

**Halton Borough Council**

**Hot Food Takeaway  
Supplementary Planning Document**

**March 2012**



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## Foreword

This SPD has been prepared to address the over-abundance of hot food takeaways in Halton and to assist in the contribution that planning can make to the health of the Borough's residents by improving the retail food offer and built environment in the Borough.

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# 1. Purpose of the Supplementary Planning Document

- 1.1 In order to provide a holistic approach to tackling concerns over community health and childhood obesity, recent government guidance<sup>1</sup> aimed at promoting healthier communities, encourages planning authorities to control the availability of fast food outlets. The guidance also advises local authorities to manage the proliferation of fast food outlets within their area. Therefore, this Supplementary Planning Document (SPD) aims to address the over-abundance of hot food takeaway establishments in Halton and advises on the appropriate location and concentration of such premises. It is to be used as a guide for applicants seeking planning permission for a Hot Food Takeaway (A5 use) in Halton.
- 1.2 This SPD explains the Council's overall approach to hot food takeaway development, and sets out considerations related to:
- ❖ Over-concentration and clustering
  - ❖ Proximity to Schools, Playing Fields and Outdoor Play-spaces
  - ❖ Highway Safety
  - ❖ Protection of Residential Amenity
  - ❖ Hours of Operation
  - ❖ Control of Odours and Cooking Smells
  - ❖ Disposal of Waste Products
  - ❖ Litter
  - ❖ Crime and Anti-Social Behaviour
- 1.3 Hot food takeaways differ in purpose, in trading patterns and their contribution to the vitality and viability of the retail centres within which they are located than restaurants or cafés (Class A3), drinking establishments (Class A4) and shops (Class A1). In 2005<sup>2</sup>, the use class order was amended to subdivide the A3 use class, resulting in the

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<sup>1</sup> HM Government, Healthy Weight Healthy Lives (2008); Healthy Lives Healthy People: Our strategy for Public Health in England (November 2010)

<sup>2</sup> Town and Country Planning (Use Classes) (Amendment) (England) Order 2005

creation of the additional classes of class A4 (drinking establishments) and class A5 (hot food takeaways). This SPD specifically applies to hot food takeaways, designated in planning terms as Use Class A5 under the Town and Country (Use Classes) Order 1987<sup>3</sup> as amended.

1.4 Establishments whose primary business is the sale of hot food for consumption off the premises fall within the A5 class. The proposed layouts of such premises provide a clear guide as to whether the use will fall into A3 or A5 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.

1.5 The Council will expect the applicant to demonstrate that the proposed use will be the primary business activity at the premises. For clarity, the table below provides examples, distinguishing between shop types that would either fall within the A5 Use Class or not. This list is not exhaustive.

| Examples of shop types falling within the A5 Use Class  | Examples of shop types <u>NOI</u> within the A5 Use Class |
|---|---|
| Fried Chicken Shops   | Restaurants   |
| Fish and Chip Shops   | Cafés   |
| Pizza Shops   | Public Houses   |
| Chinese, Indian or other Takeaway Shops   | Wine Bars   |
| Kebab Shops   | Night Clubs   |
| Food Establishments with drive through premises<br>Unless ancillary to use class A3 (Restaurants and Cafés) | Bistros, Bakeries and Sandwich Shops                      |

**Table 1:** Examples of premises falling within/not within A5 Use Class.

1.6 This guidance has been prepared in collaboration with St Helens Council and in consultation with the Halton and St.Helens NHS Primary Care Trust and is in accordance with the framework provided in the Government's Planning Policy Statement 12: Local Spatial Planning (2008)<sup>4</sup>.

<sup>3</sup> Town and Country Planning (Use Classes Order) 1987, as amended

<sup>4</sup> CLG (2008) PPS12: Local Spatial Planning

## 2. Policy Framework

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

### National Context

- 2.2 National planning policies are currently set out in the form of Planning Policy Statements (PPSs) and Guidance (PPGs). National planning policy recognises the role which planning takes in enabling people to live healthier lifestyles. Planning Policy Statement 1 (PPS 1, 2005)<sup>5</sup> states that development plans should aim to reduce inequalities and deliver safe and healthy places to live.
- 2.3 Planning Policy Statement 4 'Planning for Sustainable Economic Growth' (2009)<sup>6</sup> states that the Government's overarching objective is sustainable economic growth by promoting the vitality and viability of town and other centres as important places for communities. To do this, the Government wants new economic growth and development of town centre uses to be focused in town centres, with the aim of offering a wide range of services to communities in an attractive and safe environment and remedying deficiencies in provision in areas with poor access to facilities.
- 2.4 This SPD draws on national planning policy statements and guidance. It should, however, be acknowledged that national planning policy is intended by Government to be consolidated into the National Planning Policy Framework (NPPF) which will cover all forms of development and which will set out national economic, environmental and social priorities. At the time of adoption, a consultation draft of the NPPF had been published by Government<sup>7</sup>.
- 2.5 In addition to the planning policy framework, a number of Government documents have drawn attention to the need for a more holistic approach to tackle health inequalities. Published in October 2007, the Foresight Report 'Tackling Obesities – Future Choices'<sup>8</sup>, led to the Improvement and Development Agency (IDEA) commissioning Sheffield Hallam University to analyse the implications of the report for local government<sup>9</sup>. Following this, the government published 'Healthy

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<sup>5</sup> CLG (2005) PPS 1: Delivering Sustainable Development

<sup>6</sup> CLG (2009) PPS 4: Planning for Sustainable Economic Growth

<sup>7</sup> CLG (2011) Draft National Planning Policy Framework

<sup>8</sup> Sheffield Hallam University (2008) Tackling Obesities: The Foresight Report and Implications of Local Government



Weight, Healthy Lives: A Cross Government Strategy for England<sup>10</sup>, which then led to the launch of the 'Change4life Strategy' in January 2009 and in March 2009 published the Health Committee Report<sup>11</sup> for Health Inequalities, which highlighted the need to address the rising numbers of fast food takeaways on the high streets of our towns and cities.

## Regional Context

- 2.6 Regional planning policies are currently set out in the Regional Spatial Strategy (RSS) for the North West; The North West of England Plan (2008). The most applicable policies relating to this Hot Food Takeaway SPD are DP 1: Spatial Principles, which makes reference to promoting environmental quality and DP 2: Promote Sustainable Communities, which makes reference to improving the health of the region's population by reducing present inequalities. The regional context has evolved during the production of this SPD with the Government stating its intention to abolish Regional Spatial Strategies (RSSs)<sup>12</sup> including RSS for the North West<sup>13</sup>. Following various successful procedural challenges in the High Court, the Government has recently consulted on Environmental Assessments concerning revocation as a prerequisite to revocation under the provisions of the Localism Act<sup>14</sup>. Until formally revoked, lower level plans and policies should be in conformity with the RSS.

## Local Context

- 2.7 Whilst it is recognised that hot food takeaways contribute to the retail mix of town centres, the over-proliferation of such uses can have a negative effect, creating 'dead frontages' during core shopping hours, the displacement of other shops impacting on the vitality and viability of designated town, local and neighbourhood centres.
- 2.8 Halton Borough Council's Local Development Framework (LDF) will eventually replace the Council's current statutory development plan, the Unitary Development Plan (UDP)<sup>15</sup>. Halton's LDF consists of Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs) in addition to a number of process documents,

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<sup>10</sup> HM Government (2008 p.18) Healthy Weight, Healthy Lives

<sup>11</sup> HM Select Committee Report (2009) Health Inequalities

<sup>12</sup> CLG (2010) Letter from Steve Quartermain, Chief Planner, CLG, Revocation of Regional Spatial Strategies

<sup>13</sup> GONW (2008) North West of England Plan: Regional Spatial Strategy to 2021

<sup>14</sup> HM Government (2011) The Localism Act

<sup>15</sup> Halton Council (2005) Halton Unitary Development Plan

including the Statement of Community Involvement and Annual Monitoring Reports.

2.9 The Core Strategy DPD is the central document within the LDF and sets out the overarching strategy for the LDF. At the time of adopting this SPD, the Core Strategy itself was nearing adoption. The statutory development plan is the starting point when determining planning applications for the development or use of land and when the Core Strategy is adopted, this will be both the Halton UDP and the Core Strategy. This SPD provides further detail on the implementation of the following emerging Core Strategy DPD Strategic Objectives and Policies:

- ❖ Strategic Objective 5: Maintain and enhance Halton's town and local centres to create high quality retail and leisure areas that meet the needs of the local community, and positively contribute to the image of the Borough.
- ❖ Strategic Objective 8: Ensure that all developments achieve high standards of design and sustainability and provide a positive contribution to their locality.
- ❖ Strategic Objective 11: Improve the health and well-being of Halton's residents throughout each of their life stages, through supporting the achievement of healthy lifestyles and healthy environments for all.
- ❖ Policy CS 1: Halton's Spatial Strategy
- ❖ Policy CS 2: Sustainable Development Principles
- ❖ Policy CS 5: A Network of Centres
- ❖ Policy CS 18: High Quality Design
- ❖ Policy CS 22: Health and Well-Being

This SPD principally supplements Policy CS 22: Health and Well-Being which is reproduced at Appendix 2.

2.10 This SPD also supplements the following saved policies of the Halton UDP 2005.

- ❖ Policy S 16: Retail Hierarchy
- ❖ Policy S 17: Retail Development

- ❖ Policy TC 8: Non-retail uses within primary and secondary shopping areas.
- ❖ Policy TC 9: Non-retail uses within neighbourhood centres
- ❖ Policy TC 11: Food and drink outlets
- ❖ Policy BE 1: General requirements for development
- ❖ Policy BE 2: Quality of design

- 2.11 As part of an integrated, multi-disciplinary and multi-agency approach to tackling ill health and promoting healthy living in Halton the LDF, and as such this SPD, also has a close relationship to Halton's Sustainable Community Strategy (SCS)<sup>16</sup> which outlines the long-term vision to achieve sustainable improvements in the health of Halton's residents and improve environmental quality in the Borough. Health is a major priority of the Sustainable Community Strategy and therefore this SPD is part of an integrated policy approach tackling the wider determinants of health and particularly Halton's obesity challenges as described in more detail in Appendix 1. This SPD also has close ties with the aims of Halton's Children and Young People's Plan<sup>17</sup> which seeks to ensure that schools are based in the heart of the community which makes them ideal to offer a variety of extended services aimed at improving the health of children and young people in Halton.
- 2.12 This SPD should also be read in conjunction with other adopted SPDs, namely the Shop Fronts, Signage and Advertising SPD<sup>18</sup> and the Designing for Community Safety SPD<sup>19</sup>.

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<sup>16</sup> HBC (2011) Sustainable Community Strategy (2011-2026)

<sup>17</sup> Halton Children's Trust (2011) Halton Children & Young People's Plan 2011-2014

<sup>18</sup> HBC (2005) Shop Fronts, Signage and Advertising Supplementary Planning Document

<sup>19</sup> HBC (2005) Designing for Community Safety Supplementary Planning Document

## 3. Guidance – Hot Food Takeaways (HFT)

### HFT 1 - Over-concentration and clustering

Where a hot food takeaway (Use Class A5) is to be located within a defined Town, District or Local centre it should not result in:

- i) more than one unit or 5% of the total ground floor units (whichever is the greater) within a defined primary frontage (or primary shopping area where individual frontages have not been defined) being hot food takeaways.
- ii) more than two units or 10% of the total ground floor units (whichever is the greater) being hot food takeaways within
  - o a defined secondary shopping frontage (or secondary shopping area where individual frontages have not been defined),
  - o within the Runcorn Town Centre Mixed Use Area, and
  - o other areas within defined town centre boundaries other than above,
- iii) more than two A5 units being located adjacent to each other
- iv) any less than two non-A5 units between individual or groups of hot food takeaways

Where a hot food takeaway (Use Class A5) is to be located within a defined neighbourhood or local centre it should not result in:

- v) hot food takeaways becoming the dominant use, or more than two units' or 10% of the total ground floor units (whichever is greater) being a hot food takeaway.

Town and District Centre boundaries are reproduced in Appendix 4 Primary, secondary and mixed use areas / frontages are reproduced in Figures 1 and 2 below

Defined Local (Core Strategy Terminology) and Neighbourhood Centres (UDP Terminology) are listed in Appendix 5

#### Justification

##### Basis for Calculation of Frontages

- 3.1 The policy seeks to control the over proliferation and excessive clustering of hot food takeaways within defined centres and defined primary, secondary and other frontages or areas within the town and district centres.

- 3.2 Concentration will be calculated as a percentage of total ground floor retail (use class A1 to A5) units within the defined area. In individual primary shopping frontages, up to 5% of units will be allowed for hot food use. Where 5% represents less than a single unit (i.e. in frontages of less than 20 units) a single takeaway unit will be allowed.
- 3.3 In local centres, up to two units or 10% of the total ground floor retail (use class A1 to A5) units will be allowed for hot food takeaway use, except in smaller centres comprising three or less units where this would make takeaway establishments the dominant use.
- 3.4 The percentage referred to in this policy is based on the frontage in relation to both:
- The proportion of non-A1 uses in each identified Primary or Secondary frontage as illustrated in Figures 1 and 2 below.
  - The proportion of non-A1 uses across the entire Primary frontages, secondary frontages in question

#### Insert Figure 1 & 2

- 3.5 An overabundance of hot food takeaways, particularly where they form clusters both within and outside of designated centres, can have an adverse impact on the vitality and viability of existing designated shopping parades. There are currently 68 hot food takeaways in Halton which equates to 1 hot food takeaway outlet per 1,745 of the current population<sup>20</sup>. Takeaway premises in areas with a greater focus on commercial activity generally serve other establishments, which form a part of the evening economy. To reflect this, restrictions on opening hours in such locations will be less rigid as compared to the more residentially focused takeaway premises.
- 3.6 Increased numbers of customers around A5 uses, particularly in the late evening when trading activity tends to reach its peak, can lead to problems of disturbance, increased noise and a focus for anti-social behaviour.
- 3.7 Within town centres and other shopping areas, it is important that such cases do not detract from the centre's primary retail function, or result in a loss of shops to the detriment of local residents. Clustering of hot food takeaways can lead to dead frontages during daytime hours.
- 3.8 Where groups of A5 uses develop, they displace other retail shops, breaking up the continuity of the retail frontage. Particularly in the

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<sup>20</sup> HBC (2011) Environmental Health Database: Snapshot data as at April 2011

designated shopping centres, such “clustering” can undermine the primary retailing function of these areas, reducing the viability, vitality and general attractiveness of such centres.

- 3.9 Consequently, to ensure that shopping areas are diverse and balanced, especially in designated centres (Appendix 4), applications for hot food takeaways will be assessed for their cumulative impact.
- 3.10 Increased numbers of customers around A5 uses, particularly in the late evening when trading activity tends to reach its peak, can lead to problems of disturbance, increased noise and be a focus for anti-social behaviour.
- 3.11 This test supplements UDP policies TC1-TC11 and Core Strategy policies CS5 and CS22

## **HFT 2 - Proximity to schools, playing fields and play-spaces**

Planning permission for hot food takeaways (Use Class A5) will only be granted provided that they are located;

- Beyond a 400m exclusion zone around any primary or secondary school and sixth form college either within or outside Local Education Authority control
- Beyond a 400m exclusion zone around playing fields and children’s play-spaces
- Within the defined centre boundary of Widnes Town Centre, Halton Lea Town Centre or Runcorn Old Town centre, or a defined local centre as shown on the UDP Proposals Map.

Proposals within primarily residential areas are unlikely to be acceptable and will be subject to the tests of Policy HFT4.

Where the 400m exclusion zone boundary as identified in Appendix 3 cuts across a building or curtilage in whole or part, for the purposes of this policy, that whole site shall be considered to be within the exclusion zone. Defined Town, District and Local/Neighbourhood centres are excluded from the 400m exclusion zone.

Indicative exclusion zones are illustrated in Appendix 3. More detailed maps of the exclusion zones can be viewed on the Council’s website [www.halton.gov.uk](http://www.halton.gov.uk)

### **Justification**

- 3.12 Research indicates that once an obese weight is reached, it is difficult to treat<sup>21</sup>. An obese adolescent is likely to remain so during adulthood, which may lead to obesogenic diseases and reduced life expectancy<sup>22</sup>. In an effort to establish appropriate healthy eating habits and reduce the rate of childhood obesity in the local population, the Council is seeking to restrict the number of new hot food takeaways within 400 metres (5 minute walk) of primary and secondary schools, sixth form colleges' playing fields and children's play-spaces.
- 3.13 A 2009 report<sup>23</sup> found that food outlets in close proximity to, and surrounding schools were an obstacle to secondary school children eating healthily. Takeaways within easy walking distance of schools are therefore a contributing factor to the rising levels of obesity in the Borough. It is for this reason that the exclusion zone is set at 400 metres from a primary school, secondary school or sixth form college.
- 3.14 Whilst pupils attending LEA primary schools in the Borough are not allowed out of school premises during the school day, research indicates that the most popular time for purchasing food from shops is after school<sup>24</sup>. Since not all primary school pupils will be accompanied home, applying the exclusion zone around primary schools is deemed appropriate. In addition, this will also impact upon the habits of parents / guardians.
- 3.15 Given the extent of the exclusion zone around schools' playing fields and play-spaces it is deemed unnecessary to implement further buffers around children's centres and leisure centres. The effectiveness and extent of the exclusion zone will be reviewed in monitoring this SPD and reported in the LDF Annual Monitoring Report.
- 3.16 For the purposes of this document, the 400m exclusion zone is established from the boundary of each Local Education Authority (LEA) school, the assumed boundary of non-LEA schools and the boundary of playing fields and play-spaces.

## HFT 3 - Highway Safety

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<sup>21</sup> Summerbell C, Waters E, Edmunds LD, Kelly S, Brown T, Campbell KJ. Interventions for preventing obesity in children. The Cochrane Database of Systematic Review, 3, 2005

<sup>22</sup> British Medical Association Board of Science and Education. Adolescent Health BMA publications, 2003. Available online at: [http://www.bma.org.uk/health\\_promotion\\_ethics/child\\_health/AdolescentHealth.jsp](http://www.bma.org.uk/health_promotion_ethics/child_health/AdolescentHealth.jsp) (Accessed 20 July 2011)

<sup>23</sup> Sinclair S, Winkler JT, Nutrition Policy Unit, London Metropolitan University: The School Fringe, From Research to Action. Policy Options within schools on the Fringe, January 2009

<sup>24</sup> Sarah Sinclair, JT Winkler, Nutrition Policy Unit, London Metropolitan University; The School Fringe, From Research to Action. Policy Options within schools on the Fringe. Education Research, January 2009

The impact of a proposal for a hot food takeaway (Use Class A5) 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 availability of public parking provision in close proximity to the premises, including on-street parking
- d** The availability of safe and legal loading areas in close proximity
- e** The implications for the amenity of the surrounding area (particularly on residential amenity)

### **Justification**

- 3.17 The impact of hot food takeaways on traffic flow and road safety is an important consideration when determining planning applications. These establishments tend to attract a high proportion of car-borne and short-stay customers and present a particular issue where there is limited parking provision.
- 3.18 Increased levels of activity between lunchtime and closing time tend to result in increased noise and traffic disturbance from vehicles and their occupants around these times. This can create a nuisance for neighbouring occupiers.
- 3.19 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.
- 3.20 Short-term parking activity in the vicinity of hot food takeaways can have a negative impact on bus operation and accessibility. Customers may be tempted to park at bus stops preventing buses from stopping close and parallel to the kerb.
- 3.21 Insufficient parking facilities in and around hot food takeaways can also have an adverse impact on the amenity of the immediate and surrounding areas. The increased demand for on-street parking, particularly in the evenings and weekends when the demand for on-street parking is at its highest, often inconveniences local residents.
- 3.22 Proposals located near to traffic-signal-controlled junctions, pedestrian-controlled crossings, bus bays and bus stops are likely to be refused permission unless impacts can be mitigated.



## HFT 4 - Protection of Residential Amenity

Applications for hot food takeaways within close proximity to residential units will only be allowed where it is considered that there will be no 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.

Applications for hot food takeaways are unlikely to be approved if a party wall is shared with a dwelling.

If there is a flat above the premises it is unlikely that planning permission will be granted unless the flat is used in relation to the takeaway.

### Justification

3.23 The protection of the living conditions of residents in close proximity to any existing or proposed A5 use will form a major consideration in assessing applications for hot food takeaways.

3.24 Compared against other uses, hot food takeaways can generate unacceptable levels of noise, vibrations, odours, traffic disturbance and litter. It is therefore important that such uses are appropriately located to prevent undue nuisance on the residential.

3.25 Often, the activities of hot foot takeaway establishments tend to peak at times when the surrounding background noise levels are considered to be low (e.g. Late evenings). Noise and vibrations generated both from the cooking activities and the essential extraction equipment used in these premises, along with increased levels of customer movement in and out of the premises, can cause significant and undue levels of disturbance to residents. Late night opening hours act to further exacerbate the problem, attracting higher customer numbers in the afternoons and late evenings.

3.26 In areas where A5 uses are concentrated, these problems are intensified further exacerbating their negative impact on amenity.

## HFT 5 - Hours of Operation



When considering appropriate hours of operation for hot food takeaways (Use Class A5), regard will be had to:

- a** The existence of an established or emerging evening economy in the area;
- b** The existence of primary or secondary schools or sixth form colleges either within or outside Local Education Authority control within 400m;
- c** The character and function of the immediate area; and
- d** The potential benefits of the proposal for the wider community; and
- e** Impact on residential amenity

Sites outside of designated centres will usually be subject to more restricted opening hours.

### **Justification**

3.27 As compared with other retail type uses, it is recognised that hot food takeaways often have later opening times incidence of noise generated from the cooking process, customer activity, vehicular movements and other forms of disturbance can be difficult to control.

3.28 The Council accepts that often the viability of hot food takeaway premises is dependent on their reliance on late evening trade. However, the need to protect residential amenity will often dictate the extent to which limitations may need to be placed on hours of operation for such establishments.

3.29 In order to minimise any adverse impacts such longer opening hours may have on residential amenity, it is important that such premises are firstly located in areas where minimum harm can occur in accordance with HFT1 and HFT2. In defined centres within 400m of a primary or secondary school or sixth form college, or when considering applications to vary conditions controlling opening hours on existing consented hot food takeaways, within 400m of such establishments, restrictions around school closing times may be required.

### **Restrictions on hours of operation**

3.30 Within designated centres and key shopping areas, where there is no residential accommodation in close proximity to the premises, it is not

likely that any restrictions will be placed on the hours and days of operation. Takeaway premises in areas with a greater focus on commercial activity generally serve other establishments, which form a part of the evening economy. To reflect this, restrictions on opening hours in such locations will be less rigid as compared to the more residentially focused takeaway premises.

- 3.31 In designated centres, with residential use in close proximity, opening hours are likely to be restricted to between 08:00 and midnight.
- 3.32 The proposed hours and days of opening should be specified as part of applications for hot food takeaway development. Hours of opening will be made a condition of the planning permission if it is granted.
- 3.33 Within residential areas, opening times will be restricted to protect residential amenity. Takeaway premises in areas with a greater focus on commercial activity generally serve other establishments, which form a part of the evening economy. To reflect this, restrictions on opening hours in such locations will be less rigid as compared to the more residentially focused takeaway premises.

## HFT 6 - Odours and Cooking Smells

Extraction systems should be installed to effectively disperse odours from hot food takeaway premises. Extraction systems should be designed so that they do not have an unacceptable impact on visual amenity. Consequently, the installed systems must not appear as an incongruous feature in the street scene.

To be acceptable, the proposed extraction system will have to be: -

- a** Located preferably to minimise its visual impact on the street scene and neighbouring land uses
- b** Of a colour, finish and design to blend in with the building to which it is attached, and;
- c** Installed within the building where practicable. This is particularly important where the proposal is within a Conservation Area or within the setting of a Listed Building.

If smells and fumes cannot be adequately controlled by means of an effective extraction or abatement system, or if necessary ducting and extraction equipment cannot be installed without significant detriment to visual amenity, planning permission will not normally be granted.

Where an external flue is proposed / required on a property in joint or separate ownership, or involving a party wall, the legal consent of all parties concerning the installation and operation of the required equipment must be demonstrated to the satisfaction of the Local Planning Authority prior to the granting of planning permission.

### Justification

- 3.34 Odours produced primarily as a result of the cooking process in hot food takeaways can cause amenity problems, particularly in areas which are residential in character. Often, natural ventilation is not adequate to dissipate such odours and an effective system incorporating an extract duct, fan and filters is required for the extraction and dispersal of cooking odours. It is the operator's responsibility to maintain this equipment.
- 3.35 Regardless of the form or effectiveness of extraction equipment installed, it is almost impossible to fully eliminate the odours, which result primarily from the cooking activities undertaken within A5 premises. Often, such odours penetrate the fabric of buildings to the detriment of the occupiers of any surrounding properties. In this context, it is not usually considered acceptable to locate A5 premises directly adjacent to residential properties, regardless of the nature or effectiveness of the extraction system utilised.
- 3.36 For further information on the suitability of extraction systems, please contact the Council's Environmental Health Department. Contact details are provided in Appendix 6.

## HFT 7 - Disposal of Waste Products

Commercial bin stores should be contained within the premises. Where this is not possible, secure storage structures should be provided.

All applications for new build and change of use for hot food takeaway premises must identify adequate and appropriate space on-site for the secure storage and safe collection of waste products.

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

### Justification

- 3.37 Hot food takeaway shops can generate a significant volume of waste. Inadequate storage facilities for refuse can result in harm to visual amenity as well as serious risk to public health. Consequently, it is important to ensure that there is sufficient physical space for their accommodation and safe collection by suitably licenced operators. Proposals for hot food takeaway shops must include details of adequate facilities on the premises for the storage of waste generated by the business.
- 3.38 Consideration must be given to providing bins that are of a suitable size, appropriately sited and screened. These should be accessible at all times for the proprietor as well as for servicing without affecting adjacent residents. Bin stores should be sited in a location so as not to cause a nuisance to neighbouring residential or commercial properties with regard to odours. They should also be conveniently located for clear, convenient access for refuse collection services.

## HFT 8 - Litter

A planning condition requiring the installation of litter bins on land within the applicant's control will be applied to all permissions for hot food takeaway establishments.

It is the proprietor's responsibility to maintain and empty these litter bins on a regular basis and to keep the area adjacent to the premises clear.

### Justification

- 3.39 Litter is inherently unsightly and causes considerable annoyance to residents and adjoining businesses. It also raises concern about the potential attraction of pests and vermin.
- 3.40 Often, hot food takeaways tend to generate large amounts of litter in their immediate vicinity and further afield, particularly in areas where customers settle to eat their takeaway meals. Objectors often cite litter dropped by the customers of hot food takeaways as a nuisance. Although the proprietor has little control over where customers drop their litter, they can act to significantly reduce the potential of its occurrence by providing litterbins within or on their premises including the forecourt.

## HFT 9 - Crime and Anti-Social Behaviour

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

The Council will seek the advice of the Cheshire Police Architectural Liaison Officer when considering applications for hot food takeaways, regardless of their location in the Borough.

Planning permission for any new development or change of use to a hot food takeaway will be subject to considerations of the local context with regard to the potential for crime and disorder,

Proposals considered to be an unacceptable risk will be refused.

### Justification

- 3.41 Hot food takeaways often attract a gathering of people and can result in "hot spots" for crime and disorder, particularly at night. An excerpt from a Home Office Publication "Safer Places: The Planning System and Crime Prevention"<sup>25</sup> highlights this link: "*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*".
- 3.42 Where there are concerns over crime and antisocial behaviour in the area, the applicant may be asked to enter into a legal agreement (planning obligation) which may require the provision of a financial contribution to fund the provision of safety and security measures such as CCTV systems. The implementation of these will need to be in accordance with the guidance provided in the Designing for Community Safety Supplementary Planning Document.

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<sup>25</sup> CLG Safer Places: The Planning System and Crime Prevention April 2004 available at: <http://www.communities.gov.uk/publications/planningandbuilding/saferplaces> (Accessed 20 July 2011)

## 4. Monitoring, Implementation and Review

### Monitoring

- 4.1 Preparation of LDF documents is not a once and for all activity. It is essential to monitor that the SPD is being successfully implemented, that the desired outcomes are being achieved and if not, what corrective action needs to be undertaken.
- 4.2 This will be done through a regular process of monitoring the success of this SPD and its policies against a set of indicators and targets in the Annual Monitoring Report. This could include the following indicators;
- Use of this SPD in Planning Application Decisions
  - Number of Hot Food Takeaways in the Town, District and Local Centres
  - Number of Hot Food Takeaways in the Borough (baseline 2011=67)

### Implementation and Review

- 4.3 The SPD will primarily be implemented through the development management process and the determination of planning applications. Although the SPD does not have the status of the development plan (for the purpose of Section 38 of the Planning and Compulsory Purchase Act 2004 as amended), it will be an important material consideration in the determination of planning applications.
- 4.4 The Council's Annual Monitoring Report will monitor the SPD's progress and highlight any issues that may require review. Where such a review is required, a timetable for this activity will be included in the AMR which is available on the Council's website available at:  
<http://www3.halton.gov.uk/environmentandplanning/planning/localdevelopmentframework/121650/>

# APPENDIX 1

## Obesity – The UK and Halton’s Challenge

### The UK Challenge

Obesity is one of the biggest health challenges facing the UK. Currently one in four adults, and over one in ten children aged 2-10 in England are obese.<sup>26</sup> There is a clear link between increased body fat (obesity) and risk of medical conditions including type 2 diabetes, cancer, heart and liver disease.<sup>27</sup> The Government estimates the annual cost of overweight and obese individuals to the National Health Service (NHS) to be £4.2 billion, a figure which is predicted to more than double by 2050.<sup>28</sup>

England’s obesity epidemic has attracted considerable policy attention in recent years.<sup>29</sup> The Government’s White Paper, Choosing Health: Making Healthier Choices Easier was published in November 2004 and set out a wide-ranging plan to improve the nation’s health. The Paper called for NHS, local authorities, schools and workplaces to deliver joined up action to make healthier lifestyles easier to attain.<sup>30</sup>

Published in October 2007, the Foresight report Tackling Obesities – Future Choices<sup>31</sup>, led to the Improvement and Development Agency (IDEA) commissioning Sheffield Hallam University to analyse the implications of the report for local government<sup>32</sup>

In addition, the Government published ‘Healthy Weight, Healthy Lives: A Cross Government Strategy for England’, launched the ‘Changes4life’ strategy in January 2009 and in March 2009 published the Health Committee Report for Health Inequalities<sup>33</sup>, highlighting the need to address the rising numbers of fast food takeaways on the high street.

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<sup>26</sup> Department of Health, Obesity. Available online at:  
<http://www.dh.gov.uk/en/Publichealth/Obesity/index.htm> (accessed 28/06/11)

<sup>27</sup> HM Government, Healthy Weight, Healthy Lives: One Year On, April 2009

<sup>28</sup> Department of Health, Obesity, Available online at:  
<http://www.dh.gov.uk/en/Publichealth/Obesity/index.htm> (accessed 28/06/11)

<sup>29</sup> HM Select Committee Report, Health Inequalities, March 2009

<sup>30</sup> HM Government, White Paper – Choosing Health: Making Healthy Choices Easier, November 2004

<sup>31</sup> Foresight, Tackling Obesities: Future Choices – Project Report, October 2007

<sup>32</sup> Sheffield Hallam University, Tackling Obesities: The Foresight Report and Implications of Local Government, March 2008

<sup>33</sup> HM Select Committee Report, Health Inequalities, March 2009



Healthy Weight Healthy Lives<sup>34</sup> also encourages local authorities to use existing planning regulations to control more carefully the number and location of fast food outlets.

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<sup>34</sup> HM Government, Healthy Weight, Healthy Lives, January 2008, p.18

## Halton's Challenge

According to 2009 & 2010 Health Profiles<sup>35</sup> (Table 1) the percentage of adults classified as obese in Halton has risen between 2003-05 and 2006-08. Rates remain above the England average of 24.2 with the worst rate in England being 32.8 in 2006-08 (down from 40.9 2003-05) and the best remaining fairly constant at 13.2 (compared to 13.7 in 2003-05). This is based on synthetic estimates using combined Health Survey for England data, applied to local populations. This means they are estimates based on a model and represent the expected prevalence of behaviour for any area, given the demographic and social characteristics of that area (JSNA 2010).

**Table 1: Synthetic estimates of obesity, borough, North West and England level, 2003-05 and 2006-08**

|                   | Prevalence rate (%)<br>2009 Health Profile (using<br>2003-5 HSfE) | Prevalence rate (%)<br>2010 Health Profile (using<br>2006-8 HSfE) |
|-------------------|---|---|
| <b>Halton</b>     | <b>26.8</b>   | <b>27.0</b>   |
| <b>St Helens</b>  | <b>25.3</b>   | <b>25.4</b>   |
| <b>North West</b> | 24.5  | 23.4  |
| <b>England</b>    | 23.6  | 24.2  |

*Source: APHO, 2009*

The Halton Lifestyle Survey (2006) asked respondents to state their weight and height. From this data, a measure of obesity could be derived. Those with a body mass index (BMI) of 25 or over are considered overweight. A body mass index of 30 plus indicates obesity.

The percentage of overweight residents has increased from 52% in the 2001 survey to 56.6% in 2006. This suggests that approximately 54,200 adults in Halton are overweight. A higher proportion of Widnes residents are overweight, 58.4% compared with 54.9% in Runcorn. A higher proportion of males are overweight, (63% compared with 50% of females) with highest prevalence amongst males in the 40-64 age band (71%).

Obesity within Halton has also increased quite substantially since 2001; with 20.2% of residents measuring as obese, this compares with 15.1% at the time of the last survey<sup>36</sup>.

Whilst it is recognised that hot food takeaways contribute to the retail mix of town centres, there remains an over proliferation in the local retail food offer

<sup>35</sup> Halton and St Helens PCT – Health Profile (2009+2010) - Although updated estimated prevalence data has been calculated in the 2010 Health profiles this has not been worked out below borough level. For consistency with lower-level geographical analysis also presented in this report the older estimates have been used. Newer estimates show an increase in obesity.

<sup>36</sup> St Helens and Halton PCT: Joint Strategic Needs Assessment 2010

in the Borough. This results in the displacement of other shops and food options impacting on the vitality and viability of designated town and neighbourhood centres. Because of this, communities in the Borough have a limited choice and access to fresh, nutritious food.

## APPENDIX 2

### EXTRACT FROM HALTON CORE STRATEGY

#### Policy CS22: HEALTH AND WELL-BEING

Ensuring the Borough's communities have good health and well-being is a major priority for Halton. Statistics show that health standards in Halton are amongst the worst in the country and highlight that this is an aspect of life in the Borough in need of urgent improvement. It is essential that policies are put in place that tackle the underlying causes of health problems in the Borough, and facilitate the provision of healthy lifestyles and healthy environments for all.

#### Policy CS22: Health and Well-Being

Healthy environments will be supported and healthy lifestyles encouraged across the Borough by ensuring:

- proposals for new and relocated health and community services and facilities are located in accessible locations with adequate access by walking, cycling and public transport;
- applications for large scale major developments are supported by a Health Impact Assessment to enhance potential positive impacts of development and mitigate against any negative impacts
- the proliferation of Hot Food Take-Away outlets (Use Class A5) is managed; and,
- opportunities to widen the Borough's cultural, sport, recreation and leisure offer are supported.

#### Justification

When compared with other areas in England, Halton is within the worst 10% of areas for life expectancy<sup>37</sup> and ranks 11th out of 326 Local Authorities (1 = most deprived) in terms of health deprivation<sup>38</sup>. As referred to in Halton's Story of Place, the Lancaster University Health Study<sup>39</sup> showed that the Borough's health issues are connected to poor lifestyles and levels of deprivation. Some particularly prevalent health problems include obesity and diabetes, respiratory disease, cardiovascular

<sup>37</sup> ONS (2007-2009) Life Expectancy at Birth

<sup>38</sup> CLG (2010) The English Indices of Deprivation

<sup>39</sup> Lancaster University (2003) Understanding Factors Affecting Health in Halton

disease, cancers, alcohol abuse, depression and mental illness, and smoking related diseases.

Current studies have shown that improving health and well-being is a cross-cutting issue and cannot be achieved in isolation. In accordance with the Borough's partners and applicable strategies, including the Halton Joint Strategic Needs Assessment<sup>40</sup>, and the "Our Ambition for Health" Commissioning Strategic Plan<sup>41</sup>, many of the policies in the Core Strategy promote healthy environments and lifestyles by, for example, promoting travel by walking and cycling, protecting the Borough's open spaces and improving air quality through reducing congestion. However, in order to address the significant problem of health and well-being in Halton, it is necessary to support further measures which will help to facilitate healthy lifestyles and environments, and alleviate health problems.

It is imperative to ensure that there is sufficient access for Halton's communities to a whole range of health and community services and facilities, especially when considering that the Borough's population is ageing, potentially putting even greater demands on these services and facilities. Such services and facilities can contribute to community cohesion and identity, and can present opportunities for residents to pursue healthy and fulfilling lifestyles. As such proposals for new and the relocation of health and community services and facilities should ensure that they are sited in the most accessible locations and support access by a range of sustainable transport modes.

It is considered that some development, particularly large schemes, may have negative impacts on health. To ensure that development will not create or exacerbate health problems and equally to take advantage of opportunities to improve health and well-being in the Borough, the production of Health Impact Assessments to identify and address potential health impacts for large scale major developments<sup>42</sup> will be required.

In addition to these interventions there is a need to manage the concentration and clustering of hot food takeaway shops across the Borough which can have potential adverse impacts on community health and on the viability of the Borough's town, district and local centres (CS5: A Network of Centres). The prevalence of uses such as these can influence eating habits and has been linked to the risk of obesity<sup>43</sup>. In Halton, 37% of Year 6 pupils were classed as overweight or obese in 2008/09, this is higher than both the North West (23.1%) and England (32.6%)<sup>44</sup>. A Hot Food Take-Away SPD will be developed to set out specific criteria for the assessment of proposals for new hot food take-aways (Use Class A5) to ensure that possible adverse effects caused by an over-abundance of hot food take-aways are minimised.

Culture, sport, recreation and leisure can also significantly contribute to health and well-being and as such should be supported. The Borough has many positive

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<sup>40</sup> Halton and St Helens NHS (2008 and refresh 2009) Halton Joint Strategic Needs Assessment

<sup>41</sup> Halton and St Helens PCT (2009) "Our Ambition for Health" Commissioning Strategic Plan

<sup>42</sup> Large Scale Major Developments: Residential - 200 dwellings / 4ha or more

All other uses - 10,000sq.m or more / 2ha or more

<sup>43</sup> Government Office for Science (2010) Tackling Obesity: Future Choices – Project Report 2<sup>nd</sup> Edition

<sup>44</sup> HBC (2010) State of the Borough Report (National Child Measurement Programme)

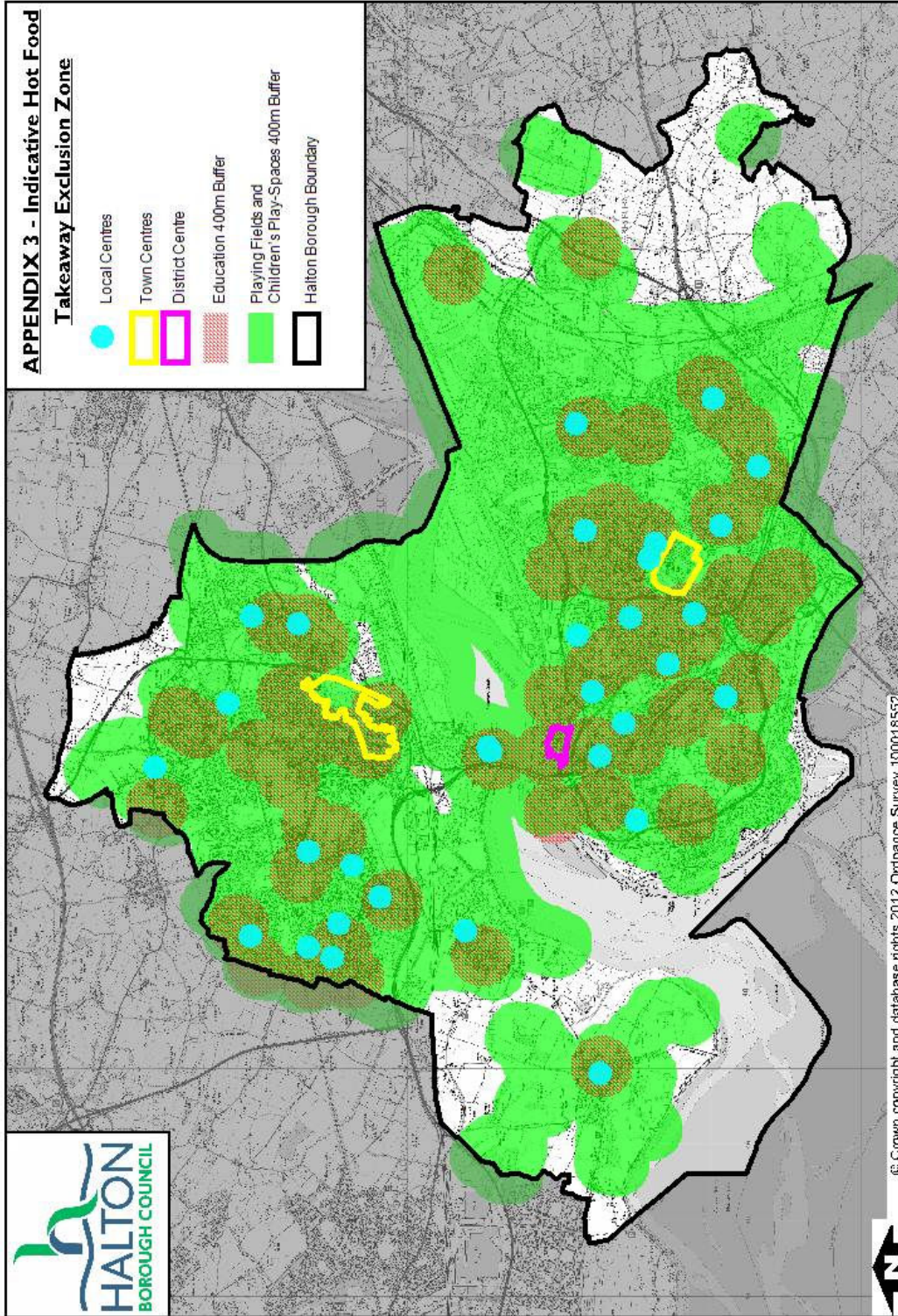
attributes including a multifunctional green infrastructure network, extensive pedestrian and cycle routes, facilities for culture and the arts, including the Brindley Arts Centre, and a number of waterfront environments afforded by the Mersey Estuary and the Borough's waterways which present opportunities for leisure and recreation. In accordance with other policies in the Core Strategy and to sustain positive lifestyle choices, opportunities to improve and extend this offer should be taken.

| <b>POLICY FRAMEWORK:</b>    |  |
|-----------------------------|--|
| <b>National Policy</b>      | PPS1: Delivering Sustainable Development (CLG, 2005)   |
| <b>Local Evidence</b>       | Understanding Factors Affecting Health in Halton (Lancaster University, 2003); Halton Joint Strategic Needs Assessment (Halton and St Helens NHS, 2008 and refresh 2009); "Our Ambition for Health" Commissioning Strategic Plan (NHS Halton and St Helens, 2009); State of the Borough Report (HBC, 2010) |
| <b>Strategic Objectives</b> | 11   |
| <b>SCS Priorities</b>       | A Healthy Halton   |
| <b>SA Objectives</b>        | 11 – Accessibility   12 – Health   |
| <b>SA Outcome</b>           | This policy is expected to have significant positive benefits for health.  |



APPENDIX 3

Indicative Hot Food Takeaway Exclusion Zones

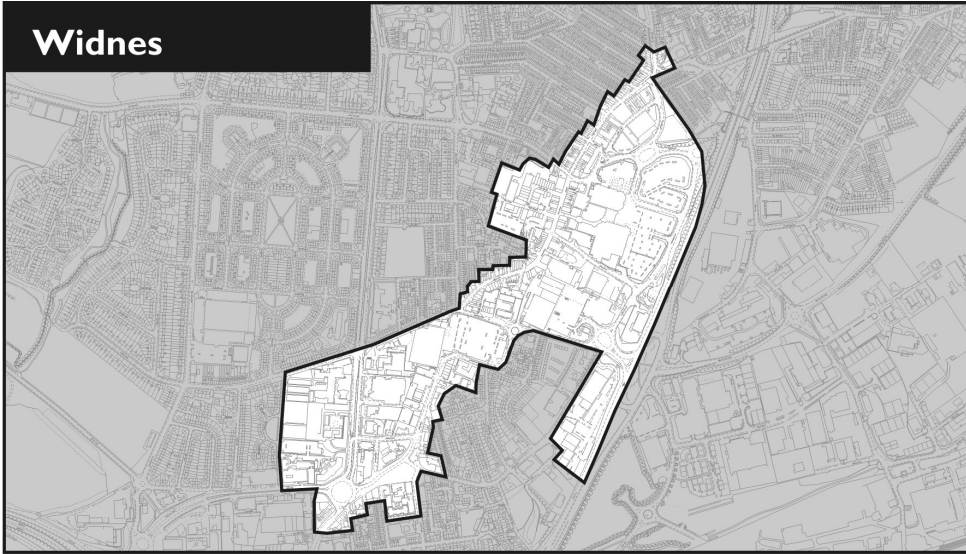




**APPENDIX 4**

**Town and District Centre Boundaries**

**Widnes**



**Runcorn Old Town**



**Halton Lea**





## APPENDIX 5

## Local / Neighbourhood Centres

| <b>LOCAL/NEIGHBOURHOOD CENTRES</b>  |
|---|
| <b>Runcorn</b>  |
| Ascot Avenue<br>Beechwood<br>Brook Vale<br>Castlefields<br>Greenway Road<br>Halton Brook<br>Halton Lodge<br>Halton Road<br>Halton Village<br>Langdale Road<br>Murdishaw Centre<br>Palacefields<br>Picton Avenue<br>Preston Brook<br>Russell Road<br>Grangeway<br>Windmill Hill  |
| <b>Widnes</b>   |
| Alexander Drive<br>Bechers<br>Cronton Lane<br>Ditchfield Road<br>Farnworth<br>Hale Bank<br>Hale Road<br>Halton View Road<br>Liverpool Road<br>Moorfield Road<br>Queens Avenue<br>Warrington Road<br>West Bank   |
| <b>Hale</b>   |
| Ivy Farm Court, Hale  |
| <b>Proposed Local Centres</b>   |
| <p><b>New retail development of an appropriate scale to meet local need will be required in the following locations to serve the new residential and business populations at:</b></p> <ul style="list-style-type: none"> <li>• Upton Rocks;</li> <li>• Sandymoor (see Core Strategy policy CS11 East Runcorn)</li> <li>• Daresbury (see Core Strategy policy CS11 East Runcorn)</li> <li>• Runcorn Waterfront (see Core Strategy policy CS10 West Runcorn)</li> </ul> |

- **West Bank (see Core Strategy policy CS9 South Widnes)**

## APPENDIX 6

### Contact Information

For more information relating to this SPD or for any other LDF document, including the saved policies of the UDP please contact:

Places, Economy and Transport  
Policy, Planning and Transportation  
Halton Borough Council  
Municipal Building  
Kingsway  
Widnes  
WA8 7QF  
**Tel:** 0151 511 7662  
**Email:** forward.planning@halton.gov.uk

For advice relating to submitting a planning application and for pre-application discussion please contact:

Development Management  
Policy, Planning and Transportation  
Halton Borough Council  
Municipal Building  
Kingsway  
Widnes  
WA8 7QF  
**Tel:** 0151 511 7606  
**Email:** dev.control@halton.gov.uk

If further highways or transport information is required, please contact:

Highway Development  
Policy, Planning and Transportation  
Halton Borough Council  
Rutland House  
Halton Lea  
Runcorn  
WA7 2GW  
**Tel:** 0151 511 7572  
**Email:** transport.policy@halton.gov.uk

If further information is required regarding the collection and disposal of waste, please contact:

Waste and Environmental Improvement Services  
Community and Environment  
Halton Borough Council  
Rutland House  
Halton Lea  
Runcorn  
WA7 2GW  
**Tel:** 0151 471 7379  
**Email:** waste.management@halton.gov.uk

