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<p>يمكن توفير هذه الوثيقة أو ملخصها بلغات أخرى أو بالطبعة الكبيرة أو بلغة بريدل أو على الشريط. ويمكن توفير خدمة ترجمة عند الطلب. وإذا احتجت من هذه الخدمات الرجاء الاتصال معنا على العنوان المذكور أدناه.</p> <p style="text-align: right;">Arabic <input type="checkbox"/></p>	<p>यह पर्चा या इसका संक्षेप अन्य भाषाओं में, बड़े अक्षरों में या सुनने वाली टेप पर माँग कर लिया जा सकता है, और अन्य भाषाओं में अनुवाद की सुविधा भी मिल सकती है। यदि आपको इन सुविधाओं की जरूरत है तो कृपया निम्नलिखित पते पर हमारे साथ संपर्क करें।</p> <p style="text-align: right;">Hindi <input type="checkbox"/></p>
<p>অনুরোধক্রমে এই ডকুমেন্ট অথবা এর সারসর্ম অন্যান্য ভাষায়, বড় ছাপার অক্ষরে, ব্রেইল বা অক্ষলিপিতে, অডিও টেইপ বা বাজিয়ে শোনার কেসেটে অথবা অনুবাদ করে দেয়ার ব্যবস্থা করা যাবে। আপনার যদি এসব সেবাসমূহের প্রয়োজন হয়, তাহলে অনুগ্রহ করে আমাদের সাথে নীচের ঠিকানায় যোগাযোগ করুন।</p> <p style="text-align: right;">Bengali <input type="checkbox"/></p>	<p>ਇਹ ਪਰਚਾ ਜਾਂ ਇਹਦਾ ਸੁਲਾਸਾ ਹੋਰ ਭਾਸ਼ਾਵਾਂ ਵਿਚ, ਵੱਡੇ ਅੱਖਰਾਂ ਵਿਚ, ਜਾਂ ਸੁਣਨ ਵਾਲੀ ਟੇਪ 'ਤੇ ਮੰਗ ਕੇ ਲਿਆ ਜਾ ਸਕਦਾ ਹੈ, ਅਤੇ ਹੋਰ ਭਾਸ਼ਾਵਾਂ ਵਿਚ ਤਰਜਮਾ ਕਰਨ ਦੀ ਸਹੂਲਤ ਵੀ ਮਿਲ ਸਕਦੀ ਹੈ। ਜੇ ਇਹਨਾਂ ਸਹੂਲਤਾਂ ਦੀ ਤੁਹਾਨੂੰ ਲੋੜ ਹੈ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਹੇਠ ਲਿਖੇ ਪਤੇ 'ਤੇ ਸਾਡੇ ਨਾਲ ਸੰਪਰਕ ਕਰੋ।</p> <p style="text-align: right;">Punjabi <input type="checkbox"/></p>
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<p>Ce document ainsi que son résumé sont disponibles dans d'autres langues, en gros caractères, en braille et sur support audio. Une version traduite peut également être obtenue sur demande. Pour obtenir l'un de ces services, veuillez nous contacter à l'adresse ci-dessous.</p> <p style="text-align: right;">French <input type="checkbox"/></p>	<p>یہ دستاویز یا اس کا خلاصہ دیگر زبانوں، بڑے حروف، یا آڈیو ٹیپ کی شکل میں دستیاب ہو سکتا ہے، یا درخواست کرنے پر ترجمے کی سروس دستیاب ہو سکتی ہے۔ اگر آپ ان سروسز تک رسائی حاصل کرنا چاہتے ہیں تو براہ کرم ہم سے نیچے دیے گئے پتے پر رابطہ کیجئے۔</p> <p style="text-align: right;">Urdu <input type="checkbox"/></p>
<p>Name _____ Address _____ _____ _____ Telephone No _____</p>	<p>CONTACT: Spatial Planning Unit Environment and Regeneration London Borough of Waltham Forest Sycamore House, Waltham Forest Town Hall Forest Road, Walthamstow, London, E17 4JF Tel: 020 8496 3000 Email: <a href="mailto:planning.policy@walthamforest.gov.uk">planning.policy@walthamforest.gov.uk</a> Web site: <a href="http://www.walthamforest.gov.uk">www.walthamforest.gov.uk</a></p>

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## 1 HOW TO RESPOND

**1.1** This document seeks your opinion on how Waltham Forest Council should manage the proliferation of Hot Food Takeaway shops in the borough.

**1.2** The consultation period runs from **20th October 2008 to 1st December 2008**. Any comments you may have in response to the proposals in this document must be submitted to the Council latest by **5pm on 1st December 2008**. At the end of the consultation period, the Council will consider all responses submitted and then publish a final document for adoption.

**1.3** This Draft Supplementary Planning Document (SPD) is published with supporting Sustainability Appraisal (SA) as required under the Planning and Compulsory Purchase Act 2004. The SA considers the implications of this document from a social, economic and environmental perspective.

**1.4** We are encouraging online (electronic) submission of responses. This is extremely helpful to us in managing the many representations we are likely to receive. The online submission system benefits us all - saving paper and postage costs and allowing you to check the status of your submission at the same time. Please use our online planning consultation system on:

<http://walthamforest-consult.limehouse.co.uk/portal>

**1.5** If, however, you cannot, or prefer not to submit your representations online for any reason, we will welcome paper submissions. For all enquiries relating to this document, please contact:

Spatial Planning Unit

First floor, Sycamore House

London Borough of Waltham Forest

Forest Road

London

E17 4JF

Email: [planning.policy@walthamforest.gov.uk](mailto:planning.policy@walthamforest.gov.uk)

Telephone: 020 8496 3000

## 2 INTRODUCTION

**2.1** This Supplementary Planning Document (SPD) aims to expand on the policies in the Waltham Forest Unitary Development Plan (2006) and other relevant national and regional guidance in relation to Hot Food Takeaway shops.

**2.2** This SPD explains the Council's overall approach to hot food takeaway development, and sets out considerations related to:

- Appropriate concentrations of hot food takeaway establishments
- Measures to protect amenity of surrounding residential occupiers
- Measures to address community health
- The impact of proposals on the street scene and the public realm
- Appropriate extraction systems
- Highway safety
- Disposal of waste products and litter and
- Access

**2.3** This SPD is a material consideration in the determination of planning applications. It is intended to clarify existing policies rather than duplicate other planning documents.

**2.4** In planning terms, there is a distinction between a shop (Class A1), a restaurant or café (Class A3), a drinking establishment (Class A4) and a Hot Food Takeaway (Class A5). Since 21 April 2005, for planning purposes, Hot Food Takeaway shops have been classified as falling within Class A5 of the Town and country Planning (Use Classes Order) 2005.

**2.5** Establishments whose primary business is for the sale of hot food for consumption off the premises, fall within this A5 Class. Often, the proposed layouts of such premises provide a clear guide as to whether the use will fall into the A3 Class or the A5 Class. In determining the dominant use of the premises, consideration will be given to:

- The proportion of space designated for food preparation and other servicing in relation to designated customer circulation space
- The number of tables or chairs to be provided for customer use.

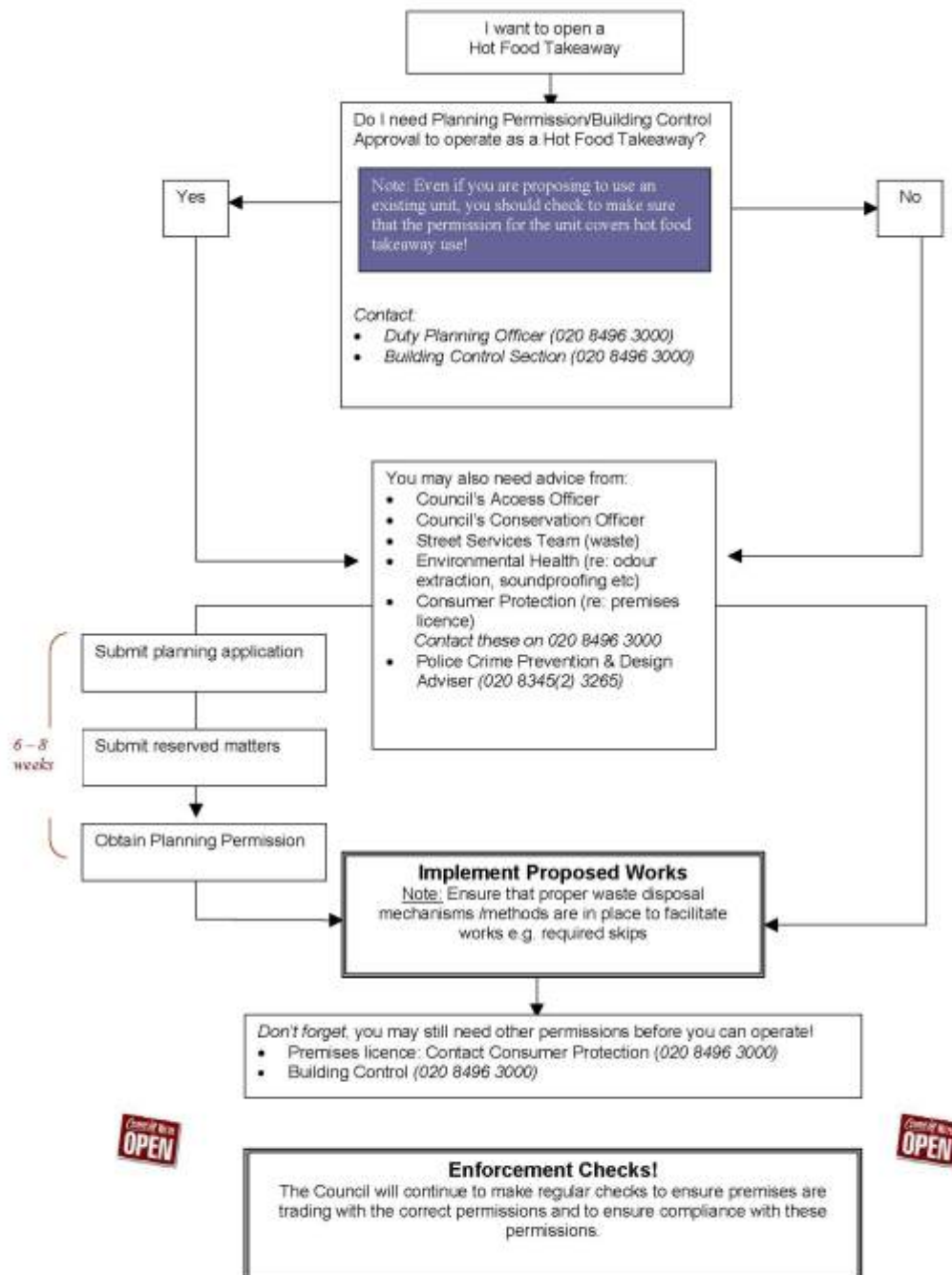
**2.6** The Council will expect the applicant to demonstrate that the proposed use will be the primary business activity. For clarity, the table below provides examples, distinguishing between shop types that would either fall within this Class or not. This list is not exhaustive.

**Table 2.1**

Examples of shop types falling within the A5 Class	Examples of shop types <u>Not</u> within the A5 Class
Chicken Shops	Restaurants/Cafés
Fish and Chip Shops	Public Houses
Pizza Shops	Wine Bars
Chinese, Indian or other Takeaway Shops	Night Clubs
Kebab Shops	
Drive through premises	

**2.7** Anyone intending to submit an application for a Hot Food Takeaway is encouraged to read this SPD and contact the Councils' Planning Department for further advice and information.

## THE PROCESS



## Do You Require Planning Permission?

### New premises

**2.8** If the intention is to build new premises for use as a hot food takeaway, planning permission is required.

### Change of use to hot food takeaway shop

**2.9** If the intention is to change the use of an existing shop, restaurant, pub, office, house or other use to a hot food takeaway shop, planning permission is required.

### External building works or alterations to an existing hot food takeaway

**2.10** Where such alterations or works would result in a material change to the appearance of the existing hot food takeaway premises, e.g. installation of a new shop front, addition of an extension to the building, this would usually require planning permission. Further guidance on design and shop front alterations is provided in the Council's Supplementary Planning Guidance Note 8 – Shopfront Design Guide (adopted June 1999).

**2.11** **N.B.** Such alterations may also affect your premises licence. Please check with the Consumer Protection department before making any changes to clarify.

### Addition of External shutters and grilles

**2.12** External shutters and grilles require planning permission. The Council provides guidance on the acceptability of various proposals for shutters and grilles in its Supplementary Planning Guidance Note 8 – Shopfront Design Guide (adopted June 1999).

### Advertisements

**2.13** There are a number of signs that require permission before they can be erected. In particular, all externally located illuminated signs require advertisement consent. The Department for Communities and Local Government has produced a user friendly booklet entitled "Outdoor advertisements and signs: a guide for advertisers", which provides detailed information and guidance on the acceptability of advertisement proposal. This information can be accessed via their website: <http://www.communities.gov.uk/planningandbuilding/>.

### Extraction systems

**2.14** Where an existing system is already in place and the intention is to replace this with a larger system, planning permission is required.

### Change to opening hours

**2.15** If the intention is to extend the hours of operation beyond the times listed on an existing planning consent, a planning application to vary the conditions on your opening hours may be required.

**2.16** If you are in doubt as to whether you require planning permission you should contact the Duty Planning Officer (Development Management) on 0208 496 3000.

### **HOT FOOD TAKEAWAY SHOPS IN WALTHAM FOREST**

**2.17** Although it is recognised that hot food takeaway shops can provide an important complementary service, particularly in town centres, compared to other retail uses, they are more likely to have a detrimental impact on amenity and on the retail character and function of shopping centres. Such harmful impacts relate to increased incidence of litter, smells, crime and anti-social behaviour, noise and general disturbance, parking and traffic problems.

**2.18** In recent years a number of retail units in the borough have been converted into hot food takeaway establishments. Where high concentrations occur in our town centres, they can pose a serious threat to the local economic vitality and viability.

**2.19** It is also not uncommon for hot food takeaway shops to locate outside of town centres. Particularly high concentrations exist along some of the boroughs key road corridors including High Road Leyton, High Road Leytonstone, Hoe Street and Forest Road.

**2.20** From the Sustainable Communities Strategy consultation exercise, concerns were expressed over the cleanliness of the streets and the increasing number of fast food outlets spoiling the look and feel of the borough.

**2.21** Finally, in an effort to provide a holistic approach to tackling concerns over community health and childhood obesity, recent government guidance <sup>(1)</sup> aimed at promoting healthier communities encourages planning authorities to manage the proliferation of fast food outlets.

**2.22** This document aims to provide clear guidance on the Council's policies for determining applications both within and outside of designated centres.

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1 Healthy Weight, HealthyLives: A Cross Government Strategy for England

## 3 PLANNING POLICY CONTEXT

**3.1** National Planning Guidance outlined in Planning Policy Statement 6 – Planning for Town Centres, encourages local authorities to develop local strategies to help manage the evening and nighttime economy. It encourages authorities to consider the “likely impact, including cumulative impacts on the character and function of the centre, anti-social behaviour, crime and the amenities of nearby residents”.

**3.2** Local Planning Guidance takes the form of the Waltham Forest Unitary Development Plan (UDP), which was adopted in March 2006. When considering applications for Hot Food Takeaways, the following UDP policies will be relevant:

- SP1 and SP2 – The Environment
- SP3 – Transport
- SP11 – Shopping Centres – Access, Convenience and Attractiveness
- BHE3 – Impact on neighbouring properties/occupiers
- BHE5 – Access for All
- BHE7 – Community Safety/Designing out Crime
- TRL1 – Hierarchy of Centres
- TRL2 – Development in Borough Centres
- TRL5 – Primary Shopping Frontages
- TRL7 – Proposals outside Primary and Secondary frontages
- TRL8 – Neighbourhood Centres
- TRL9 – Local Retail Parades
- TRL10 – proposals outside designated centres and local parades
- TRL11 – Safeguarding Amenity and Townscape Character
- TRL12 – Hot Food Takeaways, Restaurant and Night Time Economy Uses

**3.3** Policies TRL5 – TRL10 are town centre policies, which aim to preserve and enhance the retailing function of designated centres subject to amenity and townscape considerations highlighted in Policy TRL11.

### Location of Premises

#### Town centre location

**3.4** In order to protect the retail function of town centres, the UDP policies separate areas based on the strength of their retailing function. The UDP provides guidance on the number of non-retail units likely to be acceptable within designated centres (Policies TRL5 – TRL9).

#### **3.5** *Primary Frontages (Policy TRL5)*

- The proportion of non-retail uses should not normally exceed 30%.

- Proposals for non-retail uses in general should not result in a group of three or more standard sized units in non-retail use. (15 m length of frontage represents 3 standard units).
- The relevant frontages are defined under Schedule 11 of the adopted UDP (2006).

### **3.6** *Secondary Frontages (Policy TRL6)*

- Whilst A5 and other non-retail uses are generally acceptable in secondary frontages, as a guide but not necessarily a rule, a 50% threshold balance between retail and non-retail uses should apply.
- The relevant frontages are defined under Schedule 12 of the adopted UDP (2006).

### **3.7** *Tertiary Frontages (Policy TRL7)*

- These are areas within town centres but outside the primary and secondary frontages.
- Non-retail uses including A5 uses are generally acceptable in these locations subject to compliance with site-specific considerations.

### **3.8** *Neighbourhood Retail Parades (Policy TRL8)*

- Non-retail uses including A5 uses are generally not permitted in these frontages.
- No new A5 uses will be permitted unless there are very exceptional circumstances – e.g. vacancies exist despite genuine attempts to let, lease or sell for retail purposes for a period of at least 12 months.
- The relevant frontages are defined under Schedule 14 of the WF UDP – First Review.

### **3.9** *Local Retail Parades (Policy TRL9)*

- Non-retail uses including A5 are accepted in principle subject to compliance with the policy tests listed under the policy.
- The primary objective here is to ensure that some shops are retained in the parade to serve local shopping needs.
- The relevant frontages are defined under Schedule 15 of the WF UDP – First Review.

**3.10** The contribution of the proposed use to the vitality and viability of the frontage and the centre as a whole is the most important consideration. Where proposals meet the locational criteria in these policies, other site-specific details will be considered as outlined later in this SPD.

### Outside town centre Locations

**3.11** Outside of designated centres the UDP Policy - TRL10 applies, whereby, change of use from shops (use class A) to other retail uses, including A5 uses, is permitted in principle, where the proposals comply with site-specific considerations.

**3.12** Proposals for hot food takeaways which are to be located outside of town centre locations will be further assessed with regard to their proximity to parks and institutions for young people.

**3.13** Policy TRL12 – Hot food Takeaways, Restaurants and Night Economy Uses provides the main guidance specific to hot food takeaways in the borough. For reference purposes, the full text of this policy is provided below:

#### **Policy TRL12**

With specific reference to food and drink (A3, A4 & A5) uses, where proposals comply with policies TRL5-TRL10, the Council will in addition consider all of the following factors:

- A) The specific nature and size of the proposed use;
- B) The proposed hours of operation;
- C) Implications on traffic congestion and parking;
- D) The character of the area and the concentration and existing level of disturbance from other A3 and similar uses
- E) The proximity of residential accommodation;and
- F) The practicality of providing extract ducting ventilation and/or noise insulation.

Source: Waltham Forest UDP 2006

**3.14** Although these UDP policies would form the first points of reference when assessing planning applications relating to Hot Food Takeaways, all other policies in the UDP will also be considered.

## 4 CRITERIA FOR ASSESSING HOT FOOD TAKEAWAY PLANNING APPLICATIONS

### Test HFT1 - Over Concentration

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

- The number of existing hot food takes away establishments in the immediate area and their proximity to each other;
- The type and characteristics of other uses, such as housing, shops and public houses;
- 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 Primary, Secondary and Retail Parade Zones<sup>^</sup>

- No more than 5% of the units shall consist of A5 uses

#### Within Tertiary Zones\* and outside designated centres

- No more than 1 A5 unit will be allowed within 400m\* of an existing A5 unit

<sup>^</sup> A primary zone consists of all the primary frontages that exist within the relevant town centre. The same applies for Secondary and Retail Parade Zones.

\* Areas outside of designated frontages (primary, secondary or neighbourhood retail parades) but still within the designated centre.

## Test HFT2 - Clustering

In the relevant frontage, planning permission will only be granted for an A5 use where the following criteria are satisfied:

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

**4.1** It is acknowledged that hot food takeaways offer a popular service to local communities and have a significant role to play within town centres and other shopping areas.

**4.2** However, an overabundance of hot food takeaways, particularly where they form clusters both within and outside of designated centres can have an adverse impact on the vitality and viability of existing designated shopping centers and on residential amenity.

**4.3** Increased numbers of customers around A5 uses, particularly in the late evenings when trading activity tends to reach its peak, can lead to problems of disturbance, increased noise and anti-social behaviour. The effects of such activity “hotspots” are exacerbated where more of such uses are concentrated or clustered together.

**4.4** Within town centres and other shopping areas, it is important that such uses do not detract from the centres primary retail function, or result in a loss of shops to the detriment of local residents.

**4.5** Where groups of A5 uses develop, they displace other retail shops, breaking up the continuity of the retail frontage. Particularly in designated shopping centres, such “clustering” can undermine the primary retailing function of these areas, reducing the viability, vitality and general attractiveness of such centres.

**4.6** To encourage balanced and diverse shopping areas, particularly in designated centres, applications will be assessed for their cumulative impact. The following considerations will apply:

- a) Whether the proposal will be a stand-alone facility (only one in the area).
- b) The existence of similar types of A5 uses adjacent or in close proximity to the application site.

**4.7** Outside designated shopping centres, in areas where the residential character of an area predominates, the need to protect residential amenity takes precedence. To reflect this, tighter restrictions on appropriate concentrations and groups of A5 uses encouraged in such locations are necessary.

**4.8** In many frontages across the borough this saturation point has already been reached. Where this is the case, no more A5 uses will be permitted in these locations.

**4.9** This Test supplements UDP Policies TRL5 – TRL12 and is line with Planning Policy Statement 6: Planning for Town Centres.

### Test HFT3 - Proximity to Schools, Youth Facilities and Parks

With regard to proposals which fall outside designated town centre and local parade locations, hot food takeaway shops will be resisted where the proposal will:

1. Fall within 400m of the boundary of an existing school or youth centred facility (e.g. YMCA, after school clubs).
2. Fall within 400m of a park <sup>(2)</sup> boundary.

**4.10** The document “Healthy Weight, Healthy Lives: A Cross Government Strategy for England”, published by the government in January 2008 highlights the governments’ commitment to promoting healthier communities. Primarily, this would be through promoting healthier food choices.

**4.11** The document highlights the need for local authorities to manage the proliferation of fast food outlets as a means of combating their known adverse impact on community health. In particular, such management should be scaled up around schools and parks. Evidence shows that more and more hot food takeaway operators are choosing locations within easy walking distance of schools. Their low prices coupled with close proximity to schools provide added incentive to children, increasing their exposure to poor quality foods. Issues around pricing and competition are not planning considerations however proximity of establishments, which are considered inappropriately sited near to youth establishments is a planning consideration.

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2 Parks listed under Schedule 27 of the adopted Waltham Forest Unitary Development Plan (2006)

**4.12** The Council considers that for premises which lie outside of designated centres, retail parades, neighbourhood centres or local retail parades, planning permission will not usually be granted for Hot Food Takeaway shops which fall within a 10 minute walking distance <sup>(3)</sup> from the boundary of either a school facility, any youth facility or any designated parks.

### Test HFT4 - Highway Safety

The impact of a proposal on the safety of pedestrians and road users will be considered with regard to:

- The existing use of the site;
- Existing traffic conditions;
- 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 proposal to lighting junctions, pelican crossings and bus bays;
- The availability of easily accessible private parking provision; and
- The implications for the amenity of the surrounding area (particularly if predominantly residential).

Where a proposal is considered to have an unacceptable impact on highway safety, planning permission will not be granted.

**4.13** The impact of hot food takeaways on traffic flow and road safety is an important consideration when determining applications. These establishments tend to attract a high proportion of car borne and short stay customers, particularly in areas where they are not located in highly accessible and pedestrian friendly town centre locations and where there is limited parking provision,

**4.14** Increased levels of activity between lunchtime until closing tend to result in increased noise and traffic disturbance from vehicles around these times. This can be a nuisance.

**4.15** Often, in the vicinity of hot food takeaways, there is an increased occurrence of obstructed parking and interruption to the steady flow of traffic along the roads adjacent to these premises. Customers may be tempted to park for short periods to

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3 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)

quickly pop in and out of takeaway premises, often jeopardising the safety of other road users. Particularly where these occurrences take place near road bends or junctions or in close proximity to pedestrian crossings, they are quite dangerous.

**4.16** Insufficient parking facilities in and around hot food takeaways can also have an adverse impact on the amenity of the immediate and surrounding area. The increased demand for on street parking, leads to increased incidence of customers parking in adjacent residential streets, often inconveniencing residents. With their peak activity periods occurring primarily in the evenings and on weekends at times when the demand for on-street parking is at its highest, the presence of such establishments acts to further exacerbate parking problems.

**4.17** Proposals located near to lighting junctions, pelican crossings and bus bays are likely to be refused planning permission.

**4.18** If you are considering placing chairs /tables outside the premises, you may require a licence. Please contact the Council's Street Services department (Street Trading Team) for further information.

**4.19** This supplements Policy BHE3 of the adopted Unitary Development Plan 2006.

## Test HFT5 - Protection of Residential Amenity

Where a unit of residential occupation exists in close proximity to the proposed hot food takeaway, planning permission will not usually be granted. This also applies to applications for the change of use of existing commercial premises to hot food takeaways.

**4.20** 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.

**4.21** Compared against other uses, Hot Food Takeaways can generate unacceptable levels of noise, vibrations, odours and traffic disturbance, litter and hours of operation. It is therefore important that such uses are controlled or restricted to protect the residential amenity of occupiers living in close proximity to such establishments.

**4.22** Often, the activities of hot foot takeaway establishments tend to peak at times when the surrounding background noise levels are considered to be low (e.g. late evenings). Noise and vibrations generated both from the cooking activities and the essential extraction equipment used in these premises, along with increased levels

of customer movement in and out of the premises, can cause 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.

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

**4.24** Regardless of the form or effectiveness of extraction equipment installed, it is almost impossible to fully eliminate the odours, which result primarily from the cooking activities undertaken within A5 premises. Often, such odours penetrate the fabric of buildings to the detriment of the occupiers of any surrounding properties. In this context, it is not usually considered acceptable to locate A5 premises directly adjacent to residential properties, regardless of the nature or effectiveness of the extraction system utilised.

**4.25** This test supplements policy BHE3 of the adopted Unitary Development Plan (2006).

**4.26** In line with the adopted local plan policies, proposals will be assessed firstly on the basis of their location following which, a range of site-specific considerations will be taken into account.

## Test HFT6 - Hours of Operation

When considering appropriate hours of operation for hot food takeaways regard will also 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 designated centres will usually be more restricted.

In predominantly residential areas, it is not likely that permission will be granted for hot food takeaways.

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

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

**4.29** In order to minimize any adverse impacts such longer opening hours may have on residential amenity, it is important that such premises are firstly located in areas where minimum harm can occur. In addition, where planning permission is to be granted for a hot food takeaway, restrictions may be placed on hours of operation, in order to control such activity.

**4.30** Restrictions on hours of operation

- Within designated centres and key shopping areas, where there is no residential accommodation in close proximity to the premises, it is not likely that any restrictions will be placed on the hours and days of operation.
- In designated centres and key shopping areas, with residential use in close proximity, opening hours are likely to be restricted to 08:00 and midnight.
- In predominantly residential areas, it is not likely that permission will be granted for hot food takeaways.

**4.31** 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.

**4.32** In principle, the greater the residential character of an area, the greater the restrictions on opening times. Takeaway premises in areas with a greater focus on commercial activity generally serve other establishments, which form a part of the evening economy. To reflect this, restrictions on opening hours in such locations will be less rigid as compared to the more residentially focused takeaway premises.

**4.33** That said, all applications will be considered on a case-by-case basis.

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

**4.35** This policy supplements policy BHE3 of the adopted Unitary Development Plan 2006.

## Test HFT7 - Odours and Cooking Smells

Extraction systems should be installed to effectively disperse odours from hot food takeaways, extraction systems. Proposed systems must meet the requirements set out by the Environmental Health Department.

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.

**4.36** Odours produced primarily as a result of the cooking process in hot food takeaways can cause amenity problems, particularly in areas which are residential in character. Often, natural ventilation is not adequate to dissipate such odours and an effective system incorporating an extract duct, fan and filters is required for the extraction and dispersal of cooking odours is required.

**4.37** 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 to any equipment, including the flue stack, to prevent the possibility of fires due to grease build up and also to prevent the generation of smoke from the flue.

**4.38** It is the operators' responsibility to maintain this equipment.

**4.39** Guidance on suitable extraction systems

Extract systems should:

- Have a flue that terminates at least 1 metre above the eaves of the building to which it is attached, unless it can be demonstrated that an alternative height would be acceptable;
- Have route ducting so as to avoid close proximity to residential or office windows on neighbouring properties;
- Have a minimal number of bends in the ducting;
- Use ducting with a smooth internal surface;
- Incorporate flue terminals that do not impede discharge;
- Use circular duct cross sections whenever possible;
- Fit all ductwork with anti-vibration couplings or mountings to minimise the vibration caused by air passing through; and
- Not exceed the existing background noise level as measured or calculated at the nearest residential property.

**4.40** Consideration must also be given to the visual impact of flues 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.

**4.41** Details of design, size, siting, acoustic treatment, finish and odour abatement techniques of the flue extraction system to be installed within any hot food establishment must be submitted with the application.

**4.42** Where details are not submitted the application may be refused on the grounds of insufficient information.

**4.43** Where permission is granted for such an establishment, a condition shall be placed on the permission, requiring the installation and regular maintenance of an extraction vent before the business commences trading.

**4.44** For further information on the suitability of extraction systems, please contact the Council's Environmental Health Department.

**4.45** This test supplements Policy BHE3 of the adopted UDP (2006)

## Test HFT8 - 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 space within the site to store waste products.

Where the waste storage provisions are considered inadequate, planning permission will not be granted.

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

**4.46** Hot food takeaway shops 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.

**4.47** 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 takeaway shops should therefore include adequate facilities on the premises for the storage of waste generated by the business.

### **4.48** Design

- Storage structures should screen stored refuse and be designed to respect the character of the area.

### **4.49** Siting

- Bin stores should be sited in a location so as not to cause a nuisance to neighbouring residential or commercial properties with regard to odours.
- Bin stores should be conveniently located for clear, convenient access for refuse collection services.

**4.50** Within the borough, there are many examples of premises, which are of an inadequate size to provide storage space for commercial waste products within the building. Often this leads to the permanent location of waste containers outside the premises, sometimes even on the highway. This is not considered an acceptable practice and will not be encouraged.

**4.51** Where appropriate, the Council will encourage the location of bin stores on a hard standing area without any vehicle access restrictions.

**4.52** The operation of hot food takeaway shops 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.

**4.53** Consequently, the installation of grease traps is often necessary to prevent fat/grease from entering the public sewerage system.

**4.54** 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.

**4.55** **Note:** It is the proprietors responsibility to arrange a waste disposal contract for the type of waste being used (e.g. oil and meat must be disposed of differently).

**4.56** For further details on waste storage systems and requirements, please contact the Council's Street Services Team.

**4.57** This test supplements Policy BHE 3 (C) of the adopted UDP (2006).

### Test HFT9 - Litter

A planning condition requiring the installation of litterbins on land within the applicants 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.

**4.58** 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.

**4.59** Often, hot food takeaways tend to generate large amounts of litter in their immediate vicinity and often, further a field, particularly in areas where customers settle to eat their takeaway meals. Objectors often cite litter dropped by the customers

of hot food takeaways as a nuisance. Although the proprietor has little control over where its customers drop their litter, they can act to significantly reduce the potential of its occurrence by providing litterbins within their premises.

**4.60 Note:** Litterbins should not be placed on the forecourt of premises.

**4.61** It is the operators' responsibility to ensure litterbins are regularly maintained and emptied, and the surrounding area remains litter free. Where a litter problem is found to be directly linked to specific takeaway premises, the Council can issue a Street Litter Control Notice. Any operator seen to be non-compliance with such a notice, can incur a fine.

**4.62** This test supplements policy BHE3 of the adopted Unitary Development Plan 2006.

## Test HFT10 - 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.

Proposals considered to pose an unacceptable risk will be refused.

**4.63** Hot food takeaways often attract a gathering of people and can result in "hot spots" for crime and disorder, particularly at night. An excerpt from a Home Office Publication – "Safer Places: The Planning System and Crime Prevention" – Good Practice Guidance – ODPM April 2004 highlights this link:

*"Crime and antisocial behaviour are more likely to occur if potential offenders and/or victims are concentrated in the same place at the same time, such as bus stops, taxi ranks or fast food outlets after pubs close, or areas of the town centre throughout the evening".*

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

**4.65** This test supplements Policy BHE 7 of the adopted Unitary Development Plan 2006.

### Test HFT11 - Accessibility

Hot food takeaways will be required to provide access for all groups of people and regard will be had to:

- Level of inclusive design proposed in the application for the hot food take away and in particular the level of access offered to wheelchair users.

Proposals failing to propose improvements, which can be reasonably made, will be refused.

**4.66** The Council seeks to ensure that all developments, which are open to the public, cater for the needs of all, including disabled people, ensuring the premises are safely and easily accessible to as many persons as possible.

**4.67** Service providers (includes Hot Food Takeaway shops) are required under part 3 of the Disability Discrimination Acts, 1995 and 2005 to ensure that they do not discriminate against disabled people. It is the providers duty to take steps to ensure that where a physical feature makes it impossible or unreasonably difficult for disabled persons to make use of a service they:

- Remove the feature
- Alter the feature so that it no longer has that effect
- Provide a reasonable means of avoiding the feature
- Provide a reasonable alternative method of making the service available to disabled persons:

**4.68** The Council has produced detailed guidance on accessibility (Access for All" Guidelines). This includes details on appropriate counter heights, door widths, lighting etc. Applicants are advised to contact the Council's access officer for further details.

**4.69** A Design and Access statement must be submitted with any planning application for a hot food takeaway. This should include details on how any issues around access will be addressed.

**4.70** This test supplements Policy BHE5 of the adopted Unitary Development Plan 2006.

## 5 ADDITIONAL INFORMATION

### OTHER RELEVANT GUIDANCE OR LEGISLATION

**5.1** In addition to planning permission, proposals for hot food takeaway shops will require other approvals under other legislation. Applicants should ensure these requirements are met. Please contact the relevant Council departments to ensure compliance.

#### Licensing

**5.2** Food businesses must register with the Waltham Forest Food & Safety Section under Regulation (EC) No. 852/2004 on the hygiene of foodstuffs, Article 6(2). Registration is required by law and anyone starting a new food business must register at least 28 days before doing so. Forms are available online or can be obtained from the Council's Food & Safety Section.

#### Premises Licence

**5.3** Any premises selling hot food / drink at any time between 11pm and 5am requires a premises licence. Contact the Council's Consumer Protection department for further information.

#### Building Control

**5.4** Where the proposal is for a new build hot food takeaway or for the change of use of premises from any use other than retail, the hot food takeaway premises must also comply with Part M (Access to and use of buildings) of the Building Regulations. Applicants are advised to contact the council's Building Control Department for further information.

## **MONITORING, ENFORCEMENT AND REVIEW**

### Monitoring

**5.5** Waltham Forest produces an Annual Monitoring Report to monitor the effectiveness of its policies. Key indicators will be assessed regularly to enable the policies within this document to be monitored, to assess whether any problems arising in the implementation of these policies and to ensure they produce the desired effect.

**5.6** Such indicators may include:

- Number of units in use as hot food takeaways in the town centre.
- Number of complaints to Environmental Health, Business Regulations and Green Spaces with regard to noise and odours from hot food takeaway shops.

### Enforcement

**5.7** Regular surveys will be undertaken to ensure compliance with this Supplementary Planning Document. Where necessary, businesses may be required to provide evidence e.g. Business Plans or till receipts, to evidence their operation within the relevant use class and to show compliance with this SPD.

### Review

**5.8** The Council's Annual Monitoring Report will highlight any issues that may need a review. Where such a review is required, a timetable for this activity will be included in the Local Development Scheme as resources permit.

**5.9** Changes in National or Regional Planning Policy or progress on Development Plan Documents, which form a part of the Local Development Framework, may also prompt the need for further reviews.

## CONTACTS

**5.10** You can contact the Council through Waltham Forest Direct on 0208 496 3000 or visit the council website <http://www.walthamforest.gov.uk/>

**5.11** Where your query relates to a specific issue, the following contact details should assist in directing your query to the relevant department.

**Table 5.1**

Query	Contact
Planning Applications	Duty Planning Officer in the Development Management team  <b>Note:</b> Planning application forms are available on the Council's website
Listed Building or building in a Conservation Area	Conservation Officer or Duty Planning Officer
Local Plan Queries	Planning Policy Officer
To find out whether Building Regulations approval is required	Building Control
Commercial waste provisions	Street Services Team
Odour extraction, soundproofing, food hygiene and refuse storage	Environmental Health Officer

