

## **Planning Services**

### **Planning Guidance: Mobile Snack Bars**

#### **1. Introduction**

This Planning Guidance on mobile snack bars covers:

- definitions;
- temporary permissions;
- general information of locations;
- a list of general locations where mobile snack bars may be acceptable; for example
  - on main routes,
  - within industrial estates,
  - in towns or village centres,
  - nearby similar facilities and schools; and
- signage.

However, it should be noted by applicants that as well as planning permission, they will also require to obtain a street trader's licence from West Lothian Council via Legal Services Licensing Team. (See contact information at end of document).

In addition, Roads & Transportation Services approval is required if they wish to trade from a location on the public road, or landowner's consent if they are trading from private land.

Because mobile snack bars can lead to traffic problems and reduce amenity, it is useful to have a framework for dealing with planning applications. The type of mobile snack bar, proposed locations and possible signage all need to be considered when dealing with planning applications for mobile snack bars.

#### **2. Definitions**

"Street trading" is defined as hawking, selling or offering or exposing for sale any article, or offering to carry out, or carrying out for money or money's worth, any service in a public place by doing any of these things from a vehicle, a kiosk or a moveable stall not entered in the valuation roll, as well as mobile stalls.

A "snack bar" refers to a food counter that is part of a permanent structure where snack foods and light meals are sold. Thereby "**mobile snack bars**" are defined as street traders selling food from movable vehicles.

It should be noted that vehicles which stop for a short period of time as part of a route e.g. ice cream vans, are not included in this policy as they are exempt from requiring planning permission as they can operate less than 28 days a year without need of planning permission.

### **3. Temporary permission**

In order to retain control over snack bars and re-assess any impact they may have on an area, any permissions granted should be for a temporary period initially. This will be no longer than 2 years. Mobile snack bars licences are currently renewed on an annual basis.

### **4. Avoidance of Annoyance**

The street trading activity should not cause annoyance from noise, smells, fumes or litter to households and their amenity and businesses in the vicinity of the proposed street trading site. Operators should take measures to ensure their customers do not create litter in the street or the area surrounding the mobile snack bar, e.g.; by the installation of a bin, or bins, that are removed by the operator each day at the end of trading; or allow for waste water from the operation to be placed down street gullies.

Observations from the Council's Environmental Health Service will be taken into consideration when assessing an application in relation to these issues.

Generally, generators will not be permitted. However, if a generator is requested, the applicants must show how the noise and fumes will be managed. Details of any noise shielding must be provided. Where use of a generator is sought at a trading site the application will require details of the noise rating, the fuel type and the storage arrangements and conditions may be imposed to control their use.

It is stressed that tipping used liquids from cooking, cleaning, hand washing or food preparation down street gullies will not be permitted. Street gullies generally run to local watercourses with no treatment and are not designed to handle liquids containing fats, oils or greases.

### **5. Location**

Provided the location of a snack bar is not detrimental to amenity by reason of its appearance, colour or materials, or being within quiet residential areas, or causes congestion, or traffic problems; it is likely to be acceptable.

Snack bars should also be accessible and must be sited where customer parking, related to the mobile snack bar, can be provided.

#### **5.1 Main Routes**

In rural areas there is often a conflict between the needs of the traders to attract business and amenity considerations which require a discreet location so that the snack bar is not detrimental to the appearance and character of the countryside.

There is a general presumption against mobile hot food snack bar outlets in sites immediately adjoining the public road. While the council's Roads & Transportation Service have generally not permitted snack vans on the A89 and A71, they look at each lay-by on its own merits.

The site should consist of enough space for temporary customer parking and be sited in such a way that it does not attract pedestrians to cross over busy roads thereby causing a

traffic hazard. In addition, the location of possible advance warning signs for the facility need to be carefully considered on main routes with additional permission required so as to reduce unnecessary signage clutter in the countryside (see section 6: Signs).

## **5.2 Industrial Estates and Business Parks**

Mobile snack bars are often located on industrial estates and business parks. They provide services in areas which are often remote from traditional local retail premises. Provided that the mobile snack bar is located so that it does not cause an obstruction or any parking problems and is not detrimental to amenity, an industrial estate and industry/business park location would normally be acceptable.

## **5.3 Town or village centres**

A Main Street location for a regular siting of a mobile snack bar would not normally be acceptable because of their temporary appearance and nature and the likelihood of them attracting passing traffic and causing further congestion in already built up areas. However, it may be possible for a snack bar in a discreet location within a town centre to be acceptable.

A snack bar is not acceptable if it is nearby similar facilities (see section 5.4 below).

## **5.4 Nearby similar snack bar facilities**

While not a planning consideration, attention is drawn to the relevant requirements of the council's general conditions applicable to all street traders' licences whereby mobile snack bars should only be considered in areas where other food options are not available and should not engage in food trading within 100 metres of any premises, whilst open, which offer for sale any goods or services of similar description as those to be sold by the street trader.

## **5.5 Schools**

Again, attention is drawn to the council's general conditions on all street traders licenses that there will generally be a condition applied to street traders' licences providing for a 200m exclusion zone around schools in which street traders are not allowed to trade.

This is supportive of the national and local authority healthy eating initiatives and contributes to promoting healthy eating amongst school children. If necessary, observations from the council's Education Team shall be taken into consideration on this aspect. However, it is acknowledged that licensing conditions cannot relate to food issues as conditions must only relate to prevention of crime, public safety and public order.

## **6. Signs**

It may be reasonable for snack bars in appropriate rural locations to have advance business warning signs. However, these must be mobile and small scale so that they can be removed when the snack bar is not trading, or in use, or no longer on site.

There should be no more than two signs advertising the mobile snack bar and both must be located within 100m of the location of the facility.

Signs must be of a high standard and not unnecessarily large (i.e.; generally of “A-Frame” size is acceptable), or obtrusive.

They shall not pose any hazards for those passing by; therefore signs need to be light but also secured to stay in place during high winds.

The operator must obtain separate Advertisement Consent from the council before displaying any such signage or it will be removed. It is important to remember, that the council's Roads & Transportation Services, who will be consulted on any Advertisement Consent application, do not normally allow signs to be located on the adopted road verges and can remove them without discussion.

Further information on Advertisement Consent and a guidance pack is available on the council's web site at: <https://www.westlothian.gov.uk/article/3071/Advertisement-Consent>

## **7. Local Development Plan policy**

Any planning application for a mobile snack bar will be assessed against the general planning policies contained within the West Lothian Local Development Plan (LDP) which was adopted by the council in September 2018. The LDP includes, among other policies:

- Policy TRAN 4: Advertisements within Key Transport Corridors;
- Policy ENV 1: Character and Special Landscape Areas; and
- Policy ENV 3: Other Development in the Countryside.

[https://www.westlothian.gov.uk/media/27735/Adopted-West-Lothian-Local-Development-Plan/pdf/West\\_Lothian\\_Local\\_Development\\_Plan\\_-\\_Adopted\\_final.pdf](https://www.westlothian.gov.uk/media/27735/Adopted-West-Lothian-Local-Development-Plan/pdf/West_Lothian_Local_Development_Plan_-_Adopted_final.pdf)

## **8. General Information**

Reference is also made to the following documents which will be useful to applicants:

- Information on making a planning application is within the following web-link: <https://www.westlothian.gov.uk/article/2076/Apply-for-Planning-Permission>
- Street Traders Licence conditions can be found at : <http://www.westlothian.gov.uk/article/2460/Street-Traders-Licence>
- A Roads & Transportation Policy for the Assessment of Street Trading Applications (Not currently on the council website, but available from the council's Roads & Transportation Services: <https://www.westlothian.gov.uk/roads-streets-parking> )

## **9. Contacts**

Either through the council's Customer Service Centre (CSC): Phone 01506-280000

or the web: [planning@westlothian.gov.uk](mailto:planning@westlothian.gov.uk)

or write to:

Development Management,  
Civic Centre,  
Howden South Road,  
Livingston.  
EH54 6FF

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