

FALKIRK COUNCIL

Subject: SITING OF SNACK VAN AT FOUNDRY LOAN (EAST) CAR PARK, FOUNDRY LOAN, LARBERT FOR MISS DIMITRA PERROU - P/11/0619/FUL
Meeting: PLANNING COMMITTEE
Date: 5 December 2011
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bonnybridge and Larbert
Councillor Billy Buchanan
Councillor Tom Coleman
Councillor Linda Gow

Community Council: Larbert, Stenhousemuir and Torwood

Case Officer: Katherine Chorley (Assistant Planning Officer), Ext. 4704

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site forms part of the Larbert train station car park. It comprises a paved area located adjacent to cycle storage facilities and the accessible parking spaces.
- 1.2 The applicant seeks planning permission to use the area for the siting of a snack van which would measure approximately 2.5 metres by 1.5 metres.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The site is owned by Falkirk Council.

3. SITE HISTORY

- 3.1 There is no planning history of relevance to this application.

4. CONSULTATIONS

- 4.1 The Environmental Protection Unit has raised no objections to the proposal.
- 4.2 The Roads Development Unit have raised no objections to the application provided the proposal is located with minimum access requirements around the snack van. They have advised that the existing litter bin should not be used.

5. COMMUNITY COUNCIL

- 5.1 Larbert, Stenhousemuir and Torwood Community Council have raised concerns in relation to the impact on parking facilities and the overprovision of similar facilities in the area.

6. PUBLIC REPRESENTATION

- 6.1 During the course of the application, two letters of objection were received by the Council. The salient issues are summarised below:

- Concerns over litter/vermin and 'undesirables' loitering,
- Already several similar facilities in the area.
- Access for pedestrians/wheelchair users.
- Appearance of snack van.
- Commercial impact on neighbouring businesses.
- Misrepresentation in supporting statement.

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 There are no relevant policies within the Falkirk Council Structure Plan.

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 Policy EP10 of the Falkirk Local Plan sets out the criteria for assessing applications for mobile snack bar outlets. In this instance the application site is within the urban limits.
- 7a.4 The policy sets out 3 further tests to consider. Firstly, development should be acceptable in parking and access terms. The snack bar would not be located on a parking space. As such, the existing level of parking provision would be retained.
- 7a.5 The Council's Roads Development Unit advise that the siting should meet the following requirements:
- Provide at least 2m between the disabled parking area to north and the snack van.
 - Provide at least 3m north and south of the van to allow for pedestrian access.
 - Retain adequate access to the east of the snack van and do not impede access to cycle lockers.
- 7a.6 The plans submitted show the snack van to be located in a position which meets all of these requirements. As such, the proposal is considered acceptable in parking and access terms and would not have a detrimental impact on the ability of all members of society to access the station/cycle parking facilities or car-park.
- 7a.7 A further requirement of Policy EP10 is that there must be no adverse affect on the local amenity or visual quality of the area. The snack van is fairly small in scale and would be grouped with the cycle parking facilities and close to other infrastructure such as the bus stop. It would be set well away from the street frontage and therefore not highly visible from the main access route.
- 7a.8 The final requirement of Policy EP10 is that a specific need be demonstrated, which cannot be met by existing permanent facilities. There is a newsagents/grocer on Foundry Loan located close to the railway bridge and appears to provide some hot food and drinks, ancillary to its main use as a shop. There is a small sandwich shop on Muirhead Road and a café on Main Street. There are no known facilities to the north of the Station on the Foundry Loan side within close proximity. The proposed snack van would add to the variety in the area and would not result in an over-provision of facilities. The applicant has provided details of a survey of railway users carried out prior to submitting the application in an attempt to establish if there is a need for the snack van. This is not however a determining factor in this proposal.
- 7a.9 The use is considered acceptable in this context.
- 7a.10 The policy states only temporary permissions are considered acceptable and as such a condition is proposed to limit the time period.
- 7a.11 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

- 7b.1 The material considerations to be assessed are the consultation response and the public representations.

Assessment of Public Representations

- 7b.2 Concerns were raised in relation to litter associated with the use and the potential for vermin. Management of waste and related issues would be dealt with under food safety legislation. In addition to this, the applicant has advised that arrangements are in place to transfer a trade waste agreement to incorporate the site.
- 7b.3 It is considered that the development would not increase the potential for 'undesirables' loitering in the area, this in any event is not a material planning consideration and would be a matter for the Police.
- 7b.4 All other issues have been addressed in the assessment above.
- 7b.5 The commercial implications on other businesses are not a planning consideration in the determination of this case.
- 7b.6 One letter suggests the details submitted in the supporting documentation are misrepresented. The case officer has considered the proposal in the light of these comments and given the submitted survey information appropriate weight.

7c Conclusion

- 7c.1 The proposal is considered acceptable in the context of policy EP10 as it is within the urban limit, would not reduce parking provision and is acceptable in access terms. It would be located in close proximity to existing structures and is small in scale. It would compliment the existing provision and a need has been demonstrated. As such the proposal is considered acceptable. It is recommended that planning permission be granted and there are no other material considerations which would warrant refusal in this case.

8. RECOMMENDATION

- 8.1 It is therefore recommended that the Committee grant planning permission subject to the following condition:-

- (1) This permission shall be valid for a limited period until 31 December 2014 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, 03, 04 and 05.

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Director of Development Services

Date: 25 November 2011

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan
3. Letter of objection from Mrs L Duncan, The Station House, Falkirk, FK5 4AW received on 14 October 2011.
4. Letter of objection from Russel and Aitken on behalf of Mr Gibb, Station Store, Falkirk received on 26 October 2011.

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

Planning Committee

Planning Application Location Plan

P/11/0619/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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