

Location of Restaurants, Cafés, Public Houses, Bars and Hot Food Takeaways in Urban Areas

SUPPLEMENTARY PLANNING DOCUMENT

September 2013

Location of Restaurants and Cafés (Class A3 of the Town and Country Planning Use Classes Order 2005), Drinking Establishments (Class A4) and Hot Food Takeaways (Class A5) in Urban Areas

Introduction

- 1. This Supplementary Planning Document deals with the planning issues that arise from the use of premises for the sale of food and drink for consumption on the premises, or for the sale of hot food for consumption off the premises. These uses include restaurants, cafes, public houses, bars and hot food takeaways.
- 2. The development of such facilities generally requires planning permission, particularly where there is the creation of new buildings or the change of use of existing premises. This note gives details of the issues and factors that are important in the consideration of such planning applications.

Policy

3. Core Strategy policy CG4 states that

The council and its partners will:

- 1. Ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security.
- 2. Development should not generate unacceptable nuisance, odours, fumes, noise or light pollution, nor cause detrimental impacts upon water, ground or air quality.
- 3. Development proposals on land that is (or is suspected to be) affected by contamination or ground instability must include an assessment of the extent of the issues and any possible risks. Development will only be permitted where the land is, or is made, suitable for the proposed use.
- 4. Applicants are also advised to refer to Core Strategy Policies TC1-10, which address different parts of Bolton town centre.
- 5. Detailed advice contained within this Note is outlined in bold type.

Matters to be considered by Applicants

6. There are four factors which are particularly significant in the determination of planning applications:

(a) Residential amenity

The council considers that there is the potential for impacts to the amenity (living conditions) of nearby residential properties from A3, A4 and A5 uses. These impacts can be in the form of noise and general disturbance, cooking odours and the creation of litter. All of these impacts can be compounded by the fact that many such uses operate outside of normal retail hours.

(b) Highway considerations

The council considers that a lack of parking for a particular use can have damaging impacts to both highway safety and also to existing parking arrangements. The Council will ensure that consideration is paid to whether or not a use will rely on passing trade from vehicles and whether or not premises are to be located on heavily congested roads.

(c) The scale of activity

The council considers that a concentration or proliferation of the same use within a particular area or locality can have damaging impacts on the visual appearance and character of a particular

area. This essentially results in a multiplication of these impacts to the obvious detriment of residential occupiers and also to the occupiers of nearby existing businesses.

(d) Proximity of hot food takeaways to schools

Studies indicate an association between obesity and the location and density of hot food takeaways near schools. A public consultation indicated that 56% of respondents thought there were too many takeaways, leading to issues of litter, leafleting and limited healthy choices. A British Medical Association report, Adolescent Health (BMA, 2003), indicates that obesity in adolescents causes health issues both for the age group and for later in life, making health and fitness harder to achieve. A 2008 report from London Metropolitan University (Nutrition Policy Unit) concluded that local takeaways close to secondary schools made healthy eating more difficult. In the light of this evidence, the council considers that there should be limitations on the location of hot food takeaways near secondary schools. These limitations do not apply to restaurants, cafes or drinking establishments.

7. In addition to the above factors, it is also important to note the location of the proposed development or use to be changed, as there may be other factors to take into account. Examples of this include a location within the Green Belt or a designated Conservation Area or the change of use of part of a Listed Building. Applicants are therefore advised to review the council's development plan prior to submitting an application. For more information, applicants should visit the Council's website www.bolton.gov.uk.

Residential Amenity

8. Applications for restaurants, cafes, public houses, bars and hot food takeaways will normally be approved within the Borough's designated shopping centres provided that they do not result in detriment to the living conditions of residential occupiers or impact negatively on the vitality and viability of the centre.

- 9. Shopping centres are considered to be appropriate locations for these types of uses, since they contain only a limited amount of residential accommodation. However, in some of the local town centres, there are residential properties immediately adjoining the shopping areas.
- 10. Within groups of shops applications for restaurants, cafes, public houses, bars and hot food takeaways will normally be approved, subject to the following restrictions:
 - (a) These uses will not be acceptable where there is a residential property adjacent to the site concerned; and
 - (b) Where there is residential accommodation within 50 metres of any part of the application site, applications will be subject to a condition limiting their opening hours to between 09:00 and 23:30 Sunday to Thursday and between 09:00 and 24:00 Friday to Saturday.
- 11. The Council recognises that these uses serve a local demand and so need to operate in locations that are within an accessible distance of residential properties. However, by applying the above restrictions; the noise, disturbance, odours and parking conflicts that may be produced will not adversely affect the living conditions of the occupiers of residential properties.
- 12. In predominantly residential areas applications for restaurants, cafes, bars, public houses and hot food takeaways will not normally be permitted.

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^{*} The Council defines 'adjacent' to mean both that which is next to or adjoining and also that which has an obvious close relationship to. This therefore includes residential uses that are immediately above the premises, next door to the premises, or above premises next door. The definition also includes residential properties that are separated from the site in question, but considered to relate closely to it. This definition is not intended to preclude the change of use of high street shops where there are residential properties behind. This situation would instead be governed by the scale of activity guidance.

- 13. Occupiers of properties in residential areas can reasonably expect not to be subject to the noise, disturbance and odours that these uses create, especially at times outside of normal retail hours.
- 14. The Council recognises that hot food takeaways (A5 uses) may generate levels of litter that are over and above those in existence prior to an application being approved. The Council will consider litter levels when making a planning determination. However, it is recognised that litter is a widespread issue of national interest and therefore will not seek to blame A5 uses for all local litter problems. As a minimum, the Council will ensure that a litter bin is placed in the vicinity of the site and the applicant will be informed of any central government guidance on this issue.

Highway Considerations

- 15. Planning applications for restaurants, cafes, bars and public houses will be expected to provide car parking facilities within the curtilage of the site to the standards set out in Bolton's Core Strategy
- 16. This requirement may be relaxed where the site is within a town centre, the site is in close proximity to a public car park or is sited on a public transport corridor. This is because town centres are more accessible by public transport, much of the trade done by these businesses takes place outside normal office hours (when car parks will be less busy), and good public transport services can be an attractive alternative to the use of the private car.
- 17. Entertainment facilities differ in their abilities to attract car-borne customers. The standards applied therefore, are based on the provision of a car parking space for a given number of patrons occupying a given floorspace area (plus a requirement for the turning, loading and unloading of service/delivery vehicles) depending on the nature of the use.
- 18. These standards are necessarily based on average needs. Some entertainment uses may attract a much higher number of cars and as such they will be considered on their merits.
- 19. This policy is necessary in order that customers' cars may be left clear of the public highway in order to maintain the free flow of vehicles, reduce the danger to other highway users, and minimise the intrusion of parked cars.
- 20. Applications for hot food takeaways will not normally be required to provide parking within the site, except:
 - (a) where parking restrictions exist in the vicinity of the application site applications will be refused if they will lead to the parking of vehicles on adjacent residential roads to the detriment of the occupiers of these properties; and
 - (b) where the site is near to a busy junction, a traffic light controlled junction or a place of limited visibility applications will normally be refused (unless designated car parking for the premises is provided).
- 21. The Council acknowledges that the majority of hot food takeaway customers visit the premises by car, and only stay for a few minutes. Subject to highway restrictions therefore, it may be appropriate to allow short-stay parking upon the public highway.
- 22. Where an application site lies upon a classified road special attention will need to be paid to the impact of additional traffic that may be created by new restaurants, cafes, public houses, bars and hot food takeaway proposals. Where it is considered that a proposal will lead to the intensification of parking on a classified road to the detriment of highway safety such an application will be refused.

23. Approved Council policy seeks to avoid the worsening of parking and associated highway problems upon the heavily congested routes within the Borough.

Scale of Activity

- 24. Where local residential and business occupiers are facing disturbance due to the number of similar types of use within a particular area or locality, a planning application for an additional restaurant, cafe, public house, bar or hot food takeaway may be refused when it is considered that an additional facility would increase the level of noise and disturbance to an unacceptable level, and so would adversely affect the character and visual appearance of the area.
- 25. The Council does not, however, consider that the proliferation of a particular use has an impact on other similar uses as these themselves contribute to the overall impact. For example, a large number of hot food takeaways in a particular shopping street might be considered to have an impact on the operating conditions of nearby retail shops. However, it would not be considered that there would be any such impact to existing cafes, takeaways and restaurants.
- 26. In cases where proliferation is considered to be a potential problem, the Council will carefully assess the current and proposed situation, taking account of the likely impacts on the vitality and viability of the centre, the visual appearance and character as well as the wider interests of the area, its profile and any record of problems.
- 27. The Council will not take the issue of competition between facilities into account when assessing applications for restaurants, cafes, public houses, bars and hot food takeaways.

Proliferation of Hot Food Takeaways (A5 Uses)

- 28. The proliferation of hot food takeaways has been identified as a particular problem in local town, district and local shopping centres in the Borough. In particular, problems of litter, noise and the proliferation of premises which have roller shutters closed during normal retail opening hours are having an unacceptable impact on residential occupiers and local shopping areas.
- 29. To address this problem, the Council considers that with the exception of Bolton Town Centre:-
 - An unacceptable proliferation of A5 uses shall be considered to occur where, as a result of a new proposal, there would be more than two existing, or approved, A5 uses within a 50 metre radius of the application site.
- 30. Situations in excess of this could cause a division in the street to the detriment of the vitality and viability of the shopping centre and may result in less usage of that centre.
- 31. Where A5 uses are approved and where new shop fronts are proposed, external roller shutters will not normally be permitted. Internal grilles are the Council's preferred type of security shutter. Further information can be found in the Council's Planning Policy Control Note No. 4 "Shop Fronts and Roller Shutters".
- 32. Where change of use applications to A5 uses are permitted and roller shutters are already in place, conditions will be used to limit the hours in which the roller shutters are closed; thereby, ensuring that roller shutters are open during normal retail hours of 09:00 to 17:30 Monday to Saturday.

Proximity to schools

- When the council considers a planning application for a hot food takeaway (A5), it will take into account the proximity of the proposal to secondary schools, that is any school attended by 11-16 year olds. If an application site is within 400 metres of a secondary school, then the council may refuse the application on the grounds that it would be harmful to public health. The council will also take into account the proposed opening hours of a hot food takeaway. If the proposed opening hours do not include lunch-time opening or evening opening before 6pm, then planning permission may be granted, even if a site is within 400 metres of a secondary school.
- This policy includes maps of schools with 400m boundaries marked. These maps and boundaries are for guidance only. The exclusion zone is indicated from a centre point in the school site. However, the 400 metre distance will be considered in the case of each application, taking into account the nature of the distance, such as whether it is direct on the ground and whether main roads need to be crossed.
- A school that is outside but within 400m of the Bolton local authority boundary will be considered as having a 400m exclusion zone from its nearest site boundary point to a proposed takeaway site within the Bolton local authority area.
- The schools shown in the mapping do not constitute a definitive list. School locations may change over time, and this policy will accommodate such changes. Where a school is opened or relocated, its new location will automatically have an exclusion zone as a consequence of this policy. Where an existing site is abandoned by a school and is not replaced by another that qualified under this policy, the exclusion zone will not apply.
- A small number of secondary schools are either in or close to areas suitable for retailing, as defined on the Development Plan Proposals Map. Where there are planning applications for hot food takeaways that are both in such established retail areas and within 400 metres of a secondary school, then a balance must be made between the desirability of locating such commercial uses in centres and of not locating them near schools.

Bolton Town Centre

38. Bolton town centre is a hub of activity in which large numbers of commercial enterprises are located. Bolton's Core Strategy policies TC1 – TC10 cover different parts of the town centre. They set out a range of uses that would be appropriate in each area. Applicants are advised to consider the relevant Core Strategy town centre policy for the location for which they are submitting an application.

Residential Amenity

- There are a considerable number of residential properties in Bolton town centre. It is unlikely that there will be an impact on the living conditions of residential occupiers from A3, A4 and A5 uses, due to the general background levels of noise and activity in the town centre. Furthermore, the hustle and bustle of the town centre, the late hours of opening and the associated activities and attractions are an integral part of town centre living, which individuals actively choose as a way of life. It is not therefore considered necessary to apply the advice contained in paragraphs 8 to 15 of this note to the town centre.
- 40. With the close relationship between residential premises and A3, A4 and A5 uses it is imperative that residents are protected from direct odours and floor to floor noise. Details of flues and sound insulation, which are normally required for A3, A4 and A5 uses are therefore critical for town centre applications.

41. Highway Considerations

It is recognised that within Bolton town centre the majority of restaurant, café, public house, bar and hot food takeaway customers are likely to be pedestrians. This combined with the fact that there is likely to be an abundance of car parking during operational hours, and because Bolton town centre is a public transport hub means that there is likely to be less importance attached to highway issues in Bolton town centre than in other local centres. However, the Council will still seek to ensure that the free flow of vehicles is maintained and that there is no danger to highway safety from new A3, A4 and A5 uses.

42. Scale of Activity

The Council does not consider that it is possible for there to be an over-concentration or proliferation of similar uses in Bolton town centre. Therefore, proliferations of similar uses are considered acceptable in helping to maintain the vitality and viability of the town centre.

43. The Council will consult the Police on new pub or bar applications and they will be afforded the opportunity to comment under the terms of crime and disorder legislation.

Alfresco Eating/Café Culture

- 44. Café culture and alfresco eating are positively encouraged in the town centre. Applicants are advised that proposals for outdoor seating areas for cafés, restaurants or other such establishments where the seating area is to be located on public highway (such as pavement or a pedestrianised surface) will be assessed principally on the impact to highway safety, giving consideration to the adequate availability of space for pedestrian movement and that this is free of obstructions. In addition to highway safety, the Council will assess such proposals against the requirements of the disabled and also the impact to the character and visual appearance of an area.
- 45. Such applications will also require a Highways Licence on which information can be sought from the Highway Planning and Regulation Section on (01204) 336624.

Standard Conditions

47. The following are examples of conditions that could be imposed on successful applications for pubs, restaurants, cafes, bars and hot food takeaways.

48. Time Restriction Conditions

Condition A is relevant where there is residential property within 50 metres of any part of the application site. The 'operational hours' condition is relevant to all applications and the 'delivery hours' condition is for use in situations where late night/early morning deliveries might be detrimental to the living conditions of residential occupiers.

Condition A

The premises subject of this consent shall not be open for customers outside the following hours:-

[09:00 – 23:30] Sundays to Thursdays

[09:00 – Midnight] Friday – Saturday

Condition B

No operations shall be carried out at the premises except between the hours of (a) [time] and (b) [time] Monday to Friday and between the hours of (c) [time] and (d) [time] on Saturday. No activities shall take place on the premises on Sundays and Bank Holidays.

Condition C

No deliveries shall be taken at, or dispatched from, the premises except between the hours of (a) [time] and (b) [time] Mondays to Fridays, (c) [time] and (d) [time] Saturdays and no deliveries Sundays or Bank Holidays.

49. Refuse/Litter Conditions

Relevant to all applications where excessive litter and waste is created. However it may not always be practical to have a bin installed outside a property:

Condition D

Before the development hereby permitted is first brought into use, a litter bin of a design and position to be agreed in writing by the Local Planning Authority, shall be provided in a convenient position outside the premises. Such a litter bin shall be maintained thereafter in a tidy and usable condition.

Condition E

The development hereby approved/ permitted shall not be brought into use, unless and until, details of facilities for the storage of refuse and waste materials have been submitted to, and approved by, the Local Planning Authority and completed entirely in accordance with the approved scheme. The approved facility shall be retained thereafter.

50. Odour Protection Condition

Relevant where cooking odours and smells are likely to be created and where these can impact upon residential properties. Applicants should consult both Appendix 1 of this note and the equipment suppliers themselves for information on appropriate filtration schemes. The Council would prefer this information to be submitted together with the application as this aids the assessment of the proposal's impacts.

Condition F

Before any commencement of the use hereby permitted, a scheme showing details of the means of extraction and filtration of cooking odours and methods to be employed to prevent noise disturbance shall be submitted to, and approved by, the Local Planning Authority. The approved scheme shall be implemented in full before the use permitted is first commenced and retained thereafter at all times.

51. Condition Regarding the Use of a Flat Above the Property

This condition will be imposed where there is residential accommodation such as a flat(s) above (or in some other way connected to) the property. This ensures that the residential accommodation is not occupied separately and therefore the impacts of the use (odour/noise/disturbance) will not affect the living conditions of someone unconnected to the use.

Condition G

The flat(s) above [address] shall be occupied by either the owner of the business and his family or by members of staff working in the restaurant/ takeaway. This flat(s) shall not be occupied as separate residential accommodation at any time.

52. In addition, applications proposing an outdoor seating area (see paragraph 44 above) may be approved subject to conditions regarding control of lighting, method of boundary treatment, prohibition of amplified music or tannoy systems and specific time restrictions on the use of the outdoor area.

53. Roller Shutters

Relevant to change of use applications for hot food takeaway premises which have existing roller shutters.

Condition H

The roller shutters shall be open, at all times, between the hours of (a) 09:00 and (b) 17:30 Monday to Saturday.

Appendix 1 - Pollution Control Unit Guidelines on Odour Abatement

These guidelines provide general information on the installation of odour abatement. Advice should be sought from the installer as to the specification appropriate for the type of cooking to ensure noise nuisance is not caused to surrounding properties.

1. Noise

Noise generated by odour extraction systems comprises of 3 basic components:

- a) noise from the fan itself
- b) noise from air movement along the ducting
- c) noise from the air leaving the top of the duct

If it appears that the use of the system is likely to cause noise problems the applicant shall be advised to ensure that the fan, ducting and flue are sited so as to minimise vibration and noise transmission to adjacent premises. This may require the use of anti-vibration mountings, flexible couplings and silencers.

2. Duct Design

The following measures shall be employed to encourage dispersion and dilution of odours:

- a) the flue shall terminate at least 1 metre above the eaves height of the building to which it is attached.
- b) the efflux velocity at which air is discharged from the ducting shall be at least 8m/s
- c) the final discharge shall be vertically upwards
- d) the discharge shall not be impeded by flue terminals. However fixtures such as vertical accelerator cones, swept cowls, and chimney pot flue ventilators may be acceptable, china mans hats are not acceptable
- e) the number of bends in the ducting shall be minimised
- f) the ducting shall have a smooth internal surface
- g) circular duct cross sections shall be used whenever possible
- h) the ducting shall be well insulated to minimise heat loss and maximise thermal buoyancy of the discharge

3. Odour Control

The table overleaf provides guidance as to the types of odour control required in different types and styles of food preparation.

Please note that where the end user is unknown, the highest specification of odour control equipment is required (i.e. sufficient for the cooking involved in fish and chips shops, fried chicken type outlets, fast food and burger chains, premises with a high turnover of deep fried foods).

The extraction system should be maintained, as a minimum, to the requirements detailed in the manufacturer's instructions.

Table 1: Odour Control Guidelines for different types and styles of food preparation

Food Category	Grease Filter	Pre Filter (a)	Electrostatic precipitator	Charcoal Filter	Odour Neutraliser	Wet Scrubber	High Dilution / High Velocity
Low/moderate grease and odour content e.g. Tea shops, pizza restaurants, kebab houses	√ √	*	√	✓	√	*	✓
Moderate odour / high grease content e.g. Chinese, Cantonese, Japanese (b)	√√		√√	4 4	✓	*	4 4
High odour / high grease content e.g. Indian, Thai, Vietnamese	√√	√√	√√	11	✓	×	×
Very high odour / grease content e.g. Fish and chips, fried chicken type outlets, fast food and burger chains, premises with a high turnover of deep fried foods	√√	*	√ √	√ √	✓	✓	*

- ✓✓ Recommended for use
- ✓ Use Possible
- × Not recommended
- a) Depending on the application electrostatic precipitation may be more appropriate
- b) The recommendation is either high dilution / high velocity OR electrostatic precipitation and charcoal filter.

Appendix 2

The following maps show a 400 metre radius around each secondary school in the Borough for the purposes of paragraphs 34-38











































