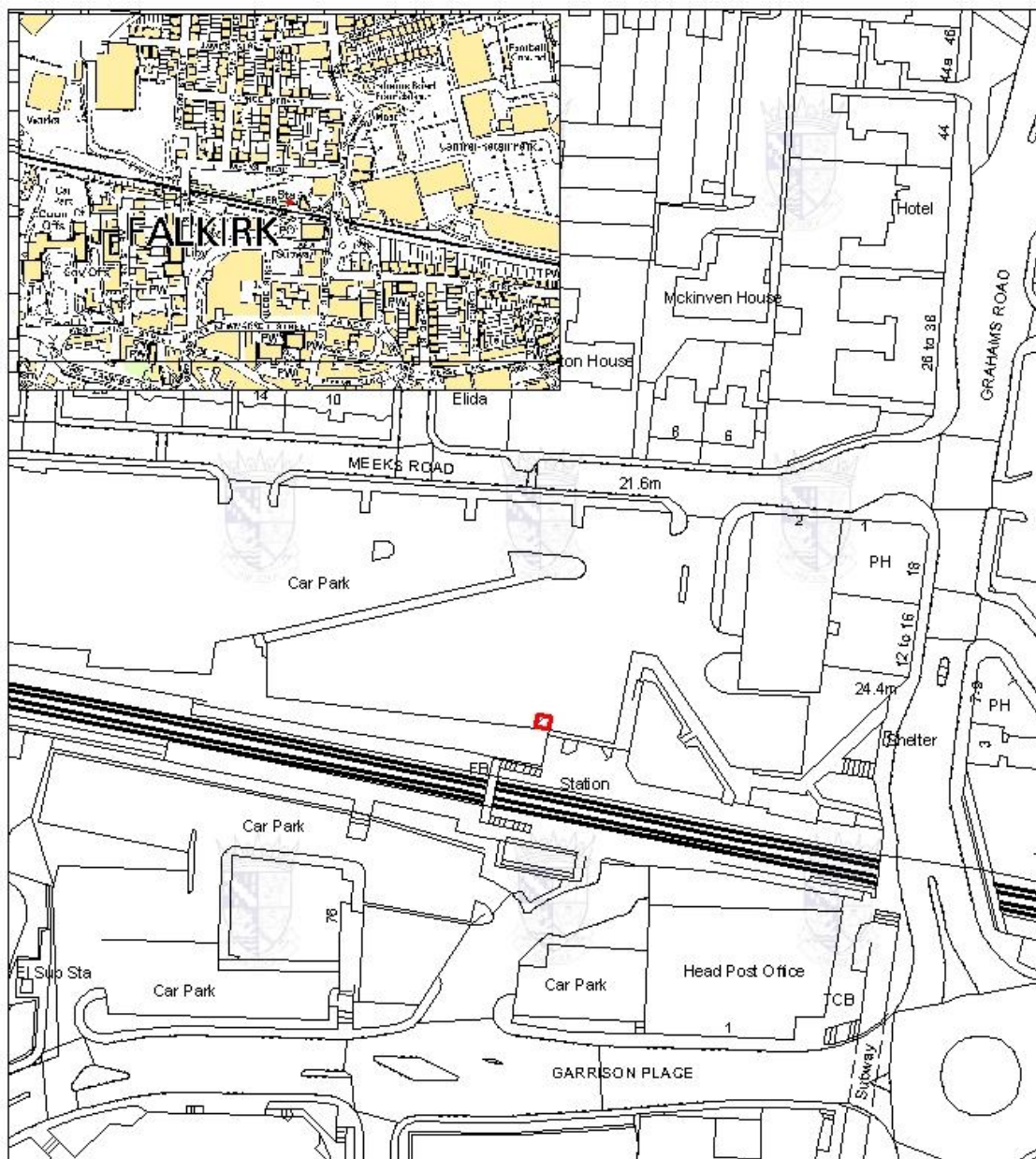
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Planning Committee

Planning Application Location Plan **P/10/0665/FUL**

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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