

**REPORT TO:** Planning Committee

**MEETING DATE:** Tuesday 5 November 2019

**BY:** Depute Chief Executive  
(Partnerships and Community Services)

**SUBJECT:** Application for Planning Permission for Consideration

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*Note - this application was called off the Scheme of Delegation List by Councillor Kempson for the following reason: this application has resulted in a number of representations from the community council and constituents and as a result I believe the full Planning Committee would benefit from hearing the case and making the determination.*

Application No. **19/00744/P**

Proposal Siting of mobile snack bar

Location **Shore Road Car Park  
Back Road  
Belhaven  
Dunbar  
East Lothian**

Applicant Mrs Angela Cairney

**RECOMMENDATION** Consent Granted

## **REPORT OF HANDLING**

### **PROPOSAL**

The application site forms part of an existing public carpark which is located to the west of the public non-classified Shore Road in Belhaven, Dunbar.

The site is a grassed area adjacent to a hardsurfaced public carparking area. To the north, south and west of the site are areas of open green space. To the east is Shore Road and beyond that a junction with the public non-classified Back Road. The site is outwith, but immediately adjacent to, the Belhaven Conservation Area.

Planning permission is sought for the siting of a mobile snack bar on the application site. The proposed mobile snack bar would be in the form of a trailer with a large opening service hatch on one side. It would be approximately 4.8 metres long and 2.4 metres wide. The trailer proposed by the applicant is predominantly white with silver trim around the upper, lower and side sections of the snack bar.

### **DEVELOPMENT PLAN**

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the

application be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

There are no relevant policies of the approved South East Scotland Strategic Development Plan (SESplan). Policies TC4 (Hot Food Outlets), CH2 (Development affecting Conservation Areas) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

## **REPRESENTATIONS**

A total of five public objections to the siting of the proposed mobile snack bar have been received.

The main grounds of objection are:

1. the siting of a mobile snack van on the proposed site would generate unacceptable levels of additional vehicular traffic thereby creating a road safety hazard;
2. the siting of a mobile snack van will have a negative visual impact on the proposed location and the wider area, and generate unacceptable levels of litter;
3. cooking odours and noise from the mobile snack van will harm the residential amenity of nearby residential properties; and
4. food choices offered by the mobile snack van are detrimental to public health.

## **COMMUNITY COUNCIL COMMENTS**

Dunbar Community Council has submitted an objection to this application on the grounds of: loss of visual amenity of the proposed location; cooking smells and noise; litter; loss of residential amenity to nearby dwellinghouses; and the food choices offered by the mobile snack van.

The choice of food offered by the mobile snack van is not a material consideration in the determination of this application for planning permission.

Policy TC4 of the adopted East Lothian Local Development Plan 2018 supports proposals for hot food takeaways provided there are no significant impacts on the character and appearance of the area, and that proposals are consistent with other relevant Plan policies, including Policy T2 in relation to road safety and residential amenity.

The application site is separated from the residential properties to the east by Shore Road, and this would provide a buffer between the proposed use and those residential properties.

## **PLANNING ASSESSMENT**

**The Council's Environmental Health Manager** raises no objection to the proposal, being satisfied that there would not be unacceptable odour emissions or noise disturbance.

To minimise visual and landscape impacts it can reasonably and competently be made a condition of the grant of planning permission that the hours and days of operation of the

proposed mobile snack bar be restricted to those applied for and that the mobile snack bar be removed from the site at the close of business each day and not be brought back onto the site until the commencement time of the next day of business.

Further safeguards can be implemented through a requirement that litter bins be provided outside the mobile snack bar at all times whilst trading takes place, and that the area around the van be kept free of litter and any other waste or refuse at all times during trading and at cessation of trading each day.

Subject to the aforementioned planning controls, the proposed snack bar would be contained within the existing carpark and its operation would not have an unacceptable impact on either the residential amenity of nearby residential properties or on the amenity of any other nearby land use.

However, the mobile snack bar, by its nature, is not satisfactory as a permanent use at the site. Therefore, it would be prudent for the Council, as Planning Authority, to allow its use only on a temporary basis. A temporary permission for 1 year would allow the Council the opportunity to continue to review this use at this location in the interests of safeguarding the character and amenity of the area.

**The Council's Road Services** raise no objection to the proposed use of the application site for the operation of a mobile snack bar, being satisfied that use of it would not result in a hazard to road safety.

Making the planning permission personal to the applicant, controlling the operating hours and restricting the positioning and duration of the mobile snack bar on the application site, would further safeguard against an over-commercialisation of the area.

Subject to planning control, the proposal does not conflict with Policy TC4 and Policy T2 of the adopted East Lothian Local Development Plan 2018, subject to conditions to be attached to any planning permission granted.

## **RECOMMENDATION**

That planning permission be granted subject to the following conditions:

- 1 Permission is granted for a maximum temporary period of one year beginning from the date of the grant of this planning permission and after that time, unless further permission is granted by the Planning Authority, the mobile snack bar shall at no time be located within the site and all trading from the site shall cease.

Reason:

To enable the Planning Authority to review the use of the site in the interests of the character and amenity of the area.

- 2 This permission is made personal to the applicant, Mrs Angela Cairney, and shall not be capable of being taken up by any other party.

Reason:

To prevent an over-commercialisation of the site in the interests of safeguarding the character and amenity of the area.

- 3 No more than one mobile snack bar shall trade from the site at any one time, and the mobile snack bar shall only operate from the position shown for it in the drawings docketed to this planning permission.

Reason:

To prevent an over-commercialisation of the carpark in the interests of safeguarding the amenity of the area, and without detriment to the principle of the use of the carpark for the parking of vehicles and the safe accessing and manoeuvring of those vehicles.

- 4 No trading whatsoever shall take place from the site outwith the hours of 0800-1800 Monday to Friday, inclusive, 0800-1400 on Saturdays and at no time on Sundays. At the close of business each day the mobile snack bar shall be removed from the site. It shall not be brought back onto the site until the commencement time of the next day of business.

Reason:

To safeguard the amenity of the area.

- 5 The mobile snack bar shall be the type shown in the copy photographs docketed to this planning permission.

Reason:

For the avoidance of doubt, in the interests of preserving the visual amenity of the area.

- 6 The mobile snack bar shall at all times be maintained in good condition and appearance to the satisfaction of the Planning Authority.

Reason:

In the interests of safeguarding the appearance and visual amenity of the area.

- 7 Litter bins shall be provided outside the mobile snack bar at all times whilst trading takes place, and the area around it shall at all times during trading and at cessation of trading each day, be kept free of litter and any other waste or refuse.

Reason:

In the interests of safeguarding the amenity of the area.