

Report

Report to:	Planning Committee
Date of Meeting:	6 June 2023
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/23/0257
Planning proposal:	Siting of mobile snack van

1 Summary application information

Application type:	Detailed planning application
Applicant:	Belly Busters
Location:	Outside No. 5A Law Place Nerston Industrial Estate East Kilbride G74 4QL

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached.

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.

3 Other information

- ◆ Applicant's Agent: N/A
- ◆ Council Area/Ward: 09 East Kilbride West
- ◆ Policy Reference(s): **National Planning Framework 4**
Policy 1 - Tackling the Climate and Nature Crises
Policy 2 - Climate Mitigation and Adaptation
Policy 26 - Business and Industry
Adopted South Lanarkshire Local Development Plan 2
Policy 1 - Spatial Strategy
Policy 2 - Climate Change
Policy 3 - General Urban Areas and Settlements
Policy 5 - Development Management and Placemaking
Policy 8 - Employment
Policy ICD2 - Non-conforming Uses in Core Industrial/Business Areas
Policy DM13 - Mobile Snack Vans

◆ **Representation(s):**

▶	8	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Planning Application Report

1 Application Site

- 1.1 The application site is located on the public road at Law Place and the proposed snack van would be positioned to the south of the industrial unit at 5 and 5A Law Place within the Nerston Industrial Estate. The site is bound on all aspects by industrial units. There are 2 other mobile snack vans located in the vicinity to the north-east of the site.

2 Proposal(s)

- 2.1 Planning permission is sought for the siting of a mobile snack van which would measure 3 metres in length and would be 1.8 metres wide. The snack van would be located at the site from 8am to 2pm Monday to Friday and would be removed from the location outwith the operating times. Waste generated by the proposed development is to be disposed of daily.

3 Development Plan

3.1 National Planning Framework 4

- 3.1.1 The National Planning Framework 4 was approved by the Scottish Ministers on 13 February 2023 and now forms part of the Development Plan. National Planning Framework 4 (NPF4) provides Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places and productive places.

- 3.1.2 In respect of NPF4 the following policies are of particular relevance in the assessment of this proposal:-

- ◆ Policy 1 - Tackling the Climate and Nature Crises
- ◆ Policy 2 - Climate Mitigation and Adaptation
- ◆ Policy 26 - Business and Industry

3.2 South Lanarkshire Local Development Plan 2

- 3.2.1 The site is identified within the adopted South Lanarkshire Local Development Plan 2 (2021) (SLLDP2) as being located within the Nerston Core Industrial and Business Area. The following policies require to be taken into consideration:-

- ◆ Policy 1 - Spatial Strategy
- ◆ Policy 2 - Climate Change
- ◆ Policy 3 - General Urban Areas and Settlements
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 8 - Employment
- ◆ Policy ICD2 - Non-conforming Uses in Core Industrial/Business Areas
- ◆ Policy DM13 - Mobile Snack Vans

3.3 Planning Background

- 3.3.1 No history for this particular site although a mobile snack van at 15 Law Place was granted temporary consent for 2 years which expired on 22 September 2019. No further application was received therefore the current operation is unauthorised.

4 Consultations

- 4.1 **Roads and Transportation Services (Development Management)** – raised no objection to the proposed development subject to conditions.

Response: Noted. Should planning permission be granted, appropriate conditions would be attached to any decision issued.

- 4.2 **Environmental Services** – raised no objection to the proposed development subject to a condition in respect of noise levels from the premises and an advisory note in relation to the Food Safety Act 1990.

Response: Noted. Should planning permission be granted, the appropriate condition and advisory note would be attached to any decision issued.

5 Representation(s)

- 5.1 Following the statutory period of neighbour notification and advertisement in the East Kilbride News in relation to non-notification of neighbours, eight letters of representation have been received. The issues raised are summarised as follows:-

- ◆ Road safety and increased traffic congestion.
- ◆ Impact from littering.
- ◆ Noise impact.
- ◆ Over provision of snack vans in the area selling unhealthy food.

A number of other non-material planning issues were also raised by objectors:-

- ◆ Impact on viability of similar neighbouring business.
- ◆ Impact on employment of similar neighbouring businesses.

- 5.2 The above issues are considered in section 6 of this report and full copies of the representations are available to view on the planning portal.

6 Assessment and Conclusions

- 6.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the approved National Planning Framework 4 2023 (NPF4) and the adopted South Lanarkshire Local Development Plan 2 2021 (SLLDP2).
- 6.2 NPF4 Policy 1 - Tackling the Climate and Nature Crises and NPF4 Policy 2 - Climate Mitigation and Adaptation aim to ensure that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. The minor scale of the proposed development would not be considered to have a significant potential impact in terms of the Climate and Nature Crises. It is, therefore, considered that the proposed development would not raise any issues that conflict with the aims of Policy 1 or 2 of NPF4.
- 6.3 Policy 26 - Business and Industry of NPF4 advises that development proposals for business and industry uses will be supported where they are compatible with the primary business function of the area. Other employment uses will be supported where they will not prejudice the primary function of the area and are compatible with the business/industrial character of the area. The proposed snack van is considered to be an acceptable, small-scale, ancillary use within the industrial area which would not significantly impact on the primary function or the character of the area. It is therefore considered that the proposed development is compliant with Policy 26 of NPF4.
- 6.4 In terms of the South Lanarkshire Local Development Plan 2, Policy 2 – Climate Change, states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. The proposed development is not considered to be of a scale which would adversely affect climate change and, as such, is considered to comply with Policy 2 of the SLLDP2.

- 6.5 Policy 5 - Development Management and Placemaking advises that proposals should have no unacceptable significant adverse impacts on the local community and the environment, and that the development shall not have an unacceptable significant adverse impact on the amenity of any nearby residential properties as a result of light, noise, odours, dust or particulates or other emissions. The proposed development is not considered to adversely affect the local environment as it would be located within an industrial area and would therefore not impact on residential amenity. The proposed snack van would be removed from the site outwith the proposed operational hours of 8am to 2pm Monday to Friday, further reducing any potential impact. It is therefore considered that the proposal is compliant with Policy 5 of the SLLDP2.
- 6.6 The proposed development would be located within a Core Industrial and Business Area where Policy 8 – Employment and Policy ICD2 Non-conforming Uses in Core Industrial/Business Areas are applicable. Policy ICD2 advises that the development proposals shall not adversely affect the industrial operation, amenity, industrial character or function of the area, including traffic movement and circulation. In principle, snack vans within industrial areas are considered to be an acceptable ancillary use which provide a service for local employees and reduce the requirement for additional travel outwith the area.
- 6.7 Several objections which referred to concerns relating to road safety in terms of the proposed development were received. Roads and Transportation Services were consulted and offered no objection to the siting of the snack van at this location, subject to conditions which can be attached to any permission granted. It is therefore considered that the proposed development complies with Policy 8 and Policy ICD2 of the SLLDP2.
- 6.8 Policy DM13 - Mobile Snack Vans is also applicable in this instance. This policy states that snack vans will be unacceptable in the following locations:-
- ◆ On sites in proximity to established retail centres or where local shops exist nearby.
 - ◆ On or adjacent to major traffic routes or where traffic safety problems will result from the siting of the snack van.
 - ◆ In locations where the siting of the van is likely to result in a significant loss of amenity in urban or rural areas by virtue of noise, smell or visual impact, including impact on the quality and integrity of any natural or historic environment designations.
 - ◆ In locations where planning consent has already been granted for a mobile snack van to ensure no more than one van operates in a particular industrial estate or localised area.
- 6.9 In terms of the above policy criteria, the site is located within an industrial area. While nearby shops exist, these are generally larger supermarkets, home stores or DIY/furniture stores whereby there would be no impact on the retail offering as a result of this development. Given the small-scale nature of the proposal it would not negatively impact on the natural environment or greenspace provision as it would be located on a public road.
- 6.10 In relation to the operation of nearby snack vans, the temporary consent for the snack van at 15 Law Place expired in 2019 and the current use is therefore unauthorised, thus this proposal is not considered to give rise to an adverse cumulative impact. Furthermore, the snack van within the grounds of B&Q is over 1km away and is generally considered to be used by visitors to the B&Q store, as it is not as readily accessible to the employees of the surrounding industrial units near the application

site. A number of the objections related to the viability and impact on the employees of the snack van at 15 Law Place, however, the commercial viability is not a material planning consideration, and the temporary consent for this snack van has expired. In terms of waste, the application form states that this will be removed on a daily basis, and a condition relating to the provision of a waste container at the site will be attached to any permission granted as requested by Roads and Transportation Services.

- 6.11 Overall, adequate arrangements for waste can be accommodated within the development, and the visual appearance of the snack van is not considered to be overly obtrusive to warrant refusal in this instance. Road matters will be addressed through conditions and informatives, and any permission granted will be restricted to a temporary consent in line with the criteria contained within Policy DM13 of the SLLDP2. This is further in line with the aims of Policies 1 and 3 of the SLLDP2 which seek to direct development towards sustainable urban settlements and ensure new developments have no adverse amenity impacts.
- 6.12 In conclusion, the proposed development is considered to be an acceptable form of ancillary development within an industrial area which would not significantly adversely impact upon on the character, function or amenity of the industrial estate and wider area. The proposal does not conflict with any climate change policies and was assessed in terms of road safety and noise, and technical consultees raise no objections, subject to conditions and informatives. The proposal is in compliance with the relevant policies contained within the NPF4 and SLLDP2 and it is therefore recommended for approval.

7 Reasons for Decision

- 7.1 The proposal would not have a significant detrimental impact on public and road safety or the character or function of the industrial area and complies with Policies 1, 2, and 26 of NPF4 and Policies 1, 2, 3, 5, 8, ICD2 and DM13 of the South Lanarkshire Local Development Plan 2 (2021).

David Booth

Executive Director (Community and Enterprise Resources)

Date: 26 May 2023

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ NPF4
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 13 March 2023

- ▶ Consultations

Roads Development Management Team

24.03.2023

Environmental Services

21.04.2023

Contact for further information

If you would like to inspect the background papers or want further information, please contact:-

Jane Weir, Planning Team Leader Floor 6, Council Offices, Almada Street, Hamilton, ML3 0AA

Phone: 07795 455 502

Email: jane.weir@southlanarkshire.gov.uk

Conditions and reasons

01. Planning permission is hereby granted for a temporary period only and shall cease to have effect from five years from the date of this consent (the 'cessation date'). Within two months of the cessation date, the application site shall be cleared of all works and development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992).

Reason: To ensure that the temporary development is timeously removed in the interests of the visual amenities of the area and in order to retain effective planning control.

02. The development hereby approved, shall not operate out-with the hours of 0800 and 1400 Monday-Friday unless otherwise agreed in writing by the Planning Authority.

Reason: In the interest of amenity.

03. Between the hours of 08:00 and 20:00 the measured noise rating level emitted from the premises (LAeq,1hr) shall not exceed the pre-existing background noise level (LA90,30 min) by more than 4dB when measured in accordance with British Standard BS 4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound at any noise sensitive buildings where people are likely to be affected. Between the hours of 20:00 and 08:00 the noise rating level emitted from the premises (LAeq,15min) shall not exceed the pre-existing background noise level (LA90,30min) by more than 4dB when measured in accordance with BS4142:2014 at any noise sensitive buildings where people are likely to be affected.

Reason: To minimise noise disturbance to adjacent occupants and to ensure that noise from the development does not result in undue loss of amenity for surrounding properties.

04. No works in connection with the development hereby approved shall commence unless full details of a waste disposal arrangement scheme has been provided and approved in writing by the Planning Authority. For the avoidance of doubt, no waste materials are to be discharged down road gulley's, and the applicant will be responsible for supplying containers for waste/litter and ensuring the area is kept litter free.

The snack van hereby approved shall not be brought into use unless the waste scheme has been provided in accordance with the approved details. Once provided, the waste scheme shall be permanently in situ during hours of operation as outlined in condition 2.

Reason: To ensure that adequate waste provision is made in the interests of pedestrian and road safety, and the visual amenities of the area, and to prevent blockage of drainage infrastructure.

05. Notwithstanding the development hereby approved, for the avoidance of doubt, no trading from the snack van is permitted within 20 metres of a road junction or on areas designated by road markings (i.e. waiting restrictions/ "School Keep Clear") and no parking on the footway by the snack van or customer vehicles is permitted. Any canopy associated with the snack van should be positioned at a minimum of 2.3m in height above the footway.

Reason: In the interests of pedestrian and road safety.

