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Preface
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1 Introduction

1.1 This supplementary planning document replaces the council’s previous hot food take aways supplementary planning document, adopted in July 2007.

1.2 The key changes from the previously adopted supplementary planning document are:

- Deletion of the previous policy HFTA 1 (hot food take aways and residential properties). This follows recent appeal decisions in Salford, where inspectors have concluded extraction equipment can in most cases adequately mitigate against harm arising from odours even where there is an adjoining residential property.
- In light of removal of the previous policy HFTA 1, the policy approach to odours has been amended. The new policy does not preclude hot food take aways operating from premises adjoining residential properties subject to providing appropriate extraction equipment to effectively disperse odours. The policy also requires appropriate sound proofing of party walls and ceiling where necessary to ensure there is no unacceptable noise disturbance for occupiers of residential properties directly above or adjacent to the proposed use.
- Deletion of the previous policy HFTA 8 (healthy eating options). Paragraph 153 of the national planning policy framework (NPPF) sets out “only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plans”. Since the 2007 policy only ‘encourages’ hot food take aways to introduce healthier options, and is not a requirement, there is no clear indication of how a decision maker should react. On this basis, it is considered more appropriate to include a section on healthy eating in the SPD but not as part of a policy.
- Inclusion of a new policy which places restrictions on the operation of new hot food take aways close to secondary schools to support and encourage children to make healthier eating options.
- Inclusion of a new policy to ensure hot food take aways do not exacerbate any existing problems of crime and disorder.

Background

1.3 The supplementary planning document (SPD) expands on the saved policies of Salford’s adopted unitary development plan (UDP), to provide additional guidance on the development of hot food take aways.

1.4 The SPD specifically supplements the following saved UDP policies:

- DES7: Amenity of users and neighbours
- DES10: Design and crime
- S3: Loss of shops
- S4: Amusements centres, restaurants and cafes, drinking establishments and hot food take aways
- ST1: Sustainable urban neighbourhoods
Introduction

1.5 The SPD has been produced in accordance with the advice contained in the NPPF and the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012[1].

Consultation process

1.6 An initial consultation was undertaken between 9 July 2012 and 20 August 2012. This sought stakeholder and consultee views on the 2007 SPD and in particular whether policies were still appropriate for use or should be amended. Responses to this initial consultation were received from three organisations and individuals.

1.7 During this initial consultation Spatial Planning officers also ran a workshop with Urban Vision development management colleagues. Following on from this, discussions were held with Urban Vision environment team, the council’s environmental health and health and improvement teams, also Salford’s director of public health and health and wellbeing board.

1.8 All responses received and discussions held were used to inform the production of the draft SPD.

1.9 The draft SPD was subject to an eight week period of public consultation between 10 May 2013 and 5 July 2013. Representations to this consultation were received from 24 organisations and individuals. These representations were taken into consideration in informing the adopted SPD.

1.10 Details of these stages of consultation, together with the representations received and the city council’s response is set out in full within the consultation statement. This is published alongside the SPD and can be accessed via the city council’s website at: http://www.salford.gov.uk/hftaspd.

Implementation

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

1.12 Applicants are advised to discuss possible schemes with Urban Vision, which provides Salford’s development management service on behalf of the city council, at the earliest opportunity, and wherever possible prior to any planning application being submitted. This will help to ensure that the requirements of this SPD are fully understood and are taken into account in development proposals.


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Monitoring

1.14 The implementation of the SPD policies will be monitored to determine whether any further amendments are required in the future. One important indicator will be the council’s success at appeal.
Introduction
2 Hot food take aways and the need for the document

2.1 Hot food take aways represent a popular service for local communities and an important complementary use in town and neighbourhood centres. They can also offer important economic development and employment opportunities. Nevertheless, it is recognised that hot food take aways have a greater potential than retail uses to create disturbance and detract from residential amenity and environmental quality.

2.2 Planning applications for hot food take aways, particularly those in close proximity to residential properties, frequently generate a significant number of objections, and it is therefore important that potential applicants have access to appropriate advice before making planning applications.

2.3 Hot food take aways do not directly cause obesity, but the majority of premises offer food which is energy dense and nutritionally poor, which can contribute to obesity. Research\(^1\) indicates that the more overweight and earlier in life a person becomes overweight, the greater the impact on that person's health. It is therefore considered important to support the establishment of healthy eating habits from an early age and minimise the negative impacts of hot food take aways on childhood health.

2.4 This supplementary planning document replaces the hot food take aways supplementary planning document adopted in July 2007. This is to reflect the national planning policy framework, government advice and other changes to legislation that have occurred since the document was first adopted. Recent appeal decisions in Salford have also necessitated revisions to the SPD.

2.5 The document provides more detailed planning guidance to assess and determine planning applications and is intended to guide prospective take away owners and their agents to encourage the submission of good quality planning applications.

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\(^1\) Adolescent health (2003) British Medical Association
Hot food take aways and the need for the document
3 Healthy eating

Background

3.1 Obesity is one of the biggest health challenges facing the UK with approximately one in four adults being obese\(^1\). There is a clear link between increased body fat and risk of medical conditions including type 2 diabetes, cancer, heart and liver disease\(^2\). Research\(^3\) also indicates that once obesity is reached, it is difficult to treat, and an obese adolescent is likely to remain so into adulthood.

3.2 In the context of Salford, life expectancy for both men and women in the city is lower than the England average and approximately 21\% of final year primary school children in Salford are obese\(^4\).

3.3 England’s obesity epidemic has attracted considerable policy attention in recent years. The publication healthy weight, healthy lives\(^5\) encouraged local authorities to use existing planning regulations to control more carefully the number and location of fast food outlets.

3.4 Healthy weight, healthy lives: a call to action on obesity in England\(^6\) supports the view that whilst healthy eating is about individual decisions, the environment (and particularly the availability of calorie rich food) now makes it much harder for people to maintain healthy lifestyles, highlighting that hot food take aways are a source of predominantly high calorie food. The document identifies how local authorities have a lead role in driving health improvements. It again refers to the importance of maximising the contribution of the planning system.

Healthy eating

3.5 Given poor average health levels in Salford, it is considered appropriate to control provision in sensitive locations, particularly around secondary schools. It is however important that all food providers, including hot food take aways, play a part in improving the health of the city’s residents. Any such establishment should therefore make their products as nutritious as possible and are encouraged to provide a range of healthy eating options alongside more energy dense foods.

3.6 In 2011 the government launched the public health responsibility deal\(^7\). The deal encourages a range of companies including national food manufacturers and food chains to sign up to implement a range of pledges to contribute to the improvement of public health. These include reducing salt and trans fat, calorie labelling and increasing the amount of fruit and vegetables available.

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2 Healthy weight, healthy lives: one year on (2009) Department of Health
3 Interventions for preventing obesity in children (2005) Summerbell, C et al., The Cochrane Database of Systematic Review 3
6 Department of Health (2011)
Healthy catering award

3.7 Salford has signed up to the Greater Manchester healthier catering award which supports the principles of the deal. The key objective of the scheme is to make it easier for residents and visitors of Greater Manchester to choose a healthier option when they eat out. It encourages all catering establishments to offer their customers healthier choices. The scheme recognises those businesses that have a national food hygiene score of 3 or more and have demonstrated a commitment to reducing the level of saturated fat, sugar and salt in the food and drinks sold.

3.8 Participation in the award is entirely voluntary but is of benefit to catering business in that customers know that the establishment has shown a commitment to offering healthier eating options. Proprietors are therefore encouraged to register their interest in the scheme at www.healthiercatering.co.uk. The award team will then make contact and if needed will offer advice to help achieve the award.
4 Policy context

National planning policy framework

4.1 The national planning policy framework (NPPF) was published on 27 March 2012 and is a material consideration in planning decisions. This is a key part of reforms to make the planning system less complex and more accessible; to protect the environment; and to promote sustainable growth. It is a single framework which replaces the majority of national planning policy guidance and policy statements.

4.2 At the heart of the NPPF is a presumption in favour of sustainable development, with three dimensions to the concept: economic; social; and environmental. The social role comprises “supporting strong, vibrant and healthy communities, by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being”. Paragraph 8 states that these roles should not be undertaken in isolation because they are mutually dependent.

4.3 NPPF paragraph 23 highlights the importance of promoting competitive town centre environments and paragraph 69 sets out that “the planning system can play an important role in creating healthy, inclusive communities”.

Local context

4.4 The provisions of the Planning and Compulsory Purchase Act 2004 allow for existing statutory plans to be ‘saved’ for a period of three years. The city council adopted a new unitary development plan (UDP) in June 2006 and accordingly this plan was the saved plan until 21 June 2009.

4.5 As none of the development plan documents (DPDs) required to replace the UDP were adopted by June 2009, it has been necessary for the city council to seek to save a number of policies for longer than this date. This was subject to approval from the Secretary of State. A list of saved policies and the council’s intentions for them were submitted to the Secretary of State in November 2008 and a letter approving them was issued by the Government Office for the North West in February 2009.

4.6 The gradual replacement of the saved UDP policies has commenced with the adoption of the Greater Manchester joint waste DPD and Greater Manchester joint minerals DPD. The list of saved policies is published on the city council’s website.

4.7 The statutory development plan is the starting point when determining planning applications for the development or use of land. Currently this comprises adopted DPDs and saved policies of the UDP.

4.8 This SPD provides further detail on the implementation of the council’s adopted unitary development plan. Seven key objectives have been identified for the document:

2 National planning policy framework, paragraph 7
3 http://www.salford.gov.uk/udp-saved-policies
Policy context

1. To ensure there is high quality hot food take away provision within the city to satisfy demand and diversify the range of local services;

2. To ensure town and neighbourhood centres retain their primary purpose of providing a range of shopping and other functions and also contain an appropriate concentration of hot food take away establishments;

3. To protect the amenity of surrounding residential occupiers from adverse effect by reason of noise, disturbance, smells, fumes, litter or vehicular traffic movements;

4. To minimise the negative impacts of hot food take aways on childhood health;

5. To encourage hot food take aways to provide healthy eating options;

6. To ensure hot food take aways do not exacerbate any existing problems of crime and disorder; and

7. To encourage informed pre-application discussions and the submission of good quality planning applications.
5 Do you require planning permission?

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

5.2 Permission will also be needed to change the use of an existing shop, office, house or other use to a hot food takeaway. The Town and Country Planning (Use Classes) Order 1987 (as amended) subdivides different development types into separate classes of use. In general, to change the use of a property from one use to another requires planning permission. Hot food takes aways, where the primary purpose of the property is the sale of hot food for consumption off the premises, fall within class A5 of the use classes order. If it is intended to use a property, which is currently used for another purpose, as a hot food takeaway then a change of use planning application will be required.

5.3 Where a property currently has permission for use as a hot food takeaway, planning permission will not be required to use the property for any other type of hot food takeaway. However, the conditions attached to the previous planning permission, such as restrictions on opening hours, will still apply. Further information on the conditions attached to a hot food takeaway can be obtained from Urban Vision, which provides Salford’s development management service on behalf of the city council.

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

5.5 External shutters and grilles also usually require planning permission. When placed on shop fronts they can have a major impact on the appearance of the premises, especially given hot food establishments are often only open during evening hours. Solid, faceless aluminium/steel shutters or grilles can engender a fortress type atmosphere and provide a vulnerable target for graffiti. Further guidance about appropriate designs for shutters is available in the city council’s design and crime supplementary planning document(1).

5.6 Separate advertisement consent is sometimes required if you intend to display shop advertisements. For example, consent would be required for signs above fascia level, including projecting signs or banners, and illuminated signs of any kind.

5.7 If you are in doubt as to whether you require planning permission or advertisement consent you should contact Urban Vision on 0161 779 6195 or refer to the following council website: http://www.salford.gov.uk/planning-permission. Alternatively more general advice is set out on the planning portal website: http://www.planningportal.gov.uk/permission/.

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1 http://www.salford.gov.uk/designandcrimespd.htm
Do you require planning permission?
6 Planning policies

Policy HFTA 1

Appropriate concentrations of hot food take aways in town and neighbourhood centres

When considering whether a proposed hot food take away would result in an over-concentration of such uses to the detriment of the vitality or viability of a town centre or neighbourhood centre, regard will be had to:

1. the number of existing hot food take away establishments in the immediate area and their proximity to each other;
2. the importance of the location for local shopping, and the number, function and location of shops that would remain to serve the local community;
3. the type and characteristics of other uses, such as housing, shops and public houses;
4. any known unresolved amenity, traffic or safety issues arising from existing uses in the area;
5. the existence and condition of vacant shop units; and
6. the potential benefits of the proposal for the wider community.

Reasoned justification

6.1 It is acknowledged that hot food take aways offer a popular service to local communities and have a significant role to play within town centres and other shopping areas. However, it is important to evaluate the possible adverse effects of an over-abundance of hot food take aways on the vitality and viability of existing town and neighbourhood centres.

6.2 An over-concentration of such establishments can have an unacceptable impact on the vitality or viability of a centre and, as a result, affect the overall attractiveness of the centre to shoppers. It is important that such uses do not detract from the primary retail function of the centres, or result in a loss of shops to the detriment of local residents.

6.3 Consequently, the impact of the proposal, by itself or cumulatively, with other non-retail uses, on the role, character, vitality and viability of a town centre or other shopping area will be an important material consideration in determining proposals for hot food take aways.

6.4 This policy supplements saved unitary development plan policies S3 and S4.
Policy HFTA 2

Hot food take aways and schools

Where a hot food take away is proposed within 400 metres of a secondary school, planning permission will only be granted subject to a condition that the premises are not open to the public before 5pm Monday to Friday and there are no over the counter sales before that time.

This policy will not apply to hot food take aways proposed in:

A) A designated local centre, town centre or the Manchester/Salford City Centre; or
B) Locations that would be unlikely to be accessed by pupils of a nearby school.

Reasoned justification

6.5 Hot food take aways do not directly cause obesity, but the majority of premises offer food which is energy dense and nutritionally poor, which can contribute to obesity. Both the Chartered Institute for Environmental Health\(^1\) and Department of Health\(^2\) advise that local authorities should limit the opening of new outlets, particularly in sensitive areas such as around schools.

6.6 Supporting the department of health advice, research shows that the more overweight and the earlier in life you become overweight, the greater the impact on your health. If obesity develops in adolescence, it is likely to continue into adulthood. It is therefore important to support and establish healthy eating habits from an early age, to reduce rates of overweight and obese children and to prevent the physical, psychological and social consequences of childhood obesity\(^3\).

6.7 Research indicates the most popular time for purchasing food from shops is after school\(^4\) and many secondary school children may also leave school premises at lunchtime. Furthermore fast food outlets in close proximity to, and surrounding schools have been found to be an obstacle to secondary school children eating healthily\(^5\).

6.8 It is considered that there should normally be restrictions on the times of over the counter sales for hot food take aways in close proximity to secondary schools. A 400 metre restriction buffer is considered to be a reasonable distance given that it broadly represents

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1 Policy briefing note – fast food outlets (2010) Chartered Institute of Environmental Health
2 Healthy weight, healthy lives (2008) Department of Health
3 Adolescent health (2003) British Medical Association
4 The school fringe: from research to action. Policy options within schools on the fringe (2009) Sinclair, S; Winkler JT. Nutrition Policy Unit, London Metropolitan University
a 10 minute walk, taking into account physical barriers on any route. The buffer will be measured from the asset boundary of each Local Education Authority (LEA) school or the site boundary of non-LEA schools.

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

6.10 At present there is no comparable evidence available to suggest there is a similar relationship between hot food take aways close to primary schools and this acting as an obstacle to children of primary school age eating healthily. It is thought the majority of primary school pupils are not permitted out of the school grounds during the schools day, and pupils are likely to be accompanied by an adult for the journeys to and from school. For these reasons the policy currently does not apply to primary schools.

6.11 In order to avoid harm to the city’s town and neighbourhood centres, proposed hot food take away businesses in defined centres are excluded from the policy.

6.12 This policy supplements saved UDP policies S4 and ST1.
Policy HFTA 3

Hours of opening

The hours of opening of hot food take aways will be controlled to ensure that amenity is appropriately protected.

When determining the appropriate hours of opening for hot food take aways regard will be had to:

1. the likely impacts on residential amenity;
2. the existence of an established late night economy in the area;
3. the character and function of the immediate area, including existing levels of background activity and noise; and
4. the potential benefits of the proposal for the wider community.

Within an area that is primarily residential in character, the hours of opening will be restricted to 8am to 10pm on Mondays to Saturdays, with no opening on Sundays and bank holidays. Extended hours will only be permitted where it can be clearly demonstrated that there would be no unacceptable impact on residential amenity.

Reasoned justification

6.13 The city council recognises that hot food take aways often open different hours from most other businesses, but it is important that those with later opening hours are located where they would not adversely affect residential amenity. Furthermore, the noise generated from the cooking process and the attraction of large numbers of people at particular times of the day mean hot food take away establishments can produce a higher degree of noise and disturbance than other kinds of retail use. This noise generated by the activities of the trader and from the patrons can be very difficult to control.

6.14 Accordingly, in order to protect the amenities of the surrounding area from adverse effect, by reason of noise, disturbance, vehicular traffic movements, or pedestrian traffic, it is often essential to restrict the hours of opening of a proposed hot food take away. Consequently, in deciding to grant planning permission for hot food take away uses the city council may impose conditions to control opening hours.

6.15 The city council acknowledges that the viability of hot food take away establishments may be reliant upon late evening trade. However, concerns about residential amenity may dictate that a take away use may be unacceptable unless its hours of opening are restricted. Additional mitigation measures may be required to make such late night opening acceptable.
6.16 In some such locations as mixed commercial/residential areas containing a high proportion of restaurant and bar uses, close to a town centre and served by busy roads, it may be reasonable for residents to expect a certain level of activity close to their homes. Although nearby residents may experience some disturbance from a new hot food takeaway, it is necessary to be mindful of any existing noise levels and whether the proposed use would tip the balance leading to unacceptable levels of disruption.

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

6.18 This policy supplements saved UDP policies DES7 and S4.
Policy HFTA 4

Extraction of odours and noise abatement

Hot food take aways must provide appropriate extraction systems to effectively disperse odours. Such systems must:

1. have minimal impact on visual amenity, including location and external finish;
2. be acoustically attenuated;
3. not have an unacceptable impact on the amenity of neighbouring occupiers, for example by virtue of vibration or odour;
4. be properly operated, serviced, cleaned and maintained in accordance with industry best practice; and
5. where appropriate, be improved to reflect any subsequent changes in the mode or type of cooking that could increase odours.

Extraction equipment must at least meet the minimum standards set out in the guidance on control of odours and noise produced by the Department of Environment, Food and Rural Affairs (Defra).

Appropriate sound proofing of party walls and ceilings should be provided where necessary to ensure that there is no unacceptable noise disturbance from the hot food take away for residential occupiers directly above or adjacent to the proposed use.

Reasoned justification

6.19 A balance is needed between the provision of hot food take aways and the need to protect the amenity of residents living adjacent or near to such establishments. Compared to other uses, hot food take aways can generate unacceptable levels of noise, vibrations and odours and it is therefore important that such uses are controlled.

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

6.21 The design of the fume extraction/ventilation equipment should ensure that odours, fumes, or noise cause no nuisance or disturbance to nearby properties. Odours must be extracted directly upwards at a speed and height that will ensure adequate dispersion past adjacent buildings. Regular cleaning and maintenance will be necessary for any equipment, including the flue stack, to prevent odour and the possibility of fires due to grease build up and also to prevent the generation of smoke from the flue.
6.22 Consideration must also be given to the visual impact of flues with all planning applications and care should be taken to locate them where they will not appear prominent. The council will take into account issues of visual amenity in deciding whether or not a proposed extraction system is acceptable. Where practicable, but especially in conservation areas or within the setting of a listed building, equipment should be installed predominantly within the building.

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

6.24 It is necessary that extraction equipment must at least meet the minimum standards set out in the guidance on control of odours and noise produced by Defra\(^6\). To ensure continued protection of residential amenity, it may be necessary to attach a condition, so that before any changes in the mode or type of cooking are implemented, details of the intended extraction equipment must be approved by the local planning authority.

6.25 Often, the activities of hot food take away establishments tend to peak at times when the surrounding background noise levels are considered to be low (for example late evenings). Noise and vibrations generated both from the cooking activities and the essential extraction equipment used in these premises, along with increased levels of customer movement in and out of the premises, can cause intolerable levels of disturbance to residents. Late night opening hours act to further exacerbate the problem, attracting higher customer numbers in the afternoons and late evenings.

6.26 In order to mitigate against unacceptable noise levels (including vibration) extraction equipment will need to be adequately acoustically attenuated. It may also be necessary for party walls and/or ceilings to be adequately sound proofed to minimise disturbance. This is likely to be required where a party wall and/or shared floor/ceiling does not comply with the sound insulation standards as specified in approved document E of the Building Regulations 2000.

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

6.28 This policy supplements saved UDP policies DES7 and S4.

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Policy HFTA 5

Hot food take aways and anti-social behaviour

In assessing planning applications for hot food take aways, the council will consider issues around community safety, crime and disorder.

Proposals for new hot food take aways which, on the advice from Greater Manchester Police would adversely affect personal safety, will be restricted in their opening hours and/or will be required to provide or contribute to deterrent measures.

Reasoned Justification

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

6.30 Anti-social behaviour can occur when people simultaneously congregate outside hot food take aways. It is not to suggest that hot food take aways are inherently problematic in generating disturbance nor is anti-social behaviour an inevitable consequence of such premises. Nonetheless hot food take aways can often attract a gathering of people, which particularly at night can exacerbate existing problems of crime and disorder. The publication Safer Places: The Planning System and Crime Prevention[7] highlights this link by explaining “crime and anti-social behaviour are more likely to occur if potential offenders and/or victims are concentrated in the same place at the same time, such as bus stops, taxi ranks or fast food outlets after pubs close, or areas of the town centre throughout the evening”.

6.31 Where there are existing concerns over crime and anti-social behaviour in the area, the applicant may be required to contribute via a section 106 financial contribution or install safety and security measures such as CCTV systems. The provision of such measures should be in accordance with the council’s design and crime supplementary planning document[8].

6.32 This policy supplements saved UDP policies S4, DES7 and DES10.

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8 http://www.salford.gov.uk/designandcrimespd

2013 SALFORD CITY COUNCIL SPD: Hot food take aways
Policy HFTA 6

**Disposal of waste products**

Where possible, commercial bin stores should be contained within the main building.

Where this is not possible, secure structures should be provided on site. The bin stores provided should adequately screen stored refuse and be designed so as to respect the character of the area.

Refuse storage structures should be sited so as not to cause an odour nuisance to neighbouring residential or commercial properties but be convenient to access for refuse collection services.

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

**Reasoned justification**

6.33 Hot food take aways 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.

6.34 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 take aways should therefore include adequate facilities on the premises for the storage/disposal of waste generated by the business.

6.35 The operation of hot food take aways can cause significant problems for the drainage system as a result of the disposal of fat/grease from these premises. Most fat or grease discharged into private drains is liquid but in the cooler temperatures of the drains the fat/grease then solidifies. A build up of fat deposits may block the drain either locally or further down the sewerage system. These blockages can create subsequent problems, such as the leakage of foul sewage or the internal flooding of properties or of neighbouring areas. Consequently, the installation of grease traps is often necessary to prevent fat/grease from entering the public sewerage system.

6.36 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.

6.37 This policy supplements saved UDP policies S4 and DES7.
Policy HFTA 7

Litter

Where there would otherwise be an insufficient availability of litter bins to serve customers, hot food take aways will be required to provide:

1. a litter bin outside the premises at all times when the business is open; and
2. one or more litter bins within the surrounding area, as appropriate to meet likely need.

Reasoned justification

6.38 Litter is inherently unsightly and causes considerable annoyance to residents and adjoining businesses. It also raises concern about the potential attraction of pests and vermin. Irrespective of how careful the owner/operator is, hot food take aways have the potential to generate a significant amount of litter because customers need to dispose of food wrappings/containers after the food is consumed. The problem, however, may actually be more likely to arise at some distance from the premises.

6.39 Objectors often quote litter dropped by the clientele of hot food take aways as a reason to refuse permission for a hot food take away. Although the proprietor has no control over whether patrons drop litter, this is still a potential negative impact of a proposal on the surrounding area, which can be diminished through the provision of litter bins.

6.40 A condition may be attached to planning permission that requires the operator to provide a bin outside the premises at all times when the business is open. Where a litter bin is required it should be positioned so as not to create any obstruction that would unduly restrict the free flow of pedestrians or wheelchair users. The bin should also be positioned so that it does not impede visibility splays and sight lines required for adjacent junctions and major access points. Details of the design and siting of the bin should be submitted with all planning applications. If the provision of a bin is considered necessary and details are not submitted with an application, it may be refused on the grounds of insufficient information.

6.41 If the bin is to be sited on a public highway it may also be necessary to apply for a license from the city council’s highway services department. If you require further information on licenses you should contact highway services on 0161 909 6505.

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

6.43 This policy supplements saved UDP policies S4 and DES7.
7 Associated issues

Competition

7.1 The effects of competition between existing and proposed take aways cannot be taken into account in the determination of planning applications.

Local food markets

7.2 Hot food take aways are encouraged to maximise the use of local food suppliers wherever possible. This will help to support the local economy, as well as reducing the distance that food has to travel and therefore having a positive contribution on climate change and congestion.

Hygiene

7.3 Under the Food Hygiene (England) Regulations 2006 hot food take away operators are required to ensure that all staff who handle food are supervised by someone who is suitably qualified with a basic food hygiene certificate or that the staff themselves are appropriately qualified in the practical procedures and methods of applying food hygiene in the workplace. In addition, these regulations require the proprietors of food businesses to ensure that any of the following operations are carried out in a hygienic way: the preparation; processing; manufacturing; packaging; storing; transportation; distribution; handling and offering for sale or supply, of food.

7.4 The proprietor of any hot food take away must register the premises as a food business with the city council’s environmental health team at least 28 days before the hot food use opens for business. It is strongly advised that the applicant should contact the environmental health team prior to the application for planning permission. Environmental health officers can provide detailed advice on the current requirements according to food hygiene, also health and safety legislation. Advice provided before any application is submitted can ensure that all necessary requirements are met prior to the commencement of the business.

7.5 The environmental health team can be contacted on 0161 925 1097. Further information is also available at the city council’s website: http://www.salford.gov.uk/envhealth.

Access for all

7.6 The council is committed to ensuring that the needs of people with disabilities are catered for. Hot food take aways should strive to achieve inclusive design that allows the premises to be used safely and easily by as many people as possible.

7.7 The Equality Act 2010 brings together and replaces existing equalities legislation including the Disability Discrimination Act 1995 (DDA). The Equality Act requires reasonable adjustments to be made in relation to accessibility. In practice, this means that due regard must be given to any specific needs of likely building users that might be reasonably met. These requirements apply to all buildings where services are provided to the public, which, therefore, includes hot food take aways.
Associated issues

7.8 In addition, applicants are strongly encouraged to consider the provision of a section of the counter within the take away at an appropriate height for wheelchair users and the provision of sufficient space to allow for the movement of wheelchairs within the premises.

7.9 Where the hot food take away is a new build or change of use from any use other than retail, the premises will need to comply with Building Regulations Part M – access to and use of buildings. Details of the regulations can be found at http://www.communities.gov.uk

7.10 Information on how issues relating to access have been addressed should be included in the design and access statement when one is required with the application.
Salford City Council

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