

FALKIRK COUNCIL

Subject: **SITING OF SNACK BAR (RETROSPECTIVE) AT SITE TO THE WEST OF ST MUNGOS HIGH SCHOOL, FALKIRK FOR TERESA'S TREATS - P/13/0020/FUL**

Meeting: **PLANNING COMMITTEE**

Date: **1 May 2013**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Ward - Falkirk North**

Provost Pat Reid
Councillor David Alexander
Councillor Dr C R Martin
Councillor Cecil Meiklejohn

Community Council: **No Community Council**

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site consists of a 7.3m by 3m area within the designated parking area for the Sunnyside playing fields. The parking area has an informal layout with no designated spaces and there is also a small area used for the storage of recycling facilities. The location is adjacent to the A9, a principal transport route.
- 1.2 The applicant seeks planning permission for the siting of a snack van measuring 7.3m by 3m within the car park. The building is already in place and as such the application is retrospective.
- 1.3 Planning permission was originally granted for a small snack van in 2000, for a limited period of time. This permission was renewed a further three times and the 2008 permission has now expired. The previous permissions allowed for a small, mobile snack van measuring 3m by 2m. The applicant now seeks retrospective planning permission for a larger snack bar and seeks permanent planning permission.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The snack bar is situated on land leased from Falkirk Council. The application therefore requires consideration by the Planning Committee because the Council has a land ownership and financial interest.

3. SITE HISTORY

- 3.1 F/99/0699 Conditional Temporary Permission - 7 February 2000 - Use of Land for Siting of Mobile Snack Van.
- 3.2 F/2001/0858 Conditional Temporary Permission - 21 March 2002 - Use of Land for Siting of Mobile Snack Van [Renewal of Planning Permission F/99/0699].
- 3.3 F/2004/1103 Conditional Temporary Permission - 19 January 2005 - Siting of Snack Bar.
- 3.4 P/08/0038/FUL Detail – Granted 27 March 2008 - Siting of Snack Bar

4. CONSULTATIONS

- 4.1 The Roads Development Unit have no objections to the proposal.
- 4.2 The Environmental Protection Unit have no objections to the proposal.

5. COMMUNITY COUNCIL

- 5.1 There is no Community Council for this area.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, there was one letter of objection received and the salient issues are summarised below:
 - Litter concerns.
 - Commercial use should not be allowed in public facility.
 - Building is considered ugly and unsuitable.

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 Local Plan advises that proposals for mobile snack bar vans will not be permitted as permanent uses. Temporary permission may be granted within the Urban or Village Limits where the above criteria can be met.

7a.4 A specific need must be demonstrated, which cannot be met by existing permanent facilities. The applicant has not provided evidence of a specific need, however, the facility has been in place for in excess of 10 years and remains a successful business. The site is some distance from local facilities in Camelon and as such the provision of a snack bar facility is considered acceptable in accordance with this element of policy EP10.

7a.5 The policy also requires that there be no adverse impact on the local amenity or visual quality of the area, particularly as viewed from major transport routes. The building is large and flat roofed and does not give the appearance of being particularly mobile. It has limited design merit with a flat roof, blank elevations and an industrial appearance, adjacent to an attractive area of open space. The building is also highly visible from a major transport route into and out of the town. The design is quite different from the smaller vans approved previously on this site. The design could be seen to be contrary to policy EP10 in this regard. However it is considered to be acceptable on a temporary basis. This would allow the applicant the opportunity to investigate a more permanent solution with an improved design.

7a.6 The final requirement is compliance with parking and access arrangements. The building is set well back from the A9 and would not impact on visibility splays associated with the access. The building would also reduce the level of parking available. The Council's Roads Development Unit has advised that there would be no objections to the scheme and the proposal is therefore considered acceptable in this regard.

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

7b Material Considerations

7b.1 The letter of representation forms a material consideration in the determination of the planning application. The majority of issues raised have been dealt within the main body of the report. In addition to this, the dropping of litter by school children and use of the facilities by children are not matters to be controlled through planning legislation. The site does appear to be well maintained.

7c Conclusion

- 7c.1 There is a history of temporary planning permissions for the siting of a snack bar on this Council owned site dating back to the year 2000. However, the snack bar for which retrospective planning permission is now sought is bigger than the previous snack vans and, due to its size, appearance and prominent location close to a busy route through the town there are some concerns about the visual impact of the structure. Accordingly, taking into account the planning history of the site it is recommended that only a further 3 year temporary permission should be permitted and that the applicant should be encouraged to seek a more appropriate permanent design solution.

8. RECOMMENDATION

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

- (1) This permission shall be valid for a limited period, the building shall be removed and the land restored to its former condition on or before 31 May 2016, unless a further permission is granted.

Reason(s):

- (1) The proposal is not considered to be a suitable form of permanent development in accordance with policy EP10 of the Adopted Falkirk Council Local Plan.

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Director of Development Services

Date: 23 April 2013

LIST OF BACKGROUND PAPERS

1. Letter of objection received from Mr Danny Callaghan 2 Nobel View, Reddingmuirhead Falkirk, FK2 0EF on 5 February 2013.
2. Falkirk Council Structure Plan
3. Falkirk Council Local Plan.

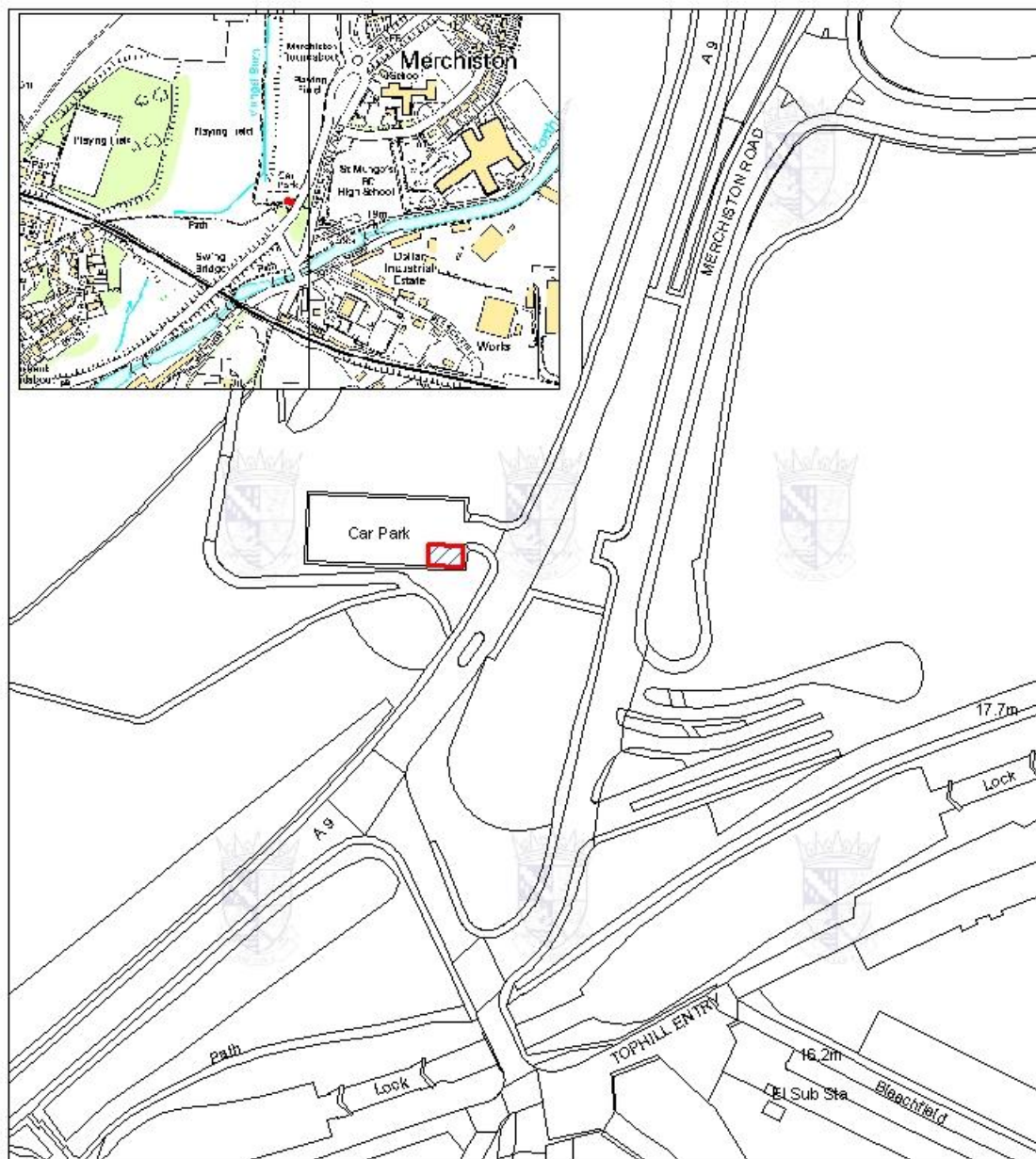
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504704 and ask for Katherine Chorley, Assistant Planning Officer.

Planning Committee

Planning Application Location Plan

P/13/0020/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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