

Meeting:	Cabinet	Date:	9 March 2016
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
Contact Officer:	Philip Bylo, Interim Planning Policy Manager		
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Appendices:	1. Comments and Responses for the Mobile Catering Unit Draft Interim Policy Public Consultation		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To propose that the interim planning policy for mobile catering units be used for development management purposes, prior to the completion of the City Plan.

2.0 Recommendations

- 2.1 Cabinet is asked to **RESOLVE** that the interim planning policy for mobile catering units be adopted for development management purposes, prior to the adoption of the City Plan.

3.0 Background

- 3.1 Members agreed at Cabinet in October 2015 that a draft interim planning policy on mobile catering units be put out for a 6 week public consultation. This consultation took place between Monday 2 November and Monday 14 December 2015. In total 9 comments were received, and these are provided in full, with our responses, at Appendix 1.
- 3.2 The draft policy and supporting note consulted on was the following:

Draft Interim Policy for Mobile Catering Units

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

- 1. The design of the mobile catering unit would not have a significant adverse impact on the visual amenity of the area;*
- 2. 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;*

3. *The proposal would not have a severe impact on the surrounding highway network, traffic safety or create unacceptable parking issues;*
4. *The proposal incorporates adequate waste storage and disposal facilities; and*
5. *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.

4.0 Consultation Responses

- 4.1 The following paragraphs summarise the full comments and responses provided in Appendix 1:

Highways England

- 4.2 Concern was expressed about potential trading from laybys and on the A40 in particular, which we noted. A request to remove the word 'severe' from point 3 of the draft policy was made, however, we propose to retain the word 'severe' as this is the test referred to in the national planning policy contained in the NPPF.

Natural England

- 4.3 An acknowledgement of the consultation was received but no specific comments were made.

Historic England

- 4.4 Propose to include an additional criterion in the policy regarding harm to the setting of a heritage asset, historic landscape or townscape. However, it is considered that this is not needed as existing planning policies, including Policy BE.7 of the 2002 Local Plan provide adequate protection in this regard.

Quedgeley Parish Council

- 4.5 Proposed a number of additional criteria to the draft policy. However, these additional criteria proposed were not considered to be necessary as they are either specific issues for consideration as part of a planning application, already covered by the criteria and note of the draft policy or too minor an issue for inclusion in the interim policy, i.e. retail impact.

Mr Hughes (Resident)

- 4.6 A number of comments were received including the need to define significant impact, reference to the lack of need for mobile catering units in the city centre and the urban residential areas of Gloucester, and the potential impact mobile catering units may have on permanent food outlets, especially in the City Centre. However, it is not possible for the council to prevent applications for mobile catering units being made in any location and it is for the case officer of the application to make a professional planning judgement on the merits of the planning application, including

consideration of whether significant impact exists on environmental and health issues.

Stuart Lee (Resident)

- 4.7 Asked a question on the location of mobile catering units, to which we clarified that this is a generic policy consultation which does not try and direct mobile catering units to any specific location of the City.

Network Rail Property

- 4.8 Pointed out that a mobile unit that may be required at the station in the future would be permitted development, which we noted.

Kings Walk Shopping Centre

- 4.9 Concerns expressed regarding the visual impact of mobile catering units on the entrance to the shopping centre at Eastgate Street, the potential financial impact on Kings Walk shopping centre tenants and other businesses in the City Centre and whether the operators of the mobile catering units are paying sufficient rents compared to the operators of the permanent establishments. We respond with reference to visual impact being part of the consideration of any planning application. Retail impacts arising from individual approvals of planning permission are considered to be too detailed an issue to consider as part of any one planning application for a mobile catering unit. The rental levels required from operators is not a planning issue.

Karen Pearson (Resident)

- 4.10 Issues raised include the impact on heritage assets, no impediment to the free movement of traffic, the need for healthy food and the preference for the non-permanence of any mobile catering unit. The existing mobile catering units in the city are not considered to be an asset in this regard. However, these issues are adequately covered in the interim policy and note, or via other policies of the 2002 plan.

5.0 Consideration of any Changes to the Draft Policy

- 5.1 A number of interesting and relevant comments have therefore been received as a result of the public consultation undertaken. However, as set out in the comments and responses summary in Section 4, we do not consider that any of the comments provided should lead to a revision of the proposed draft interim policy that was consulted on.
- 5.2 Therefore, the interim policy set out at Section 3 above should be taken forward for the purposes of development management and for incorporation into the City Plan upon agreement by Cabinet.

6.0 Asset Based Community Development (ABCD) Considerations

6.1 We have now received feedback from the public consultation, and in a good position to make an informed decision on adopting this policy. The planning application process for mobile catering units would also consult the nearby residents to the applications location.

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.

8.0 Reasons for Recommendations

8.1 Officers have considered the comments and responded to them accordingly. We remain of the view that the proposed interim policy represents an appropriate and constructive policy for development management purposes. 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 development of the City Plan.

9.0 Future Work and Conclusions

9.1 Upon adoption by Cabinet, the proposed interim policy will have additional weight for decision making purposes. It will also form part of the ongoing City Plan policy development work.

10.0 Financial Implications

10.1 There are no financial implications associated with this decision.

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

11.0 Legal Implications

11.1 The interim policy upon adoption 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 an interim planning policy prior to the completion of the City Plan.

13.0 People Impact Assessment (PIA):

13.1 A Part 1 screening has been completed showing positive impacts. A full PIA is therefore not required.

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.

Background documents: None