

INTRODUCTION

Hot food takeaways meet a valuable public need and create employment. However, they can give rise to residential amenity issues if sited in inappropriate locations. These can include cooking smells, noise, litter, and traffic and parking.

Due to the difficulties associated with securing acceptable locations for hot food takeaways, the planning policies within the Angus Local Development Plan and the guidance within this Planning Advice Note should ensure a consistent approach to decision making. It is for the Planning Authority to secure a reasonable balance between the demand for hot food takeaway establishments within acceptable locations, and its duty to ensure that any potential adverse impacts upon the environment and residential amenity are minimised.

Advice is provided on the following types of use:

- Hot food takeaways;
- Restaurants or cafés; and
- Mobile hot food vans.

HOT FOOD TAKEAWAYS

Location

Hot food takeaways, unlike when food or drink is sold for consumption on the premises, are not considered to be complementary to the shopping experience. However, they do meet a valuable public need particularly during the evening hours and create employment so they must be catered for.

In accordance with the town centre first approach, the preferred location for hot food takeaways is within town centres but outwith core retail areas. The other preferred location is within mixed-use areas where there are already a significant number of properties in non-residential use or a number of properties of a similar/related use (e.g. public houses) subject to other criteria within this Planning Advice Note being satisfied.

Within core retail areas, the change of use from an existing ground floor retail or non-retail premise to a hot food takeaway will only be considered acceptable where the proposal satisfies relevant policies within the Angus Local Development Plan and other criteria within this Planning Advice Note.

Within town centre locations, hot food takeaways will not normally be considered acceptable where they occupy premises directly abutting (to any side, immediately

or diagonally below) residential properties unless they are within the control (usually owned or leased) of the hot food takeaway proprietor, or it is demonstrated that impacts from noise and odour are not significant.

Hot food takeaways will also not normally be considered acceptable in predominantly residential areas unless located within a freestanding area within a residential area which will not unduly detract from the amenity of surrounding residential properties.

Cooking Smells

It is sometimes argued that modern odour extraction systems are capable of eliminating the problem of smells to adjacent residential properties. The Council's experience is that whilst technology has certainly made advances, an odour-free hot food takeaway has not yet been developed.

The Planning Authority, in consultation with Environmental Health, require to be satisfied that any smells from the hot food takeaway will not cause detrimental impacts upon the amenity of surrounding residential properties. Therefore, details regarding the proposed odour extraction system will require to be submitted in support of any planning application, setting out the proposed nature and scale of the development as well as a proforma odour risk assessment. The outcome of the odour risk assessment should then be used to inform the specification for the kitchen extraction system including the provision of filters and the height and position of the discharge point. In circumstances where the design of the proposed odour extraction system does not conform to the specification expected by Environmental Health, the Planning Authority may refuse planning permission. In some limited circumstances, it may be appropriate to restrict the type of equipment which can be used within premises and/or the range of hot food which can be prepared and sold.

Noise

Hot food takeaways can generate noise from several sources including: customers within the premises; music sources; extraction fans; customers immediately outwith the premises; and vehicular traffic. These can cause amenity issues and reason for complaints to be submitted to the Council.

In town centre locations it would be unreasonable for the Planning Authority to oppose a hot food takeaway which meets the locational advice indicated above, on the grounds of external noise, where some additional disturbance has to be accepted. However, noise from within the hot food takeaway could be transmitted to adjacent residential properties. Therefore, unless all of the residential properties directly abutting (to any side, immediately or diagonally below) the premises are within the control (usually owned or leased) of the hot food takeaway proprietor, it would be necessary to demonstrate through the submission of a detailed noise impact assessment, including where necessary appropriate mitigation, that the proposed use will not give rise to unacceptable noise impacts.

In other locations a detailed noise impact assessment, including where necessary appropriate mitigation, may also be required depending on the proximity of residential premises.

Parking

If off-street parking is not readily available then there is often a temptation for customers to park on double yellow lines or in nearby, perhaps residential areas.

It would be unreasonable and unrealistic of the Planning Authority to expect that a hot food takeaway should provide dedicated off-street parking. However, an exception to the above would occur in instances where a proposal for a major new hot food takeaway was located outwith a town centre.

Accordingly, the Planning Authority will give greater consideration to the availability or otherwise of public parking, whether that be off or on-street and the implications for road safety and amenity. The advice for parking in respect of hot food takeaways is as follows:

In town centre locations, the availability of public car parking spaces (off or on-street) will rarely be a significant planning issue due to good access to alternative forms of transport and existing car parking facilities nearby.

Outwith town centre locations, the lack of available public car parking may constitute grounds for the refusal of planning permission if it impinges on the residential amenity enjoyed in nearby residential streets or, is regarded as presenting a road safety hazard by the Roads Authority or Police Scotland.

Footways

Hot food takeaways can sometimes lead to the congregation of members of the public immediately outwith the premises, particularly during late evening/early morning. This may present a road safety hazard, particularly if it is a narrow pavement.

Therefore, where the width of the footway outside the proposed hot food takeaway is narrow (less than 1.5 metres) and the adjoining carriageway is also narrow but busy, planning permission for a hot food takeaway may be refused.

Litter

Litter dropped by customers is often quoted by objectors as a reason why the Planning Authority should refuse planning permission for a hot food takeaway. However, the problem associated with litter being dropped by customers is more likely to arise some distance away from the hot food takeaway.

The dropping of litter by customers is outwith the control of the hot food takeaway proprietor and as it is covered by alternative primary legislation, it is not a relevant planning issue. However, a condition may be attached to any approval of planning

permission requiring the provision of a litter receptacle outwith the approved premises.

Opening Hours

Hot food takeaways often operate into antisocial hours which sometimes causes problems associated with noise generation for nearby residents.

While it is legitimate for opening hours to be regulated in any planning permission for a hot food takeaway, this is best achieved through the Council's civic licensing powers. Accordingly, only in exceptional circumstances will opening hours be regulated by a planning condition.

Ventilation

The satisfactory provision and positioning of essential ventilation and extraction equipment can present problems regarding both visual and residential amenity. For instance, external flues require careful siting in order to avoid any adverse visual impacts etc.

Full details regarding the means of ventilation and extraction equipment for a hot food takeaway will require to be submitted in support of any planning application. This is required to determine its acceptability in terms of functionality, appearance and location etc. All ventilation and extraction equipment should, as far as possible, be located away from publically visible areas so that the public realm/street scene is not unduly dominated by functional clutter. If an extraction flue forms part of the ventilation system, evidence will be required including proof of ownership to demonstrate that the applicant has the necessary controls to erect the extraction flue at the chosen location and to the standards required by Environmental Health.

RESTAURANTS OR CAFÉS

Restaurants or cafés providing hot meals are very closely allied to hot food takeaways and while many of the issues are common, others are not. Therefore, it is appropriate to identify planning considerations and guidance for operators.

The same approach will be taken for all planning applications for hot food takeaways, restaurants or cafes (i.e. takeaway or sit-down) with the exception of the following instances:

Location

The availability of sit-down eating facilities compliments the shopping experience. Accordingly, a restaurant or café offering such a facility as the primary use may be accepted within core retail areas.

Parking

Road safety will rarely be an issue regarding customer parking for a restaurant or café within town centre locations due to the length of the stay. This ensures that the turnover of customer's vehicles will be less frequent and there will be less temptation

for customers to park on double yellow lines. However, outwith town centre locations, the lack of available customer car parking may constitute grounds for the refusal of planning permission if it impinges on residential amenity enjoyed in nearby residential streets or, is regarded as presenting a road safety hazard by the Roads Authority or Police Scotland.

Footways

The issues and advice regarding narrow footpaths adjacent to hot food takeaways will not constitute a material planning consideration during the determination process of a planning application for a restaurant or café. It is considered that they do not lead to the congregation of members of the public immediately outwith the premises.

Litter

A condition requiring the provision of an external litter receptacle is unlikely to be required for a restaurant or café use.

MOBILE HOT FOOD VANS

Mobile hot food vans providing hot meals are very closely allied to hot food takeaways in terms of their impacts. Therefore, it is appropriate to identify planning considerations and guidance for operators.

Location

The siting of mobile hot food vans are unlikely to be considered acceptable within established core retail areas, town centres or residential areas. However, they may be considered acceptable in locations such as industrial or other mixed use areas where the proposed use is complementary to other existing uses and where, in the opinion of the Planning Authority, the proposal is unlikely to impact on the vibrancy, vitality and viability of town centres. In all instances, the proposed use must not adversely affect the character or appearance of an area.

Parking

The siting of mobile hot food vans when located on busy main roads or in laybys adjacent to busy main roads can cause congestion and create additional turning movements caused by visiting customers vehicles. Therefore, their siting will only be considered acceptable in locations where there are adequate and satisfactory parking and access arrangements.

Waste

Waste from a mobile hot food van can be generated from a variety of sources including litter, waste water, fat oil and grease. Therefore, their siting will only be considered acceptable in locations where there is existing adequate litter receptacles, or the proposal includes the provision of adequate litter receptacles.

There must also be satisfactory arrangements in place for the storage and disposal of waste water and liquids.

Amenity

The Planning Authority in consultation with Environmental Health, will require to be satisfied that the location where the mobile hot food van is to be sited will not result in a significant loss of amenity in surrounding areas by virtue of noise or odour.

DEFINITION OF A HOT FOOD TAKEAWAY

There is no official definition of what constitutes a hot food takeaway and there is considerable scope for interpretation. Therefore, if you have any doubts regarding whether or not your proposal requires planning permission, please do not hesitate to contact the Planning Authority before proceeding.