



Hot Food Takeaways

Supplementary Planning Document

Draft for Consultation

October 2014

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1 Introduction

1.1 The Council's Local Plan 'Shaping a Sustainable Future' was adopted in December 2013. The policies in the Local Plan aim to support local businesses and retail centres; provide a range of services for communities; protect residential amenity and character and promote health and well-being.

1.2 This supplementary planning document (SPD) has been prepared to expand on those policies to provide additional guidance on the development of Hot Food Takeaways in the Borough, and replaces the Council's [previous hot food takeaways Supplementary Planning Guidance](#), adopted in March 1995.

1.3 The draft SPD has been produced in accordance with the advice contained in the NPPF and the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Consultation process so far

1.4 A report went to Cabinet Member on 29th April 2014, outlining the intended scope of an SPD on Hot Food Takeaways and to seek approval to prepare a document for consultation. This approval was granted.

1.5 An initial workshop was held on 19th June 2014, with input from Development Management, Planning Policy, Public Health, Food Safety, Transport Policy, Environmental Health, Licensing and the local police on draft model policies.

1.6 All feedback received, and input from further discussions held, have been used to inform the production of the draft SPD.

Implementation

1.7 The provisions of this SPD will be implemented primarily through the development management process and the determination of planning applications. It will inform all new hot food takeaway development within the Borough. The SPD does not have the status of the Local Plan (for the purposes of section 38 of the Planning and Compulsory Purchase Act 2004), but will be an important material consideration in determining planning applications.

1.8 Applicants are advised to discuss possible schemes with the development management team, at the earliest opportunity, and wherever possible prior to any planning application being submitted. This will help to ensure that the requirements of this SPD are fully understood and are taken into account in development proposals.

1.9 Development Management offers a pre-application advice service for a service fee. Further details are available at:

<http://www.solihull.gov.uk/Resident/Planning/planningbusiness/planningpermission>

Monitoring

1.10 The implementation of the SPD policies will be monitored to determine whether any further amendments are required in the future. One important indicator will be the council's success at appeal.

2 The Need for the Document

2.1 Supporting Retail Centres and Local Parades

2.1.1 With our busy, modern lifestyles, hot food takeaways represent a popular, cheap convenient service. They provide an important complementary use in our main and local centres; can attract trade and provide local jobs. They also have a part to play in creating a lively night-time economy. Nevertheless, it is recognised that hot food takeaways have a greater potential than other retail uses to create disturbance and detract from residential amenity and local character through increased litter, odours, noise, parking and traffic issues.

2.1.2 Where there are high concentrations of hot food takeaway shops, this can have a detrimental impact on the vitality and viability of a retail centre or parade by reducing the range of services available to local communities or by remaining closed during daytime, presenting an unattractive frontage that deters shoppers.

2.1.3 Consequently, there is a need to ensure that the Borough's retail centres and parades contain a diverse range of facilities and services that meet local needs and are appropriate to the location, retail function and local character. In order to encourage and maintain this diversity, it is important that the concentration of hot food takeaways is managed so that the primary purpose and diversity, of our retail centres and parades are not undermined.

2.2 Healthy Eating

2.2.1 The Council adopted a new Council Plan in April 2014, and Health and Well-being is now one of the Council's top 4 strategic priorities for action. Obesity is one of the biggest health challenges facing the UK with over a quarter of adults being classed as obese¹. The estimated cost to the NHS of tackling obesity in Solihull for 2012/2013 was £13.6M. Obesity raises the risk of numerous medical conditions, including Type 2 diabetes, cancer, heart and liver disease² and shortens lifespan.

¹ 'State of the Nation's Waistline' (Jan 2014)

<http://www.nationalobesityforum.org.uk/media/PDFs/StateOfTheNationsWaistlineObesityintheUKAnalysisandExpectations.pdf>

² 2 Healthy weight, healthy lives: one year on (2009) Department of Health

2.2.2 The growing obesity epidemic was brought to national attention in 2007 with the Foresight project, looking at how we can respond to rising levels of obesity in the UK³. This document highlighted the need to embed health considerations in the planning system. In 2011, the Department of Health produced 'Healthy Weight, Healthy Lives – A Call to Action on Obesity in England'.⁴ This further emphasised the role that planning can play in shaping healthy environments and advocates the use of supplementary planning documents to restrict the proliferation of hot food takeaways.

2.2.3 Solihull MBC produced its first Joint Strategic Needs Assessment (JSNA) in 2008 at which time services to support young people to adopt healthy lifestyles, focussing on preventing and treating obesity was identified as a commissioning priority. The most recent JSNA in 2012 found heart disease, stroke and cancer to be the major causes of ill health, premature mortality and health inequalities in Solihull's population. Obesity and poor quality diets were found to be contributing to increasing levels of poor health and long term conditions such as diabetes.

2.2.4 Since the publication of the JSNA, Solihull's Health and Well-being Board has produced a Health and Well-being Strategy (2013-2016)⁵ with 7 main priorities. One of these is 'Strengthen the Role and Impact of Ill Health Prevention. It reiterates that heart disease, stroke and cancer are the major causes of premature deaths in the Borough and obesity levels are predicted to increase in the future. . In 2012/13 19.1% of Reception children in Solihull were overweight or obese, and 28.3% of Year 6 children were overweight or obese, with rates being higher in North Solihull (National Child Measurement Programme). The Strategy recommends:

- Integrate, expand and improve access to comprehensive lifestyle management services, supported by other behavioural change and engagement programmes (e.g. social marketing approaches).
- Develop a more holistic Lifestyles Management service, with a single point of contact for improving all lifestyle services, which supports self-regulation and management of lifestyle behaviours
- Support workplaces and other organisations through vehicles such as The Responsibility Deal and Making Every Contact Count Implementation Guidance to create a culture of supporting the attainment of Healthy Lifestyle amongst their employees and customers.

2.2.5 Hot food takeaways do not directly cause obesity; however, the majority of shops offer food high in calories, fat and salt, which in regular consumption leads to unhealthy weight gain. A 2014 article published in the British Medical Journal⁶ also shed light on the relationship between access to fast food outlets and obesity levels. Exposure to takeaway food outlets was positively and significantly associated with consumption of takeaway food – and in certain cases the group of

³ Source: 'Tackling obesity – future choices.'

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/287937/07-1184x-tackling-obesities-future-choices-report.pdf

⁴ Source:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/213720/dh_130487.pdf

⁵ Source: http://healthwatchsolihull.org.uk/wp-content/uploads/2014/02/Health_and_Wellbeing_Strategy.pdf

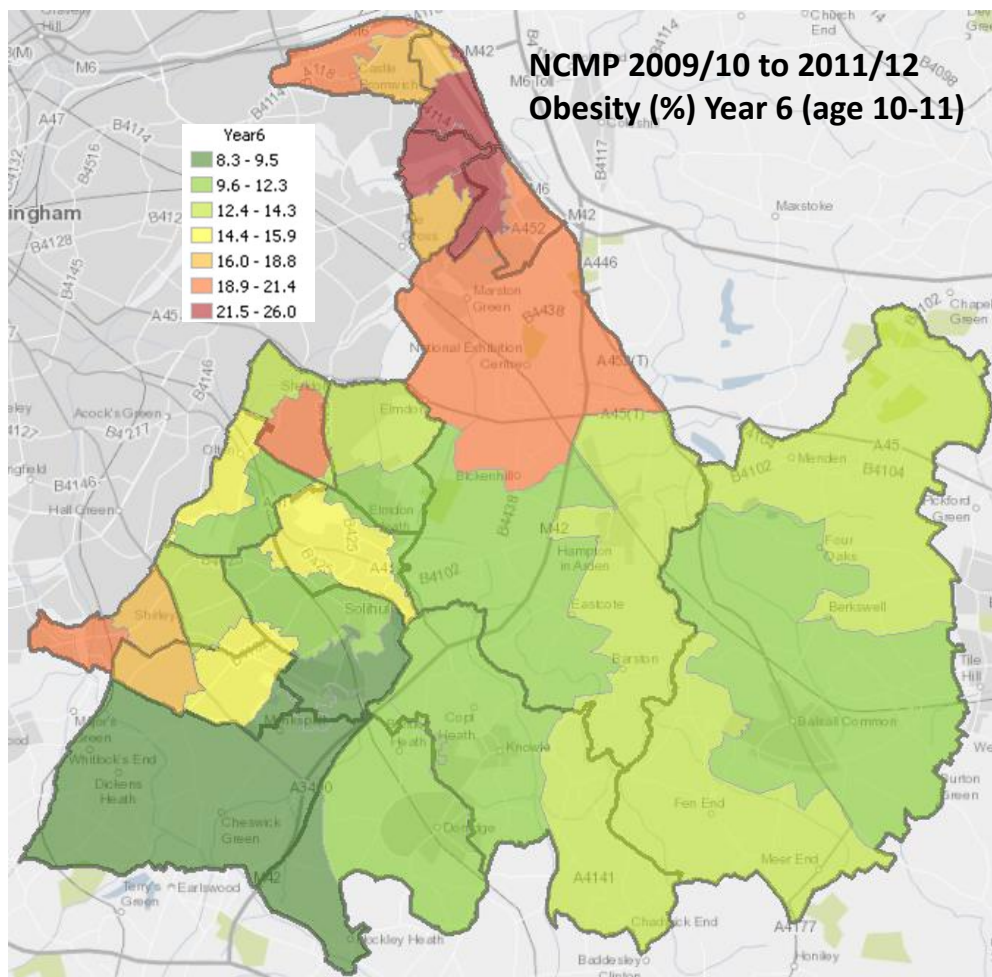
⁶ Associations between exposure to takeaway food outlets, takeaway food consumption, and body weight in Cambridgeshire, UK: population based, cross sectional study. BMJ2014; 348 doi: <http://dx.doi.org/10.1136/bmj.g1464>. Published 13 March 2014.

people most exposed to takeaway food outlets were more than twice as likely to be obese than be a normal weight.

2.2.6 Given the growing obesity levels in Solihull, and in light of guidance from Public Health England⁷ on regulating the growth of fast food outlets, it is considered appropriate to control provision in sensitive locations, particularly around secondary schools. Research⁸ indicates that the more overweight and earlier in life a person becomes overweight, the greater the impact on that person’s health. It is therefore considered important to support the establishment of healthy eating habits from an early age and minimise the negative impacts of high calorie meals with low nutritional value.

2.2.7 The evidence to support a link between socio-economic status and obesity risk amongst adults in the UK is growing. Obesity prevalence has strong links with deprivation, i.e. as deprivation rises so does obesity. This general trend is also apparent in Solihull amongst children and adults.

Figure 1. Map of Child (Year 6) obesity 2011/2012.



⁷ Obesity and the environment: regulating the growth of fast food outlets (March 2014)
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/296248/Obesity_and_environment_March2014.pdf

⁸ http://www.noo.org.uk/NOO_about_obesity/obesity_and_health/health_risk_child

2.2.8 As part of its Health and Well-being agenda, Solihull Council is preparing a Food Strategy for the Borough, which looks to address the multiple factors influencing poor eating habits, which often results in obesity and consequent health problems. Examples of initiatives include:

- Four Solihull Schools awarded the Food for Life silver award for their school catering⁹
- Food dudes¹⁰
- Make and Taste¹¹ with Solihull's Community Weight Management Team
- Solihull Healthy Schools Programme¹²

2.2.9 It is therefore important that all food providers, including hot food takeaways, play a part in improving the health of the Borough's residents. Any such establishment should aim to make their products as nutritious as possible and are encouraged to provide a range of healthy eating options alongside higher calorie foods.

2.3 Protecting Residential Amenity and Local Character

Noise & General Disturbance

2.3.1 As stated above, Hot Food Takeaways provide a popular service and make a contribution to keeping our retail centres viable and vital places to visit and work in. Nevertheless, by their very nature, they can create greater general noise and disturbance from increased comings and goings, later opening hours, vehicular activity etc. which can detract from local amenity and character. In recognition of this greater impact, Hot Food Takeaways were split from the general A3 Use Class 'Restaurants and Cafes' in 2005 to afford these types of development greater scrutiny.

Litter

2.3.1 Hot Food Takeaways tend to create more litter from carelessly discarded packaging than other retail uses. This is not only unsightly and detrimental to visual amenity, but causes considerable annoyance to residents and adjoining businesses. However, fast food waste only becomes a problem if it is not managed, stored, or disposed of correctly and measures can be put in place to regulate this.

Odour

2.3.2 The majority of hot food takeaways will generate odours and smells associated with the storage and cooking of food. When considering individual proposals, the Council will assess not only the impact of cooking smells and odours, but also the noise and appearance of ventilation systems on the surrounds.

⁹ <http://www.foodforlife.org.uk/Awardsforschools/Awardceremonies/Awardschools2011.aspx>

¹⁰ <http://www.fooddudes.co.uk/sponsors.aspx>

¹¹ <http://www.legacy.solihull.nhs.uk/Help-and-advice/Eating-well-and-being-active>

¹² <http://eservices.solihull.gov.uk/mginternet/ieDecisionDetails.aspx?AllId=1214>

Crime

2.3.3 Planning Practice Guidance¹³ states that “Designing out crime and designing in community safety should be central to the planning and delivery of new development”. The publication ‘Safer places: - the planning system and crime prevention’¹⁴ highlighted that “crime and anti-social 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.” This is not to suggest anti-social behaviour is an inevitable consequence of hot food takeaways, but there is evidence that hot food takeaways can often attract a gathering of people, which, particularly at night, can exacerbate existing problems of disturbance, crime and disorder.

¹³ Paragraph: 010Reference ID: 26-010-20140306

¹⁴ ‘Safer Places – The planning system and crime prevention.’ (ODPM, 2004):
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7784/147627.pdf

3 Policy context

3.1 National context

3.1.1 The National Planning Policy Framework (NPPF) was introduced on 27 March 2012. It consolidates and replaces the majority of previous national planning policy guidance and policy statements. It is a significant material consideration in the determination of planning applications.

3.1.2 At the heart of the NPPF is a presumption in favour of sustainable development embodied by 12 core planning principles. These include:

- Proactively drive and support sustainable economic development...;
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Take account of and support local strategies to improve health, social and cultural well-being, and deliver sufficient community and cultural facilities and services to meet local needs.

3.2 Local context

3.2.1 The Solihull Local Plan (2013) is the statutory development plan for the Borough and the starting point for planning applications. This draft SPD aligns with the Local Plan's overall Strategy and Objectives, and its purpose is to provide additional detail on policies in relation to applications concerning hot food takeaways. It is intended to guide planning applicants and encourage the submission of good quality planning applications. Indeed, Para. 153 of the NPPF is clear that 'Supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens of development.'

3.2.2 The policies in the Local Plan of particular relevance to hot food takeaways are:

- P2 – Maintain Strong Competitive Town Centres
- P7 – Accessibility and Ease of Access
- P8 – Managing Demand for Travel and Reducing Congestion
- P14 – Amenity
- P18 – Health and Well Being
- P19 – Range and Quality of Local Services

4 Do you require planning permission?

4.1 Planning permission will be required if you intend to build new premises for use as a hot food takeaway.

4.2 The Town and Country Planning (Use Classes) Order 2005 (as amended) subdivides different development types into separate classes of use. Hot food takeaways, where the primary purpose of the property is the sale of hot food for consumption off the premises, fall within Use Class A5 of the Order. Planning permission will be required to change the use of an existing shop, office, house or other use to a hot food takeaway.

4.3 For clarity, the table below provides examples, distinguishing between shop types that would either fall within the A5 class or not. This list is not exhaustive.

Examples of shop types falling within the A5 Use Class	Examples of shop types NOT within the A5 class
Fish and Chip Shops	Bakery
Burger or Fried Chicken Takeaway Shops	Sandwich shops
Pizza Shops	Restaurants/Cafés
Chinese, Indian or other Takeaway Shops	Public House
Kebab shops	Wine Bars
Drive-thru	Petrol stations

4.4 There may be cases where a 'takeaway service' from a restaurant is more than ancillary to the main A3 use, and is a mixed A3/A5 use, for which planning permission is required. Applicants should provide a proposed layout of the premises to evidence the dominant/mixed use of the premises, in particular any counters for collection of takeaways and number of tables or chairs to be provided for customer use. In the case of mixed use, the same provisions and considerations contained within this SPD will apply.

4.5 Where a property currently has permission for use as a hot food takeaway, planning permission will not be required to use the property for any other type of hot food takeaway. However, the conditions attached to the previous planning permission, such as restrictions on opening hours, will still apply. Further information on the conditions attached to a hot food takeaway can be obtained from our Development Management team at planning@solihull.gov.uk.

4.6 External shutters and grilles will usually require planning permission. External building works or alterations that materially change the appearance of an existing hot food takeaway, such as the building of an extension or the installation of a new shop front to the property will also usually require planning permission.

4.7 Separate advertisement consent is sometimes required, for example to display shop advertisements. Consent would be required for most signs above fascia level, including projecting signs or banners, and illuminated signs of any kind.

4.8 If in doubt as to whether planning permission or advertisement consent is required, you should contact Development Management on 0121 704 8008 or refer to the following council website: <http://www.solihull.gov.uk/Resident/Planning/planninghomeowners/planningpermission>.

Alternatively more general advice is set out on the planning portal website:
<http://www.planningportal.gov.uk/permission/>.

POLICY HFT1

CONCENTRATION AND CLUSTERING

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 a town centre, local centre or local retail parade, regard will be had to:

- The number of existing hot food takeaway establishments in the immediate area and their proximity to each other;
- The prevalent local character and distinctiveness of an area;
- The type and characteristics of other uses, such as housing, shops and public houses;
- The size and scale of the proposed unit
- The importance of the location for local shopping, and the number, function and location of shops that would remain to serve the local community;
- 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.

Appropriate concentrations of A5 uses will be assessed based on the following:

Within the three main town centres:

- No more than 15% of the units shall consist of A5 uses

Within local centres and on local parades:

- No more than 10% of the units shall consist of A5 uses*

In all locations:

- No more than two A5 units should be located adjacent to each other.
- Between individual or groups of hot food takeaways, there should be at least two non-A5 units.

Applications for a change of use to A5 within a centre or parade will normally be refused where this figure has been or will be, exceeded.

**In parades or frontages which have fewer than 10 commercial units, one A5 use may be permitted subject to meeting other policy considerations e.g. where there is no adverse impact on the amenity of residents.*

Justification:

5.1 The most appropriate location for hot food takeaways are within the main and local centres across the Borough¹⁵, however, even within these centres, it is important to consider the possible cumulative adverse effects of an over-abundance of hot food takeaways in any one location. An over-concentration of such premises can result in the loss of local amenities such as convenience stores, to the detriment of the local community and businesses. In addition, hot food takeaways closed during the day can reduce footfall and closed shutters and grilles create an unwelcoming and unattractive ambience; all of which adversely impact vitality and viability.

5.2 Clearly, not all hot food takeaway shops will have the same level of impact, this will depend on:

- the size of the unit and volume of customers;
- whether custom will be take place mostly in the day, evening or night-time;
- how much of the operation is eat in/eat out
- The retail function of the surrounding area
- The local character and distinctiveness of the surrounding area
- The augmentative impact on neighbouring residents' and businesses' amenity and living conditions

These factors will be weighed in the balance to assess the single and/or cumulative impact of a hot food takeaway development.

5.3 Where it is considered that there is an over-concentration or clustering of hot food takeaways, the Council will assess whether any other material planning considerations outweigh the perceived detriment to the vitality or viability of the centre.

5.4 Consideration will also be afforded to the number of vacancies as a whole within the centre and the duration for which units have been vacant. However, it should be acknowledged that some vacant units in a centre can be healthy, particularly if they are different sizes, because it enables businesses to evolve and find more suitable premises in the same centre.

5.5 10% is considered an established rule of thumb in managing the concentration of Hot Food Takeaways, and allows for a range of services to be provided. A higher percentage of 15% in main town centres reflects their role as the preferred location for retail uses, in accordance with Policy P2 of the Local Plan and the national planning policy framework.

5.5 This policy should be read in conjunction with Local Plan policies P2, P18 and P19 in particular.

¹⁵ See maps in Appendix A.

POLICY HFT2

PROXIMITY TO SCHOOLS AND HEALTH IMPACTS

The Council considers it important to promote healthier food choices, increase community health and especially for children to embed good eating habits from a young age. With regards to Hot Food Takeaways within close proximity of schools, the following policies will apply:

- Hot Food Takeaways will be resisted where the proposal falls within a 400m* radius of an existing secondary school or sixth form college.
- The above key principle will not apply when the 400m buffer zone overlaps with a main or local centre. In these areas policy HFT1 will take precedence.

** 10 minutes walking distance is equivalent to ~ 800m as the crow flies. Taking into consideration the physical barriers encountered while walking (e.g. buildings, traffic lights etc.), the Council considers 400m a more practical equivalent to a 10 minute walk)*

Justification

6.1 Whilst it is recognised that Hot Food Takeaways have a useful role to play in offering convenience and choice, it is also recognised that they can contribute negatively on health due to higher amounts of salt, saturated fats and preservatives found in many of the foods served.

6.2 Levels of obesity are increasing nationally and are predicted to increase further. The proliferation of fast food takeaways has created a food environment where low priced, high calorie meals are often the most widely available option. The increase in fast food outlets will be a contributory factor in the growth of the obesogenic environment and changing the local food environment by controlling the growth of fast food outlets is an essential component of making healthier food choices easier.

6.3 This is substantiated by recent research, which has shown that increased exposure and opportunity to buy fast food results in increased consumption¹⁶. Research also indicates¹⁷ that obese children are more likely to be ill, be absent from school due to illness, experience health-related limitations and require more medical care than normal weight children. Furthermore, overweight and obese children are more likely to become obese adults, and have a higher risk of morbidity, disability and premature mortality in adulthood.

¹⁶ Burgoine T, et al. Associations between exposure to takeaway food outlets, takeaway food consumption, and body weight in Cambridgeshire, UK: population based, cross sectional study. *British Medical Journal* 2014; 348:g1464. Website: <http://www.bmj.com/content/348/bmj.g1464>

¹⁷ Wijga A, Scholtens S, Bemelmans W, de Jongste J, Kerkhof M, Schipper M, et al. Comorbidities of obesity in school children: a cross-sectional study in the PIAMA birth cohort. *BMC Public Health* 2010; 10(1):184. As reported on Public Health England website: http://www.noo.org.uk/NOO_about_obesity/obesity_and_health/health_risk_child

6.4 Both the Chartered Institute for Environmental Health¹⁸ and Department of Health¹⁹ advise that local authorities should limit the opening of new outlets, particularly in sensitive areas such as around schools. Paragraph 17 of the National Planning Policy Framework (NPPF) also advises that planning should *"take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs"*.

6.5 A 2008 report from the Nutrition Policy Unit of London Metropolitan University found that food outlets in close proximity to, and surrounding schools, were an obstacle to secondary school children eating healthily. Takeaways within walking distance of schools are therefore a contributing factor to the rising levels of obesity. In 2012/13 19.1% of Reception children in Solihull were overweight or obese, and 28.3% of Year 6 children were overweight or obese, with rates being higher in north Solihull.

6.6 Research indicates the most popular time for purchasing food from shops is after school²⁰ and many secondary school children may also leave school premises at lunchtime. Research carried out in Brighton and Hove found that the majority of pupils that left school at lunchtime would opt for unhealthy food options²¹.

6.7 It is considered that there should normally be restrictions on the times of over the counter sales for hot food takeaways in close proximity to secondary schools. 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 the main entrance of the school or sixth-form college.

6.8 A restrictive hours condition preventing counter service before 5pm Monday to Friday in close proximity to secondary schools would still allow a business to operate telephone and internet services. Some secondary schools may also teach pupils for a number of hours over the weekend. Where this is normal practice and a new hot food takeaway is proposed in close proximity, consideration will be given to applying a similar condition. This approach is considered to provide an appropriate balance between protecting the health of children and enabling new businesses to become established.

6.9 At present there is no comparable evidence available to suggest there is a similar relationship between hot food takeaways close to primary schools and this acting as an obstacle to children of primary school age eating healthily. The majority of primary school pupils are not permitted out of the school grounds during the schools day, and pupils are likely to be accompanied

¹⁸ 1 Policy briefing note – fast food outlets (2010) Chartered Institute of Environmental Health

¹⁹ 2 Healthy weight, healthy lives (2008) Department of Health

²⁰ 4 The school fringe: from research to action. Policy options within schools on the fringe (2009) Sinclair, S; Winkler JT. Nutrition Policy Unit, London Metropolitan University

²¹ 'Hot-food takeaways near schools; an impact study on takeaways near secondary schools in Brighton and Hove' (2011). Source: http://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/downloads/ldf/Healthy_eating_Study-25-01-12.pdf

by an adult for the journeys to and from school. For these reasons the policy currently does not apply to primary schools²².

6.10 Where the 400m buffer zone overlaps with a main or local centre (see maps), then policy HFT1 will take precedence. This is to respect the retail diversity of our main and local centres and be in accordance with the sequential test in Policy P2 and the NPPF.

6.11 This policy should be read in conjunction with Local Plan Policy P18 in particular.

²² Taken from the KFC 2013/348 Committee Report: *“The Inspector then went on to point out that as primary school children are not normally permitted to leave the premises at mid-day and given the age of the children it is unlikely that they would travel to and from school without an adult. The Inspector highlighted that the pupils would not be able to eat the food at the restaurant during the school day and outside of that time, the children’s diet is the responsibility of the parents or guardians and on this basis she did not accept that the presence of a restaurant/drive through would jeopardise the local healthy-eating initiatives.”* A similar conclusion was made in the Inspector’s report to a KFC within 40m of a primary school in Rotherham. See <http://www.healthyrbandevelopment.nhs.uk/wp-content/uploads/2013/12/HUDU-Control-of-Hot-Food-Takeaways-Feb-2013-Final.pdf>.

HIGHWAY SAFETY, ACCESS AND NETWORK IMPACT

Hot Food Takeaways should not be located where they will cause harm to highway safety; detrimentally affect network efficiency and/or provide an unsafe access to road-users and pedestrians.

- Access should be safe for all users and easy and attractive for pedestrians and cyclists;
- Impacts of the proposals on parking demand and behaviour; traffic generation, turning movements and manoeuvres will need to be fully considered;
- Adequate servicing and safe and legal loading areas will need to be provided;
- Impacts of deliveries to and from the site will need to be considered.

The impact of a proposal on the above will be considered with regard to (but not limited by):

- The existing use of the site;
- Existing traffic conditions, including accident data;
- The accessibility of the site by public transport and cycling;
- The availability of public parking provision in close proximity to the premises, including on-street parking;
- Proximity of site to lighting junctions, pelican crossings, bus bays and bus stops;
- The availability of easily accessible private parking provision;
- The availability of safe and legal loading areas in close proximity; and
- The implications of comings and goings on the amenity of local business occupiers and residents.

Where a proposal is considered to have an unacceptable impact on highway safety, network efficiency and/or access for all users; and this cannot be remedied by planning condition or Section 106 agreement; planning permission will not be granted.

Justification

7.1 As a fast food outlet, the hot food takeaway shop can generate more comings and goings than other retail uses, and need for suitable places to stop to park and pick up food. Alternatively, a high number of deliveries can also result in a higher volume of vehicular activity.

7.2 The level of impact in terms of accessibility, parking provision, highway safety and potential for traffic congestion are very dependent on location be they a town centre, local centre, local parade or predominantly residential area.

7.3 This policy should be read in conjunction with Local Plan policies P7, P8 and P18 in particular.

POLICY HFT4

PROTECTION OF RESIDENTIAL AMENITY

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. Applications for hot food takeaways 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.

POLICY HFT4a

Hours of Operation

When considering appropriate hours of operation for hot food takeaways regard will be had to:

- The existence of an established evening economy in the area;
- The character and function of the immediate area; and
- The potential benefits of the proposal for the wider community.

Sites outside main and local centres will usually be more restricted.

Note: Restrictions placed on the hours of operation of premises through a planning permission override any hours of operation granted in a Premises License.

Justification

8.1 The Council recognises 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, the noise generated from the cooking process and the attraction of large numbers of people at particular times of the day mean hot food takeaway establishments can produce a higher degree of noise and disturbance than other kinds of retail use. This noise generated by the activities of the trader and from the patrons can be very difficult to control.

8.2 Accordingly, in order to protect the amenities of the surrounding area from 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 takeaway. Consequently, in deciding to grant planning permission for hot food takeaway uses the Council may impose conditions to control opening hours.

8.3 The Council acknowledges that the viability of hot food takeaway establishments may be reliant upon late evening trade. However, where a local shopping parade is situated in a predominantly residential area, the hot food takeaway should not operate at hours where there is little commercial activity and the area would normally be quiet and unobtrusive. Additional mitigation measures may be required to make such late night opening acceptable.

8.4 In some such locations 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.

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

POLICY HFT4b

ODOURS AND COOKING SMELLS

Extraction systems should be installed to effectively disperse odours from hot food takeaways. Proposed systems must meet the standards of the Council's Environmental Health Services. Extraction systems must also 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:

- Located preferably to minimise its visual impact on the street scene;
- Of a colour, finish and design to blend in with the buildings to which it is attached, incorporating cladding where appropriate; and
- Installed within the building where practicable and particularly where the proposal is within a conservation area or within the setting of a listed building.
- Special attention will have to be paid to the effects of noise and vibration when installed internally.

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

Justification

8.6 A balance is needed between the provision of hot food takeaways and the need to protect the amenity of residents living 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 such uses are controlled.

8.7 Cooking smells from hot food takeaways can cause amenity problems, especially if there are nearby residents. An effective system for the extraction and dispersal of cooking odours must be provided. In most cases, natural ventilation is insufficient and an extraction stack with a fan and filters is required to ventilate cooking fumes and remove odours without causing a nuisance to neighbouring properties.

8.8 It is necessary that extraction equipment must at least meet the minimum standards set out in the guidance on control of odours and noise produced by Defra²³. The design of the fume extraction/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 for any equipment, including the flue stack, to prevent odour and the possibility of fires due to grease build up and also to prevent the generation of smoke from the flue.

8.9 To ensure continued protection of residential amenity, it may be necessary to attach a condition, so that before any changes in the mode or type of cooking are implemented, details of the intended extraction equipment must be approved by the local planning authority.

8.10 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. Where practicable, but especially in conservation areas or within the setting of a listed building, equipment should be installed predominantly within the building.

8.11 Applicants must submit details of the size, design, siting, finish, acoustic treatment odour abatement techniques and a schedule of cleaning and maintenance of the flue extraction system with all planning applications for hot food establishments. These details should normally be included with the application but it may be possible to impose condition(s) where some of this information can be submitted for approval prior to commencement of development. In order to determine the acceptability of certain proposals full details of extraction equipment and its efficiency will however need to be submitted with the application before a decision can be made. If consent is sought for a range of uses through an open permission, certainty will also be needed that odours can be satisfactorily mitigated against. If sufficient detail is not submitted the application may be refused.

²³ 'Guidance on the control of odour and noise from commercial kitchen exhaust' (Defra, 2011). Source: <https://www.gov.uk/government/publications/guidance-on-the-control-of-odour-and-noise-from-commercial-kitchen-exhaust>

8.12 It should be noted that planning permission does not cut across the requirements of other legislation, for example, where an external flue is proposed on a property in joint ownership or involving a party wall, any requirements of the Party Wall Act should be met.

8.13 Often, the activities of hot food takeaway establishments tend to peak at times when the surrounding background noise levels are considered to be low (for example 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 intolerable 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.

8.14 In order to mitigate against unacceptable noise levels (including vibration) extraction equipment will need to be adequately acoustically attenuated. It may also be necessary for party walls and/or ceilings to be adequately sound proofed to minimise disturbance.

8.15 It is important to understand that abatement equipment will not make the extraction system silent or odourless. There may be situations, due to the close proximity of other premises where it will not be practicable to suitably site a kitchen extraction system without causing nuisance to such premises. In such cases planning permission may be refused.

POLICY HFT4c

DISPOSAL OF WASTE PRODUCTS

- Commercial bin stores should be contained within the site. Where this is not possible, secure storage structures should be provided;
- All applications for new build hot food takeaway premises must identify adequate and appropriate space on-site to store waste products;
- Suitable grease traps must also be installed on all drains for hot food takeaway shops to prevent blockages and flooding of properties;
- Where the waste storage provisions are considered inadequate, planning permission will not be granted.

Justification

8.16 Hot food takeaways can generate a significant volume of waste. 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.

8.17 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. Proposals for hot food takeaways should therefore include adequate facilities on the premises for the storage/disposal of waste generated by the business.

8.18 The operation of hot food takeaways can cause significant problems for the drainage system as a result of the disposal of fat/grease from these premises. Most fat or grease discharged into private drains is liquid 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.

8.19 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.

POLICY HFT4d

LITTER

- A planning condition requiring the installation of litterbins on land within the applicant's control will be applied to every application for a hot food takeaway establishment;
- It is the proprietors' responsibility to maintain and empty these litterbins on a regular basis and to keep the area in front of the premises clear.

Justification

8.20 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. 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.

8.21 Objectors often quote litter dropped by the clientele of hot food takeaways as a reason to refuse permission for a hot food takeaway. Although the proprietor has no control over whether patrons 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.

8.22 A condition may be attached to planning permission that requires the operator to provide a bin outside the premises at all times when the business is open. Where a litter bin is required it should be positioned so as not to create any obstruction that would unduly restrict the free flow of

pedestrians or wheelchair 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. Details of the design and siting of the bin should be submitted with all planning applications. If the provision of a bin is considered necessary and details are not submitted with an application, or on request, it may be refused on the grounds of insufficient information.

8.23 If the bin is to be sited on a public highway it may also be necessary to apply for a license from the Council's highway services department. If you require further information on licenses you should contact Highway Services on 0121 704 8004 or visit <http://www.solihull.gov.uk/Resident/Parking-travel-roads/street-care/litter>.

8.24 The proprietor should make every effort to keep the area around the premises litter free. If a litter problem does arise and it can be clearly traced to a specific takeaway, the Council can issue a street litter control notice. This is a formal notice that makes the owner responsible for keeping the front of the premises, plus a reasonable distance either side, clear of litter.

8.25 This policy should be read in conjunction with Local Plan Policy P14 in particular.

POLICY HFT5

SAFETY, 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 Police Crime Prevention & Design Adviser when considering applications for hot food takeaways, regardless of their location in the Borough;·
- Planning permission for any new developments or change of use of premises for use as a hot food takeaway will be subject to considerations of the local context with regard to potential for crime and disorder;·

Where there are concerns over crime and antisocial behaviour in the area, the applicant may be asked to enter into a legal agreement which may require the provision of a financial contribution to fund the provision of safety and security measures such as CCTV systems.

Proposals considered to pose an unacceptable risk will be refused.

Justification

8.26 The fear of crime or anti-social behaviour can be a material consideration in the determination of planning applications.

8.27 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.

8.28 Where there are existing concerns over crime and anti-social behaviour in the area, the applicant may be required to contribute via a section 106 financial contribution or install safety and security measures such as CCTV systems.

8.29 This policy should be read in conjunction with Local Plan Policy P15 in particular.

CONTACT DETAILS

For more information about the Local Plan Health and Well-being Policy P18, or if you have any questions about this consultation, please contact:

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Tel: 0121 704 8358

QUESTIONS for Response Form

Principle of Document

- 1) Do you agree that there is a need in Solihull for a Hot Food Takeaways SPD?
 - a. Y/N
 - b. Can you please give a reason for your answer?

Policy HFT1

- 2) Do you agree that the SPD should set out percentages for concentrations of HFT uses in certain areas?
 - a. Y/N
 - b. Can you please give a reason for your answer?
 - c. Do you agree with the percentages proposed?

- 3) Do you agree that the SPD should set out guidance on clustering of HFTs?
 - a. Y/N
 - b. Can you please give a reason for your answer?

Policy HFT2

- 4) Do you agree that the SPD should set out a buffer around secondary schools & sixth form colleges to resist HFTs?
 - a. Y/N
 - b. Can you please give a reason for your answer?
 - c. Do you agree with the 400m buffer proposed?

Policy HFT3

- 5) Do you agree with the principles for assessing highway safety and accessibility?
 - a. Y/N
 - b. Can you please give a reason for your answer?

Policy HFT4a

- 6) Do you agree that conditions in addition to Licensing should apply to hours of operations?
 - a. Y/N
 - b. Can you please give a reason for your answer?

Policy HFT4b

- 7) Do you agree that this policy would be sufficient to manage odours and cooking smells from hot food takeaways?
- a. Y/N
 - b. Can you please give a reason for your answer?

Policy HFT4c

- 8) Do you agree that this policy would be sufficient to manage disposal of waste from hot food takeaways?
- a. Y/N
 - b. Can you please give a reason for your answer?

Policy HFT4d

- 9) Do you agree that this policy would be sufficient to manage litter generated from hot food takeaways?
- a. Y/N
 - b. Can you please give a reason for your answer?

Policy HFT5

- 10) Do you agree that this policy would be sufficient to address concerns about safety, crime and anti-social behaviour?
- a. Y/N
 - b. Can you please give a reason for your answer?

Appendix – Maps of local centres and parades in the Borough

- 11) Do you agree that all local centres and parades should be included in the maps?
- a. Y/N
 - b. Can you please give a reason for your answer?
- 12) Do you agree that only the run of commercial retail units should be included in a local centre/parade?
- a. Y/N
 - b. Can you please give a reason for your answer?

General

13) A draft Fair Treatment Assessment has been written for the draft Hot Food Takeaways SPD. Do you think this SPD could raise any Equality or Diversity issues?

- a. Y/N
- b. Can you please give a reason for your answer?

14) Any other comments?



Data Protection

The information you provide will be used by Policy and Spatial Planning (PSP) to develop this Supplementary Planning Document. Additionally, your personal details may be shared with other Solihull MBC departments and partner organisations to ensure our records are kept accurate and to keep you informed of future consultation documents. Please note that the Council is obliged to make representations available for public inspection, this means that with the exception of telephone numbers, personal email addresses and signatures, your comments and other details that you provide will be publicly available for inspection at the Council's principle offices and will also be published on the internet. Should you have any further queries please contact PSP on 0121 704 6395.

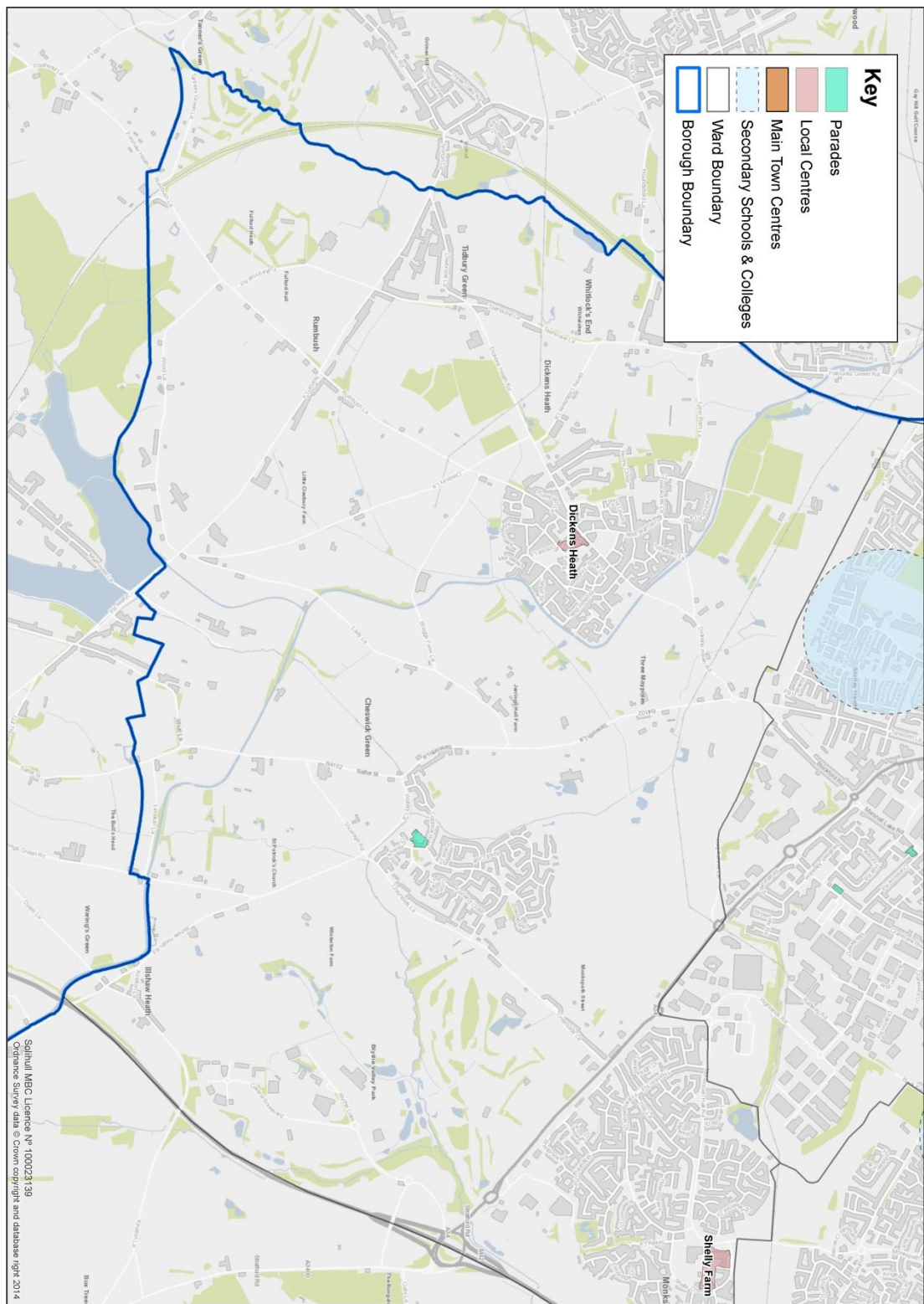
MAPS of LOCAL CENTRES and PARADES in the BOROUGH

Balsall Common

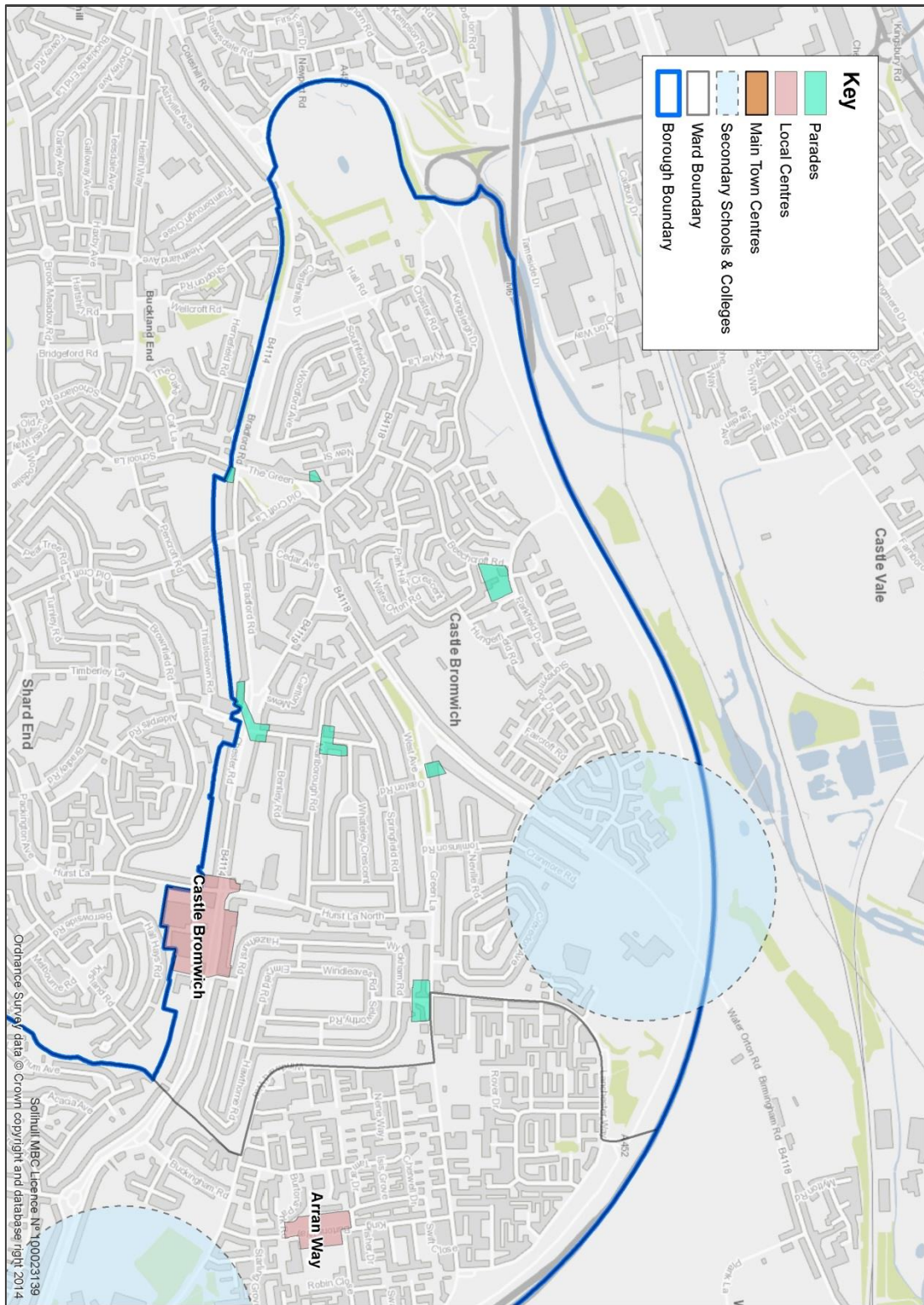


APPENDIX A - MAPS

Blythe



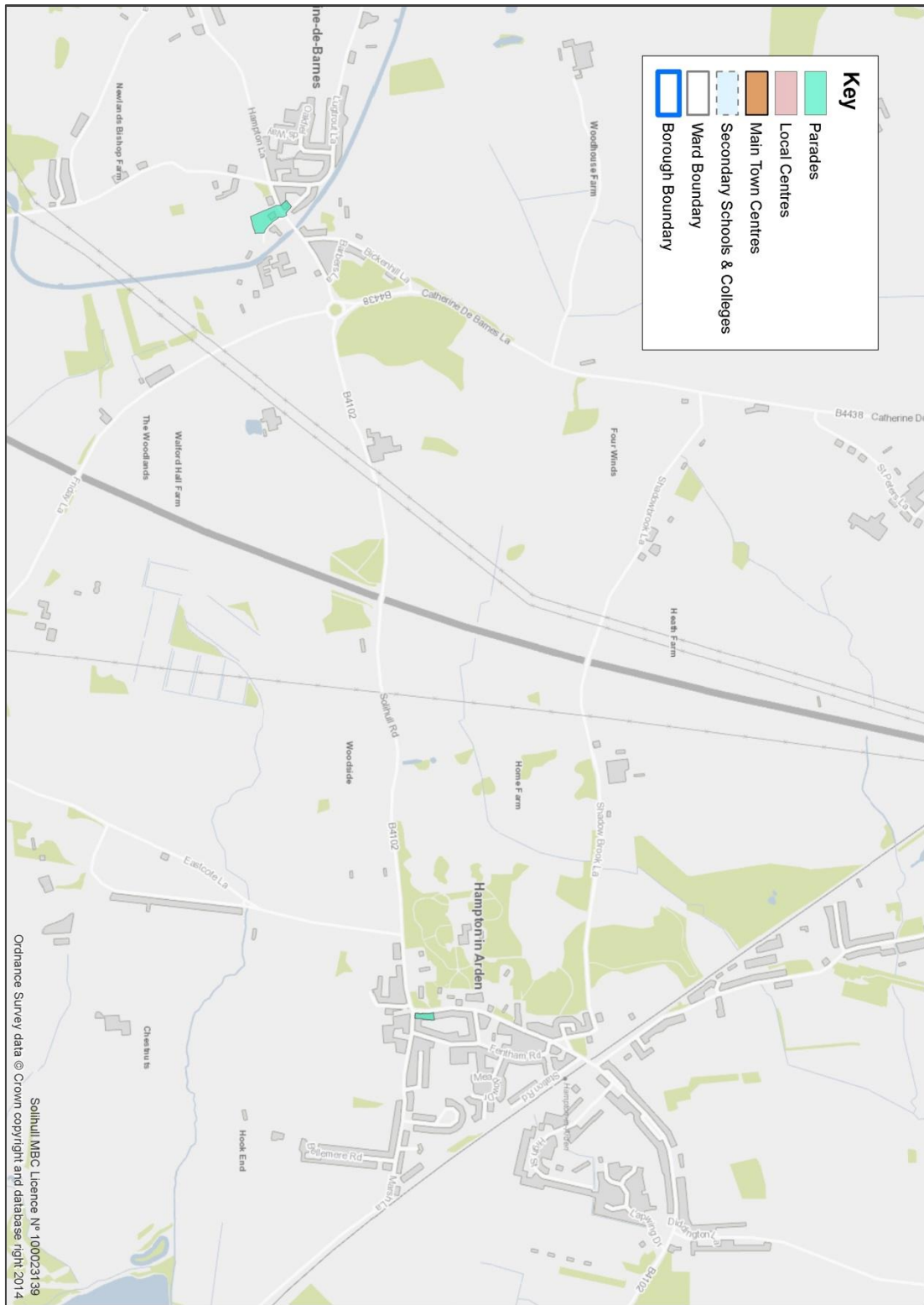
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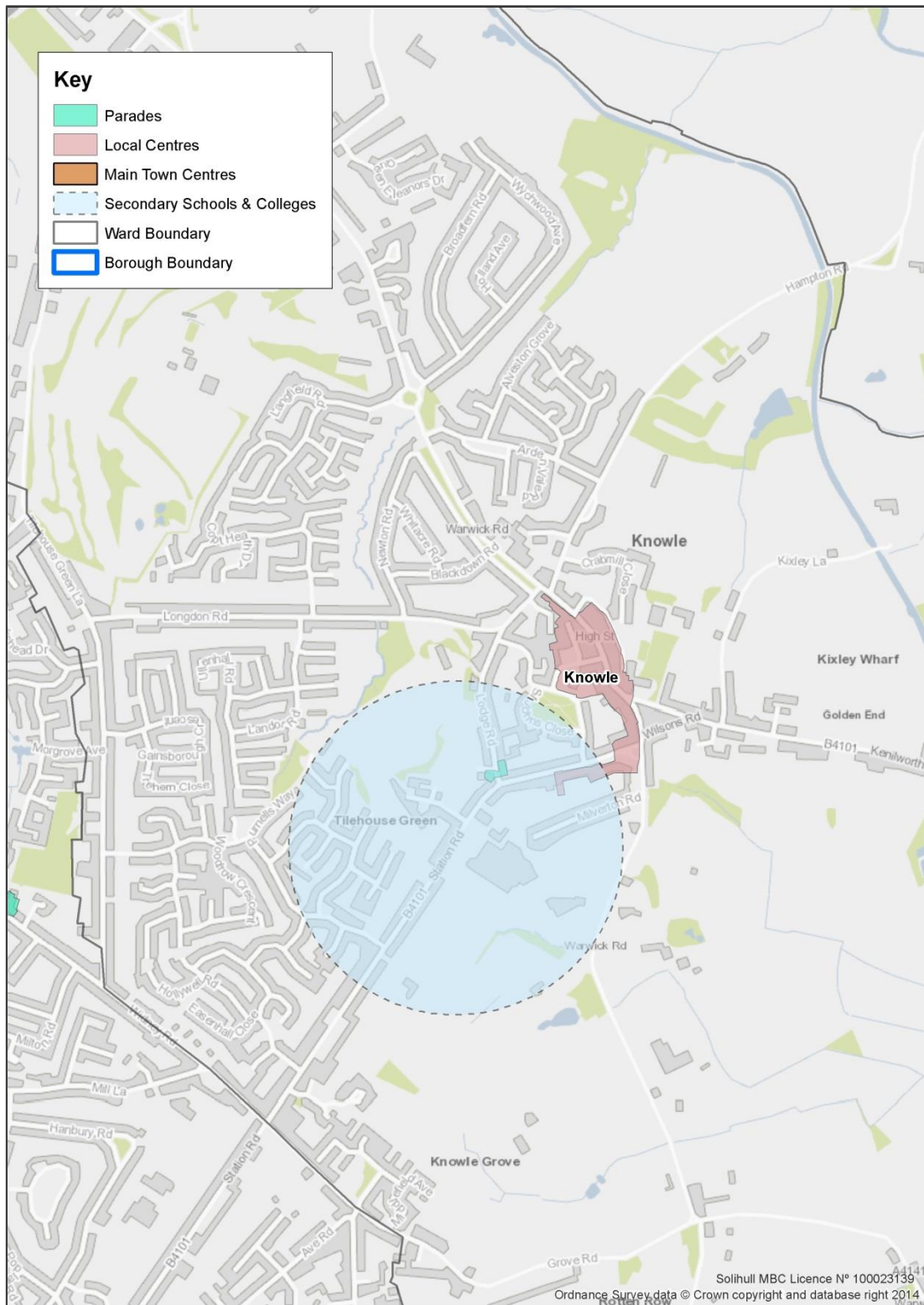
Dorridge & Hockley Heath



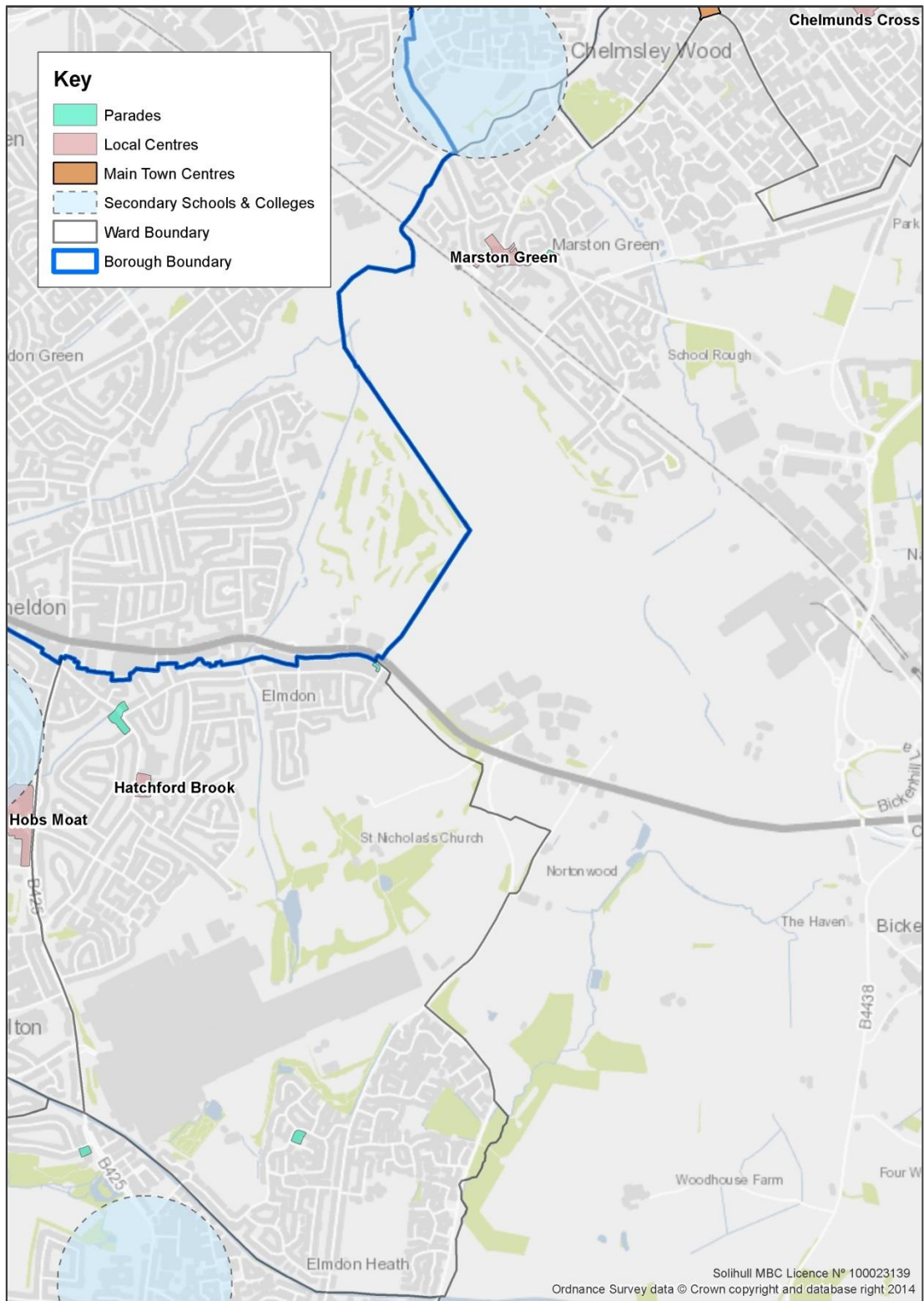
Hampton-In-Arden



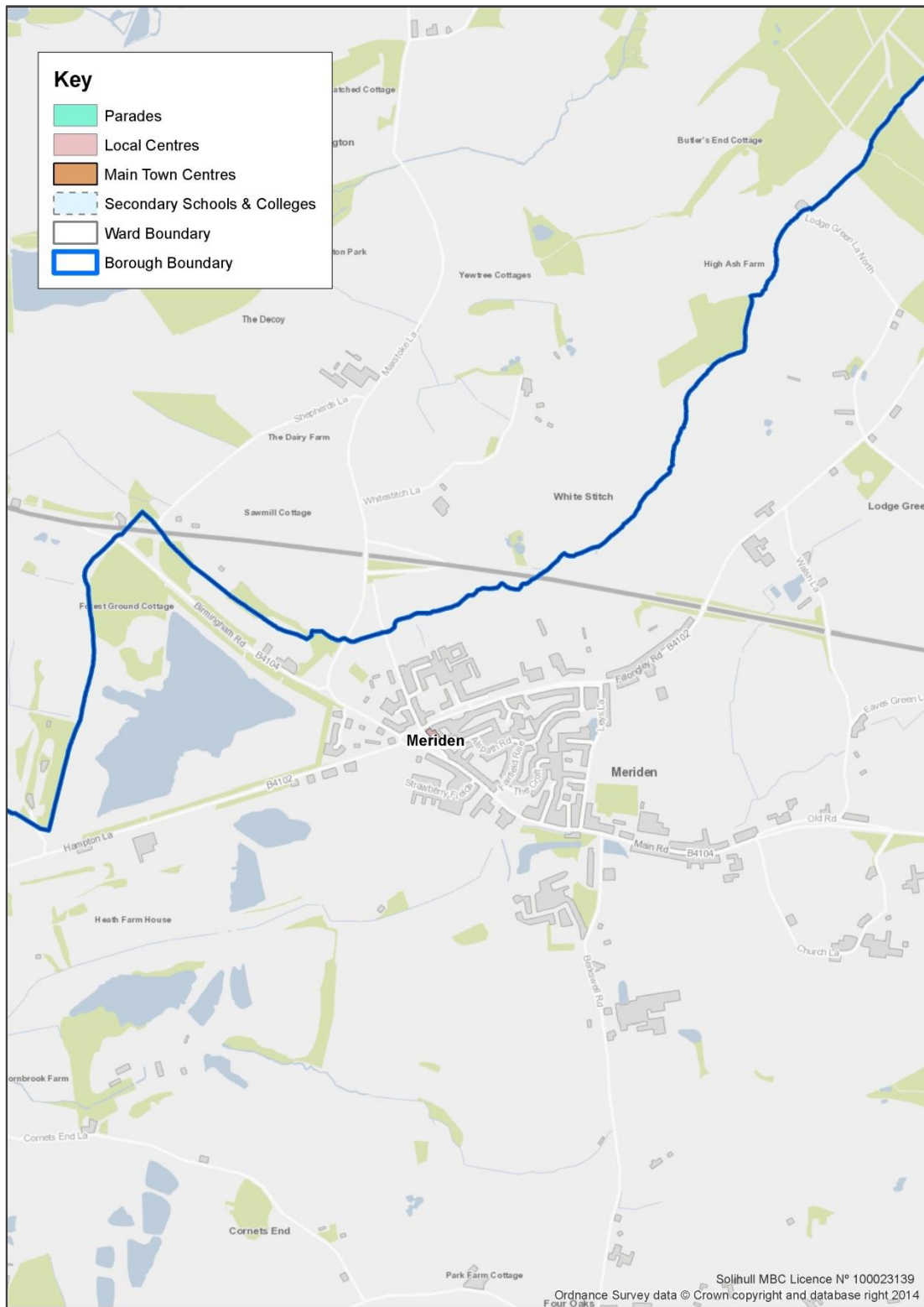
Knowle



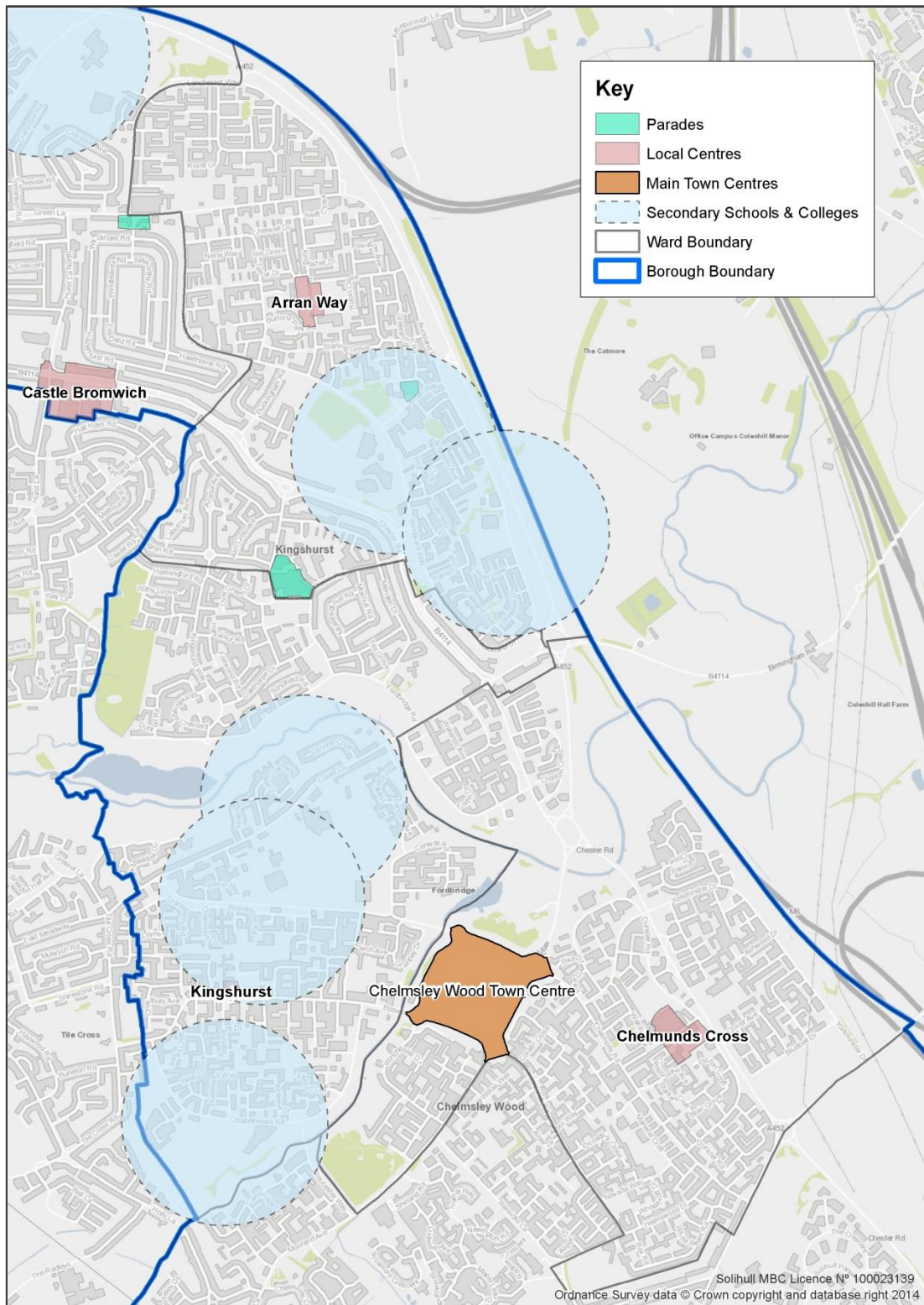
Lyndon & Marston Green



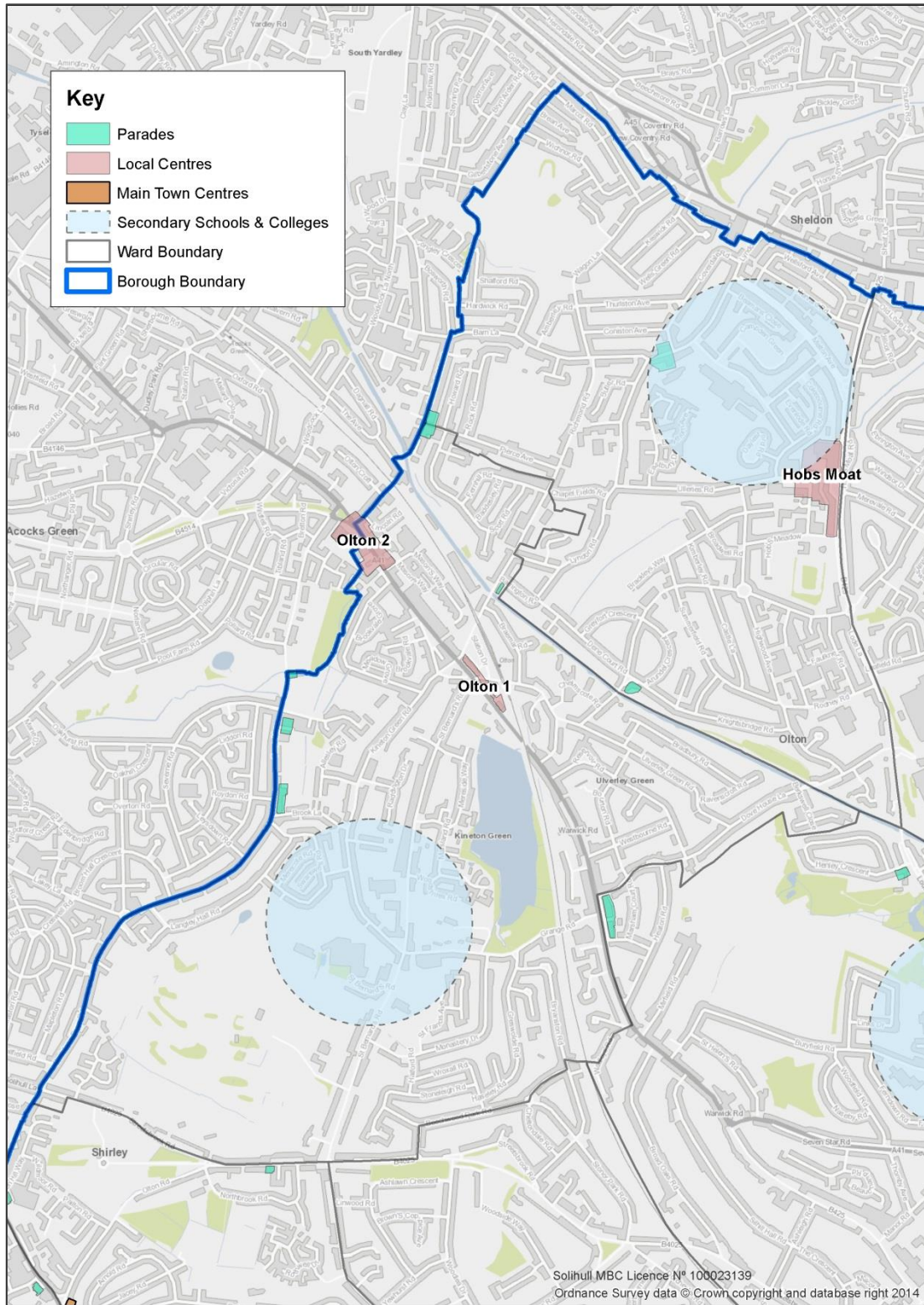
Meriden



North Solihull Regeneration Area



Olton & Elmdon



Solihull

