

Gloucester City Council

Meeting:	Planning Policy Sub Committee Cabinet	Date:	17 September 2015 21 October 2015
Subject:	Interim Planning Policy for Mobile Catering Units		
Report Of:	Cabinet Member for Housing and Planning		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
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Appendices:	None		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To propose an interim planning policy for mobile catering units for use in development management purposes in response to a Member request to consider the issue.

2.0 Recommendations

- 2.1 Planning Policy Sub-committee is asked to **RECOMMEND** that the proposed interim policy for mobile catering units be approved by Cabinet for a six week period of public consultation.
- 2.2 Cabinet is asked to **RESOLVE** that the proposed interim planning policy for mobile catering units be approved for a six week period of public consultation.

3.0 Background

- 3.1 Members have expressed some concern recently with regard to planning applications received for mobile catering units given the need to maintain a balance of the number of mobile catering units available for the public against permanent hot food establishments, as well as concerns with regard to visual and residential amenity, transport impacts, possible pollution issues and health issues generally.
- 3.2 Whilst some short term temporary uses may come under Permitted Development rights, the more permanent and regular stationing of a mobile catering unit would normally require planning permission by virtue of the change of use of the land on which the unit is situated. It is appropriate to consider the planning application on its own merits, and against the existing policies and key issues identified in the following section.

4.0 Existing Plans and Policies

- 4.1 Where consistent with the National Planning Policy Framework (NPPF), due weight should be given to the relevant policies in existing plans. The policies of the 2002 Local Plan (second stage deposit) that are relevant are:
- a) BE.21 – Safeguarding of Amenity – planning permission should not be granted for any new building, extension or change of use that would unreasonably affect the amenity of existing residents or adjoining occupiers.
 - b) FRP.11 – Pollution – development that may be liable to cause pollution of water, air or soil, or pollution through noise, dust, vibration, light, heat or radiation will only be permitted if the quality and enjoyment of the environment would not be unduly damaged or put at risk.
 - c) TR.31 – Road Safety – planning permission will be granted for development that deals satisfactorily with road safety issues.
 - d) ST.8 – Creating attractive routes to the Centre – new development alongside main routes to the Centre will be expected to be of a high quality to make the routes more attractive to residents and visitors.
- 4.2 On adoption, the Joint Core Strategy and City Plan will provide a revised planning policy framework for the Council. The City Plan will be the most relevant plan for this purpose but is currently at an early stage of completion and therefore carries little weight at the current time. The proposed policy set out below would eventually form part of the City Plan document.

5.0 Key Issues and Proposed Policy Response

- 5.1 Officers have reviewed the key issues arising from mobile catering units and consider the key issues of significance for Gloucester to be the following:
- a) Visual impact – does the mobile catering unit have an unacceptable visual impact on the location in question?
 - b) Residential amenity – does the mobile catering unit have an unacceptable impact on the residential amenities of nearby residents?
 - c) Transport impact – does the mobile catering unit have a severe impact on road safety?
 - d) Pollution issues – are there any unacceptable environmental impacts arising?
 - e) Health issues - are there any health issues arising, such as from the types of food and drink being sold or the location of the proposed facility?

5.2 Our proposed interim planning policy response is therefore as follows:

Draft Policy for Mobile Catering Units

Proposals for mobile catering units will be supported where the following criteria are met:

- a) The design of the mobile catering unit would not have a significant adverse impact on the visual amenity of the area;*
- b) The proposal would not have a significantly adverse impact on neighbouring properties and uses within a reasonable distance of the proposed location in terms of noise, traffic disturbance, odour, litter, light or hours of operation;*
- c) The proposal would not have a severe impact on the surrounding highway network, traffic safety or create unacceptable parking issues;*
- d) The proposal incorporates adequate waste storage and disposal facilities; and*
- e) Consideration may be given to any positive health impacts provided by the range of food and drink available to customers, and the proposed location of the facility.*

Note: The Council will expect mobile catering units to be removed from the site following each day of trading, when located on public land.

5.3 Although applicants for mobile catering units tend to apply for 7 days a week they don't always use this allowance. This note to the proposed interim policy will help prevent the units being parked in position 24 hours a day, 7 days a week, which sometimes occurs. This would benefit the visual amenities of the area and availability of on street parking at non trading times.

6.0 Asset Based Community Development (ABCD) Considerations

6.1 The proposed public consultation on the interim policy will provide an opportunity for us to hear feedback from the public on this issue. The planning application process for mobile catering units would also consult nearby residents.

7.0 Alternative Options Considered

7.1 The alternative option is to move forward using existing planning policies to guide decisions on mobile catering units until such time that we progress the new planning policies through the City Plan.

7.2 Issues including retail impact and distribution of mobile units were considered as part of the proposed interim policy but were not taken forward following consultation with the Development Management section, drawing on their experience of handling planning applications and appeals for mobile catering units.

8.0 Reasons for Recommendations

8.1 Officers have undertaken a review of the key issues arising and consider that the above interim policy response represents an appropriate and constructive policy response. This will be taken forward both independently for the purposes of

supporting development management cases arising in the short term, and also through the ongoing City Plan work.

9.0 Future Work and Conclusions

- 9.1 The results of the public consultation will be reported back to Cabinet and the formal adoption of the interim policy will be sought.
- 9.2 Once formally adopted the interim policy will have additional weight for decision making purposes, and then it can also form part of the ongoing City Plan work.

10.0 Financial Implications

- 10.1 There are no financial implications associated with this decision. The financial implications of implementing the policy will be considered and reported to Cabinet with the results of the consultation.

(Financial Services have been consulted in the preparation of this report.)

11.0 Legal Implications

- 11.1 The interim policy will have to be taken into account in development management decision making.
- 11.2 Given that the policy is an interim policy it does not form part of the Development Plan and therefore does not enjoy the benefit of the statutory presumption contained in Section 38 of the Planning and Compulsory Purchase Act 2004.

(One Legal has been consulted in the preparation of this report.)

12.0 Risk & Opportunity Management Implications

- 12.1 No negative impacts identified. This is an opportunity to address the issue directly with planning policy prior to the completion of the City Plan.

13.0 People Impact Assessment (PIA):

- 13.1 Potential negative impacts of an increase in anti-social behaviour close to a mobile catering unit; and often less than desirable access for wheelchair users.

14.0 Other Corporate Implications

Community Safety

- 14.1 The positioning of mobile catering units may have implications for potential anti-social behaviour within communities and associated safety implications for the local residents.

Sustainability

- 14.2 The interim policy will assist with ensuring a sustainable quantum and distribution of mobile catering units available to the members of the public.

Staffing & Trade Union

14.3 Not applicable.

Press Release

14.4 An approved press statement will be released should the draft policy be approved for the purposes of public consultation.

Background documents: None