

**WEST DUNBARTONSHIRE COUNCIL****Report by the Strategic Lead - Regulatory****Planning Committee 9 December 2020**

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**Subject:** Part change of use of indoor sports facility and associated external hardstanding area to street food market including the siting of five containers and formation of 12 parking spaces at Unit 1, Gavinburn Business Park, 223 Dumbarton Road, Old Kilpatrick by Mr J Steel.

**1. Purpose**

- 1.1** To provide the Committee with additional information following continuation of the above planning application and to seek the Committee's decision on the application.

**2. Recommendations**

- 2.1** **Grant temporary planning permission** for a period of two years subject to the conditions set out in Section 9 of Appendix 1 of the report presented to the Committee in November 2020.

**3. Background**

- 3.1** The above planning application was presented to Planning Committee on 11 November 2020. Appendix 1 contains a copy of the report presented to November Planning Committee. It agreed to continue the above application in order to allow for the submission of additional information relating to matters including food hygiene, licensing, and health and safety. No hearing took place at the November Committee meeting and this will take place at the December Planning Committee meeting.

**4. Main Issues**

- 4.1** The November Planning Committee raised a number of questions relating to the suitability of the premises from a food hygiene and health and safety perspective. Environmental Health has advised that there are procedures and checks required to ensure that the premises are suitable for the preparation and consumption of food. Before the food market begins to operate, Environmental Health, through a process separate from the planning decision, will require details of each business that wishes to trade from the converted containers on the site, and each trader will require to produce a 'Pass' Certificate which proves that they have been inspected by the Local Authority and meet the required food hygiene standards. Before the food market opens to the public, the Environmental Health Service would inspect the converted

containers and the rest of the premises to ensure that it is acceptable. This inspection would look at the proposed cleaning procedures and the controls that will be in place with regard to restricting the spread of COVID-19. Once the market was operational there would be further regular inspections by the Environmental Health Service, approximately every 3 to 6 months, to ensure that hygiene standards continue to be met.

- 4.2** Building Standards has advised that a building warrant will be required for the alterations to the building, including the ventilation system and the proposed works will need to comply with the current building regulations. With regard to the condition of the building, Building Standards has advised that it is the owner's responsibility to maintain the building to ensure that it is safe for people to enter, however, if a Building Standards Officer were to notice anything that is unsafe during a routine site inspection they would draw this to the owner's attention. The applicant has confirmed that it is their intention to make the building wind and watertight before the food businesses start trading and if the business is a success going forward, they will further invest in the building. Building Standards has confirmed that an asbestos survey report would only be required if the proposal included demolition works, which it does not.
- 4.3** It is understood that the applicant has applied for a temporary market operator's licence, and the Licensing Team have advised that as part of the Licence application process they will consult with Police Scotland and Fire Scotland, along with the Council's Planning and Environmental Health Services. A temporary licence, which would last for a period of 6 weeks, would only be issued if planning permission is granted. If the applicant wished to apply for the grant of a full Market Operator's Licence then they would need to post a Notice at or near the site advising that the application had been submitted and this would give members of the public an opportunity to submit an objection or representation. If any objections or representations were forthcoming then the application would be determined by the Licensing Committee. If the application was received during the 6 week period in which the temporary licence was active, the duration of the temporary licence would be extended beyond the 6 week period until the application for the full licence was determined. The applicant would also require a licence should they wish to sell alcohol on the site.
- 4.4** With regard to safety, the applicant has stated that they intend to demarcate areas for pedestrians to ensure that they are kept separate from vehicles. It is the applicant's responsibility to ensure that the movement of vehicles within the site is well managed, and as the applicant owns the entire warehouse building and the external hardstanding area, this aspect of the development is within their control.
- 4.5** Sections 7.9 to 7.15 of the report presented to the November Planning Committee set out the main planning considerations and why the proposed development is considered to be acceptable. It is considered that any concerns relating to hygiene can be addressed through separate procedures administered by the Environmental Health service, and the building warrant process will ensure that the premises meet the required building regulations

for the proposed use. The Licensing application process will also act as a further check in ensuring that the proposed use and premises are acceptable. Therefore the recommendation is to approve the application subject to the conditions set out in Section 9 as contained in the report in Appendix 1.

## **5. People Implications**

5.1 None.

## **6. Financial and Procurement Implications**

6.1 There are no financial or procurement implications in terms of this report.

## **7. Risk Analysis**

7.1 No risks have been identified.

## **8. Equalities Impact Assessment (EIA)**

8.1 Not required.

## **9. Consultation**

9.1 Consultation was undertaken as part of planning processes associated with the planning application.

## **10. Strategic Assessment**

10.1 There are no strategic issues.

### **Peter Hessett**

Strategic Lead - Regulatory

Date: 9 December 2020

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**Appendix 1:** Planning Committee Report: Ref DC20/135 (11/11/2020)

**Background Papers:** None

**Wards Affected:** Ward 6