



## PLANNING SERVICES

### HOT FOOD TAKE-AWAYS

#### INTRODUCTION

This guidance describes the council's policy and gives advice on submitting planning applications. However it should be noted this leaflet is for guidance purposes only and does not constitute statutory planning policy. Please note there may be other regulations to comply with before opening a hot food take-away.

A hot food take-away is within Class A3 of the Town and Country Planning (Use Classes) Order 1987. Class A3 is defined as *“the sale and consumption of food and drinks on the premises or of hot food consumption off the premises”*. Planning permission is normally required to permit existing shops to operate as hot food take-aways.

#### TYPES OF PLANNING APPLICATION

The following types of planning permission can be applied for:

- **Change of use of an existing property**

Planning permission is needed to operate a hot food take-away from an existing property that has permission for a different use.

- **Extension or alteration**

Any proposal that alters the appearance of the building, such as an extension or alteration, may require planning permission.

- **Established use**

If your hot food take-away has operated on the same premises continuously for 10 years or more you may have 'established use rights' and therefore not need planning permission. You can apply for a Certificate of Lawful Use (CLEUD) which is written

#### RELEVANT UNITARY DEVELOPMENT PLAN POLICIES INCLUDE:

##### TAKE-AWAY USE

##### POLICY S14:

Proposals for hot food take-away shops will be considered having regard to:

- I. Provision of car parking for customers and staff;
- II. The effect on highway safety;
- III. The effect on residential amenity;
- IV. The visual impact of any alterations proposed and, if the proposal is located within a town or local centre;
- V. The effect on the retail mix or balance of the centre.

##### EXTENDING OR ALTERING BUSINESS PREMISES

##### POLICY B5:

Proposals for the extension of business premises will be permitted provided the amenity of occupiers of neighbouring properties, visual amenity and highway safety are safeguarded.

confirmation from the council that the use of the building is authorised and you are not at risk of enforcement action from the local authority. You need to provide proof of the take-away operating over a continuous 10-year period to apply for the certificate.

## **LOCATION OF HOT FOOD TAKE-AWAYS**

The council recognises there is an increasing demand for hot food take-away premises. The most suitable locations are away from residential areas to minimise nuisance, to be visible to passing trade, and have short-stay car parking available. Most of these requirements are likely to be met within, or on the fringe of, shopping centres. However, the council wishes to ensure that the number of take-aways does not affect the attractiveness of the area as a shopping centre.

Planning permission is unlikely to be granted where premises are outside defined shopping centres, where there are already many other take-aways, or where nearby homes will be significantly affected. The council will take into account the general character of the area, including traffic levels.

The following factors are taken into account:

- **Odour or discharge of fumes**

The impact of cooking smells will depend on where the premises are and would be less acceptable in predominantly residential areas or in shopping areas containing flats. The design and siting of a fume extraction system must be submitted with your planning application. The visual impact of flues will be considered.

- **Storage of waste products**

Suitably sized, sited and screened refuse stores should be provided and be accessible at all times. Full details of any waste storage must be submitted with your application.

- **Noise and disturbance**

Protecting the living conditions of nearby residents is important. Hot food take-aways pose particular difficulties because activity is often at its peak in the evenings and late at night when background noise levels are low.

- **Opening hours**

If planning permission is granted it may be necessary to restrict opening hours. The proposed hours and days of opening should be specified and will be made a condition of the planning permission if it is granted. Below are a general list of procedures:-

- Applications within 150m of a residential area would normally be able to operate between 09:00hrs and 23:00hrs.
- If other businesses in the area already open late hours may be extended to 24:00hrs however this depends on how it will affect local residents.
- Premises more than 150m away from dwellings that comply with other policies are unlikely to have any direct affect on the community. Restrictive hours are not imposed unless there are exceptional circumstances.

### • **Traffic and parking**

The majority of hot food take-aways rely on motorists for custom so parking and traffic levels need special consideration. Parked cars can be hazardous to other traffic. Take-aways rely on short-stay parking and this should be readily available very close to the property.

## **LISTED BUILDINGS AND CONSERVATION AREAS**

Listed buildings and premises in conservation areas are subject to more stringent rules. A separate leaflet gives more guidance on these.

## **SHOP FRONT DESIGN AND SIGNS**

The council promotes high quality shop front design (including security shutters) and signs on all types of development including hot food take-aways. A separate leaflet '*Shop Fronts: Guidelines for Design*' on shop front design, security shutters and advertisements is available from the Council.

## **ACCESS FOR DISABLED PEOPLE**

You should try to ensure the take-away is accessible to disabled users. This could mean providing a ramp access. Even if no other alterations are proposed the council will encourage you to enable access for mobility-impaired people. You should think about the following points to make the premises suitable for disabled people:

- The main entrance should be level with no steps; if this is not possible you should consider creating a ramp to the main entrance.
- The gradient of a ramp should be no greater than 1:12, but ideally should be 1:20.
- The entrance door should be wide enough to allow a wheelchair user to pass through.
- If you have a reception desk a low counter area for wheelchair users should be considered.
- If you have a waiting area this should not have any fixed furniture.

### **DISABLED ACCESS POLICY BE20:**

**Proposals for a change of use of buildings (other than for use as a private residence), new shop fronts and alterations to shop fronts should incorporate provision for access to the premises via the main entrance for people with disabilities to a standard commensurate with BS5810 (code of practice for access for the disabled to buildings).**

- If a toilet is provided think about making it a unisex toilet to disabled access standards.
- If parking spaces are provided at least one should be for disabled users and this should be nearest the entrance.
- If you cannot provide access for the disabled a bell should be provided outside to alert staff of disabled visitors.

If you cannot make the suggested changes there may be other things you can do to make your take-away more accessible to disabled people. Please note the above is advice only and does not necessarily ensure compliance with the terms of the Disability Discrimination Act (1995) (DDA). More information on the DDA can be found at [www.disability.gov.uk](http://www.disability.gov.uk).

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### **OTHER CONSENTS REQUIRED**

Before operating a hot food take-away you should register the property with the council's Environmental Services 28 days prior to opening. You may also require other consents. It is your responsibility to ensure you obtain all the relevant consents and comply with all relevant legal acts before operating your hot food take-away.

### **USEFUL TELEPHONE NUMBERS**

Development Control:	01484 414746
Development Control Support (applications and fees):	01484 414746
Building Control and Licensing:	01484 221550
Environmental Services:	01484 226400

### **USEFUL ADDRESSES**

Planning & Building Control Services	Yorkshire Planning Aid
P.O. Box B93	RTPI
Civic Centre III	8 Woodhouse Square
Huddersfield, HD1 2JR	Leeds, LS3 1AD

### **USEFUL WEB SITES**

- [www.planningportal.gov.uk](http://www.planningportal.gov.uk)
- [www.kirklees.gov.uk/planning](http://www.kirklees.gov.uk/planning)
- [www.communities.gov.uk](http://www.communities.gov.uk)
- [www.disability.gov.uk](http://www.disability.gov.uk)