



Delegated Report

Report of Handling

Application Number:	2014/0047/DET
Location:	Loch Lubhair Lay-by Crianlarich Stirling
Proposal:	Change of use of land for the siting of a mobile snack bar (Renewal of Temporary Permission Ref No 2009/0147/DET).
Case Officer:	Martin Brown
Target Decision Date:	20 Apr 2014
Decision Level:	Delegated Decision

1.	Introduction:
	<p>The site is located adjacent to the Loch Lubhair lay-by on the A85 trunk road between Crianlarich and Killin. The snack bar would be located at the eastern end of the lay-by, on a flat grassed area.</p> <p>Temporary planning permission was approved by a Local Review Body dated 15 July 2010 for a period of 3 years, expiring 15 July 2013 (2010/001/REF). A planning condition was attached to the decision stating that the mobile catering trailer shall only be operated on the land from the beginning of March to the end of October and between the hours of 07:00 and 19:00.</p> <p>The proposed van would measure approximately 4.2m by 2.1m and operate from 7am until 7pm, 7 days per week.</p> <p>The site has a history of temporary planning permission having been granted in for the siting of a mobile snack van on the site, reference numbers S/01/0668 and 2005/0199/DET.</p>
2.	Relevant Planning History
	<p>2009/0147/DET - Refuse - 9 December 2009 Change of use of land for the siting of a mobile snack bar (Renewal of Temporary Permission Ref No LT/2005/0199/DET) – Decision overturned and approved by Local Review Body - 01 July 2010</p> <p>2005/0199/DET - Approve with Conditions -10 August 2005 Change of use of land for the siting of mobile snack bar</p>
3.	Policy Context

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	<p><u>National Park Aims</u></p> <p>The four statutory aims of the National Park are a material planning consideration. These are set out in Section 1 of the National Parks (Scotland) Act 2000 and are:</p> <ul style="list-style-type: none"> (a) to conserve and enhance the natural and cultural heritage of the area, (b) to promote sustainable use of the natural resources of the area, (c) to promote the understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public and (d) to promote sustainable economic and social development of the area's communities. <p><u>Adopted Local Plan – National Park Local Plan (Adopted December 2011)</u> Relevant Policies: L1 – Conserving and Enhancing the Diversity and Quality of the Park's Landscape RET4 – Mobile Snack Bars</p> <p><u>Other Material Considerations</u></p> <p><u>National Park Partnership Plan (2012-2017)</u> Relevant Policies: Con Policy 3 – Landscapes</p>
4.	Consultations
	<p><u>STC Roads (Strategy)</u></p> <p>No objection to proposal</p> <p><u>Transport Scotland - Trunk Road Network (Glasgow)</u></p> <p>No objection to proposal</p> <p><u>STC Environmental Health (Stirling)</u></p> <p>No objection to proposal</p>
5.	Summary of Representations
	No representation received
6.	Summary of Supporting Information
	No supporting information submitted
7.	Planning Assessment
	<p>The application relates to the renewal of a temporary consent that expired on 15 July 2013, which was granted permission by a Local Review Body after the proposal was refused permission by the National Park Authority on 12 October 2010. This was as a result of an objection received from Transport Scotland on the grounds of road safety. In that instance the Local Review Body panel unanimously agreed that Transport Scotlands grounds for objection were unfounded in relation to the snack bar, and that the safety issues alluded to in their response pertained to the siting of the lay-by concerned rather than the location of the snack bar. Transport Scotland where again consulted on this application, and no objection was received this time round.</p> <p>In assessing this proposal for renewal of the previous permission, the relevant local plan policy RET4 states that the siting of snack bars in the countryside will generally not be supported. Exception will only be made if the landscape requirements of Policy L1 are met, there are no highway safety concerns and where there are no suitable existing alternatives offering similar services in nearby settlements. As touched upon above, no objection was made in relation to any potential highway safety concerns for this</p>

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application. Furthermore, the Local Review Panel agreed when reviewing the previous application that there are no similar facilities nearby. In addition to this, as the site has a history of having permission for the temporary siting of a mobile snack bar dating back to 2001, this would be considered as a material planning consideration in determining this application. During the time that a snack van has been present on the site, it can be seen that does not draw visitors away from settlement centres (i.e. to the detriment of the vitality of the settlement of Crainlarich) and provides an additional service to tourists. It is therefore considered that in this situation the proposal is not in conflict with Policy RET4 of the adopted National Park Local Plan.

In conclusion, as there is a significant history of the site being used to facilitate a mobile snack bar and no objections has been raised in terms of any highway safety concerns, then planning permission should once again be approved for a temporary period of three years subject to the previous conditions attached to the permission approved by the Local Review Panel (Ref: 2009/0147/DET/S – Review Ref: 2010/001/REF). It should also be noted that the approval of this mobile snack bar would be the only facility allowed on the site, and that consent is not being granted for any additional van on the site.

Recommendation: Approve with condition

1. **Temporary Planning Permission:** Unless prior permission is sought and obtained for its extension for a further period this permission shall expire three years from the date of this permission, when the mobile snack van hereby permitted shall be removed from the site and the land restored in accordance with a scheme of work that has been submitted to and approved in writing by the Local Planning Authority.

Reason: Due to the temporary nature of the snack bar structure, to enable the planning authority to safeguard the amenity of the area over the longer term.

2. **Time Restriction:** The mobile catering trailer to which this permission relates shall only be operated on the land from the beginning of March to the end of October and between the hours of 07:00 and 19:00.

Reason: To protect the visual amenity of the area by reducing the operation of the mobile catering trailer to periods when the car park is most likely to be used.

3. **Litter Scheme:** A scheme for the collection and disposal of any litter associated with the operation of the mobile catering trailer and any waste water from the mobile catering trailer shall be submitted to and approved in writing by the planning authority before the development commences, and shall be fully implemented thereafter.

Reason: To protect visual amenity and avoid any pollution of the area.

4. **Toilet facilities:** No toilet facilities shall be provided at the application site without the prior written approval, by the Local Planning Authority, of their precise siting and details. Any toilet facility thereby approved shall not remain sited on the application site at any time that the mobile catering unit hereby approved is not also so sited.

Reason: In the interests of the wider amenity and due to the remote location of the catering trailer facility.

5. **Signage:** Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, no signs in relation to the operation of the mobile catering trailer hereby approved shall be erected without the express written consent of the planning authority.

Reason: To protect the visual amenity of the area and to avoid any distraction to drivers on the trunk road.

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Reason for Decision

The site has a history for the siting of a mobile snack bar and no objection has been raised in terms of any road safety concerns. A temporary permission should be approved in order to once again review the situation at the end of the period of consent.

List of Plans

Title	Reference	Date on Plan*	Date Received
Location Plan			21/02/14
Site Plan			21/02/14

*Where no specific day of month has been provided on the plan, the system defaults to the 1st of the month.

Informatives

1 Duration of permission - In accordance with section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of 3 years beginning from the date of this permission, unless the development to which this permission relates is begun before that expiration.

2 Notification of Initiation of Development - Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. We recommend this is submitted 2 weeks prior to the start of work. A failure to submit the notice, included in the decision pack, would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

3 Notification of Completion of Development - As soon as practicable after the development is complete, the person who completes the development is required by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give written notice to the planning authority of the completion of the building works. As before, there is notice for you to complete for this purpose included in the decision pack. In larger, phased developments, a notice of completion is to be submitted as soon as practicable after each phase is finished by the person carrying out the development.

Signed: Martin Brown
Development Management

Dated: 24.04.2014

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