

*SUPPLEMENTARY
PLANNING GUIDANCE ON
HOT FOOD TAKE-AWAYS*

*Directorate of Strategic Planning
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INTRODUCTION

Hot food take-aways fall within class A3 of the Use Classes Order, together with restaurants, snack bars, wine bars and public houses, but they pose special problems. These are noise (both from customers and their cars), litter and odours. All the problems are made worse when the premises stay open late at night and there are people living nearby. In certain localities the activities associated with the premises may be regarded as unsuitable on principle.

The Local Plan contains a number of policies which apply generally to development within use class A3 in various locations. These are Policies E11, 12, 14, 15 and 17. Except in certain locations, however, these policies do not address all the special problems that hot food take-aways can cause. For this reason, the Council has also adopted Supplementary Planning Guidance to help to indicate where planning permission for this particular type of development would be more or less likely to be acceptable. In the event of permission being given, the guidance also sets out the type of conditions that will be applied.

Nothing in the Supplementary Planning Guidance is contrary to the policies of the Local Plan. Its provisions amplify the policies and clarify the approach of the Council in carrying out its general responsibility to safeguard residents and businesses in the area from undue nuisance.

For the purposes of determining applications for hot food take-aways, the location of the proposed development will be assessed to be in one of the following categories. They have been defined to distinguish between different ambient noise levels and reflect residents' expectations as to the type of activities that might take place.

- A** **Primarily residential area.** Within 100m from the application site, there would typically be no other permitted non-residential activities.
(Example: centre of Wilmot Drive estate)
- B** **Commercial enclave within primarily residential area.** The enclave would contain at least 400 sq m floorspace. Typically this would be a custom built local centre in a residential estate or a group of commercial uses in an otherwise residential frontage. The site would be within 50m of residential uses. (Example: Shop units at Waterhays Village)
- C** **Mixed commercial area.** In such an area there would be a significant concentration of commercial uses but with intermittent residential uses within 50m.

C1 and **C2** are distinguished by the degree of homogeneity of the surrounding residential areas. Typically, in a **C1** area, within 100m of the proposed site, there would be a significant continuity of predominantly residential uses; whereas in a **C2** area, further groups of commercial uses would be encountered in most directions within 100m of the site.

(Examples: **C1** – High Street Wolstanton; **C2** – George Street, Newcastle)

D Town and District Centres. Specifically, this refers only to Newcastle and Kidsgrove as defined in the Local Plan, but not Wolstanton or Chesterton.

In these areas, any residential uses are secondary and largely those associated with the commercial activities. Areas on the periphery of these centres may be excluded from this category to protect the needs of the surrounding residential activities.

NOTE: Where the presence of residential uses is referred to in categorisation, this excludes the operator's own residence.

RESIDENTIAL AREAS

The Council will not normally grant permission for a hot-food take-away in a location category A (primarily residential).

TRAFFIC AND PARKING

If the proposed hot food take-away is intended to be accessible to customers by vehicle (ie not in a pedestrian area), the Council will not normally grant permission unless it is located such that the parking of customers' vehicles will not cause any obstruction or danger to other highway users.

EFFECT ON CHARACTER OF THE AREA

In determining any planning application for a hot food take-away, the Council will take into account the likely effect on the nearby environment and character of the locality. Such effects would include those caused by noise and litter to the extent that these might reasonably be expected, and the visual impact of the development. The "character" of a Town or District Centre will include its economic viability.

CUMULATIVE EFFECT

In all the above considerations, the Council will take into account the cumulative effects of the proposed development together with any others

already in existence in the locality or other uses which might have a contributory effect on any nuisance caused.

COOKING ODOURS

Applicants must be able to demonstrate that cooking odours generated by the proposed development will not adversely affect, or cause an odour nuisance to, any occupants of adjoining residential or commercial premises.

CLOSING TIMES

In granting any permission for a hot food take-away, the Council will normally impose conditions which, amongst other things, limit the proposed hours of opening of the business.

The following closing times will normally apply in the categories as defined above and all premises will remain closed at least until 9 am the following day:

- B** 10:30pm Monday to Saturday; 10pm Sunday
- C1** 11pm Monday to Saturday; 10:30pm Sunday
- C2** Midnight Monday to Saturday; 11:30pm Sunday
- D** No set limits; to be determined on their merits.

The Council reserves the right to impose more stringent limits if the particular circumstances justify this. Applicants wishing to depart from the guidelines will need to satisfy the Council that no nuisance will be suffered by nearby residents in connection with the proposed activities.

Where a proposed hot food take-away business will operate a delivery service in addition to the retail activity on the premises, the operating hours for the delivery service will be treated in the same way as the opening hours unless the applicant can demonstrate to the Council's satisfaction that there are exceptional circumstances that justify a more flexible approach. (Particular reasons might include the location and parking of delivery vehicles in a less noise-sensitive location than the shop frontage.)

CHANGES OF USE

WHEN GRANTING PLANNING PERMISSIONS FOR A3 USES OTHER THAN HOT FOOD TAKE-AWAYS, CONSIDERATION WILL BE GIVEN TO LIMITING THE PERMISSION TO THE USE APPLIED FOR IF THE PARTICULAR CIRCUMSTANCES JUSTIFY IT.