
COMMITTEE: Planning Committee
MEETING DATE: 31 March 2026
BY: Depute Chief Executive – Resources and Economy
REPORT TITLE: Application for Planning Permission for Consideration

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Note: This application was called off the Scheme of Delegation List by Councillor McGinn for the following reasons: Neighbours have raised concerns about the permanent siting of the snack van in an area where issues exist about vehicle movements; there are concerns about permanent snack vans sited around the outskirts of towns with no ready customer base; there are also concerns that permanent siting of snack vans will impact upon high street footfall.

Application no. **25/01302/P**

Proposal Siting of mobile snack bar

Location **Within Car Park Of The Original Factory Shop
Muirpark
Tranent
EH33 1DZ**

Applicant Mr Lachezar Branchev

Per Neil Lambert Architect

RECOMMENDATION Granted Permission

REPORT OF HANDLING

The application site comprises a carparking space located to the south west corner of the car park associated with the former Factory Shop retail unit to the east of the town of Tranent. The site is located within a defined Local Centre Location as designated by Policy TC1 of the East Lothian Local Development Plan 2018. Surrounding uses are a mix of commercial and industrial properties including the Aldi supermarket to the west and a bus depot to the east. Residential properties are sited to the south on the opposite side of the road. The site is not located within a conservation area and is not listed as being of special architectural character. It is, however, sited within the Battle of Prestonpans Historic Battlefield.

PROPOSAL

Planning permission is sought for the siting of a snack van within the car park. The proposed snack van comprises a Mercedes Sprinter van measuring 5.91 metres in overall length, 1.993 metres in width and with an overall height of 2.8 metres. It would have a serving hatch in one side and would be white in colour.

It is proposed to be parked within the south westernmost parking space of the wider car park site.

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 National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018.

Policies 13 (Sustainable Transport), 14 (Design, quality and place) and 27 (City, town, local and commercial centres) of NPF4 and Policies TC2 (Town and Local Centres), TC4 (Hot Food Outlets), DP2 (Design) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

REPRESENTATIONS

One letter of objection has been received to this application querying the operating times for this snack bar and asking whether they are the same as the original factory shop.

The applicant has confirmed that they have a licence to operate from 09.00 to 20.00 daily but they are only planning to work around 12.00 till 19.00 daily.

PLANNING ASSESSMENT

Policy 27 of NPF4 states that development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.

There are no specific policies relating to hot food outlets set out within NPF4. However, Policy TC4 of the East Lothian Local Development Plan 2018 states that the siting of hot food outlets (which includes mobile snack vans) will be supported in a designated employment site where it is intended to meet demand from employees of business within the site and not to attract customers from outwith the site, where they will not result in significant impacts on local amenity, including cumulatively with other existing or consented takeaways in the area. Siting of mobile snack bars may also be permitted on suitable car park or lay-by sites adjacent to main transport routes, subject to other Plan policies including consideration of visual and landscape impact.

The proposed snack van would be positioned within the south west corner of the existing car park at this retail unit which is within a designated Local Centre. Therefore, the principle of siting the snack bar in this location is not contrary to Policy TC4. Furthermore, as so positioned the proposed snack van would be seen in relation to other motor vehicles using the car park. When seen in the context of that car park the proposed snack van would not appear harmfully out of keeping with its surroundings and would not harm the landscape

character or visual amenity of the area. The proposal would also not result in more than one snack van operating in this car park.

The closest neighbouring residential properties to the application site are located to the south on the opposite side of Haddington Road some 19 metres away. By being located within the existing car park the proposed snack van would not cause overlooking of the gardens of neighbouring residential properties. Therefore, the siting of the snack van would not result in a loss of privacy to those neighbouring residential properties.

Due to its distance from neighbouring residential properties the siting of the snack van would not cause a loss of residential amenity through overshadowing.

Should the application be approved, it would however be prudent to limit the consent for a period of three years. This would allow the Council the opportunity to continue to review this use at that stage in the interests of safeguarding the character and amenity of the area. Making the planning permission personal to the applicant, controlling the operating of the snack van to the part of the car park on which it is positioned, would safeguard against an over-commercialisation of the area. This can all be achieved by attaching conditions to any grant of planning permission given for this snack van.

On the matters of parking, road safety and traffic, the **Council's Road Services** has been consulted on the proposal. They had initially raised concerns with regards to the loss of car parking as well as the impact on visibility plays and pedestrian safety. However, drawings have been amended to show the servery sited to the south of the van and contained via a rope barrier which would be outwith the visibility spay for vehicles leaving the site. Roads Services have confirmed that the revised drawings are acceptable and that they have no objection to the proposal. They are satisfied that the siting of the snack van in this location would not be a road safety hazard.

On the matters of noise and odour associated with the proposed snack van, the **Council's Environmental Protection Manager** has been consulted on the application. They sought clarification on how the vehicle would be powered for cooking of food as they would have had concerns about noise from generators on residential amenity. Given there are residential properties close by, they request that no generators shall be used to power the mobile snack bar.

In response the applicant has confirmed that the fridge/lighting/general power would be provided by a Solar PV array (roof-mounted) connected to on-board storage battery while the cooking grill would be powered by LPG. They have also confirmed that they would not be using generators to power the van.

The Environmental Protection Officer has confirmed that these power sources would be acceptable but has requested that a condition be attached to any planning consent issued prohibiting the use of generators to power the snack van. Such a condition can reasonably be imposed on any grant of planning permission. Given no generators would be used, they have also confirmed that they have no concerns with the hours of operation of the proposed snack van. As such, no objection is raised and subject to compliance with the above condition, the proposed snack van would not detrimentally impact on the amenity of any surrounding sensitive uses.

As the site is within the Battle of Prestonpans Inventory Historic Battlefield Site, **Historic Environment Scotland** has been consulted on the application and raise no objection to the proposed development on the impact of it on the battlefield site.

The proposed snack bar is consistent with Policies 13 (Sustainable Transport), 14 (Design,

quality and place) and 27 (City, town, local and commercial centres) of NPF4 and Policies TC2 (Town and Local Centres) TC4 (Hot Food Outlets), DP2 (Design) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018. In conclusion, the proposals are considered to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposal's accordance with the Development Plan.

CONDITIONS:

- 1 Planning permission is granted for a temporary period of three years, beginning from the date of this grant of planning permission, and after which time all trading from the site shall cease and the mobile snack van shall be removed from the site and the area restored to its former condition to the satisfaction of the Planning Authority.

Reason:

To enable the Planning Authority to assess the environmental and amenity impact of the operation of this type of temporary use on the locality in the interests of safeguarding the landscape character and amenity of the area.

- 2 This permission is made personal to the applicant, Mr Lachezar Branchev 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 landscape character and amenity of the area.

- 3 No more than one mobile snack bar shall trade from the site at any one time.

Reason:

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

- 4 Two litter bins, each with a self-closing lid, shall be provided adjacent to the mobile snack van and shall be accessible to customers at all times whilst trading takes place. Prior to any use being made of the snack van details of the two litter bins, as well as a general strategy to minimise the impact of waste, shall be submitted to and approved in advance by the Planning Authority. The details shall show that one bin shall be used solely for recyclable materials and one bin shall be for general waste. The two litter bins shall thereafter be provided in accordance with the details so approved. The area around the snack van shall at all times during trading and at cessation of trading each day, be kept free of litter and any other waste or refuse. The bins and their contents shall thereafter be removed from the site and the site cleared from litter.

Reason:

In the interests of safeguarding the landscape character and amenity of the area.

- 5 The snack bar hereby approved shall be provided with gas, solar or battery power and no generators shall be operated on site for the purposes of providing power to the proposed snack van.

Reason:

In the interests of the residential amenity of neighbouring residential properties.