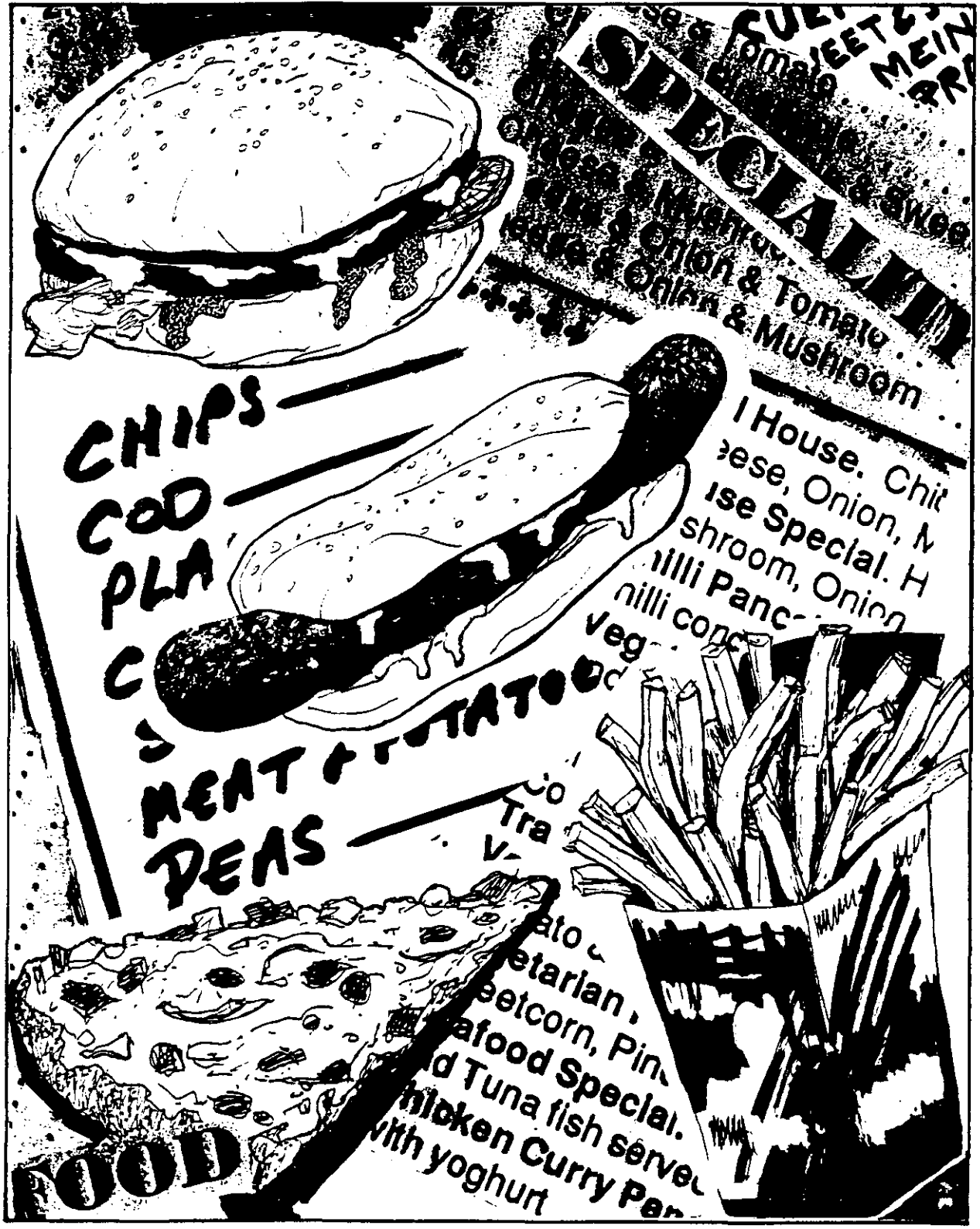


GE

# PLANNING GUIDELINES

## Hot Food Takeaway Shops



**PLANNING GUIDELINES - HOT FOOD TAKEAWAY SHOPS  
INCORPORATING AMENDMENTS MADE FEBRUARY 1993 FOLLOWING PUBLIC CONSULTATION**

**CONTENTS:**

- 1. INTRODUCTION**
- 2. USES INCLUDED IN THIS POLICY**
- 3. GOVERNMENT POLICY**
- 4. PLANNING ISSUES AND GUIDELINES**
  - 4.1 NOISE AND DISTURBANCE**
  - 4.2 HIGHWAY ISSUES**
  - 4.3 LOCATION**
  - 4.4 SHOPPING CENTRE VITALITY**
  - 4.5 SMELLS**
  - 4.6 VISUAL EFFECTS**
  - 4.7 LITTER**
  - 4.8 CUMULATIVE EFFECTS**
  - 4.9 COMPETITION**
- 5. CONDITIONS**

**APPENDIX 1 EXTRACT FROM DEVELOPMENT CONTROL POLICY NOTE 11**

**APPENDIX 2 DRAFT UNITARY DEVELOPMENT PLAN POLICIES S15 AND S16**

**APPENDIX 3 EXTRACTS FROM PLANNING GUIDELINES -  
CAR PARKING STANDARDS**

## 1. INTRODUCTION

- 1.1 The number of hot food takeaway shops is growing and planning applications for them raise a number of issues. The aim of these guidelines is to make applicants aware of the Council's approach to dealing with such applications, and to help potential applicants assess the suitability of a property for this type of use.
- 1.2 The guidelines are intended to act as supplementary planning guidance to the policies in the Council's Unitary Development Plan.
- 1.3 Whilst applications will normally need to comply with the guidelines if they are to be granted, every application will be dealt with on its merits in the particular circumstances, having regard to the provisions of the Development Plan and any other material considerations, including the responses to normal publicity of the application.

## 2. USES INCLUDED IN THIS POLICY

- 2.1 Hot food takeaway shops are included within Class A3 of the Town and Country Planning (Use Classes) Order 1987. The Class covers uses "for the sale of food or drink for consumption on the premises" or not food for consumption off the premises. The legislation allows change of use within this Class without the need to apply for planning permission, e.g. from a restaurant to a hot foot takeaway.
- 2.2 These guidelines are concerned only with uses for the sale of hot food for consumption off the premises. The possibility of changes of use to another use within Class A3 e.g. from a hot food takeaway to a restaurant, will be borne in mind by the Council when considering an application for a hot food takeaway. If this is likely there may be other requirements which are not covered in these guidelines. In particular, more car parking may be required. Most takeaways are small enough for such changes of use not to be likely, but larger than average premises may need further consideration.

## 3. GOVERNMENT POLICY

Government policy is set out in Development Control Policy Note 11 particularly paragraphs 15-18. These are attached as Appendix 1.

## 4. PLANNING ISSUES AND GUIDELINES

### 4.1 Noise and Disturbance

#### 4.1.1 Guidelines

- (i) There should be no undue noise or disturbance likely to be caused to occupiers of nearby residential properties.
- (ii) Applications for hot food takeaways in small shopping parades (e.g. no more than 6-8 shops) in quiet residential surroundings are likely to be refused.

- (iii) Applications for hot food takeaways where there is residential accommodation nearby on either side (e.g. flats over shops) and/or close opposite are likely to be refused.
- (iv) Applications for hot food takeaways where an immediately adjoining or adjacent building is in solely residential use are likely to be refused

#### 4.1.2 Interpretation:

Noise and disturbance is the most frequent cause of problems by hot food takeaways and overlaps with a number of the other issues listed below. The problems arise because most operators of hot food takeaways wish to open late into the evening and sometimes on Sundays as well. When a takeaway is located in a largely residential area, activity at these times when an area is expected to be quiet can be disturbing to any nearby residents.

4.1.3 The particularly noticeable parts of the activity arise from the noise and disturbance created by customers arriving at and leaving the premises, or from customers lingering in the vicinity, including conversations and noise from vehicles arriving and departing with opening and closing of car doors, engines starting and revving, and from car radios.

4.1.4 An important part of the assessment of an application will therefore be how close the use is to residential property, how many residential properties might be affected, and how busy or noisy the area is already in the late evening or on Sundays, e.g. from traffic or from other late evening uses.

4.1.5 Residential properties which are not particularly close may still be affected if customer parking takes place outside their property, perhaps because of congestion or waiting restrictions outside the application premises.

4.1.6 If residential properties would be badly affected by noise and disturbance applications will be refused, but if the effects are not too great it may be possible to grant permission with a condition limiting the lateness of opening hours (see 'conditions' section).

4.1.7 Applications where some dwellings are affected but are not close, or where the area is already busy in the late evening, might be granted subject to a condition restricting opening hours. However, if a location is considered to be basically unsuitable, the existence of other late opening uses nearby will not necessarily be sufficient to overcome the reasons for refusal.

#### 4.2 Highway Issues

##### 4.2.1 Guideline

Car parking for customers and staff of the proposed use should be able to take place without causing undue congestion or harm to highway safety, or inconvenience to nearby residents.

#### 4.2.2 Interpretation

A change of use to a hot food takeaway may involve more traffic and parking than the previous use and the effects of this will need to be assessed.

4.2.3 For example, a change of use from another retail use to a takeaway is likely to generate more traffic at different times and require parking closer to the premises. Visitors to a shopping centre may use off-street facilities more readily than people calling briefly for the sole purpose of buying a takeaway meal. Where there are waiting restrictions this can result in the restrictions being abused. Normally it will be assumed that waiting restrictions are effective, but if in the Council's opinion it is clear that they will not be and that the results would be harmful to highway safety and convenience, the application is likely to be refused.

4.2.4 Regard will be had to the amount of traffic and parking likely to be generated by the proposed use and to where customers are likely to park. On-street parking can have effects on highway safety and the convenience of other road users as well as on the amenities of neighbours. Parking at bus stops or in bus laybys can hinder bus operation. Ideally there should be sufficient off-street car parking within the curtilage of the premises or very close by, as set out in the Council's approved car parking standards. (See Appendix 3 to these guidelines).

4.2.5 If an area is already congested with parking in the evening it may be considered unsuitable for another use which would aggravate the problem.

#### 4.3 Location

##### 4.3.1 Guidelines:

The most suitable locations for hot food takeaways will normally be those identified as shopping or employment areas on the Unitary Development Plan Proposals Map, or other areas with few residential properties close by.

##### 4.3.2 Interpretation:

Shopping or employment areas will, because of their largely non-residential character, normally result in least problems of noise and disturbance. However, there may be some locations even in those areas, particularly on the edges, where residential property is close and applications may be refused or only allowed with a condition restricting opening hours. (see 'conditions' section).

#### 4.4 Shopping Centre Vitality

##### 4.4.1 Guidelines:

The use should not conflict with the Council's Policy on non-shop uses within shopping centres (see policies S15 and S16 of the draft Unitary Development Plan).

#### 4.4.2 Interpretation:

If too many shops in a centre change to non-shop uses or to service use including hot food takeaways, the centre as a whole can lose its attraction to shoppers. The Council's policy on this is set out in Policies S15 and S16 of the draft Unitary Development Plan (attached at Appendix 2). Applications which contravene these policies may be refused.

#### 4.5 Smells

##### 4.5.1 Guideline:

There should be no nuisance caused by smells.

##### 4.5.2 Interpretation

Cooking will result in smells which can affect the amenities of neighbours. Often it will be possible to deal with this adequately by providing proper filtration and ventilation equipment, although there may still be some residual effect.

4.5.3 Situations which would cause particular problems include use of a building which has higher buildings adjoining or close by. The visual effect of a flue high enough to avoid affecting such neighbouring buildings is likely to be unacceptable. (see 4.5, 4 & 4.6).

4.5.4 If the upper floors of the building are not under the control of the applicant a satisfactory external flue may not be possible.

#### 4.6 Visual Effects

##### 4.6.1 Guideline:

There should be no harmful effect on visual amenity

##### 4.6.2 Interpretation:

External flues associated with ventilation equipment can look unsightly even when not unduly high. They need to be designed with care and inconspicuously sited, preferably internally e.g. by re-using chimneys.

4.6.3 If any changes to the shop front are proposed these may need planning permission and will be assessed for their visual appearances.

#### 4.7 Litter

##### 4.7.1 General:

Litter commonly arises from the way a minority of people deal with takeaway food and this can have an observable effect on the character of the neighbourhood, despite the existence of separate legislation to deal with this problem. Government advice is that potential problems with litter are not likely to be in themselves a sufficient reason for refusal of planning permission. However, the provision of litter containers would be advantageous.

#### 4.8 Cumulative Effects

##### 4.8.1 **General:**

The existence of other hot food takeaways in the immediate vicinity may create a busy environment within which one more such use may fit without much harm. However, there may be cases where the cumulative effect of several of these uses together is so great that the limit of what is acceptable has been reached. This might arise for any or all or a combination of the problems discussed above e.g. noise and disturbance, parking congestion, highway safety, shopping centre vitality, smell, litter or visual effects.

#### 4.9 Competition

##### 4.9.1 **General:**

The demand or lack of demand for hot food takeaways and whether the area is already adequately supplied with them are not normally planning considerations.

#### 5.0 Conditions

5.1 When granting planning permission for a hot food takeaway the Council may attach conditions if the circumstances justify them. Conditions often used include the following matters.

##### 5.1.1 **Opening Hours**

This condition would limit the opening hours of the takeaway; typically closing time will be restricted to a time in the evening which will be defined to meet the particular circumstances. In some instances Sunday opening may be prevented by the use of a condition.

##### 5.1.2 **Extract Ventilation**

This condition would require the applicant to provide an adequate ventilation and filtration system for the extraction of cooking smells in a way which avoids nuisance to neighbours. The system will require the approval of the Council as Environmental Health Authority.

---

# Development Control Policy Note (EXTRACT)

---

## Service uses in shopping areas

---

### Restaurants, cafés and hot food take-away shops

15. Proposals to establish a restaurant, café or hot food take-away shop will normally require planning permission. The effect of such businesses on the vitality of a shopping area can vary widely, from the "fast food" restaurant with a buoyant appearance which attracts many shoppers, to the quiet café or neighbourhood fish and chip shop with more basic amenities. Other planning issues raised by such proposals generally include effects on vehicular and pedestrian traffic and the emission of smells and fumes. Hot food take-away shops, or restaurants with a significant take-away element, are likely also to give rise to noise, disturbance and litter.

16. Traffic issues can be important, particularly with hot food shops. Although some small "convenience shops" share with hot food shops a tendency to give rise to short-term on-street parking, hot food shops may do this in greater volumes and later into the evening. This type of parking can interfere with the free flow of traffic on primary roads and hot food shops may therefore, from this point of view, be best located on secondary roads or on sites not fronting directly onto a highway. The provision of dedicated parking spaces may help to solve this problem, but such spaces may not always be attractive for short-term parking.

17. The adverse effects of cooking smells and fumes again depend on location, and they will usually be more acceptable in town and district centres than in local shopping areas containing residential flats or surrounded by residential streets. They can however be alleviated by conditions requiring the installation of ventilation and fume-extraction equipment.

18. Noise, disturbance and litter are to some extent inter-related, and may in some cases contribute to a loss of amenity or character. Potential problems of litter are not, however likely to be in themselves a sufficient reason for refusal of planning permission. Noise and disturbance tend to become more obtrusive in residential areas as the evening progresses. Under the Local Government (Miscellaneous Provisions) Act 1982 (in London, the GLC (General Powers) Acts 1968 and 1976) local authorities have power to make orders requiring hot food shops to close between midnight and 5.00 am, but in some locations the protection of residential amenities may demand more restricted opening hours, which may properly be the subject of a planning condition, provided that it does not thereby call into question the benefit of the permission granted.



## TRAFFORD METROPOLITAN BOROUGH COUNCIL

## DRAFT UNITARY DEVELOPMENT PLAN (EXTRACT)

## S15. NON SHOP SERVICE USES WITHIN TOWN AND DISTRICT SHOPPING CENTRES

With the exception of Stretford town centre, within the town and district shopping centres identified on the Proposals Map, the Council will operate a special development control policy to protect important shopping frontages from undue interruption by non-shop service uses.

Within the main shopping frontages of these centres the Council will not normally grant planning permission for the change of use of ground floor shops to non-shop service uses unless the proposal is for a service use considered by the Council to be "complementary" to shopping which in any particular case:-

- (i) does not form a continuous frontage with one or more existing non-shop service use or itself would occupy two or more adjacent premises;
- (ii) does not on its own or in combination with other existing service uses raise the proportion of such uses in a frontage to a level that will discourage shoppers from pursuing the process of search and comparison of retail goods along that section of street;
- (iii) does not form a prominent part of the shopping frontage or an important link between frontages;
- (iv) intends to provide and maintain in an appropriate manner a display frontage.

Within secondary shopping frontages of these centres there will be no discrimination between shop and non-shop service uses (other than that which may apply in any individual case arising from other Policies and Proposals of this Plan) where the proportion of shop uses in any individual block of property within a frontage will remain above 50% of the total number of units in that frontage block. Where the proportion of shop units is already, or by reason of a new proposal or as yet unimplemented planning permission, would fall below this 50% threshold, the Council will not normally grant planning permission for such conversions.

Within any other shopping and commercial frontages that exist in these centres there will not be any restriction on the development of non-shop service uses apart from those arising from other Policies and Proposals of this Plan.

#### Justification

This is a reaffirmation of the Council's Shop Use Policy approved in January 1986 and subsequently updated. Its purpose is to ensure as far as is possible that the further growth and concentration of ground floor service uses in the shopping streets where the bulk of shops are located is restrained in order to maintain the compactness, convenience and attractiveness of these centres to shoppers and thereby helping to sustain their vitality and viability and that of the centre as a whole.

The Council recognises that the non-shop uses provide important services to shoppers and have a place within shopping centres. Not all uses of this type however require a location within the most important shopping streets to be able to carry on their business. The Proposal seeks to provide these types of activity with acceptable alternative locations that do not detract from the function of each centre as a focus for shopping activity.

Stretford town centre is a wholly managed covered precinct development and is excluded from the provisions of this Proposal for that reason.

## S.16

### NON-SHOP USES WITHIN LOCAL SHOPPING CENTRES

Within established local shopping centres the Council will normally grant planning permission for changes of use of shops to non-shop service uses only where they consider that such proposals will not significantly harm the quality and variety of shopping facilities available to local residents.

In assessing the potential effect of particular proposals the Council will take into account the following:-

- (i) The number and duration of vacancies among units in the centre.
- (ii) The number and location of other non-shop units in the centre and outstanding proposals for the change to non-shop use of other units.
- (iii) The likelihood of an alternative shop use occupying the units.

#### Justification

The Council recognises that non-shop uses provide important services and have a place within local shopping centres. Local shops, however, also provide an important and convenient service to local residents which the Council wishes are far as it is able to conserve. This proposal seeks to achieve this while recognising that the retail industry is changing rapidly and small local shops are declining substantially in numbers.

## APPENDIX 3

### PLANNING GUIDELINES - CAR PARKING STANDARDS - EXTRACTS

#### 7.2 Shops

Including uses within Class A2 of the Town and Country Planning (Use Classes) Order 1987 (Financial and Professional Services) where the services are provided principally to visiting members of the public.

- a) **General standard** (except as specified below):  
1 space/15 sq.m.
- b) **Town centres** : 1 space/20 sq.m
- c) **Hot food takeaways** :

Standard normally as for general shops. However, if a change of use to a restaurant or bar seems likely and is not prevented by condition, the full restaurant or bar standard will be required.

Any restaurant/cafe use which is part of a hot food takeaway proposal will be assessed separately at the restaurant standard.

#### 7.6 Restaurants and Cafes

Staff and customers : 1 space/4 sq.m. public floorspace.  
This may be reduced to 1 space/8 sq.m. in town centres.

**NOTE 1** : If a change of use to a bar seems likely and is not prevented by condition, the full bar standard (see next section) will be required.

**NOTE 2** : Cafes likely to attract significant numbers of goods vehicles will be required to provide space for goods vehicles within the site. This will be assessed individually.

#### 7.7. PUBLIC HOUSES, BARS

Including wine bars, unless clear that these are mainly for food and likely to remain so.

Staff and customers : 1 space/2.5 sq.m. drinking/dining floorspace.  
This may be reduced to 1 space/5 sq.m. in town centres.