



# Guidelines & Standards for Hot Food Takeaway Uses Supplementary Planning Document (Consultation Draft)

November 2014

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## 1 Introduction and the need for this Document

- 1.1 Hot food takeaways provide a popular service for local communities and are an important complementary use in town and neighbourhood centres. They also provide important employment opportunities for many people. Nevertheless, it is recognised that hot food takeaways can have a greater potential than other retail uses to create disturbance and detract from residential amenity and environmental quality. An overconcentration of hot food takeaways in one area can also reduce the attractiveness of town, district and local centres.
- 1.2 Planning applications for hot food takeaways, particularly those in close proximity to residential properties, frequently generate a significant number of objections. It is therefore important that supplementary guidance is provided by way of this document to ensure that new hot food takeaway development does not harm local environmental quality or residential amenity. It is also recognised that hot food takeaways often serve energy dense and nutritionally poor food which, although not the sole cause of obesity, can be a contributing factor. The guidance in the document is also intended to promote and support healthy eating habits.
- 1.3 The document is intended to aid all those involved in the development process: applicants and their agents, neighbouring residents, architects, development management officers and councillors. It complements, rather than duplicates, other planning documents currently in force within the Borough. When considering hot food takeaway development it will also be important to follow the advice contained in the 'Shopfronts and Security Shutters Supplementary Planning Document' (SPD). This, together with all local planning policies, is available to view and download from our website.
- 1.4 The guidance does not have the same status as the development plan but, once adopted, will be a significant material consideration in the determination of planning applications.
- 1.5 To achieve the objective of high quality development which respects local context and responds appropriately to site constraints Rochdale Borough Council encourages early engagement and discussion with potential applicants and their agents. More detail about the pre-application service offered by the Council is available on our website:  
[http://www.rochdale.gov.uk/planning\\_and\\_building.aspx](http://www.rochdale.gov.uk/planning_and_building.aspx).

## 2 Policy Context

### The National Planning Policy Framework (NPPF)

- 2.1 The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life. It includes in its 12 core planning principles a need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and promotes the reduction in pollution. It recognises the need to build a strong, competitive economy (Chapter 1) and the importance of protecting and promoting the vitality of retail centres (Chapter 2). It also emphasises the need to promote healthy communities (Chapter 8).

### Rochdale Borough Unitary Development Plan (UDP)

- 2.2 The current UDP was adopted in June 2006 and it contains the development plan policies for the borough which set out the general principles that should be considered in the determination of planning applications. This document supplements a number of UDP policies, the following being of particular relevance:

#### ***S/3 Primary Shopping Areas***

*Within the Primary Shopping Areas of Rochdale, Middleton and Heywood, the change of use of shops at ground floor or mall level will not be permitted unless:*

- a) It is needed to enable an adjacent use to expand, provided that this does not lead to overdominance or more than two separately occupied non-A1 uses adjacent to each other, and it will not adversely affect the vitality and viability of the Primary Shopping Area; or*
- b) The proposed development, because of its particular nature and qualities, will make an exceptionally valuable contribution to the vitality and viability of the centre.*

*Where planning permission is granted for change of use from retail to non-retail uses either in accordance with, or as an exception to this policy, it may be subject to conditions (including where appropriate conditions restricting permitted development) to safeguard the vitality of the Primary Shopping Area.*

#### ***S/4 Secondary and Central Shopping Areas***

*At ground floor level fronting the street within the Secondary Shopping Areas in Rochdale, Middleton and Heywood town centres, and the Central Shopping Area*

*in Littleborough town centre, only development of, or change of use to, shops, food and drink outlets and financial and professional services will be permitted. The development of other uses at ground floor level fronting the street will not be permitted.*

### **S/5 Development Elsewhere in Town Centres**

*In those parts of town centres not identified as Primary, Secondary or Central Shopping Areas, the development of, or change of use to, shops, financial and professional services, food and drink outlets, offices, hotels, community and cultural facilities, leisure and entertainment uses and housing will be permitted provided that:*

- a) It will be of a scale and character appropriate to the size, role and function of the centre or part of the centre concerned;*
- b) It will be compatible with surrounding land uses and not detract from the amenity of adjoining uses; and*
- c) It will not adversely affect the vitality and viability of the centre or part of the centre concerned.*

*Major retail and leisure developments over 1000 square metres gross, in addition to meeting the criteria above, should also be well related to any Primary, Secondary or Central Shopping Areas in terms of siting, patterns of activity and pedestrian movement, ease of pedestrian access, layout, and design.*

### **S/10 Food and Drink Outlets**

*The development of, or change of use to, a café, restaurant, pub, wine bar, snack bar or hot food or fast food takeaway will be permitted provided that:*

- a) It is in accordance with Policies S/3 - S/8;*
- b) It will not unduly affect the amenity of nearby residents or businesses by reason of noise, smell, litter and hours of opening;*
- c) It will not result in an over concentration of such uses which could adversely change the nature and character of the area;*
- d) Vehicle access, manoeuvring and parking related to the use will not cause undue obstruction to traffic, be detrimental to road safety, or affect local residential amenity; and*
- e) Any ventilation flues and/or ducting can be accommodated without detriment to the visual amenity of the building or the surrounding area.*

### **G/BE/1 Design Quality**

*New development (both buildings and their settings) will be required to contribute to the provision of an attractive, safe and accessible built environment, and in particular contribute to the quality of the townscape and landscape, and accord with the best of its surroundings. Developments that engender local distinctiveness will be encouraged.*

## **BE/2 Design Criteria for New Development**

*Development proposals will be required to demonstrate good design by:*

- a) Ensuring that they are compatible with or improve their surroundings by virtue of their scale, density, height, massing, layout, materials, architectural style and detail and means of enclosure;*
- b) Creating visual interest in areas or buildings lacking character;*
- c) Taking opportunities to retain, enhance or create views, landmarks and other townscape features which make a material contribution to the character of the area and reveal such features to public view;*
- d) Retaining and enhancing the architectural or historic qualities and features of buildings of character;*
- e) Appropriate treatment of open spaces between and around buildings, including the provision of landscaping as an integral part of the development layout;*
- f) Retaining key natural features, including trees, as part of the landscaping of the site;*
- g) Providing for safe and convenient access and circulation;*
- h) Minimising opportunities for crime against people or property;*
- i) Making adequate provision for natural light within and between buildings;*
- j) Minimising the potential environmental impact of and on the development, including noise, air and water pollution.*

## **G/EM/1 Environmental protection and pollution control**

*The council will seek to ensure that the location and impact of new development is regulated in the interests of good environmental management. Development that helps to make Rochdale a cleaner and safer place will be encouraged and permitted. The council will seek the minimum practicable levels of ground, air, water and noise pollution from all developments and will ensure that existing levels of pollution in the borough are progressively reduced as resources or opportunities permit. Development and land use activities will be expected to safeguard public safety and the natural environment, including water-courses and flood plains.*

## **EM/2 Pollution**

*If the emission of pollutants from a proposed development cannot readily be controlled by other environmental legislation, such development will not be permitted where it would be likely to result in an increase in air, water, noise, light or other pollution, which would be harmful to the environment, and to land uses and land users in the area.*

*Where permission is granted, it will be subject to appropriate conditions or obligations to ensure that air, water and noise pollution is kept to acceptable levels.*

*New housing or other environmentally sensitive development will not be permitted where existing pollution levels are unacceptable and cannot satisfactorily be reduced.*

## **EM/3 Noise and Development**

*Development will not be permitted where:*

- a) It would lead to unacceptable levels of noise nuisance to nearby existing or future occupants of buildings, or users of open space; or*
- b) It involves a noise sensitive use (such as housing, a school or hospital) which would be sited in or close to an area that is, or is likely to become, subject to unacceptably high levels of noise generation.*

*Where the effects of existing noise on proposed new development, or noise likely to be generated by new development, can be adequately controlled by design, landscaping and other measures, as enforced by planning conditions, the Council will grant planning permission, provided the development is acceptable in all other respects.*

## **Rochdale Borough Core Strategy (CS)**

- 2.3 The CS will set out a long-term spatial vision, objectives and the planning and development strategy for the borough up to 2026. Once adopted the CS will replace the UDP. The CS sets out 5 strategic objectives including the following:

### **SO1 – To deliver a more prosperous economy**

*To do this we will focus on:*

- 1. Identifying quality employment sites and areas to increase the number and range of jobs and employment levels;*
- 2. Developing the rural and visitor economies particularly in the northern Pennine fringe;*
- 3. Establishing strong thriving attractive town centres, particularly Rochdale town centre;*
- 4. Ensuring good transport accessibility to jobs and markets within and beyond Greater Manchester;*
- 5. Supporting provision of educational facilities to improve skills; and*
- 6. Building on the borough's assets and improving its image to attract investment.*

### **SO2 – To create successful and healthy communities**

*To do this we will focus on:*



1. *Delivering sufficient housing to meet demand;*
2. *Improving the range of housing to meet everyone's needs and aspirations, including affordable housing and more high value housing;*
3. *Creating well designed desirable housing areas to retain and attract residents;*
4. *Focusing housing growth where it helps to deliver regeneration and economic growth (e.g. inner areas and deprived housing estates);*
5. *Ensuring that new housing is supported by community facilities, service infrastructure, open space etc.; and*
6. *Improving the general health and quality of peoples lives through better access to health facilities and services, education, community and cultural facilities and open space.*

### **SO3 – To improve design, image and quality of place**

*To do this we will focus on:*

1. *Raising design quality and promoting sustainable developments;*
2. *Improving gateways into the borough and main transport corridors to improve the image of the borough;*
3. *Protecting and enhancing our heritage and natural assets, the special character of our towns, our countryside, open spaces, river valleys and water features; and*
4. *Create new identity and character where it is lacking (e.g. inner areas and road corridors).*

2.4 The following policies of the CS are also of particular relevance to this guidance document:

### **DM1 - General development requirements**

*All development proposals, including changes of use of land and buildings, extensions and alterations, will be expected to demonstrate that they:*

- a. *Are of high quality design and take the opportunity to enhance the quality of the area;*
- b. *Are compatible with surrounding land uses, both in terms of its impact upon those uses and the impact of the surrounding land uses upon the amenities of future residents / users;*
- c. *Do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy;*
- d. *Do not impact on amenity due to noise, air, dust, light and odour pollution, traffic generation or inadequate access;*
- e. *Provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location;*
- f. *Do not have an adverse impact on health, through its impact or the effect of existing problems e.g. land contamination, or poor air quality;*

- g. Provide, or demonstrate the availability of, the service and community infrastructure necessary to meet local needs e.g. local shops, community, leisure and sport facilities and provision of open space;*
- h. Minimise opportunities for crime against people or property;*
- i. Take account of ground conditions including unstable or contaminated land and, where a potential risk exists, a survey should be carried out and any necessary remedial measures identified;*
- j. Incorporate, where appropriate, high quality landscape schemes; and*
- k. Have assessed whether the development may be affected by ground instability.*

### ***P3 - Improving design of new development***

*We will require all new developments, including associated landscaping, regardless of location in the borough, to adhere to high standards of design. The following design principles should be adhered to wherever relevant:*

- Enhancing the borough's identity and sense of place, by respecting context where it is positive and having regard to the scale, density, massing, height, layout, landscape, materials and access of surrounding buildings and areas in general;*
- Ensuring that buildings contribute positively to the townscape, and be well proportioned;*
- Incorporating design measures that design out crime and ensure developments and spaces are safe to use and access (including lighting as appropriate);*
- Providing an appropriate mix of uses and consider the needs of all sections of society;*
- Ensuring a development is easy to move through and get around, especially for pedestrians, cyclists, public transport, disabled people and emergency service vehicles;*
- Providing a hierarchy of routes, streets and spaces, relating positively to visual connections between the development and its surroundings;*
- Ensuring that the intended functions of buildings and spaces should be easily understood, and their entrances appropriately located and visible;*
- Ensuring buildings can be easily adapted to meet future/alternative needs of occupants;*
- Minimising impact upon the environment, and adapting to the impact of climate change, including by re-using existing buildings and materials (maximising the benefits of existing embodied energy) and sustainable drainage (Policies G1 and G2);*
- Designing buildings and spaces so that quality and appearance can be maintained over time; and*
- Reducing the monotony and visual impact of car parking areas by using substantial and well integrated landscaping.*

All developments should have regard to the principles outlined in the following documents (or equivalent documents which replace them), which set out in detail the Council's design expectations for new development:

- Urban Design Guides SPDs, September 2007*

- Urban Design Guide SPD, September 2007;
- Residential Design Guide SPD, September 2007;
- Public Realm Design Guide SPD, September 2007;
  
- Littleborough Town Design Statement SPG, 2005;
- Guidelines and Standards for Residential Development SPG, 1995 and;
- Shopfronts and Security Shutters SPD, 2012

Design and access statements and design briefs must include demonstration of how these design principles have been taken into account in the design of development proposals.

## ***E1 - Establishing thriving town, district and local centres***

*Establishing thriving town centres, with a good range and choice of shops, activities and facilities, will help make the borough an attractive place to live, work and do business.*

*We will focus retail, leisure, cultural, office, residential and other development to promote the viability and vitality of all the borough's town centres to maintain them as thriving and sustainable centres and the preferred shopping and leisure destinations for people living, working and visiting the borough. We will also ensure the provision of a hierarchy of accessible district and local centres and shops that meets people's daily shopping needs.*

*To do this we will:*

*Maintain and promote the following hierarchy of retail centres in the borough:*

- 1. Rochdale town centre - which is the borough's principal town centre and a centre of sub regional significance;*
- 2. Middleton town centre - second largest centre;*
- 3. Heywood town centre - third largest centre;*
- 4. Littleborough town centre - fourth largest centre;*
- 5. Milnrow district centre - meets local daily convenience shopping needs;*
- 6. Castleton local centre - to be promoted as a district centre to meet local daily convenience shopping needs.*

- *Promote a scale of retail and leisure development in the above centres which is appropriate to their size, catchment and role taking into account the most up to date retail capacity figures.*
- *Promote and protect existing and new market areas and areas of specialist shopping;*
- *Support meeting local shopping needs in existing local centres where there is an opportunity for appropriate development;*
- *Identify new local centres through the Allocations DPD in the following locations:*
  - *Kingsway Business Park, Rochdale - in an accessible location to meet the needs of employees and residents; and*
  - *Royal Barn Lane, Rochdale.*

- *Protect and safeguard the core retail function of Primary Shopping Areas through restricting certain non A1 retail and retail uses within Primary and Secondary Shopping Frontages.*
- *Define the boundaries of town, district and local centres, along with Primary Shopping Areas (PSA), Primary Shopping Frontages (PSF) and Secondary Shopping Frontages (SSF) and other such areas through the Allocations DPD;*
- *Identify and allocate suitable locations and opportunities for new retail, leisure and other town centre uses through the Allocations DPD to ensure sufficient supply of sites over the plan period;*
- *Only consider out of centre development when there are no suitable sites in, or on the edge, or well connected to, the town centre, district centres or local centres and the proposal would cause no significant overall impact on the existing centres vitality and viability;*
- *Support the expansion of the evening economy through a number of mixed uses such as restaurants/bars/theatres and quality housing on appropriate sites, or through conversion of upper floors, which will enhance the vitality of the centre, making it a more vibrant, active and safer place in the afternoon and evening;*
- *Seek appropriate contributions, for the improvement and enhancement of town centres, from any major developments that may otherwise have impact on town centres (Policy DM2); and*
- *Ensure routes to and from local areas and local transport nodes and across the centre are convenient, attractive and feel safe, creating them or enhancing them where necessary.*

*In considering proposals for main town centre uses we will:*

- Require the application of the sequential approach, where the application site is not in an existing centre and not in accordance with an up to date development plan;*
- Require an impact assessment for retail, leisure and office where the proposed application exceeds the locational requirements floorspace thresholds set out in the reasoned justification below. This should include an assessment of the proposals within a defined catchment area and wider depending on the size of the application;*
- Seek to ensure that the number of non A1 retail uses at ground floor level in Primary Shopping Frontages does not exceed 20% of its total length;*
- Seek to ensure a high proportion of A1 retail uses in the Secondary Shopping Frontages whilst accommodating, where appropriate, a wider range of other retail and town centre uses;*
- Support a change of use of a vacant retail unit (marketed for at least 6 months for retail use) in a Primary Shopping Frontage and Secondary Shopping Frontage where applicants can demonstrate that the use will clearly assist, and not harm, the vitality and viability of the centre; and*
- Support the provision of small scale shops and services to meet local needs outside centres, including in Employment Zones, where:*
  - They are in a location that is not, or will not be, reasonably served by an existing or proposed centre or local shop;*
  - There are no suitable vacant shops nearby; and*
  - They will be accessible to local residents / workers on foot.*



## **C6 - Improving Health and Wellbeing**

*We will improve people's health and wellbeing and reduce health inequalities by:*

- *Creating an economic, physical and social environment which promotes and supports healthy lifestyles;*
- *Supporting and promoting accessible new health facilities and services in town centres and local centres; and*
- *Focusing the above actions in areas of deprivation, poor health and/or greatest need.*

*We will achieve this through:*

- a. Ensuring good provision of and access to a range of food shops within or adjacent to town centres, local centres and within deprived areas (Policy E1);*
- b. Seeking to provide better access to jobs in areas with high levels of deprivation and poor health (Policy E2);*
- c. Providing an appropriate number of good quality and affordable homes with a mix of tenures in areas of greatest need, dealing with empty homes and bringing them back into use and tackling overcrowding issues with the right size and range of homes for every need (Policies C1-C4);*
- d. Not allowing the over concentration of takeaway food premises where they may impact adversely on the amenity of residents and/or encourage unhealthy eating habits;*
- e. Ensuring good provision of education, community, sport, leisure and cultural facilities in town centres, local centres and areas of greatest health deprivation (Policies C7,C8);*
- f. Seeking high quality design of buildings, streets and spaces to create neighbourhoods that are safe to use, easy to move through, adaptable and sustainable (Policy P3);*
- g. Managing and mitigating the effects of climate change by tackling greenhouse emissions, reducing risks of flooding, promoting tree planting and seeking to avoid adverse micro-climates (Policies G1,G6,G7,G8);*
- h. Maintaining and enhancing the borough's biodiversity, natural environment, open spaces and outdoor sport and recreational areas to create a coherent network of green infrastructure that can help promote better health (Policies C8,G6,G7 & G8);*
- i. Identifying and implementing measures to reduce traffic movements and congestion to reduce air and noise pollution (Policy T1);*
- j. Encouraging development that promotes active living by making places more accessible by walking, cycling and public transport (Policy T2);*
- k. Protecting allotments and encouraging other local food growing areas so that residents can grow their own food (Policy G6); and*
- l. Supporting the provision of health facilities and services in accessible locations that meet current and future need, particularly in deprived areas.*

*Where appropriate we will seek a Health Impact Assessment for major planning applications and consider the use of section 106 agreements to deliver measures to improve the health impacts of development.*

## **G9 - Reducing the impact of pollution**

*We will reduce all forms of pollution in the borough, by:*

- a. Focusing on measures that reduce air pollution in Air Quality Management Areas, and other areas where pollution levels are unacceptable, particularly around motorways and main roads;*
- b. Requiring that final development does not lead to an increase in air, water, noise, light or other pollution (cumulative impacts to be taken into account);*
- c. Ensuring sensitive new developments such as housing, schools and hospitals are not adversely affected by existing sources of pollution such as roads and certain types of industry;*
- d. Requiring a Low Emissions Strategy (LES) where development requires a Transport Assessment, and in other circumstances as appropriate;*
- e. Requiring that any risks arising from contaminated land, and appropriate actions to address these risks, are identified prior to any development taking place on that land and the identified actions taken;*
- f. Requiring that any risk to surface water and ground water resources from the disturbance of contaminated land be ascertained and preventative measures devised and carried out; and*
- g. Using planning conditions or obligations to control pollution from new development, or the impact of pollution on new development.*

## 3 Healthy Eating

### Background

- 3.1 Obesity is one of the biggest health challenges facing the UK with 61.9% of adults and 28% of children between 2 and 15 being overweight or obese<sup>1</sup>. There is a clear link between increased body fat and risk of developing medical conditions including type 2 diabetes, cancer, heart and liver disease<sup>2</sup>. Research also indicates that once obesity is reached, it is difficult to treat, and an obese adolescent is likely to remain so into adulthood<sup>3</sup>. Research also indicates that the more overweight, and the earlier in life a person becomes overweight, the greater the impact on that persons health<sup>4</sup>.
- 3.2 England's obesity epidemic has attracted considerable policy attention in recent years. The publication 'Healthy weight, healthy lives'<sup>1</sup> encouraged local authorities to use existing planning regulations to control more carefully the number and location of fast food outlets. A follow on report in 2011<sup>5</sup> also recognises that whilst healthy eating is about individual decisions, the environment (particularly the availability of calorie rich food) now makes it much harder for people to maintain healthy lifestyles, highlighting that hot food takeaways are a source of predominantly high calorie food. The document identifies how local authorities have a lead role in driving health improvements and again refers to the importance of maximising the contribution of the planning system.

### Healthy eating in Rochdale

- 3.3 In 2012 Public Health England published data on excess weight in adults for all local authorities in England<sup>6</sup>. According to the survey, 68.6% of adults in Rochdale are obese or overweight, which is the 7<sup>th</sup> highest out of all the local authorities in the North West and is higher than the North West and England averages.
- 3.4 In terms of childhood obesity rates in Rochdale, data is collated as part of the National Child Measurement Programme (NCMP) which weighs and measures reception and year six children across England. For 2012/13 8.8% of reception

<sup>1</sup> Reducing Obesity and improving diet (2013) Department of Health.

<sup>2</sup> Healthy weight, healthy lives: one year on (2009) Department of Health.

<sup>3</sup> Interventions for preventing obesity in children (2005) Summerbell, C et al., The Cochrane Database of Systematic Review 3.

<sup>4</sup> Adolescent health (2003) British Medical Association.

<sup>5</sup> Healthy lives, healthy people: a call to action on obesity in England (2011).

<sup>6</sup> Active People Survey 2012

year children were obese (5<sup>th</sup> highest in GM) whereas 12.9% were overweight (4<sup>th</sup> lowest in GM). In year six 20.7% of children were found to be obese (3<sup>rd</sup> highest in GM) and 13% were overweight (2<sup>nd</sup> lowest in GM). Rochdale is below the England and North West averages for all of the above groups except obesity in year 6 children.

- 3.5 Rochdale Council is working hard to support weight loss initiatives and healthier lifestyles across the borough. A Healthy Lifestyles Strategy has been developed together with a Healthy Weight Action Plan which is one of several action plans aimed at supporting healthier living. Further details of the strategy and action plans are available on the councils website: [http://www.rochdale.gov.uk/the\\_council/policies\\_and\\_plans/health\\_and\\_well\\_being/healthy\\_lifestyles\\_strategy.aspx](http://www.rochdale.gov.uk/the_council/policies_and_plans/health_and_well_being/healthy_lifestyles_strategy.aspx)
- 3.6 In addition to the above strategy and action plans, Rochdale Council offers a number of services to help people lose weight and live a healthier life. Details of these services are available in the Health & Wellbeing area of the Councils website: [http://www.rochdale.gov.uk/health\\_and\\_wellbeing/live\\_well/how\\_to\\_be\\_a\\_healthy\\_weight.aspx](http://www.rochdale.gov.uk/health_and_wellbeing/live_well/how_to_be_a_healthy_weight.aspx).
- 3.7 Rochdale Council continues to build on work previously undertaken with hot food providers particularly traditional fish and chip shops, where a successful scheme has reduced salt content by the use of differently designed dispensers. A “Healthier Chip Shop” scheme provides technical expertise to fish and chip shops to reduce transfats usage and encourage the selection of peas and alternative healthier options when chip meals are ordered.
- 3.8 Expansion of this scheme into “Healthy Choices” will allow for more outlets to become engaged and successfully complete the programme resulting in healthier options for Rochdale residents. Also an expansion of the current evaluation will take place. The expanded evaluation plan will look at business engagement and success as well as customer response and lifestyle change to healthier options such as grilled fish and healthier chips.
- 3.9 The Healthier Chips Scheme is available to all takeaways in the borough who can obtain gold, silver or bronze accreditation. Further advice and details on how to participate are available at:

[http://www.rochdale.gov.uk/campaigns/healthier\\_chips.aspx](http://www.rochdale.gov.uk/campaigns/healthier_chips.aspx)



## 4 Hot food takeaways and schools (Policy HF1)

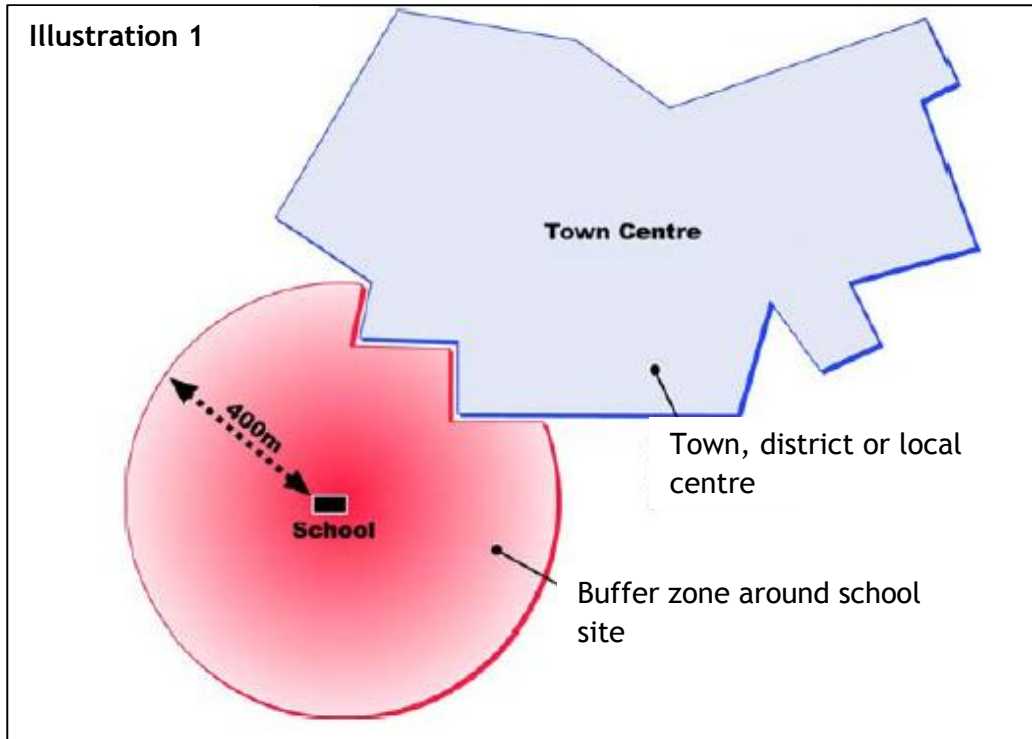
- 4.1 Although hot food takeaways do not directly cause obesity, there is a growing body of evidence that recognises the impact that they can have on health. Supported by the evidence that if obesity develops in adolescence, it is likely to continue into adulthood, both the Chartered Institute for Environmental Health<sup>7</sup> and the Department for Health advise that local authorities should limit the opening of new outlets, particularly in sensitive areas such as around schools. It is important to support and establish healthy eating habits from an early age.
- 4.2 Research indicates that the most popular time for purchasing food from shops is after school<sup>8</sup> and many secondary school children may also leave school premises at lunchtime. Furthermore, fast food outlets in close proximity to, and surrounding schools, have been found to be an obstacle to secondary school children eating healthily<sup>9</sup>.
- 4.3 In an effort to establish healthy eating habits and reduce the rate of childhood obesity in the local population, it is considered appropriate to **restrict the establishment of new hot food takeaways around secondary schools**. A **400m restriction buffer** is considered to be a reasonable distance given that it broadly represents a 10 minute walk, taking into account physical barriers on any route. The buffer will be measured from the boundary of the grounds of each school.
- 4.4 It is not considered appropriate, at this time, to restrict hot food takeaways around primary schools as there is no comparable evidence which suggests that the location of hot food takeaways acts as an obstacle to primary school children eating healthily. It is thought that the majority of primary school children are not permitted out of the school grounds during the school day, and that they are more likely to be accompanied by an adult on their way to and from school.
- 4.5 In order to avoid harm to the vitality of the borough's town, district and local centres, no restriction will apply to hot food takeaways within those defined centres (see illustration 1).

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<sup>7</sup> Policy briefing note - fast food outlets (2010)

<sup>8</sup> The school fringe: from research to action. Policy options within schools on the fringe (2009)

<sup>9</sup> The school fringe: What pupils buy and eat from shops surrounding secondary schools (2008).



## 5 Extraction of odours and noise abatement (Policy HF2)

- 5.1 A balance is needed between the provision of hot food takeaways and the need to protect the amenity of residents living adjacent or near to such establishments. Compared to other uses, hot food takeaways can generate unacceptable levels of noise, vibrations and odours and it is therefore important that such uses are controlled.
- 5.2 The design of the fume extraction/ventilation equipment should ensure that odours, fumes, or noise cause no significant nuisance or disturbance to nearby properties. Odours should normally be extracted directly upwards at a speed and height that will ensure adequate dispersion past adjacent buildings. Regular cleaning and maintenance will be necessary for any equipment, including the flue stack, to prevent odour and the possibility of fires due to grease build up and also to prevent the generation of smoke from the flue.
- 5.3 Consideration must also be given to the visual impact of flues with all planning applications and care should be taken to locate them where they will not appear prominent. The council will take into account issues of visual amenity in deciding whether or not a proposed extraction system is acceptable. Where practicable, but especially in conservation areas or within the setting of a listed building, equipment should be installed predominantly within the building.
- 5.4 Applicants are advised to submit details of the size, design, siting, finish, acoustic treatment, odour abatement techniques and a schedule of cleaning and maintenance of the flue extraction system with all planning applications for hot food establishments. However, in some cases it may be possible to impose condition(s) so secure some of this information prior to works commencing.
- 5.5 Often, the activities of hot food takeaway establishments tend to peak at times when the surrounding background noise levels are considered to be low (for example late evenings). Noise and vibrations generated both from the cooking activities and the essential extraction equipment used in these premises, along with increased levels of customer movement in and out of the premises, can cause intolerable levels of disturbance to residents. Late night opening hours act to further exacerbate the problem, attracting higher customer numbers in the afternoons and late evenings.
- 5.6 In order to mitigate against unacceptable noise levels (including vibration) extraction equipment will need to be adequately acoustically attenuated. It may also be necessary for party walls and/or ceilings to be adequately sound proofed to minimise disturbance. This is likely to be required where a party wall and/or shared floor/ceiling does not comply with the sound insulation standards as specified in approved document E of the Building Regulations.

- 5.7 It is important to understand that abatement equipment will not make the extraction system silent or odourless. There may be situations, due to the close proximity of other premises where it will not be practicable to suitably site a kitchen extraction system without causing nuisance to such premises. In such cases planning permission may be refused.
- 5.8 Extraction / ventilation systems must therefore:
- i. Have minimal impact on visual amenity, including location and external finish;
  - ii. Be acoustically attenuated to achieve a level of no more than 40 dB(A) when measured 1m from noise sensitive premises.
  - iii. Not have an unacceptable impact on the amenity of neighbouring occupiers, for example by virtue of vibration, noise or odour;
  - iv. Be properly operated, serviced, cleaned and maintained in accordance with industry best practice;
  - v. Have a flue which terminates 1m above the eaves of the property or, if this is not achievable, a suitable alternative may be acceptable with supporting information;
  - vi. Meet the minimum standards set out in the guidance on control of odours and noise produced by the Department of Environment, Food and Rural Affairs (Defra) or any information updating or replacing this guidance; and
  - vii. Where appropriate, incorporate sound proofing of party walls and ceilings to ensure that there is no unacceptable noise disturbance from the hot food takeaway for residential occupiers directly above or adjacent to the proposed use. The soundproofing, in conjunction with the existing structure, needs to achieve a sound reduction of at least 50 dB(A).



## 6 Appropriate concentrations of hot food takeaways and clustering (Policy HF3)

6.1 Hot food takeaways (class A5) offer a popular service to local communities and have a significant role to play in terms of contributing to the vitality and viability of the borough's designated town, district and local centres and linear commercial areas. However, an over-concentration of hot food takeaway uses can detract from the primary retail function of those centres and reduce their attractiveness to shoppers. They can often result in an increase in 'dead' frontages during the day as many hot food takeaway uses are closed until the late afternoon and evening. This can be a particular problem where hot food takeaway uses cluster together. Consequently, to ensure that shopping areas are diverse and balanced, applications for hot food takeaway uses shall not normally result in:

- i. More than 5% of the total ground floor units within a defined Primary Shopping Area being hot food takeaways;
- ii. More than 10% of the total ground floor units within a defined Secondary or Central Shopping Area being hot food takeaways;
- iii. More than 20% of the total ground floor units within an area of a defined centre, outside the above areas, being hot food takeaways;
- iv. More than two hot food takeaways being located adjacent to each other;
- v. Any fewer than two non-A5 units between hot food takeaways; and

6.2 Where the above standards have already been breached, further hot food takeaways will not normally be supported. In addition, there may be some proposals for hot food takeaway uses that, despite the above standards not being breached, would harm the retail offer and vitality of a centre (e.g. the loss of a particularly prominent retail unit within a primary shopping area). Such proposals will also not normally be permitted. With regard to criterion iii. the area of the centre that the policy will apply to will be determined on a case-by-case basis having regard to the characteristics of the centre and any barriers or structures within that centre which help to create distinct zones (e.g. major junctions, roads, open spaces or large buildings).

6.3 The above standards will only be relaxed where it can be demonstrated that the vitality and viability of the centre will not be adversely affected having regard to the following criteria:

- i. The existing character and mix of units within the centre (e.g. is the centres vitality reliant on there being a concentration of hot food uses);
- ii. The existence and condition of vacant shop units; and
- iii. The number and location of other non-retail uses within the centre.

## 7 Hours of Opening (Policy HF4)

- 7.1 Hot food takeaways often open in the late evening when many people are at home. Such uses can also generate significant levels of noise from activities related to the comings and goings of customers and the activities within the kitchen and serving area (e.g. banging of kitchen equipment). It is therefore important that where there are residential properties in close proximity to a proposed hot food takeaway use, that consideration is given to whether the hours of opening should be restricted to protect the amenity of the neighbouring residents.
- 7.2 In some locations such as mixed commercial/residential areas that have a late night economy, local retail centres or along well-trafficked routes, it may be reasonable for residents to expect a certain level of activity near their home. Therefore, when determining the appropriate hours of opening for hot food takeaways regard will be had to:
- i. The likely impacts on residential amenity;
  - ii. The existence of an established late night economy in the area;
  - iii. The potential for anti-social behaviour and disturbance; and
  - iv. The character and function of the immediate area, including existing levels of activity and noise.

## 8 Disposal of Waste (Policy HF5)

- 8.1 Hot food takeaways can generate a significant volume of waste. Consideration must, therefore, be given to how this waste is disposed of.
- 8.2 It is important that bins of a suitable size are provided in a location that is well screened and easily accessible for both the business operator and collection services. Inadequate refuse storage can result in harm to visual amenity as well as serious risk to public health. Where possible, refuse storage should be contained within the main building. Where this is not possible, a secure structure should be provided on site which adequately screens the refuse and is designed to respect the character of the surrounding area. Refuse storage should be sited so as not to cause an odour nuisance to neighbouring residents or occupiers.
- 8.3 The operation of hot food takeaways also have the potential to cause significant problems for the drainage system as a result of the disposal of fat and grease. Most fat or grease discharged into private drains is liquid but in the cooler temperatures of the drains it can solidify. A build up of fat deposits may block the drain either locally or further down the sewerage system. These blockages can cause subsequent problems, such as the leakage of foul sewerage or the internal flooding of properties or land. To prevent such problems, suitable grease traps must be installed on all drains for hot food takeaways.

## 9 Litter (HF6)

- 9.1 Litter is inherently unsightly and causes considerable annoyance to residents and adjoining businesses. It also raises concern about the potential attraction of pests and vermin. Irrespective of how careful the owner/operator is, hot food takeaways have the potential to generate a significant amount of litter because customers need to dispose of food wrappings/containers after the food is consumed.
- 9.2 Objectors often quote litter dropped by the clientele of hot food takeaways as a reason to refuse permission for a hot food take away. Although the proprietor has no control over whether patrons drop litter, this is still a potential negative impact of a proposal on the surrounding area, which can be diminished through the provision of litter bins.
- 9.3 Where there would otherwise be an insufficient availability of litter bins in the area surrounding the hot food takeaway to serve customers, a condition may be attached to the decision that requires the operator to provide a bin outside the premises at all times when the business is open. Where a litter bin is required it should be positioned so as not to create any obstruction that would unduly restrict the free flow of pedestrians or wheelchair users. The bin should also be positioned so that it does not impede visibility splays and sight lines required for adjacent junctions and major access points. Details of the design and siting of the bin should be submitted with any planning application.
- 9.4 The proprietor should make every effort to keep the area around the premises litter free. If a litter problem does arise and it can be clearly traced to a specific takeaway, the council can issue a street litter control notice. This is a formal notice that makes the owner responsible for keeping the front of the premises, plus a reasonable distance either side, clear of litter.



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