

Supplementary Planning Document

Hot Food Takeaways

Adopted May 2019



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Supplementary Planning Document: Hot Food Takeaways

1. About this Guidance

- 1.1** The National Planning Policy Framework (NPPF) indicates that Local Development Documents form the framework for making decisions on applications for planning permission. Decisions have to be taken in accordance with the development plan unless other material considerations indicate otherwise. NPPF advises that a local planning authority may prepare Supplementary Planning Documents to provide greater detail on the policies in its Local Plan. Supplementary Planning Documents are a 'material' consideration when planning applications are decided.
- 1.2** As required by the Planning and Compulsory Purchase Act 2004 we have prepared a Statement of Community Involvement (SCI) which sets out how we will involve the community in preparing our Local Plan and consulting on planning applications. In accordance with the SCI we have involved people who may be interested in this Supplementary Planning Document and asked them for their comments. We have produced a consultation statement which summarises all the comments people made to us and our response. This is available on request.

2. Introduction

- 2.1** Hot food takeaways are controlled by a range of different regulations and a number of statutory requirements must be satisfied before trading can begin. This note has been prepared to deal principally with the land use issues. However policies which promote good public health are to be encouraged and the planning system is an important tool for improving health and well-being.
- 2.2** As levels of obesity and excessive weight are growing health concerns in Barnsley, a Planning Advice Note has also been prepared on the subject of Hot Food Takeaways. This Supplementary Planning Document should be read in conjunction with this Planning Advice Note.

Use Classes Order

- 2.3** Establishments whose primary business is for the sale of hot food for consumption off the premises fall within the Use Class A5 (as defined by the Town and Country Planning (Use Class) Order 1987 (as amended)). The proposed layouts of such premises provide a clear guide as to whether the use of the premises will fall into the A3 (restaurant) or the A5 (hot food takeaway) Use Class. In determining the dominant use of the premises consideration will be given to:
- The proportion of space designated for hot food preparation and other servicing in relation to designated customer circulation space; and/or
 - The number of tables and chairs to be provided for customer use;
 - The percentage of the use to the overall turnover of the business.

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3. Policy

- 3.1** This document supplements the Local Plan Policy POLL1 – Pollution Control and Protection – which states:

Policy Poll 1 Pollution Control and Protection

Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people;

We will not allow development of new housing or other environmentally sensitive development where existing air pollution, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that these can be mitigated against; and

Developers will be expected to minimise the effects of any possible pollution and provide mitigation measures where appropriate.

- 3.2** The following extract from **Local Plan policy D1 High Quality Design and Placemaking** is relevant where it states that development should:
- Contribute to place making and be of a high quality that contributes to a healthy, safe and sustainable environment;
 - In terms of place making, development should make a positive contribution to achieving qualities of a successful place such as character, legibility, permeability and vitality.

4. Planning Permission

- 4.1** The following list of factors explains in greater detail the main considerations that are likely to apply to the determination of a planning application. The weight to be given to each will depend upon the particular circumstances of the case and the outcome will be based upon an assessment of the overall effect of these factors.

Noise and Disturbance

- 4.2** The protection of the living conditions of nearby residents will be a significant issue when considering applications for hot food takeaways. NPPF states the planning system should contribute to and enhance the natural and local environment by: preventing both new and existing development from contributing to or being put at an unacceptable risk from, or being adversely affected by unacceptable levels of soil, air water or noise pollution or land stability.
- 4.3** It is recognised that hot food takeaways pose particular difficulties because activities are often at their peak in the evening and late at night when background noise levels tend to be low. The disturbance that can be caused by traffic and associated car parking should not be underestimated.

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- 4.4** Planning permission for hot food takeaways is, therefore unlikely to be granted where premises are located outside of defined shopping centres or concentrations of shops, or where the living conditions of the occupants of nearby residential accommodation would be significantly affected. In particular, planning permission is likely to be refused where premises share a party wall with an adjoining house.
- 4.5** When determining planning applications, the Council will have regard to the general character of the area, including levels of commercial and vehicular activity.
- 4.6** The presence of residential accommodation over the property or neighbouring shops, however, would not necessarily preclude a hot food takeaway use, where this is primarily a commercial area.

Concentration Issues

- 4.7** To protect the street scene, achieve a diverse mix of shops and maintain good standards of design, planning permission will not be granted for A5 uses where it would result in a clustering of A5 uses to the detriment of the character, function or vitality of a centre/parade of shops, or if it would have an adverse impact on the standard of amenity for existing and future occupants of land and buildings. Therefore in order to avoid clustering, there should be no more than one A5 use in any one length of frontage.

Residential Amenity

- 4.8** A5 uses will not be permitted where they share a party wall with a residential property. The discharge stack/extraction system must be located and designed so as to prevent noise and odour nuisance to neighbouring premises.

Opening Hours

- 4.9** If planning permission is granted it may be necessary to restrict opening hours to avoid causing noise and disturbance at anti-social hours. For instance, within shopping centres or parades of shops it may be necessary for premises to close at 11pm/11.30pm. The proposed hours and days of opening should be specified when submitting a planning application.

Smells/Discharge of Fumes

- 4.10** The extent of the impact of cooking smells is largely dependent on the location of the premises, the adverse effects being less acceptable in predominately residential areas or in local shopping areas containing flats. Details of the design and siting of a fume extraction system will be required to be submitted before any work is commenced on site. Consideration will also be given to the visual impact of flues and care should be taken to locate them where they will not appear prominent.

Storage of Waste Products

- 4.11** Suitably sized, sited and screened refuse stores should be provided and be accessible at all times. Full details of any waste storage systems should form part of a planning application.

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Customer Traffic Generation/Deliveries

- 4.12** Hot food takeaways tend to generate significant volumes of traffic, short term on street parking and associated vehicle turning movements. Where on-street parking would lead to highway safety problems, planning permission may be refused.

Extension and Alterations

- 4.13** Any proposal for the extension of a property will be viewed on its merits, taking into account any increased trading that will result from the extension and therefore the effect on such factors as the amount of servicing left available to the property, the increase in traffic and the effects on any neighbouring residential properties.
- 4.14** Alterations that materially change the appearance of the building such as the installation of a new shop front require planning permission.
- 4.15** Some signs require advertisement consent and operators should contact Planning Services for guidance¹.

5. Further Advice

Planning

- 5.1** Pre-application discussion about the suitability of a particular property may avoid the submission of an application where the proposal would create an unacceptable impact on the environment. If you have any questions or queries, initial contact should be made with Development Management. Telephone number 01226 772595.

Regulatory Services

- 5.2** For advice on the control of noise and odour, food hygiene, or health and safety, contact Regulatory Services on 01226 773555.

Licensing

- 5.3** For advice on the licensing of late night refreshments, contact Legal Services, Licencing on 01226 773843.

¹ See 'Supplementary Planning Document: Advertisements' for further information