

Hot Food Takeaways

1 INTRODUCTION

- 1.1 This Note is one of a series of Supplementary Planning Guidance Notes (SPGs), amplifying the development plan policies and other issues in a clear and concise format with the aim of improving the design and quality of new development. The Notes are intended to offer broad guidance which will assist members of the public and officers in discussions prior to the submission of planning applications and assist officers in handling and members in determining planning applications.

2 STATUS AND STAGES IN PREPARATION

- 2.1 The Council's SPG Notes are not part of the adopted plan. However, they have been the subject of both a formal Council resolution and public consultation. The Welsh Assembly Government (The Assembly) has confirmed that following public consultation and subsequent Local Planning Authority (LPAs) approval, SPG can be treated as a material planning consideration when LPAs, Planning Inspectors and the Assembly determine planning applications and appeals. This Note was approved by Full Council on 18th March 2003 for use in development control. A statement of the consultation undertaken, the representations received and the Council's response to these representations is available on request.
- 2.2 These Notes have been prepared in accordance with guidance contained in Planning Policy Wales; Unitary Development Plans (Wales); Technical Advice Notes.

3 BACKGROUND

- 3.1 This particular guidance note is intended to assist with proposals for hot food take-aways which may be amongst the most controversial applications that the Council receives. In dealing with these the Council seeks to balance the need to find beneficial use for vacant shops, the commercial interests and requirements of such proposals with the need to safeguard the viability and character of the commercial area or ensuring acceptable amenity standards to residents of nearby properties.

4 PLANNING POLICY

- 4.1 Potential applicants should refer to Policy RET16 of the Council's Unitary Development Plan which outlines the general policy and criteria under which such proposals are determined. The broad aims of this policy are;
- to help to maintain the viability and vitality of shopping centres - town, district and local
 - wherever possible and appropriate to find beneficial use for former shops
 - to locate hot-food takeaways where they maintain the viability and character of such centres or the surrounding areas without adverse impact by virtue of disturbance (noise, light, fumes, litter, activity) and traffic increase.

5 GUIDELINES

5.1 Location of Take-Aways

- 5.2 In assessing the suitability of the location of proposals, the Council's twin objectives are to:
- (a) retain the retail character and vitality of commercial centres, and,
 - (b) safeguard the character and amenity of the locality.
- generally such proposals are acceptable in town centres subject to their not leading to a concentration of non AI uses in Primary shopping frontages;

- hot food take-aways may also be considered acceptable in district and local shopping centres. However the Council will ensure that the number and concentration of such units does not detract from the function, character and attractiveness of the centre.
- particular care needs to be exercised in locating such uses in or near primarily residential areas, including residential accommodation above or adjacent to the proposal.

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6 OTHER CONSIDERATIONS

6.1 Having established the general suitability of the location in policy terms the other main issues in relation to hot food take-aways can be summarised as follows:

- Noise and disturbance;
- Concentration / clusters of similar uses;
- Hours of opening;
- Traffic, Parking and Access;
- Smells, and;
- Litter.

The majority of these concerns can be mitigated by condition and careful thought to the location and operation of the take-away use.

6.2 Noise and Disturbance

- Take-aways generate frequent comings and goings of customers, whether by foot or by car.
- Such activity may generate noise that becomes a nuisance from customers congregating on the street, car doors slamming and car radios where the proposed use is located in a primarily residential area, although problems may arise where the use is located in a town centre with flats above.
- For the above reasons, planning permission is generally not granted in primarily residential areas.
- Adequate noise insulation measures will need to be undertaken to the walls and ceiling of the property, before the use commences.

6.3 Concentration / Clusters Of Similar Uses

- Generally across the County these uses are dispersed. However, there are pockets where there is concentration of such uses, including premises (pubs / clubs / restaurants) which have a distinctive character and late night opening. Different considerations may apply here in respect of additional uses and opening hours.
- Concentrations or clusters of such uses should be avoided as they often have an adverse impact on the character of an area.

6.4 Hours Of Opening

- Whereas most businesses usually operate from approximately 9.00 a.m. to 5.30 p.m., hot food take-aways tend not to open until lunch time and owners may request that the premises be permitted to remain trading until the early hours of the following morning.
- It is often necessary to use planning conditions to limit the opening hours to minimise disturbance to the surrounding community. However, one set of time limits would not be appropriate throughout the County because areas vary so much. An application must be determined on its own merits. It may be acceptable for proposed hot food take-aways in areas where late night opening occurs to remain trading until midnight or beyond. Other town/district centres should be more controlled, whereas proposals which have residential properties in the vicinity should not remain trading until late evening in the interests of the amenity of local residents.

6.5 Traffic, Parking And Access

- Hot food take-aways located in the larger town centres will probably attract a large number of customers by foot. However, those on main routes out of towns and in local shopping parades and district/village centres will attract a large proportion of car-borne customers requiring short stay parking very close to the property. Properties outside town centres should, therefore, have a readily accessible vehicular parking area in close proximity to the site (e.g. lay-by to the front). A rear service yard or a public car park some distance away is unlikely to be used and properties on double yellow lines outside town centres are normally unsuitable.
- Adequate visibility for cars entering and leaving the premises will be required and proposals at or near junctions especially traffic - controlled junctions are unlikely to be supported, especially if there are no off-street parking or servicing arrangements.

6.6 Smells

- Cooking smells from take-aways can cause amenity problems for nearby residents
- Problems relating to smells should be mitigated by the installation of suitably designed extraction facilities.
- The actual design will vary from premises to premises, but all should be located to the rear of the property, with a colour and design such that the unit does not appear as an incongruous feature in the street scene. It is normally considered that modern equipment, combined with high level ventilation is adequate to reduce smell nuisance to tolerable levels except in the most sensitive of location.
- A condition requiring that a scheme for the extraction of cooking odours be approved by the local planning authority, and that the equipment be installed prior to the use commencing, will be attached to planning approval. The use of charcoal filters will not be acceptable.
- Where practicable and especially in conservation areas or on listed buildings, a flue liner inside an existing chimney should be used.

6.7 Litter

- However careful the owner/operator, hot food take-aways have a tendency to generate litter. Whilst this is essentially outside his/her control the proprietor should make every effort to keep the area around the premises litter-free. A legal agreement to that effect is one solution, perhaps offered by the developer, for example some larger national chains.
- Where appropriate, a condition to require the operator to provide (at his/her expense) containers for the deposit of litter, in accordance with details to be submitted to the Local Planning Authority, will be attached to planning approval.



7 PLANNING PERMISSION

7.1 The Town and Country Planning (Use Classes) Order, 1987 subdivides different types of use into separate Classes of Use. In general, to change the use of a property from one use to another requires planning permission. Hot food shops (along with restaurants, public houses, cafes and wine bars) fall within Class A3 which allow the use of a property for the sale of food or drink for consumption off the premises. Hence, it would be possible to change a property currently selling one type of hot food, e.g. fish and chips, to one selling a different type of hot food, e.g. Chinese take-away, without requiring planning permission. However, if it is intended to use a property as a hot food take-away which is currently not used for that purpose then a change of use planning application will be required. Operators of bakery shops and sandwich shops which sell a small proportion of hot food would not normally be required to apply for planning permission as a hot food take-away, depending on the scale of the operation.

8 OTHER LEGISLATION

- 8.1 Proposals will also require any approvals under other legislation e.g. Environmental Protection, and Building Regulations. Applicants must ensure compliance with these requirements.

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