

HOT FOOD TAKE-AWAY SHOPS

SUPPLEMENTARY PLANNING GUIDANCE

1 INTRODUCTION

- 1.1 The growth in the High Street fast food industry over the past 20 years is a well known market phenomenon. Such establishments, operated mainly by national companies normally offer a sit down restaurant and take-away service.
- 1.2 Wholly take-away establishments are most likely to be found in smaller centres or parades, or in former "corner" shops in residential areas. Until recently this trade has been the province of independent operators but now interest in such locations is increasing from multiple fast food operations.
- 1.3 In order to operate a viable business most take-aways need to open until the late evening to catch the home going pub/club clientele.
- 1.4 Hot food take-away shops are important local facilities but they can cause problems. This type of use causes concern to people especially where they are situated close to residential areas. They have a tendency to attract customers outside of normal shopping hours and late into the evening and may cause traffic problems and generate unpleasant smells and litter.
- 1.5 Any proposal would also be subject to relevant policies of the emerging Districtwide local plan. Policy S10 of the plan is particularly appropriate.

"Planning permission for the development or change of use of premises to hot food take-away shops will normally be granted subject to the following criteria:

- (i) The proposed development does not conflict with other policies of this plan.*
- (ii) Hours of operation should not cause harm to any residential amenity.*
- (iii) The emission of odours is controlled by the provision of fume extractors.*

(iv) *The provision of waste bins.*

(v) *Car parking and servicing provision.*

Planning permission for the sale of hot food goods within residential areas or where on-street parking is likely to cause unacceptable highway problems will not normally be granted".

2 AIMS AND OBJECTIVES

2.1 This guidance note elaborates on policies within the DWLP and will be seen as a material consideration in the determination of planning applications.

2.2 The guidance note has the following objectives:

^ To inform applicants and the general public of the Council's approach towards hot food take-aways.

^ To assist applicants in identifying what criteria would be considered in determining proposals for hot food take-away.

3 GUIDANCE FOR HOT FOOD TAKE-AWAY SHOPS

3.1 The Council will permit proposals for hot food take-away shops within existing major shopping areas or shopping parades, except where they adversely affect the amenity of nearby residents or businesses by reason of noise, smells, litter, opening hours, traffic generation or general amenity.

3.2 When considering the above the following aspects will be considered relevant:

(a) To protect the amenities of the occupants of nearby premises from:

- i. noise nuisance from any internal operations ie music, activity, machinery etc. Many take-away shops have amusement facilities as an ancillary item and these can often result in noise disturbance. In order to overcome some of these problems it may be necessary to incorporate a noise insulation scheme in any proposal;

- ii noise nuisance from any external activity such as persons arriving/departing, car doors slamming/engines revving etc;
 - iii. intrusion of cooking odours;
 - iv. late night activity and whether this problem could be overcome by the imposition of a closing time condition.
- (b) Traffic implications and the provision of car parking and servicing facilities.

It is important to ensure that any property is not located in a situation where the use would cause interference to the free or safe flow of traffic or where parking restrictions would cause customers to park in nearby residential street thereby resulting in an adverse impact on residential amenity.

- (c) The need for the installation of any external chimney and/or ventilation ducting and its impact on the appearance of the property.

In order to control emissions of odour it is normally necessary to install fume extraction equipment. Where practicable this should be carried out internally with a ridge or chimney top termination. If external ducting is required this should be located to minimise the visual intrusion and also be painted a colour to match the existing building rather than be galvanised steel. To ensure adequate measures are taken to mitigate smell developers should contact the Council's Environmental Health Section prior to any proposal.

- (d) Refuse storage and disposal facilities

There is a propensity of take-away uses to generate litter and this is often a major local concern. The Council is aware that the dropping of litter is controllable by other legislation, however the courts have also held that the dropping of litter is a material consideration. It is therefore important that any scheme should make adequate provision for waste bins. In order to comply with litter bins on the frontage it may be necessary to enter into a formal agreement with the relevant Highway Authority.

4.1 Some problems may be alleviated by planning conditions. In order to protect the amenities and living conditions of neighbours it may be important to impose hours of use conditions. In this regard the following guidelines will be used:-

(a) In other areas with residential accommodation at ground or upper floor levels within the immediate locality, where the use is considered acceptable, operating hours shall be restricted to between 0800 hours and 2300 hours, Sunday to Thursday and 0800 hours and 2330 hours Friday and Saturday. Outside these hours the shop shall be closed and not open for trade or business.

(b) Where no residential accommodation exists that is likely to be affected by the use the Council will normally allow an extension to the normal hours of operation.

5 CUMULATIVE IMPACT

5.1 In a parade of shops, with several hot food take-away uses, each additional use has an increasingly significant effect on the character of the area. There would be a saturation point beyond which additional hot food take-away uses would generate unacceptable harmful impacts in the street scene presenting a frontage development lacking interest and variety at peak trading times.

5.2 Policy S3 of the Districtwide Local Plan identifies the principal shopping frontage of Clitheroe. In conjunction with this Policy an Article 4 Direction exists which restricts permitted development rights for change of use from the Class A3 to A2 and also restricts Use Class A3 to the sale of food or drink for consumption on the premises.

6 PROCEDURE

6.1 In order to deal with applications promptly any application should incorporate details of odour abatement systems and noise insulation at application stage. These details should include any calculations as appropriate and applicants are advised to contact the Council's Environmental Health Section at an early stage.

