

Supplementary Planning Document

Hot Food Takeaways



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City of Bradford MDC

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1. Introduction

What is the Council trying to achieve?

- 1.1 The purpose of the Hot Food Takeaway SPD is to complement the aspirations of the Bradford Good Food Strategy and explain the Council's approach to planning applications for new hot food takeaways. It sets out clear and practical guidance with the following key aims:
- Ensure City, District and Local Centres retain their primary purpose of providing a range of shopping and other functions and also contain appropriate concentrations of hot food takeaway establishments.
 - Minimise the negative impacts of takeaways on childhood health by controlling the proximity of new takeaways to primary and secondary schools.
 - Promote Safety on the highway for those people who will use the takeaway.
 - Protect the amenity of surrounding residential properties from the adverse effects of disturbance, smells, litter or vehicular traffic movements.
 - Minimise impact on the street scene and the public realm.
 - Ensure appropriate disposal of waste products.
 - Ensure hot food takeaways do not exacerbate any existing problems of Safety, Crime and Anti-Social Behaviour.
 - Ensure there is suitable accessibility to the premises for all users.
- 1.2 This Supplementary Planning Document is a material consideration in the determination of planning applications for new hot food takeaways (Use Class A5). It should be read in conjunction with the Council's saved Unitary

Development Plan policies and the emerging Local Plan for the Bradford District to gain an understanding of the Council's priorities, aims and objectives in relation to hot food takeaways. It is intended to clarify existing policies rather than duplicate other planning documents.

- 1.3 It replaces the *Cafes, Restaurants and Takeaways Supplementary Planning Document (SPG)* which was adopted in 1983.

The Planning Classification of Hot Food Takeaways

- 1.4 In planning terms there is a distinction between a shop (Class A1), a restaurant and café (Class A3), a drinking establishment (A4) and a hot food takeaway (Class A5). Since 21 April 2005, for planning purposes, Hot Food Takeaway shops have been classified as falling within Class A5 of the Town and country Planning (Use Classes Order) 2005.
- 1.5 Establishments whose primary business is for the sale of hot food for consumption off the premises fall within Use Class A5. Often, the proposed layouts of such premises will provide a clear guide as to whether the new use will fall into Class A3 or Class A5. 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.
- 1.6 The Council will expect the applicant to demonstrate that the proposed hot food takeaway use will be the primary business

activity. For clarity the table below provides examples of shop types that would fall within Use Class A5 and other food and drink uses that would not. This list is not exhaustive.

Examples of Use Class A5 shop types

Chicken shops

Fish and Chip shops

Pizza shops

Chinese, Indian or other takeaway shops

Kebab and Burger shops

Examples of shop types NOT within the Use Class A5

Restaurants / Cafes / Bistros

Public Houses (Pubs)

Wine Bars

Sandwich shops

Coffee shops

Ice Cream Parlours

Cake shops

Sheesha Bars

2. Background to Hot Food Takeaways

Obesity, Poor Nutrition and the Consequences

- 2.1 Evidence has shown that obesity, and the long term consequences of obesity, is a growing problem with a large associated health burden. In addition there is a substantial proportion of illness either directly caused by or made worse by our food choices that is not related directly to obesity. Examples include trans fat use and the cardiovascular risk and salt in food and the risks from high blood pressure.
- 2.2 At least 25% of calories are now consumed outside the home. During the past decade consumption of food away from the home has increased dramatically by 29% and the market has facilitated this with a proliferation of fast food outlets. Research conducted in 2007 as part of the government foresight project “Tackling Obesity – future choices” has suggested that these social and environmental trends could be contributing to rising levels of overweight and obesity in the UK.
- 2.3 The patronage of takeaway outlets and the overconsumption of such fast foods have been strongly linked to low quality diet and weight gain. This link could be due to the types of food obtained from such outlets, which tend to be energy dense and typically less healthy than food consumed at home. Policy makers are beginning to engage with the idea that these unhealthy neighbourhood food environments can encourage unhealthy food choices and may therefore be contributing to the current obesity “epidemic”.
- 2.4 Public Health England’s “*Healthy People, Healthy Places*” strategy launched in November 2013 states that “excess weight can genuinely be described as the most significant public and personal health challenge facing us today” and supports the governments place based approach to health. Its priority is to help improve the nation’s health through better planning and design to reduce the impact of a poor physical and natural environment. It goes on to state that “*the government will promote [planning powers] to local authorities and PCT’s to highlight the impact that they can have on promoting health weight, for instance through managing the proliferation of fast food outlets, particularly in proximity to parks and schools*”. There is a well established evidence base supporting a wide range of policy interventions to prevent obesity and prevent the downstream consequences, for example cardiovascular disease.
- 2.5 Specifically, guidance issued in May 2011 from the National Institute for Health and Clinical Excellence (NICE) on the prevention of cardiovascular disease and type 2 diabetes recognises that planning mechanisms can help promote healthier diets by controlling fast food outlets and improving access to food retailing. NICE recommends that Local Planning Authorities regulate the number of takeaways and other food retail outlets in specific areas (for example, within walking distance of schools) and regulate the opening hours of outlets, particularly those near schools that specialise in foods high in fat, salt or sugar. Such controls should be complemented by initiatives to improve the nutritional quality of food available in existing takeaways and hot food outlets.
- 2.6 One of the ten recommendations of the Medical Royal Colleges report 2013 was that “*Public Health England should, in its first 18 months of operation, undertake an audit of local authority licensing and catering arrangements with the intention of developing formal recommendations on reducing the proximity of fast food outlets to schools, colleges, leisure centres and other places where children gather*”.

- 2.7** As a result of this, the distribution and density of takeaway food outlets in cities, towns and neighbourhoods is becoming an increasingly important element of nutrition and health policy in the UK. A number of policy documents have been produced in relation to this issue, including the Waltham Forest SPD – hot food takeaway shops, Greater London Authority Takeaways Toolkit and London Borough of Barking and Dagenham. Saturation Point: addressing the health impacts of hot food takeaways SPD.
- 2.8** The built and natural environment are recognised as major determinants of health and wellbeing. The design of the built environment, and access to the natural spaces, impacts on health and wellbeing. Spatial planning and the design of homes, buildings, public spaces, neighbourhoods and transport routes can help promote or hinder other upstream health factors such as crime, physical activity and access to healthy food. It also impacts on the wider social environment supporting or hindering community engagement.

Issues in Bradford

- 2.9** Inequalities in people's health across the Bradford District are stark, and mirror the clusters of deprivation within the district. Inner city urban areas and outlying social housing estates suffer disproportionately in relation to all the key health issues.
- 2.10** Bradford has one of the highest rates of early cardiovascular mortality in England. Approximately 700 people per year have a heart attack and approximately 1000 people have a stroke. This causes a substantial strain on health and social care services. Population level policy interventions are considerably more effective than clinical interventions to treat disease when it happens.
- 2.11** Poor nutrition and are not the only factors in downstream disease and mortality but there is overwhelming evidence that nutrition is an important contributory factor. In addition Bradford exhibits significantly fewer 'healthy eating' adults as a proportion of its population compared to the national average.
- 2.12** The National Child Measurement Programme has identified that in the Bradford District, 21.6% of children in reception class (aged 4-5) and 35.4% in Year 6 (aged 10-11) are overweight or obese.
- 2.13** Evidence from the National Obesity Observatory shows that the Bradford District has a high concentration of fast food outlets. There is also a clear correlation between the concentration of fast food outlets per capita and deprivation. In addition there is a similar picture with regards to obesity prevalence or cardiovascular mortality.
- 2.14** Improving the health, wellbeing and quality of life of everyone in the district is one of the key outcomes identified in the Bradford Community Strategy 2011-14. Its strategic aim is to improve people's capacity to make informed decisions about healthy lifestyle choices and minimise risky behaviour.
- 2.15** The Bradford Good Food Group was established in 2012 to improve the health of people in the Bradford District by helping to reduce the incidence of obesity. It has adopted a three strand approach comprising of healthy eating advice and guidance for food providers; an award scheme for those takeaway businesses providing healthy food options; and planning policies to guide business on how they operate.
- 2.16** The Hot Food Takeaway SPD supports the Bradford Food Strategy and other local initiatives to improve health and wellbeing for all

and will assist in the delivery of key objectives to improve people's capacity to make informed decisions about healthy lifestyle choices and minimise risky behaviour, to close the health inequalities gap and raise wellbeing levels across the whole District and to support people to sustain their own health and wellbeing during life changes or transitions in circumstances.

2.17 Given poor average health levels of both adults and children within the Bradford District, it is considered appropriate to control the provision of hot food takeaways in close proximity to primary and secondary schools. It is however important that all food providers play a part in improving the health of the district's residents, by making their products as nutritious as possible.

3. Planning Policy Background

3.1 The Hot Food Takeaway SPD draws on and is consistent, where appropriate, with policy from the national to the local level.

At a National Level

3.2 The National Policy Planning Framework (NPPF) recognises that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local Plans “should take account of and support local strategies to improve health, social and cultural wellbeing for all”.

3.3 The NPPF also gives clear advice that Local planning authorities should “work with public health leads and organisations to understand and take account of the health status and needs of the local population including expected changes and any information about relevant barriers to improving health and wellbeing”.

3.4 The National Planning Practice Guidance (NPPG) also refers to promoting access to healthier food and that a health impact assessment may be a useful tool where significant impact is expected.

At a Local Level

3.5 The Development Plan for the Bradford District is currently the Replacement Bradford Unitary Development Plan (RUDP), which was adopted in 2005. This document sets out the priorities, aims and objectives of the District. The Hot Food Takeaway SPD provides further details and practical guidance to supplement ‘saved policies’ contained within the current RUDP. In particular, it will supplement the following policies:

- UDP3 – (Quality of the Built and Natural Environment Including Sustainable Design)
- UR3 (Local Impact of Development)

- CT5 (Non Retail Uses in Primary Shopping Areas).
- TM11 (Parking Standards for Non Residential Development)
- TM19A (Traffic Management and Road Safety)
- D1 (General Design Considerations)
- D3 (Access to Buildings and their surroundings for people with Disabilities)
- D4 (Community Safety)
- P7 (Noise)

3.6 In time, the adopted RUDP will be replaced by documents that make up the Local Plan for the Bradford District. It is intended that the new Hot Food Takeaway SPD will form part of the emerging Local Plan. However, until the Local Plan is further advanced the SPD will supplement ‘saved’ policies contained within the RUDP.

3.7 The Hot Food Takeaway SPD should also be read in conjunction with other adopted SPD’s and in particular the Shop Front Design Guide, Shop Keepers Guide to Securing their premises and Planning for Crime Prevention.

4. The Principles in Assessing Planning Applications

Principle 1: Over Concentration

When considering whether a proposed hot food takeaway would result in an over-concentration of such uses to the detriment of the vitality and viability of the city centre, town centre, district centre or local centre, or harm to residential amenity, regard will be had to:

- A. The number of existing hot food takes away establishments in the immediate area and their proximity to each other;
 - B. The type and characteristics of other uses, such as housing, shops and public houses;
 - C. The importance of the location for local shopping, and the number, function and location of shops that would remain to serve the local community;
 - D. The potential benefits of the proposal for the wider community; and
- Any known unresolved amenity, traffic or safety issues arising from existing uses in the area.

- 4.1 It is acknowledged that hot food takeaways offer a popular service to local communities and have a significant role to play within Bradford City Centre, town centres, district centres and local shopping centres within the Bradford District. However, it is important to evaluate the possible adverse effects of an over-abundance of hot food takeaways on the vitality and viability of existing designated centres.
- 4.2 The city centre, town centres, district and local centres provide a range of shops and services to its immediate area. Planning policies seek to achieve vital, attractive and viable centres that are accessible. Centres should be a balance of uses but are primarily for shopping with a complementary mix of uses that sustain and enhance those centres.

- 4.3 Normally town or district centres have at least one food supermarket or superstore, a group of shops but also non-retail uses such as banks, building societies and restaurants. Local and village centres are made of a small grouping of shops of a local nature and other uses such as hot food takeaways.
- 4.4 It is highly unusual for any centre in the retail hierarchy to have more than half its units that are in the group of uses including restaurants, cafes and hot food takeaways. It is considered that hot food takeaways should be resisted in order to prevent undermining of the primary function of these shopping centres.
- 4.5 An over concentration of hot food takeaways within and outside designated centres, particularly where they form “clusters” and displace other retail shops, breaking up the continuity of the retail frontage, can have an adverse impact on the vitality and viability of a centre and as a result affect the overall attractiveness of the centre to shoppers. It is important that such “clustering” does not detract from the primary retail function of these areas or result in a loss of shops to the detriment of local residents.
- 4.6 Increased numbers of customers around hot food takeaways, particularly in the late evening when trading activity tends to be at its peak, can lead to problems of disturbance, increased noise and anti social behaviour. The effects of such activity “hotspots” are exacerbated where such uses are concentrated or clustered together.
- 4.7 Consequently the impact of the proposal, by itself or cumulatively, with other non retail uses, on the role, character, vitality and viability of a town centre or other shopping area will be an important material consideration in determining proposals for hot food takeaways.

- 4.8 The following considerations will apply:
- Whether the proposal will be a stand-alone facility.
 - The existence of similar types of hot food takeaways adjacent or in close proximity to the application site.
- 4.9 This principle supplements saved RUDP Policy CT5 (Non Retail Uses in Primary Shopping Areas).
- 4.10 Outside designated centres, in areas predominately characterised by residential properties, the need to protect residential amenity takes precedence. To reflect this, tighter restrictions on appropriate concentrations in such locations are necessary.

Principle 2: Proximity to Schools, Youth Facilities and Parks

With regard to proposals which fall outside the city centre, town centres, district centres and local centres, hot food takeaways will be resisted where the proposal will:

- Fall within 400m of the boundary of an existing primary or secondary school or youth centred facility (e.g. YMCA, after school clubs).**
- Fall within 400m of a Recreation Ground or Park boundary.**

4.11 Healthy People Healthy Places briefing “Obesity and the environment: regulating the growth of fast food outlets” addresses the opportunities to restrict the growth of fast food takeaways in close proximity to schools and ways to make fast food offers healthier.

4.12 Research has found that children who eat school meals tend to consume a healthier diet than those who eat packed lunches or takeaway meals. Whilst there have been many initiatives to improve the standard of school meals currently only four in ten children consume them. The uptake of school meals decreases when children move from primary to secondary school and in many cases secondary school pupils are allowed to leave the school premises at lunchtime. The issue of childhood weight is a considerable one in the Bradford District. 21.6% of children in reception class (aged 4-5) are overweight or obese which is similar to the national average but this rises to 35.4% in Year 6 (aged 10-11) which exceeds the national average. Consequently improving the quality of the food environment around schools has the potential to influence children’s food purchasing habits and potentially influencing their future diets.

4.13 The Council considers that for premises which lie outside of designated centres, planning permission will not usually be granted for hot food takeaways which fall within 400 metres of the boundary of either a primary or secondary school or youth based facility or any recreation grounds or parks. A 400 metre restriction buffer is considered to be a reasonable distance given that it broadly represents a 10 minute walk, taking into account physical barriers on any route. The buffer will be measured from entrance points at the Asset boundary of each Local Education Authority (LEA) School or the site boundary of non LEA Schools.

4.14 The impact of hot food takeaways on traffic flow and road safety is an important consideration when determining applications. Hot food takeaways tend to attract a high proportion of car borne and short stay customers and outside the city centre and designated areas are often located where there is limited parking provision.

4.15 Often, in the vicinity of hot food takeaways, there is an increased occurrence of obstructed parking and interruption to the steady flow of traffic along the roads adjacent to these premises. Customers may be tempted to park for short periods to quickly pop in and out of takeaway premises, often jeopardising the safety of other road users. Particularly where these occurrences take place near road bends or junctions or in close proximity to pedestrian crossings, they are quite dangerous.

4.16 Short-term parking activity in the vicinity of hot food takeaways can have a negative impact on bus operation and accessibility. Customers are often tempted to park at bus stops (within the clearway section and/or on approach and exit sides) and prevent buses from stopping close and parallel to the kerb, rendering the stop inaccessible because the ramp cannot be deployed.

4.17 A lack of parking facilities in and around hot food takeaways can also have an adverse impact on the amenity of the immediate and surrounding area. The increased demand for on street parking, leads to increased incidence of customers parking in adjacent residential streets, often inconveniencing residents. As the peak activity periods for takeaways occurs primarily in the evenings and at weekends, when the demand for general on-street parking is generally at its highest, the presence of such establishments can further exacerbate parking problems.

Principle 3: Highway Safety

The impact of a proposal on the safety of pedestrians and road users will be considered with regard to:

- A. The existing use of the site;**
- B. Existing traffic conditions;**
- C. The accessibility of the site by public transport, walking and cycling;**
- D. The availability of public parking provision in close proximity to the premises, including on-street parking;**
- E. Proximity of proposal to junctions, crossings and bus stops;**
- F. The availability of easily accessible off street private parking provision for customers and delivery vehicles;**
- G. The availability of safe and legal loading areas in close proximity; and**

Where a proposal is considered to have an unacceptable impact on highway safety, planning permission will not be granted.

A delivery and service plan statement will be required for all applications.

4.18 Proposals located near to lighting junctions, pelican crossings, bus bays and bus stops are likely to be refused planning permission.

4.19 This principle supplements saved RUDP Policies TM11 (Parking Standards for Non Residential Development) and TM19A (Traffic Management and Road Safety).

Principle 4: Protection of Residential Amenity

Applications for hot food takeaway shops within close proximity to residential units will be refused where it is considered that there may be significant adverse impacts on residential amenity in terms of noise, vibrations, odours, traffic disturbance, litter or hours of operation as a result of the proposed premises. This also applies to application for the change of use of existing premises to hot food takeaways.

4.20 Protecting the living conditions of residents in close proximity to a proposed hot food takeaway is a major consideration when assessing applications for new hot food takeaways.

4.21 The activities associated with hot food takeaway establishments often tend to peak at times when the surrounding background noise levels are considered to be low (e.g. late evenings). Odours, noise and vibrations generated from cooking activities and extraction equipment used in these premises, together with traffic disturbance, litter and the attraction of large numbers of people at particular times of the day mean that hot food takeaways can produce a higher degree of noise and disturbance to local residents than other kinds of retail use. This noise generated by the proprietor and from the customers can be very difficult to control.

4.22 In areas where there is a concentration of hot food takeaways these problems are intensified thus further exacerbating the negative impact on residential amenity.

4.23 It is therefore important that hot food takeaways are controlled or restricted in order to protect the residential amenity of the occupiers of any properties situated within close proximity to such establishments.

4.24 In view of this, it is not normally considered acceptable to locate hot food takeaways directly adjacent to residential properties, regardless of the nature or effectiveness of the extraction system installed.

Principle 5: Operating Hours

The hours of opening of hot food takeaways will be controlled to ensure that amenity is appropriately protected.

When determining the appropriate hours of opening for hot food takeaways regard will be had to:

- A. the likely impacts on residential amenity;
- B. the existence of an established late night economy in the area;
- C. the character and function of the immediate area, including existing levels of background activity and noise; and
- D. the potential benefits of the proposal for the wider community.

Outside designated centres, within an area that is primarily residential in character, the hours of opening will be restricted to 08:00 - 23:00 on Mondays to Saturdays, with no opening on Sundays and bank holidays. Extended hours will only be permitted where it can be clearly demonstrated that there would be no unacceptable impact on residential amenity.

4.25 It is recognised that hot food takeaways often open different hours from most other businesses, but it is important that those with later opening hours are located where they would not adversely affect residential amenity. Furthermore, increased incidences of noise generated from cooking processes, customer activity, vehicular movements and other forms of disturbance can be difficult to control.

4.26 The Council recognises that the viability of hot food takeaway establishments may be reliant upon late evening trade. However, concerns about residential amenity may dictate that a takeaway use may be unacceptable unless its hours of opening are restricted.

Restrictions on hours of operation

4.27 Accordingly, in order to protect the amenities of the surrounding area from an adverse effect, by reason of noise, disturbance, vehicular traffic movements, or pedestrian traffic, it is often essential to restrict the hours of opening of a proposed hot food take away.

4.28 Within the city centre, town centres, district and local centres where there is no residential accommodation in close proximity to the hot food takeaway it is not likely that any restrictions will be placed on the hours and days of operation.

4.29 In some designated centres where there are mixed as mixed commercial/residential areas containing a high proportion of restaurant and bar uses, close to a town centre and served by busy roads, it may be reasonable for residents to expect a certain level of activity close to their homes. Although nearby residents may experience some disturbance from a new hot food takeaway, it is necessary to be mindful of any existing noise levels and whether the proposed use would tip the balance leading to unacceptable levels of disruption. In such instances, it is appropriate to impose a planning condition restricting the hours of opening until midnight.

4.30 In predominantly residential areas, permission will not normally be granted for hot food takeaways.

4.31 The proposed hours and days of opening should be specified as part of planning applications for hot food takeaways. Any agreed hours of opening will be made a condition of the planning permission if it is granted.

Principle 6: Odour and Cooking Smells

Hot food takeaways must provide appropriate extraction systems to effectively disperse odours. Such systems must:

- A. be designed so as to minimise their impact on visual amenity, including in terms of their location and external finish;
- B. be acoustically insulated;
- C. not have an unacceptable impact on the amenity of neighbouring occupiers, for example by virtue of vibration or odour;
- D. be appropriately operated and maintained; and
- E. where appropriate, be improved to reflect any subsequent changes in the mode or type of cooking that could increase odours.

Appropriate sound proofing of party walls and ceilings should be provided where necessary to ensure that there is no unacceptable noise disturbance from the hot food take away for residential occupiers directly above or adjacent to the proposed use.

4.32 Balance is needed between the provision of hot food takeaways and the need to protect the amenity of residential properties adjacent or near to such establishments. Compared to other uses, hot food takeaways can generate unacceptable levels of noise, vibrations and odours and it is therefore important that they are controlled.

4.33 Odours produced primarily as a result of the cooking process associated with hot food takeaways can cause amenity problems, particularly if there are nearby residential properties. Natural ventilation is often not adequate to dissipate cooking odours. An effective extraction system incorporating an extraction stack with a fan and filters is required

to ventilate cooking fumes and remove odours without causing a nuisance to neighbouring properties.

4.34 The design of fume extraction and ventilation equipment should ensure that odours, fumes, or noise cause no nuisance or disturbance to nearby properties. Odours must be extracted directly upwards at a speed and height that will ensure adequate dispersion past adjacent buildings. Regular cleaning and maintenance will be necessary to any equipment, including the flue stack, to prevent the possibility of fires due to grease build up and also to prevent the generation of smoke from the flue. It is the operators' responsibility to maintain such equipment.

Guidance on suitable extraction systems

4.35 Extraction systems should:

- Have a flue that terminates at least 1 metre above the eaves of the building to which it is attached, unless it can be demonstrated that an alternative height would be acceptable;
- Have route ducting so as to avoid close proximity to residential or office windows on neighbouring properties;
- Have a minimal number of bends in the ducting;
- Use ducting with a smooth internal surface;
- Incorporate flue terminals that do not impede discharge;
- Use circular duct cross sections whenever possible;
- Fit all duct work with anti-vibration couplings or mountings to minimise the vibration caused by air passing through; and

- Not exceed the existing background noise level as measured or calculated at the nearest residential property.

4.36 Consideration must also be given to the visual impact of flues with all planning applications and care should be taken to locate them where they will not appear prominent. The council will take into account issues of visual amenity in deciding whether or not a proposed extraction system is acceptable.

4.37 Where practicable, but especially in conservation areas or within the setting of a listed building, equipment should be installed predominately within the building. Where external flues are proposed colour-coated flues that complement the existing building materials, should normally be used.

4.38 Where it is intended to reline internal flues or erect an external flue on a property in joint ownership or involving a party wall, all interested parties must be advised in accordance with the planning notes for guidance and legal consent obtained from all of those parties prior to any development work starting on site.

4.39 Details of design, size, siting, acoustic treatment, finish, acoustic treat, odour abatement techniques of the flue extraction system to be installed must be submitted with all applications for hot food takeaways. Where such details are not submitted the application may be refused on the grounds of insufficient information.

Principle 7: Disposal of Waste Products

Applications for a Takeaway Food Outlet should include details of the design of the following:

A. Waste storage facilities, their location and accessibility.

B. Ventilation and extraction equipment.

C. Grease traps over drains where appropriate.

Suitable grease traps must also be installed on all drains for hot food takeaways to prevent blockages and the flooding of properties.

Details of how recycling will be maximised should also be included in the application.

4.40 Hot food takeaways can generate a significant volume of waste. Consideration must be given to providing waste storage facilities that are of a suitable size, appropriately sited and screened. These should be accessible for the proprietor at all times and enable servicing without adversely affecting adjacent residents.

4.41 Inadequate waste storage facilities can result in harm to visual amenity and pose serious risk to public health. Consequently it is important to ensure that there is sufficient physical space to accommodate them. Proposals for hot food takeaway shops should therefore include adequate on site provision for the storage of waste generated by the business.

Design

4.42 Storage structures should be designed to screen stored refuse and also respect the character of the surrounding area.

Siting of Bin Stores and Waste Storage Facilities

- 4.43** Waste storage facilities should be sited so as not to cause a nuisance to neighbouring residential or commercial properties with regard to odours. Bin stores should be conveniently located for clear and ease of access for refuse collection services.
- 4.44** Within the District, there are many examples of premises, which are of an inadequate size to provide storage space for commercial waste products within the building. This often leads to the permanent location of waste containers outside the premises, sometimes even on the highway. This is not considered an acceptable practice and will not be encouraged.
- 4.45** Where appropriate, the Council will encourage the location of bin stores on a hard standing area without any vehicle access restrictions.
- 4.46** The operation of hot food takeaways can cause significant problems for drainage systems as a result of the disposal of fat/grease from cooking operations. Most fat or grease discharged into private drains is in liquid form but in the cooler temperatures of the drains the fat/grease then solidifies. A build up of fat deposits may block the drain either locally or further down the sewerage system. These blockages can create subsequent problems, such as the leakage of foul sewage or the internal flooding of properties or of neighbouring areas. Consequently, the installation of grease traps is often necessary to prevent fat/grease from entering the public sewerage system.
- 4.47** Full details of refuse storage arrangements and grease traps should be included in all planning applications. If information is not submitted with an application, it may be refused on the grounds of insufficient information.

Principle 8: Litter Control and Prevention

All applications for a Takeaway Food Outlet should include details of the following:

- A. Litter Picks**
- B. Specifying disposal times**
- C. Design, type and number of bins provided**
- D. Any recyclable food packaging used on the premises and how it will be disposed of**

- 4.48** Litter is inherently unsightly and causes considerable annoyance to neighbouring residents and adjoining businesses. It also raises concerns about the potential attraction of pests and vermin. Irrespective of how careful the owner/operator is, hot food takeaways have the potential to generate a significant amount of litter because customers need to dispose of food wrappings/containers after the food is consumed. The problem, however, may actually be more likely to arise at some distance from the premises
- 4.49** Hot food takeaways tend to generate large amounts of litter in both their immediate vicinity and further a field, particularly in those locations where customers settle to eat their takeaway meals. Objectors often cite litter dropped by the customers of hot food takeaways as a reason to refuse planning permission for a hot food takeaway. Although the proprietors of takeaways have no control over whether customers drop litter, this is still a potential negative impact of a proposal on the surrounding area, which can be diminished through the provision of litter bins.
- 4.50** A Condition may be attached to a planning permission that requires the operator to provide a bin outside the premises at all times when the business is open.

- 4.51** Disabled and other users including visually impaired people and pedestrians with prams or buggies can be severely inconvenienced by inappropriate design in the placement of street furniture. Where a litter bin is required it should be positioned so as not to create any obstruction that would unduly restrict free flow for all users. The bin should also be positioned so that it does not impede visibility splays and sight lines required for adjacent junctions and major access points.
- 4.52** Details of the design and siting of the bin store should be submitted with all planning applications. If the provision of a bin is considered necessary and details are not submitted with an application, it may be refused on the grounds of insufficient information.

Principle 9: Safety, Crime and Anti-Social Behaviour

In assessing planning applications for hot food takeaways, the council will consider issues around community safety, crime and disorder.

Proposals for new hot food takeaways which, on the advice from West Yorkshire Police would adversely affect personal safety, will be restricted in their opening hours and/or will be required to provide or contribute to deterrent measures.

- 4.53** The fear of crime and anti-social behaviour can be a material consideration in the determination of planning applications.
- 4.54** Anti social behaviour can occur when people simultaneously congregate outside hot food takeaways. It is not to suggest that hot food takeaways are inherently problematic in generating disturbance nor is anti social behaviour an inevitable consequence of such premises. Nonetheless hot food takeaways can often attract a gathering of people, which particularly at night can exacerbate existing problems of crime and disorder. The Home Office publication – “Safer Places: The Planning System and Crime Prevention” – Good Practice Guidance – ODPM April 2004 highlights this link by explaining:
- “Crime and antisocial behaviour are more likely to occur if potential offenders and/or victims are concentrated in the same place at the same time, such as bus stops, taxi ranks or fast food outlets after pubs close, or areas of the town centre throughout the evening”.*
- 4.55** This principle supplements saved RUDP Policy D4 (Community Safety)

Principle 10: Accessibility

Hot food takeaways will be required to provide access for all groups of people and regard will be had to:

A. Level of inclusive design proposed in the application for the hot food take away and in particular the level of access offered to wheelchair users.

Proposals failing to propose improvements, which can be reasonably made, will be refused.

4.56 The Council is committed to ensuring that the needs of disabled people are catered for. Hot food takeaways should strive to achieve inclusive design that allows the premises to be used safely and easily by as many people as possible.

4.57 The Equality Act 2010 brings together and replaces equalities legislation including the Disability Discrimination Act 1995 (DDA). Section 20 of The Equality Act requires reasonable adjustment to be made in relation to accessibility. In practice an obligation exists on the service provider to ensure that their service is accessible to all users, where reasonable to do so.

