

FOOD VANS AND OTHER STALLS PLANNING POLICY AND ADVICE

Approved by Executive Council October 31st, 2002

1 Introduction.

This document covers the issue of food vans and stalls. It provides advice as well as policies for consideration of applications. This document provides a clear guide for development in an open and transparent manner and it is for developers, landowners, businesses and the public.

Anguilla has a high quality visual environment which for a number of years has provided the base for its major industry, tourism. Both the natural and built environment play significant roles in this. This guide is set in the context of this fact and a number of strategic Government policies as well as practical considerations. These include the *Anguilla Tourism Strategy* and *Anguilla Economic Development Strategy* which both reinforce the aim to create an attractive Anguilla with a clean, high quality environment that promotes the high end of the tourist market.

2 Background.

Over recent years there has been an increase in number of food vans and other stalls (food and other sales) being erected in Anguilla. These individually and combined can have had an impact in terms of:

- Appearance
- Economic impact – competition to existing established restaurants
- Health and Safety.

3 Land Development Control Issues

There are a number of issues that this type of development raises that are outside the Land Development Control system that is operated in Anguilla. Appendix 1 lists some of these.

The key land development control issues that can and will be considered in all applications are:

- Type of operation (including hours and days of operation)
- Scale of operation (size and volume of traffic – pedestrian and vehicle)
- Impact on neighbouring properties and land uses including conformity to other uses
- Minimum facilities to be provided
- Loading and unloading bays
- Increase in traffic coming to the site

- Noise, smoke, smell, soot, vibration, waste, dust nuisance or danger posed to the surrounding residents
- The erection and display of advertisements

4 **Proposals that do not need planning permission?**

The following do not require planning permission:

- Any development that has been in since prior to January 1990.
- Any development that is undertaken for 28 days or less each year (the time period runs from the last date of use). Therefore if a food van is only used for 14 days a year it does not require planning permission. This **does not** exempt the developer and or operator from obtaining other licences or permissions.

- Very small scale businesses in houses

In residential premises, certain non-residential activities can be allowed where the change of use is not considered as 'material'. These activities are to be small scale in operation and should not 'materially' affect the use of the premises as a residential unit. The residential amenity of the surrounding areas should not be adversely affected. To ensure this, the activities must meet all the following criteria:

That there be:

- i. no advertisement/ business sign board is to be erected or displayed externally (outside the dwelling unit)
- ii. no significant increase in the volume of traffic visiting the site or negative impacts from vehicle movements being at 'un-social' hours this includes both loading and unloading of goods and staff and customer movements
- iii. no smoke, soot, smell, waste, vibration, dust nuisances or danger posed to the surrounding and neighbouring residents

Appendix I also lists a number of key activities that will always require planning permission.

5 **WHAT ARE THE MINIMUM REQUIREMENTS?**

Below are the minimum requirements for all stalls or vehicles.

a) Planning applications

Proposals for vehicles and stalls that need planning permission must be submitted in the normal manner as with all other full planning applications, for example:

- Planning fees for stalls will be charged at the relevant rates they are non-negotiable and must be paid to make an application valid.
- Completed application forms
- Location Plan

- Site Plan
- At least two Elevation Drawings and
- Floor Plan Layouts.

For vehicles/ tents photographs may be considered acceptable provided a clear written note is included which gives the dimensions of the vehicle/ tent (e.g. height, width and length).

For further advice and details a leaflet explaining what is needed to make a valid planning application is available free of charge from the Department of Physical Planning.

b) Minimum Set-back Distances

All stalls or vehicles must be set back a minimum of:

- 16 feet from the edge of all roads (rights of way: public or private)
- 10 feet from all other boundaries

c) Minimum Parking Facilities

A minimum of 5 off street parking spaces must be provided in addition to any space that is taken up by the vehicle that sales or display are to be undertaken from. These spaces are to be for customers and staff use only. The minimum dimensions of parking spaces are: 8ft wide by 18ft long. The space must also have a clear 18ft maneuvering space to its rear to provide access (this cannot be part of the public or private rights of way or road, etc.)

d) Staff and Customer Facilities

The development must have access to (at 150 feet maximum distance) and throughout its full hours of operation access to toilet and hand washing facilities. The hand washing facilities must not be the same as the facilities used for food preparation. All applications must include a letter from the facilities owners indicating that they have agreed to their use by the stall or van owner and their patrons.

e) Solid Waste Disposal

The proposal must include the provision of a minimum of two garbage bins (one for customer and one for business use).

6 Food Vans or Stalls – Additional Requirements

Given the nature of the developments all applications for food vans or food stalls will be advertised by the Land Development Control Committee.

The following additional requirements must be met by all applications for food stalls or food vans (outside the enclosed structure of the People’s Market). These requirements are irrespective of the type and volume of food sold or prepared.

a)Facilities for food storage

The development must include safe and hygienic facilities for the storage of both unprepared and prepared foods

b)Food preparation

Where food preparation takes place (including cooking) the development must include safe and hygienic facilities for preparation of both cooked and uncooked foods.

c)Food Premises Licence

The Environmental Health Unit will be consulted to ensure that all applications meet the minimum requirements of the Food Premises Licence. Applications failing to meet the minimum requirements will be refused planning permission.

d)Residential Amenity

For applications that are within residential areas (as defined on the Draft National Land Use Plan) applicants must clearly show how their application minimises impact on adjoining or neighbouring residential land (whether occupied or not).

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Conditional Approvals

Where planning permission is granted it will ordinarily be the subject of the following minimum conditions:

▪ **Temporary Consents**

Permission will be granted for a maximum of 3 years. Granting of the original permission in no way commits the Government of Anguilla (or the Land Development Control Committee) to renewing the permission after the expiration of this period. This is not a matter that compensation is payable for.

▪ **Garbage Bins**

The stall or vehicle shall not be open to customers unless a litter bin or dispenser for customers solid waste is available and located next to the stall / vehicle. Further garbage dispensers must be provided for the business waste. The operator of the business will be responsible disposal of all-solid waste.

▪ **Hours of operation**

The use permitted shall not be open to customers or used as a base for sales outside the hours of 9:00a.m. to 12:30a.m. Monday to Saturday inclusive and 10:00a.m. to 12:30a.m. on Sundays.

▪ **Amplified Music**

Amplified music must not be played outside the hours of 9:00a.m. to 8:00p.m. on weekdays. Amplified music must not be played at such a volume that it can be heard outside the site boundaries.

- **Weekends and Public Holidays**

During weekends and Public Holidays amplified music may be permitted from 9:00 a.m. to 12:00 a.m.

8 Information Note.

This Policy does not prohibit the relevant agencies from carrying out their duties and responsibilities wherever contraventions to Anguilla's Laws or Policies have been made. An information note will be attached to all approvals which will clearly highlight the following:

This permission does not in any way constitute a waiver of the need to obtain any other necessary Government licences and or permits that may be required. The applicant is responsible for obtaining these.

9 Enforcement of Policies and Appeals

Any development undertaken in contravention of planning legislation may be the subject of legal action. Offences are punishable by heavy fines. This document will be the primary Physical Planning document in considering any appeals or enforcement action.

10 Applications on Crown (Government) Land

Where the van or stall is proposed to be on Crown (i.e. Government Land) the developer must fully complete and submit the Crown Land Application Form prior to submitting their planning application. Planning applications submitted without this being done will not be valid and therefore cannot be determined. The Crown Land Application form is available from the Department of Physical Planning, The Valley. Consent for the use of Crown land does not mean that Planning Permission will be granted.

Contact Details

Contact Address:

Department of Physical Planning
Government of Anguilla,
The Valley
Anguilla
British West Indies.

Tel. No: (264) 497 5392 or 497 5064

Fax Number: (264) 497 5924

E-mail Address: axaplanning@hotmail.com

Department of Physical Planning Web Site: www.gov.ai/planning

Appendix I

Issues that are outside the scope of Land-Development control Process.

The following list contains issues that cannot be considered in the determination of planning applications.

1. Competition

Competition generated by a new business proposal cannot ordinarily be taken into consideration in the determination of a planning application. Therefore if someone objects to a new food stall being sited next to their existing restaurant on the basis of competition and loss of their trade this is not a planning matter.

Where it can be potentially considered is when a development has a significant impact on a number of businesses in an area or the viability of the business centre itself.

2. Profitability or Business Sense

It is not the function of planning to protect a developer from their own idea of what is and isn't profitable. The current system doesn't allow for the requirement for a business plan or similar financial details.

3. Land or Property Ownership

The ownership of the land or property is not a planning consideration. However, the applicant must either be the owner of the land or building or have served notice on the owner. Failure to do so will invalidate the application.

4. Other Factors

Whilst the following factors may be relevant for other permits and or licences they are not factors that can be legally considered by the Land Development control Committee:

- Financial or other means or skills at the disposal of the applicant
- Criminal record etc of the applicant, etc.
- Presence of other necessary permits or licences i.e. Food Handlers Licence