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# 1 Introduction

**1.0.1** 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. It should be read in conjunction with the Council's saved Unitary Development Plan (1998) policies and the emerging Local Development Framework to gain an understanding of the priorities, aims and objectives of the Borough.

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

- Proximity to Schools and Health Impact
- Over-concentration and clustering
- Highway Safety
- Protection of Residential Amenity
- Hours of Operation
- Odours and Cooking Smells
- Disposal of Waste Products
- Litter
- Crime and Anti-Social Behaviour
- Visual Impact of Extraction Equipment
- New Shop Front SPD/ Design Issues

**1.0.3** A distinction was made between a shop (Class A1), a restaurant and cafe (Class A3) and a hot food takeaway (Class A4) when the Town and Country Planning (Use Classes Order) was amended in 2005.

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

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

**1.0.5** 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.

<b>Examples of Use Class A5 shop types</b>	<b>Examples of Shop Types not within Use Class A5</b>
Chicken Shops	Restaurants/Cafes/Bistros
Fish and Chip Shops	Public Houses
Pizza Shops	Wine Bars
Chinese, Indian or other takeaway Shops	Night Clubs
Kebab Shops	Sandwich Bar

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

## 2 Status

**2.0.1** This guidance has been put together in accordance with the framework provided in the Government's Planning Policy Statement 12: Local Spatial Planning (2008). The Statutory Development Plan is the starting point when determining planning applications for the development or use of land. The Development Plan consists of the St Helens Development Plan Documents and the saved Unitary Development Plan policies.

**2.0.2** This SPD provides further detail on the implementation of existing UDP and subsequent DPD policy that applicants must follow to ensure they meet policy requirements.

## 3 Planning Policy Framework

**3.0.1** National Planning Policy recognises the role which planning takes in better enabling people to live healthier lifestyles. Planning Policy Statement 1 (PPS 1, 2005) states that development plans should aim to reduce inequalities and deliver safe and healthy places to live.

**3.0.2** Planning Policy Statement 4 'Planning for Sustainable Economic Growth' states that the Government's overarching objective is sustainable economic growth by promoting the vitality and viability of town and other centres as important places for communities. To do this the Government wants new economic growth and development of town centre uses to be focused in town centres, with the aim of offering a wide range of services to communities in an attractive and safe environment and remedying deficiencies in provision in areas with poor access to facilities.

**3.0.3** Unitary Development Policy RET 4 'Hot Food Shops, Restaurants and Cafes' states that the building or change of use of establishments for hot food takeaways will only be permitted where there is no loss of residential amenity to nearby occupants including flats above the premises; no loss of amenity due to smells and odours; ventilation is acceptable; on-site provision is made for litter; opening hours are consistent with the maintenance of local amenity and there are no highway safety issues or traffic hazards created by the use.

**3.0.4** Unitary Development Policy E 2 defines the prime shopping area of Earlestown Town Centre in Market Street, Bridge Street and Oxford Street where the Council will not normally allow those non-retail uses, which are considered inappropriate to prime shopping streets.

**3.0.5** Unitary Development Policy TC 2(a) defines the prime shopping area of St. Helens Town Centre in Church Street, Ormskirk Street, Bridge Street and Market Street where the Council will not normally allow those non-retail uses which are considered inappropriate to prime shopping streets or raise the overall proportion of non-retail uses to a level which could undermine the retail function of the prime shopping area.

**3.0.6** Unitary Development Policy TC 2(b) states that in remaining parts of the central shopping area as defined on the map, applications for non-retail use at ground floor will be assessed against the following criteria:

- Need for passing trade
- Extent of window display; and
- Impact on the character of existing properties

**3.0.7** Unitary Development Policy TC 3 states within business areas, as defined on the map, general retailing will not normally be allowed. An exception may be made where:

- The retailing is ancillary to the non-retail use
- The retail use is of a small scale and specialist nature
- The retail use will not give rise to servicing problems

**3.0.8** At the local level, the Active St.Helens Strategy<sup>1</sup> in partnership with the National Health Service for Halton and St.Helens, first published in 2006, has been revised at a time when attention is focused, at both national and local levels, on healthy living and on ways in which we can support individuals to make positive health choices. One of the key objectives is to improve the quality of the built and natural environment.

**3.0.9** Locally, all the key indicators show that there is an urgent need to improve health in the Borough and health improvement is a key priority for the Council, the Primary Care Trust and all our partner organisations. The Health Inequalities Plan<sup>2</sup>, published in 2009, set out the measures that we are taking to address these serious problems.

**3.0.10** This SPD should be read in conjunction with the adopted Shopfront SPD and the Design and Crime SPD

**3.0.11** This SPD is part of a broader strategy to tackle health issues in St.Helens. Improving the health of the Borough is a cross-cutting policy incorporated into a number of objectives in St.Helens LDF.

## 4 Purpose and Scope

**4.0.1** Obesity is one of the biggest health challenges facing the UK. Currently 1 in 4 adults are obese<sup>3</sup>. There is a clear link between increased body fat (obesity) and risk of medical conditions including Type 2 diabetes, cancer, heart and liver disease<sup>4</sup>. The Government estimates the annual cost of overweight and obese individuals to the NHS to be 4.2 billion, a figure that is predicted to more than double by 2050<sup>5</sup>.

**4.0.2** England's obesity epidemic has attracted considerable policy attention in recent years<sup>6</sup>. The Government's White Paper, *Choosing Health: Making Healthier Choices Easier* was published in November 2004 and set out a wide-ranging plan to improve the nation's health. The Paper called for the NHS, local authorities, schools and workplaces to deliver joined up action to make healthier lifestyles easier to attain<sup>7</sup>.

**4.0.3** Published in October 2007, the Foresight report *Tackling Obesities: Future Choices*<sup>8</sup> led to the Improvement and Development Agency (IdeA) commissioning Sheffield Hallam University to analyse the implications of the report for local government<sup>9</sup>. Both identified the importance of the built environment and the ability that planning has to improve access to healthier lifestyles

**4.0.4** In addition the Government published *Healthy Weight, Healthy Lives: A Cross Government Strategy for England*, launched the *Change4Life* strategy in January 2009 and in March 2009 published the Health Committee Report for Health Inequalities<sup>10</sup>, again highlighting the need to address the rising numbers of fast food takeaways on the high street.

**4.0.5** *Healthy Weight, Healthy Lives* published in 2008 encourages local authorities to use existing planning regulations to control more carefully the number and location of fast food outlets<sup>11</sup>.

### St.Helens - Delivering Change

**4.0.6** The North West Strategic Health Authority (SHA) had both the largest number of admissions with either a primary or secondary diagnosis of obesity (19,184) and the highest admission rate (279 per 10,000 population)<sup>12</sup>.

**4.0.7** In the Halton and St.Helens PCT area, the annual cost attributed to treating five diseases related to inactivity has been calculated at £5,978,070 or nearly £20,000 per 1000 population<sup>13</sup> which for St.Helens, with a current population of 177,600 would represent an estimated cost of £3.6 million per year.

**4.0.8** St.Helens has a greater proportion of people with poor health than many areas of the country<sup>14</sup> and within the borough there are some significant health inequalities.

**4.0.9** Mortality rates are of particular concern in Parr, Town Centre, Earlestown and Thatto Heath wards whilst high levels of obesity and low levels of physical activity amongst young people are notable in Blackbrook, Bold, Moss Bank, Parr and Windle wards.

**4.0.10** Over 20,000 adults in St.Helens are obese and this will increasingly put a heavy burden on Health and Social Care budgets. In terms of overweight and obese children, the largest concentrations can be found in Blackbrook, Haydock, Parr and Windle Wards.

**4.0.11** Diet is a key determinant both of general health and obesity levels. Fast food takeaways are a source of cheap, energy-dense and nutrient-poor foods<sup>15</sup>. Research indicates that once a child or adolescent develops obesity they are more likely to remain obese through adulthood, have poor health and reduced life expectancy<sup>16</sup>. The proliferation of takeaway food shops in the borough, especially in proximity to schools, is therefore a cause for concern.

**4.0.12** Whilst it is recognised that hot food takeaways contribute to the mix of town centre uses, providing a popular service to local communities, employment and a source of economic development, hot food takeaways are dominating the local retail food offer in the Borough. This displaces other shops and food options, restricting choice and access to healthy, fresh food, which in turn impacts on the health of communities in the borough.

**4.0.13** The physical demands of everyday living are not being matched by the levels of energy that we need to expend in order to remain fit and healthy. The growing reliance on cars particularly for short journeys, the increased use of televisions and computers and the application of more labour-saving equipment in the home have not been balanced by a commensurate growth in physical exercise. Research suggests that 'the average decline in daily energy expenditure in westernised countries since the early part of the twentieth century may be the equivalent of walking as much as 16km (10 miles) less per day'.

## 5 The Guidance

### 5.1 SPD Implementation Point 1 – Schools, Health and Town Centres

Planning permission for a hot food takeaway will only be granted provided that it is located:

- i) Within the defined town centres of St.Helens or Earlestown, or;
- ii) Beyond a 400m exclusion zone around any primary or secondary school and sixth form college either within or outside Local Education Authority control.

Where the 400m exclusion zone as identified in Appendix 1 has a boundary that cuts across a building or curtilage in whole or part, for the purposes of this document, that whole site shall be considered to be within the exclusion zone. More detailed maps can be viewed on the Councils website [www.sthelens.gov.uk](http://www.sthelens.gov.uk)

Where a hot food takeaway is to be located within a town, district or local centre it should not result in:

- i) More than 5% of the units within the centre or frontage being hot food takeaways
- ii) More than two A5 units being located adjacent to each other
- iii) Any less than two non-A5 units between individual or groups of hot food takeaways
- iv) The proportion of A1 uses in a primary retail frontage falling below 75%

The hot food takeaway exclusion zone is detailed in Appendix 1

### REASONED JUSTIFICATION

**5.1.1** The Borough is saturated with 161 hot food takeaways, many of which are in close proximity to schools.

**5.1.2** Research indicates that once obesity is reached, it is difficult to treat<sup>17</sup>. An obese adolescent is likely to remain so during adulthood, which may lead to obesogenic diseases and reduced life expectancy<sup>18</sup>. In an effort to establish appropriate healthy eating habits and reduce the rate of childhood obesity in the local population the Council is seeking to restrict the number of new hot food takeaways within 400 metres of primary and secondary schools as this is the standard distance between bus stops and is considered reasonable walking distance.

**5.1.3** A 2008 report from the Nutrition Policy Unit of London Metropolitan University<sup>19</sup> found that food outlets in close proximity to, and surrounding, schools were an obstacle to secondary school children eating healthily. Takeaways within walking distance of schools are therefore a contributing factor to the rising levels of obesity in the Borough. It is for this reason that the exclusion zone is set at 400 metres from primary and secondary schools.

**5.1.4** Whilst pupils in primary education should not be allowed out of school premises during the school day, research has indicated that the most popular time for purchasing food from shops is after school<sup>20</sup>. Since not all primary school pupils will be accompanied home, applying the exclusion zone around primary schools is deemed appropriate. This will also impact upon the habits of parents.

**5.1.5** Given the extent of the exclusion zone around schools it is deemed unnecessary to implement further buffers around parks, children's centres and leisure centres. The effectiveness and extent of the exclusion zone will be reviewed in monitoring this SPD. This monitoring will take account of any new schools.

**5.1.6** For the purposes of this document, the 400m exclusion zone is established from the asset boundary of each Local Education Authority (LEA) school and the assumed boundary of non-LEA schools. Where any minor gaps within the exclusion zones have emerged these are deemed to have been included within the zones in the interests of the integrity of this document. The definitive maps are available at [www.sthelens.gov.uk](http://www.sthelens.gov.uk)

**5.1.7** In accordance with core strategy policy CSS 1, CAS 2, CAS 3.1, CQL 5 and saved policy RET 4 of the UDP (Hot Food Shops, Restaurants and Cafes) new retail development is expected to be located in Town Centres and the policy seeks to maintain the role of St. Helens Town Centre as the key service area for the Borough. Earlestown performs a secondary town centre function.

**5.1.8** 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 centres.

**5.1.9** Increased numbers of customers around A5 uses, particularly in the late evening when trading activity tends to reach its peak, can lead to problems of disturbance, increased noise and anti-social behaviour.

**5.1.10** Within town centres and other shopping areas, it is important that such cases do not detract from the centre's primary retail function, or result in a loss of shops to the detriment of local residents. Clustering of hot food takeaways can lead to dead frontages during daytime hours

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

**5.1.12** Consequently, to ensure that shopping areas are diverse and balanced, especially in designated centres, applications for hot food takeaways will be assessed for their cumulative impact.

**5.1.13** The defined town centres are those in accordance with the Unitary Development Plan and any changes to those boundaries as a result of the emerging Local Development Framework.

### **Basis for Calculation**

**5.1.14** The percentage is based on the measured frontage in relation to both:

The proportion of non-A1 uses in each identified Primary or Secondary frontage  
 The proportion of non-A1 uses across the entire Primary frontages, secondary frontages or neighbourhood frontages in question

**5.1.15** For Neighbourhood Centres, the percentage calculation is solely based on the proportion of non-A1 uses in the entire shopping area.

## 5.2 SPD Implementation Point 2 – 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 availability of public parking provision in close proximity to the premises, including on-street parking
- The availability of safe and legal loading areas in close proximity
- The implications for the amenity of the surrounding area (particularly if predominantly residential)

## REASONED JUSTIFICATION

**5.2.1** 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 when areas in which they are located are not highly accessible and pedestrian friendly town centre locations and where there is limited parking provision.

**5.2.2** 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.

**5.2.3** 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 quickly pop in and out of takeaway premises, often jeopardising the safety of other road users.

**5.2.4** Short-term parking activity in the vicinity of hot food takeaways can have a negative impact on bus operation and accessibility. Customers may be tempted to park at bus stops and prevent buses from stopping close and parallel to the kerb.

**5.2.5** Insufficient parking facilities in and around hot food takeaways can also have an adverse impact on the amenity of the immediate and surrounding areas. The increased demand for on-street parking, particularly in the evenings and weekends when the demand for on-street parking is at its highest, often inconveniences local residents.

**5.2.6** Proposals located near to traffic-controlled junctions, pedestrian-controlled crossings, bus bays and bus stops are likely to be refused permission.

### 5.3 SPD Implementation Point 3 – Protection of Residential Amenity

Applications for hot food takeaway shops within close proximity to residential units will be refused where it is considered that there may be significant adverse impacts on residential amenity in terms of noise, vibrations, odours, traffic disturbance, litter or hours of operation as a result of the proposed premises.

Applications for hot food takeaways are likely to be refused if the party wall is shared with a dwelling.

If there is a flat above the premises it is unlikely that planning permission will be granted unless the flat is used in relation to the takeaway.

This also applies to applications for the change of use of existing premises to hot food takeaways

### REASONED JUSTIFICATION

**5.3.1** 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.

**5.3.2** Compared against other uses, hot food takeaways can generate unacceptable levels of noise, vibrations, odours, traffic disturbance and litter. 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.

**5.3.3** 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.

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

### 5.4 SPD Implementation Point 4 – 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; and
- Impact on residential amenity

Sites outside designated centres will usually be more restricted.

## REASONED JUSTIFICATION

**5.4.1** 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.

**5.4.2** 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 will often dictate the extent to which limitations may need to be placed on hours of operation for such establishments.

**5.4.3** In order to minimise 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.

### Restrictions on hours of operation

**5.4.4** 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.

**5.4.5** 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.

**5.4.6** In predominantly residential areas, where certain levels of amenity are expected and should be protected, it is not likely that permission will be granted for hot food takeaways.

**5.4.7** 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.

**5.4.8** 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.

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

### 5.5 SPD Implementation Point 5 – Odours and Cooking Smells

Extraction systems should be installed to effectively disperse odours from hot food takeaways.. 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 and neighbouring land uses
- Of a colour, finish and design to blend in with the building to which it is attached, 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.

Where an external flue is proposed on a property in joint ownership or involving a party wall, legal consent of all parties must be demonstrated prior to any development work commencing on site.

## REASONED JUSTIFICATION

**5.5.1** 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. It is the operator's responsibility to maintain this equipment.

**5.5.2** 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.

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

## 5.6 SPD Implementation Point 6 – 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 and change of use hot food takeaway premises must identify adequate and appropriate space on-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.

**REASONED JUSTIFICATION**

**5.6.1** Hot food takeaway shops can generate a significant volume of waste.

**5.6.2** 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.

**5.6.3** 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.

**5.6.4** 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.

**5.6.5** Bin stores should be conveniently located for clear, convenient access for refuse collection services.

**5.7 SPD Implementation Point 7 – Litter**

A planning condition requiring the installation of litterbins on land within the applicants control will be applied to every permission for a hot food takeaway establishment.

It is the proprietor's responsibility to maintain and empty these litterbins on a regular basis and to keep the area in front of the premises clear.

**REASONED JUSTIFICATION**

**5.7.1** 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.

**5.7.2** Often, hot food takeaways tend to generate large amounts of litter in their immediate vicinity and often, further afield, 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 customers drop their litter, they can act to significantly reduce the potential of its occurrence by providing litterbins within their premises.

**5.8 SPD Implementation Point 8 – 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 and Design Advisor when considering applications for hot food takeaways, regardless of their location in the Borough
- Planning permission for any new development or change of use to a hot food takeaway will be subject to considerations of the local context with regard to potential for crime and disorder

Proposals considered to be an unacceptable risk will be refused

## REASONED JUSTIFICATION

**5.8.1** 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*”<sup>21</sup> 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*”.

**5.8.2** 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.

## 6 Monitoring, Implementation and Review

### 6.1 Monitoring

**6.1.1** Preparation of LDF documents is not a once and for all activity. It is essential to check that the SPD is being implemented correctly, that the desired outcomes are being achieved and if not, what corrective action needs to be undertaken.

**6.1.2** This will be done through a regular process of monitoring the success of the SPD and its policies against a set of indicators and targets in the Annual Monitoring Report.

**6.1.3** Such indicators may include:

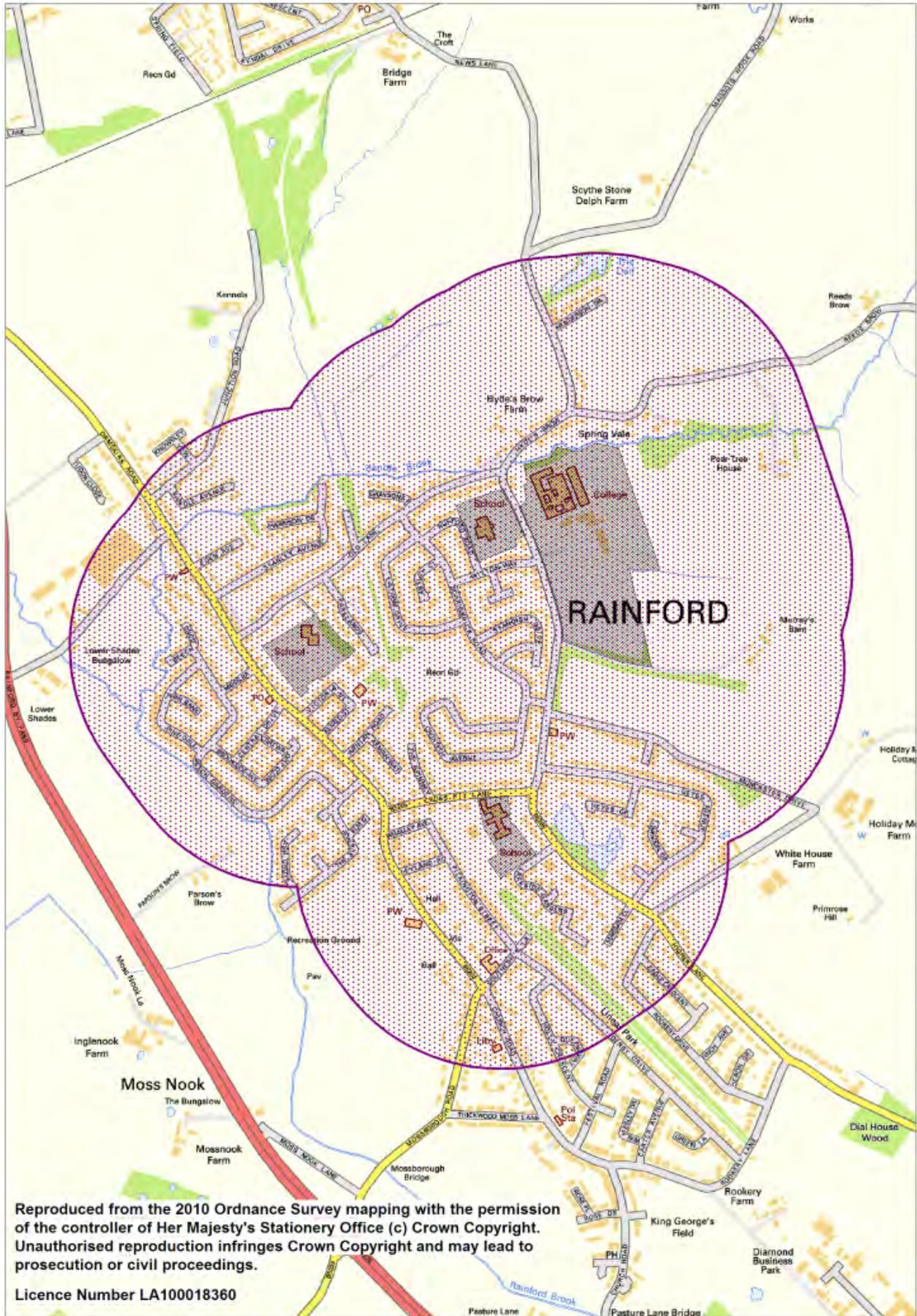
- Number of units in use as hot food takeaways in the town centre
- Success at appeal

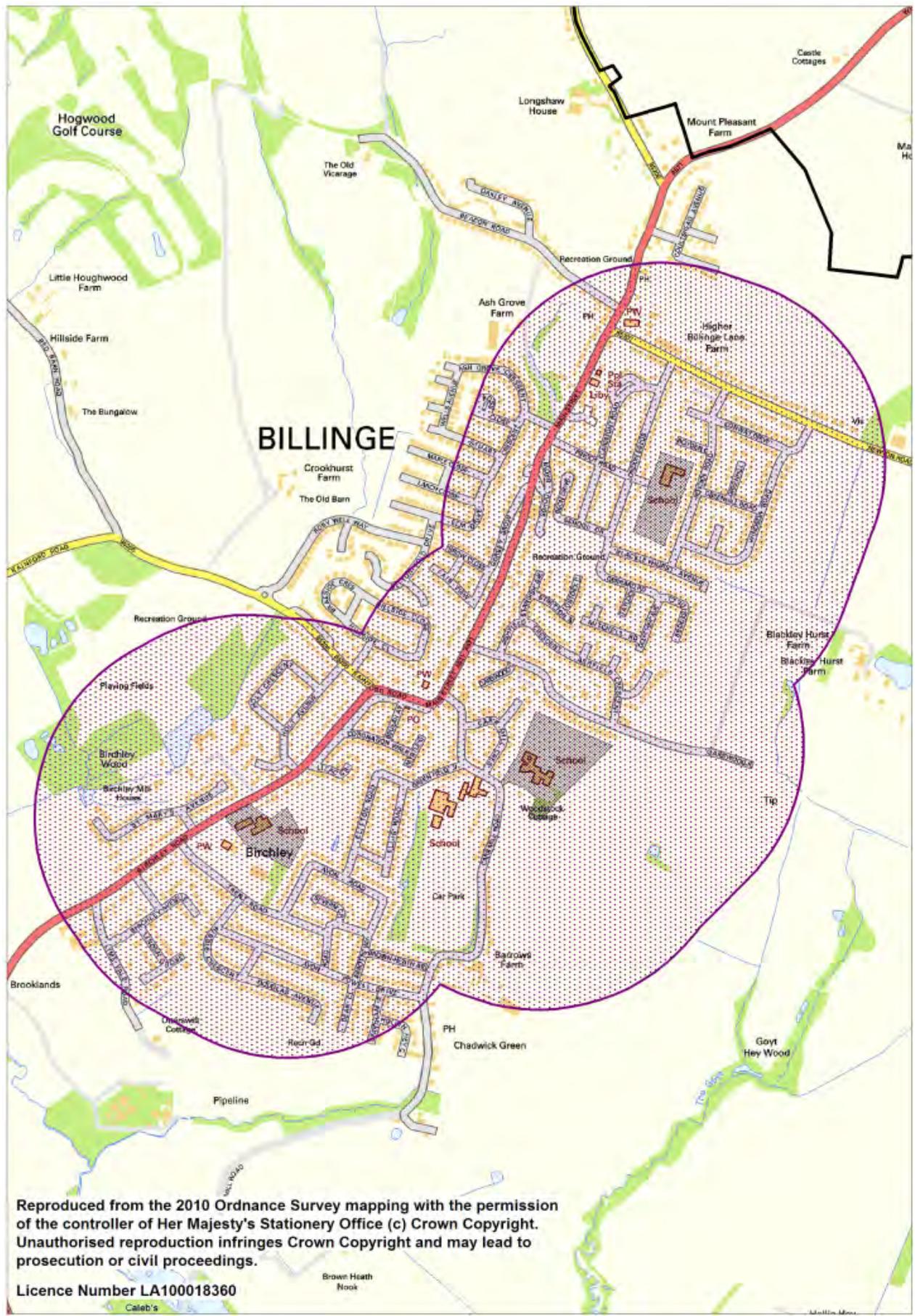
### 6.2 Implementation

**6.2.1** This SPD will primarily be implemented through the development management process and the determination of planning applications. This SPD does not have the same status as the development plan (for the purpose of Section 38 of the Planning and Compulsory Purchase Act 2004) but it will be an important material consideration in determining planning applications.

**6.2.2** The Councils 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.

## Appendix 1: Hot Food Takeaway Exclusion Zones

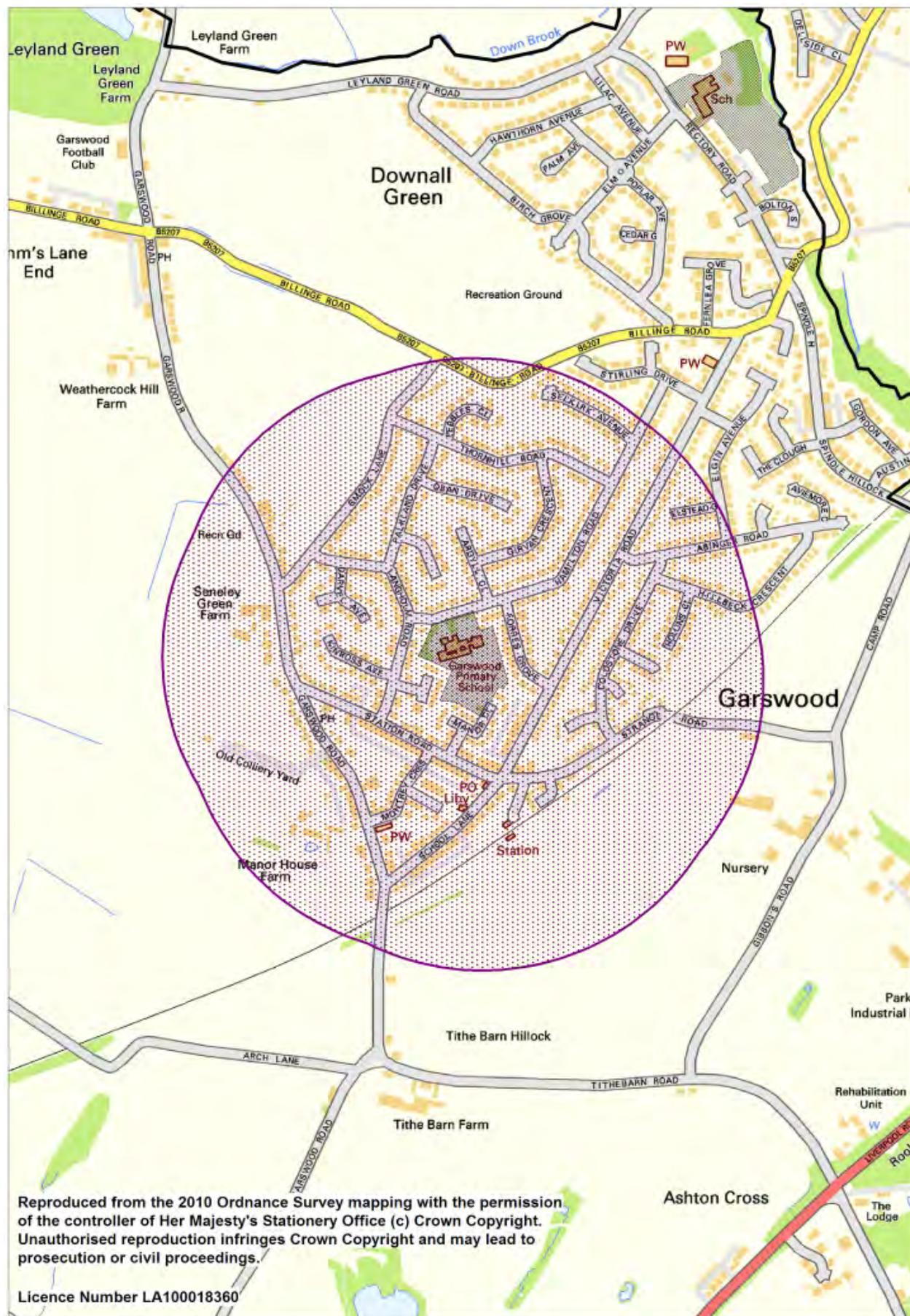




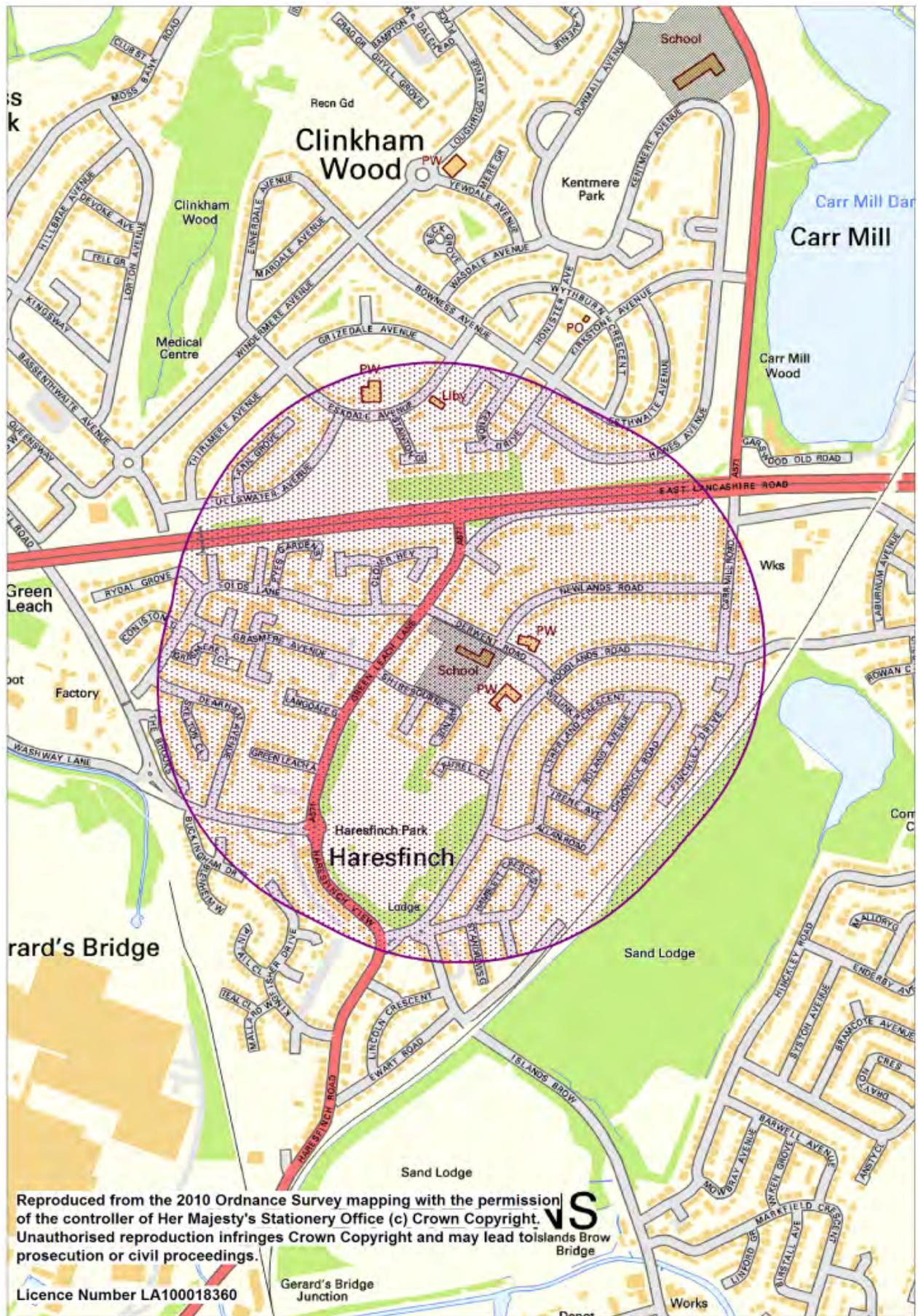


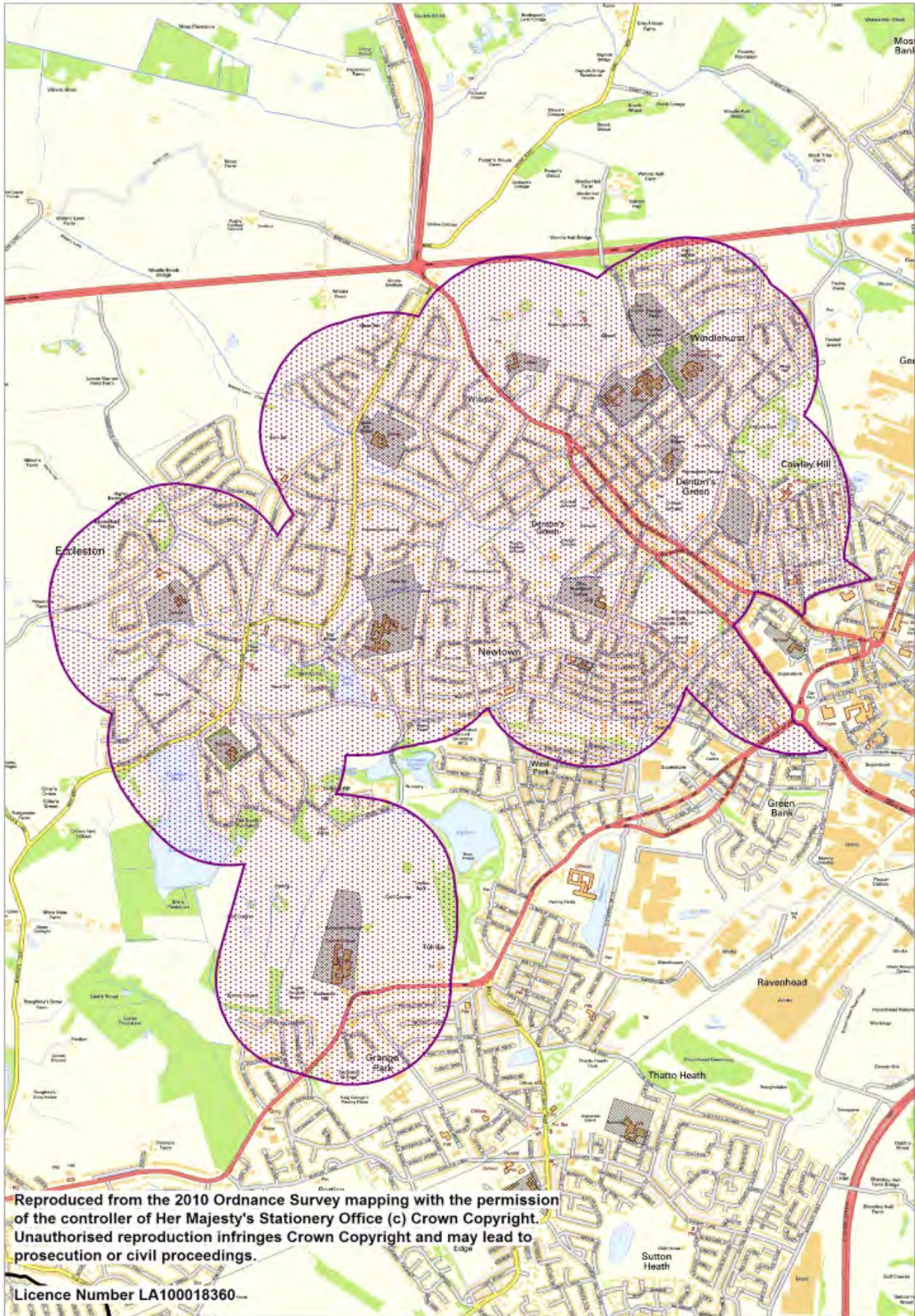
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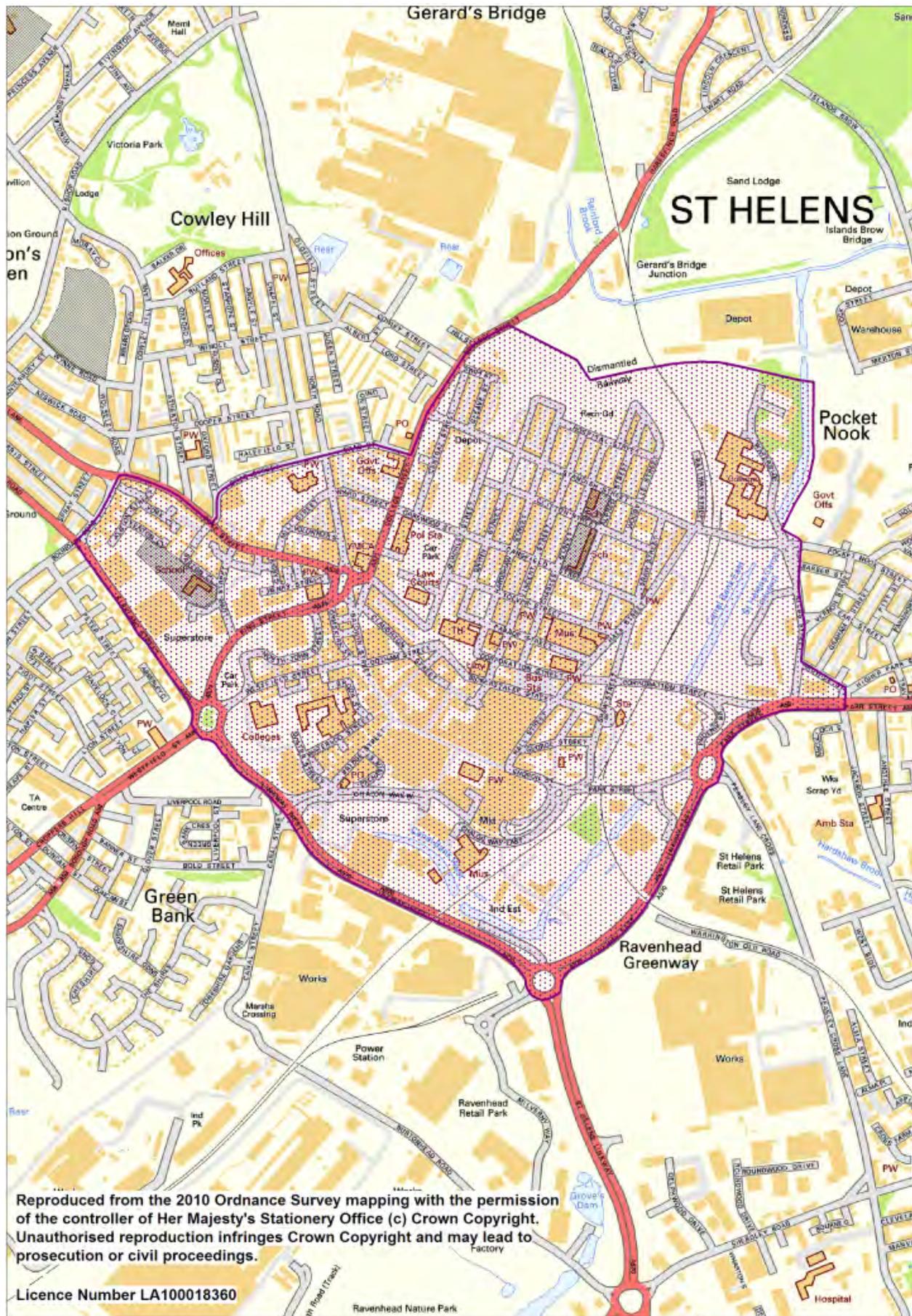
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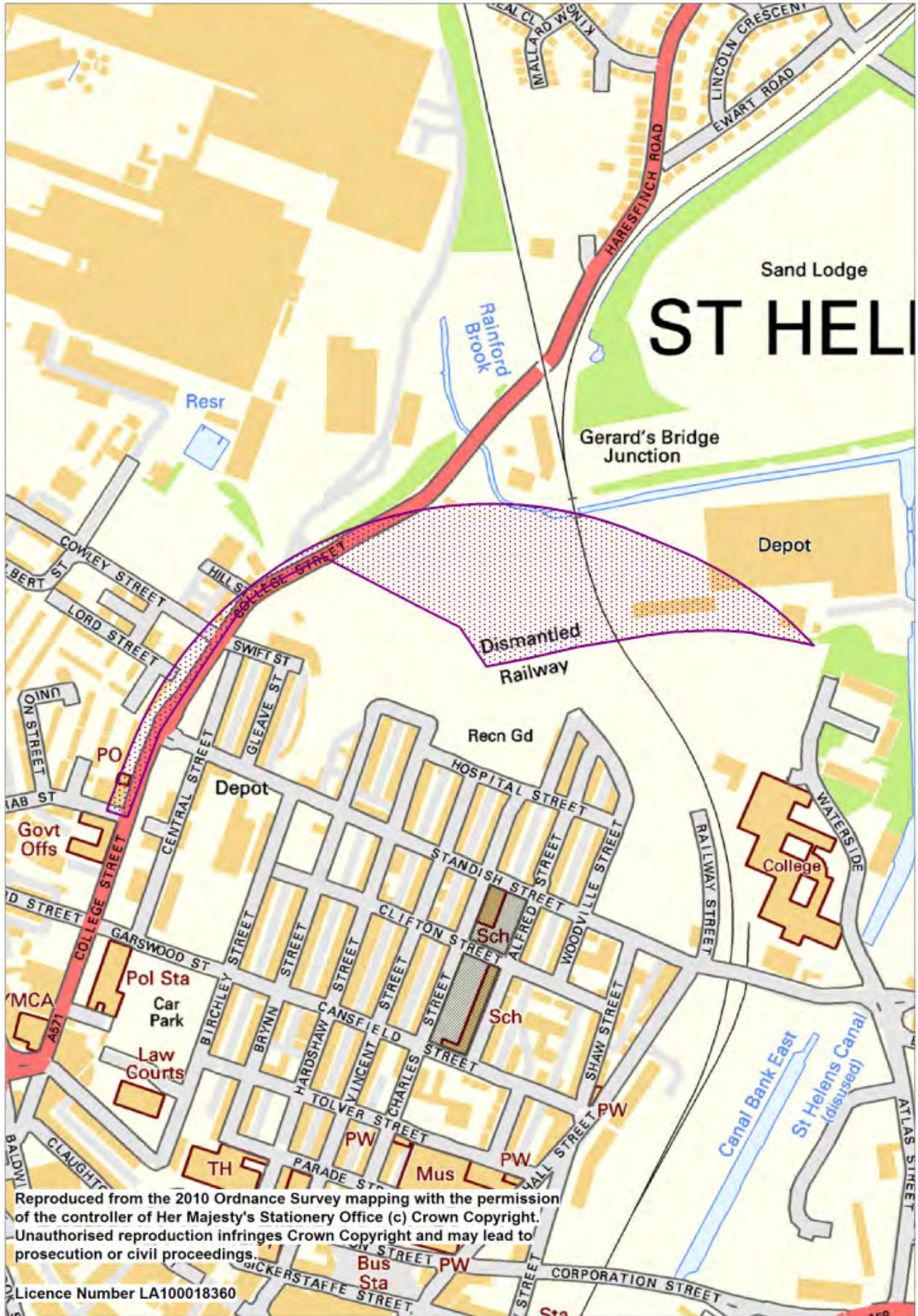


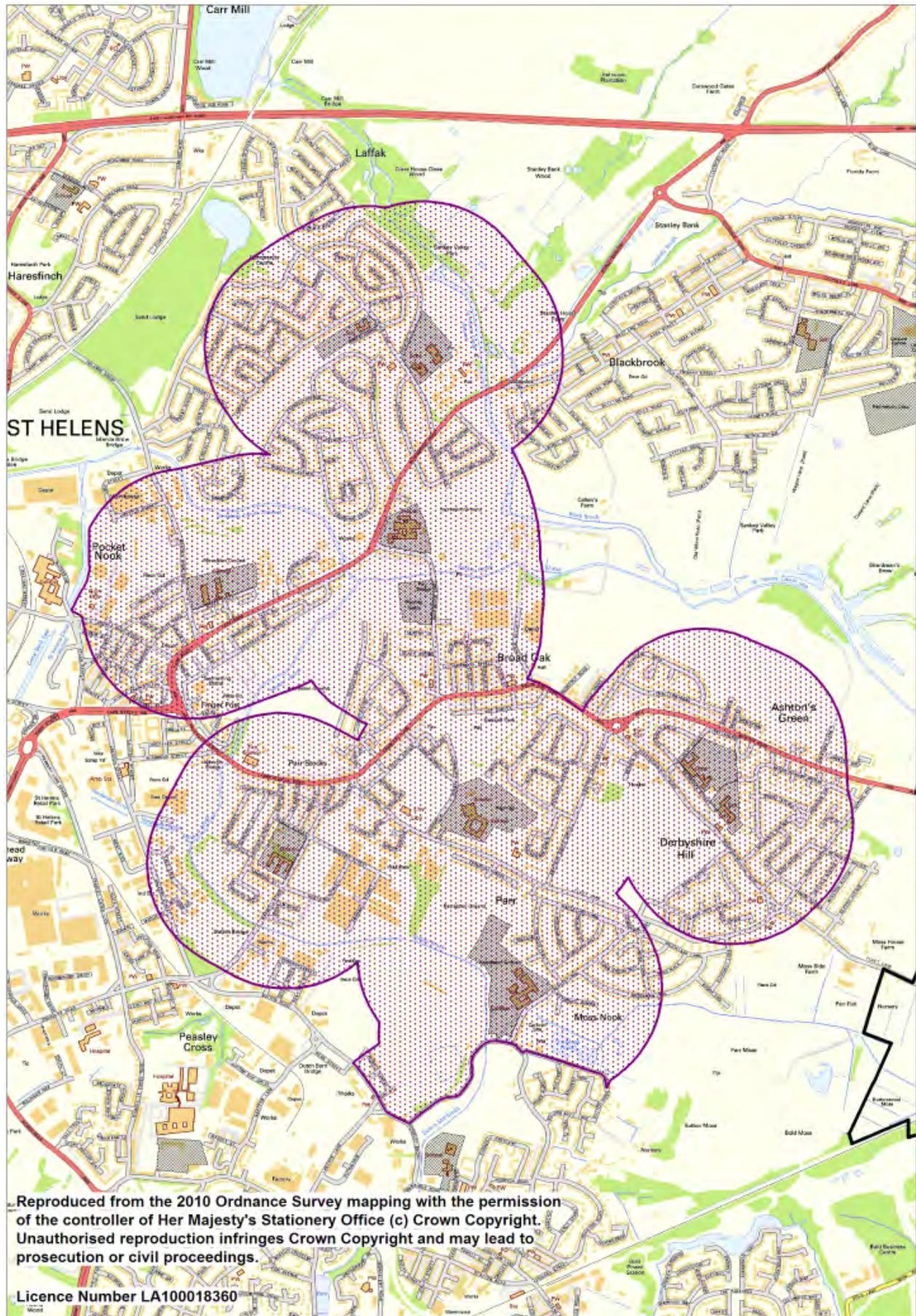


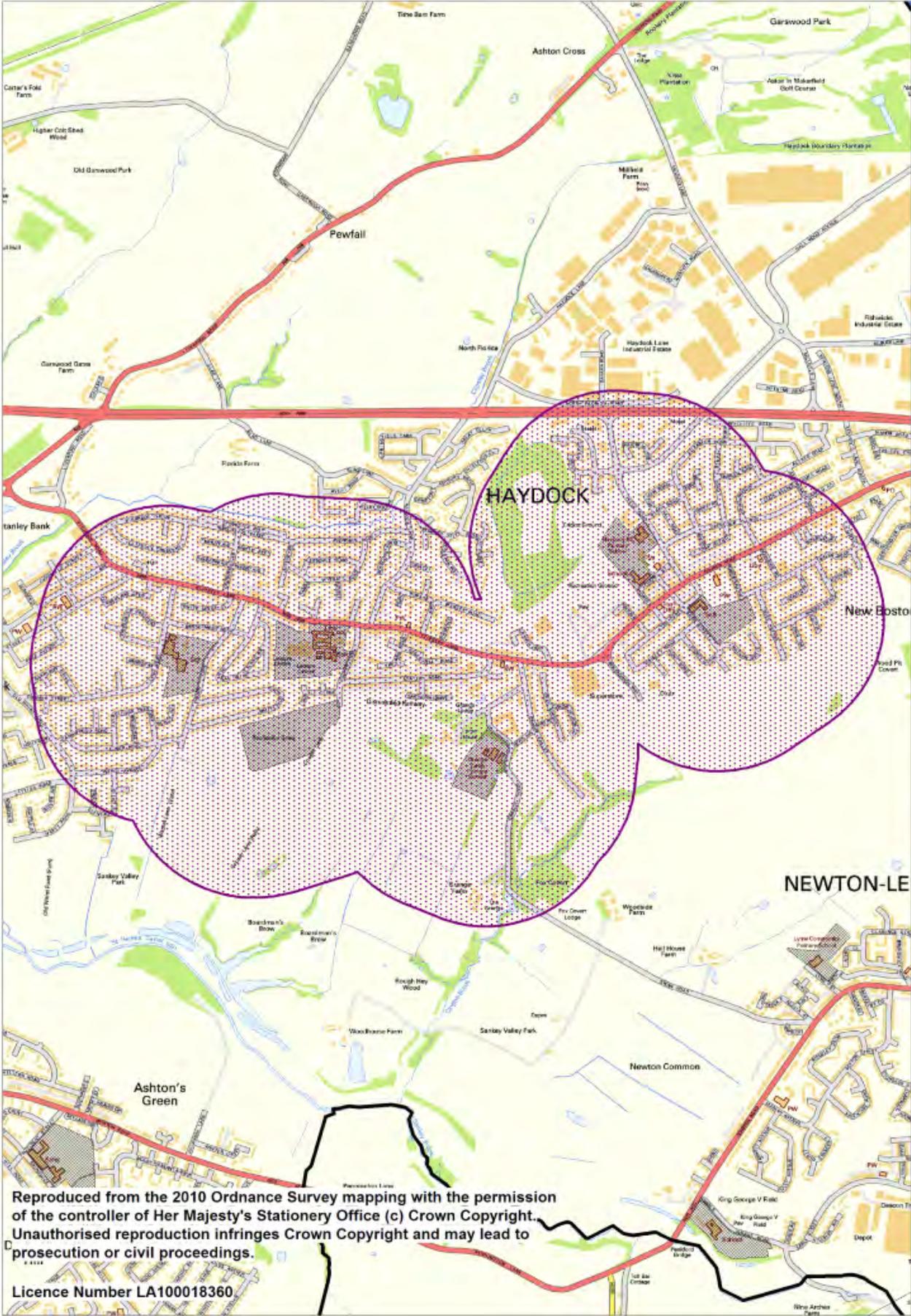


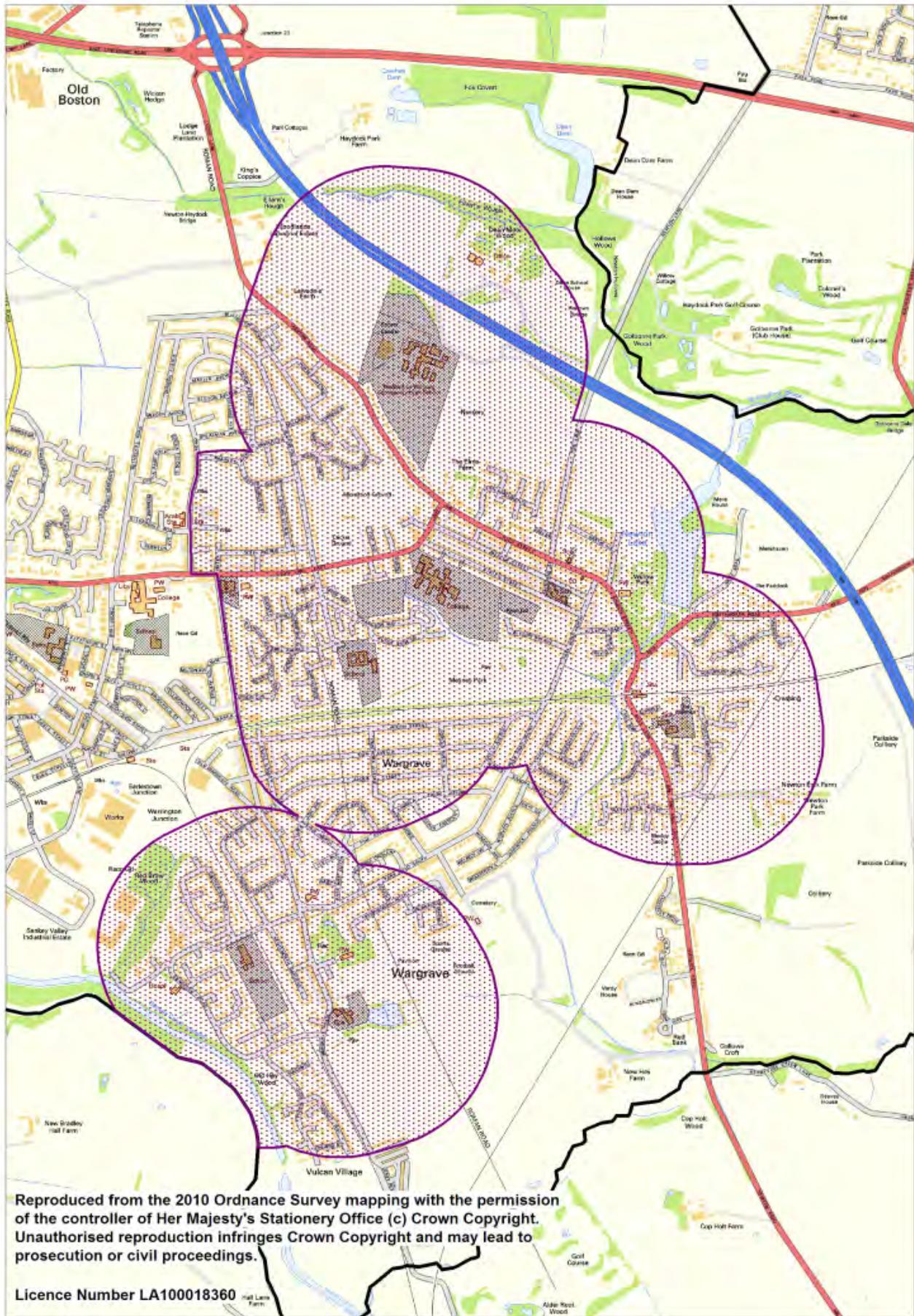


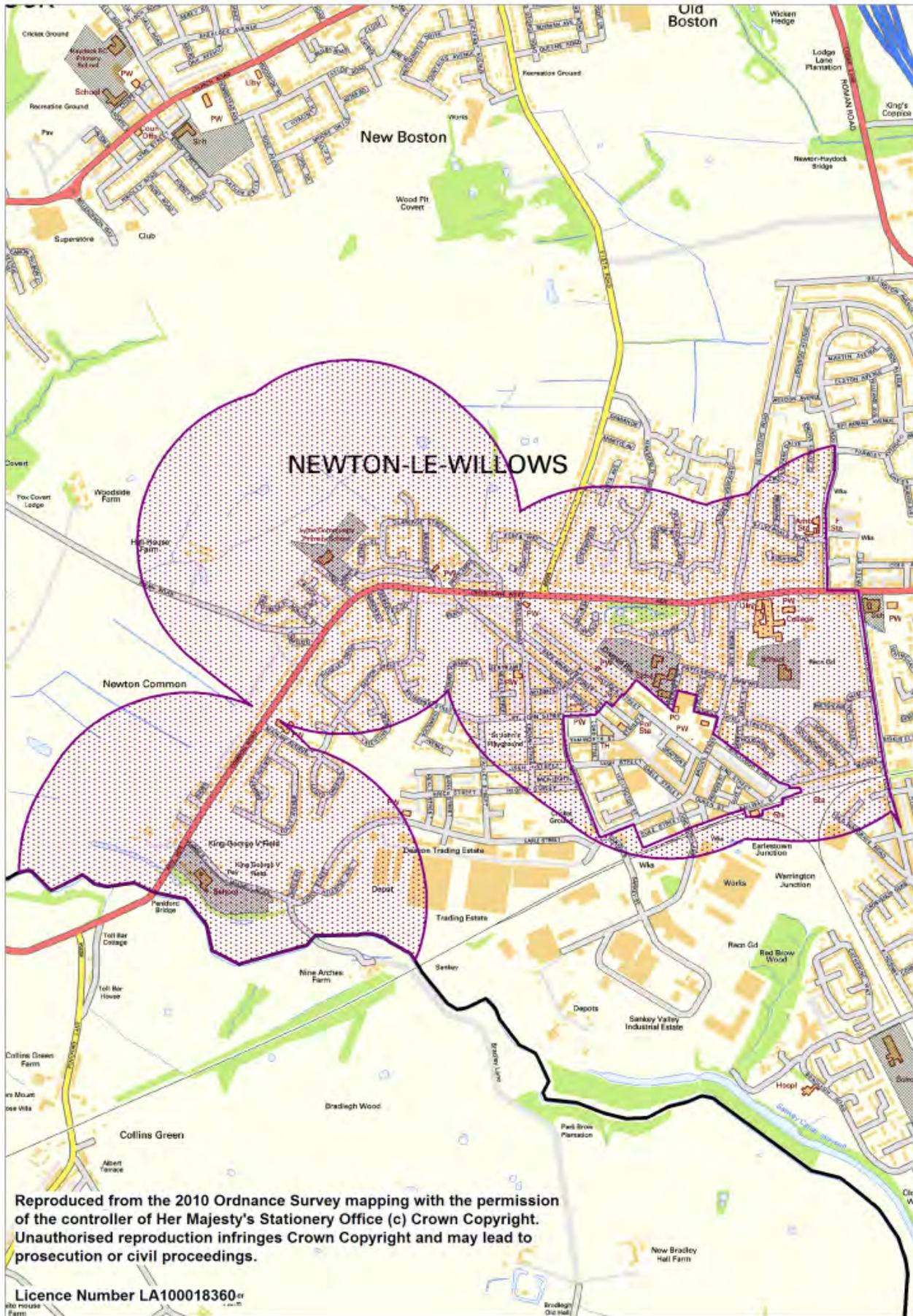




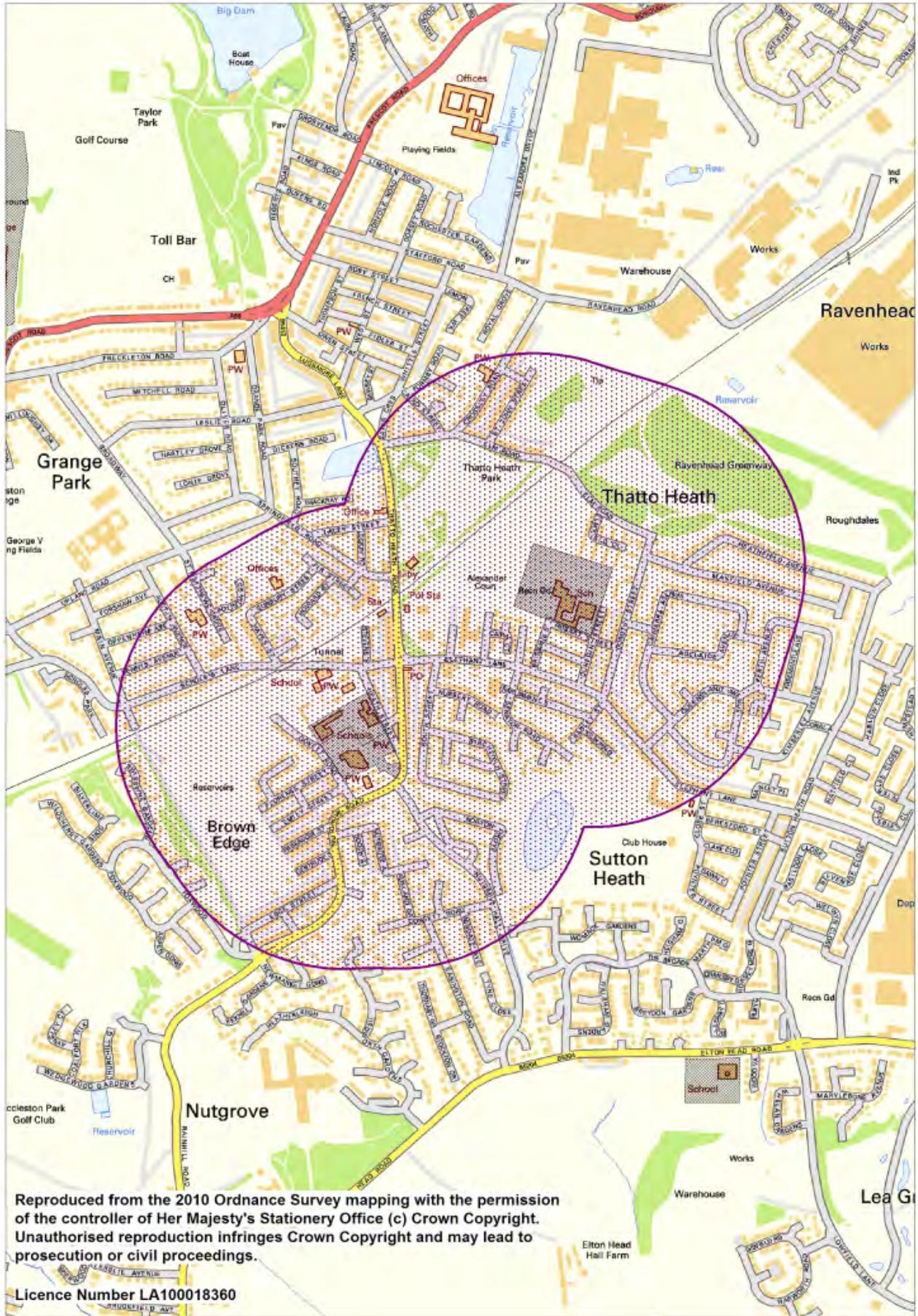


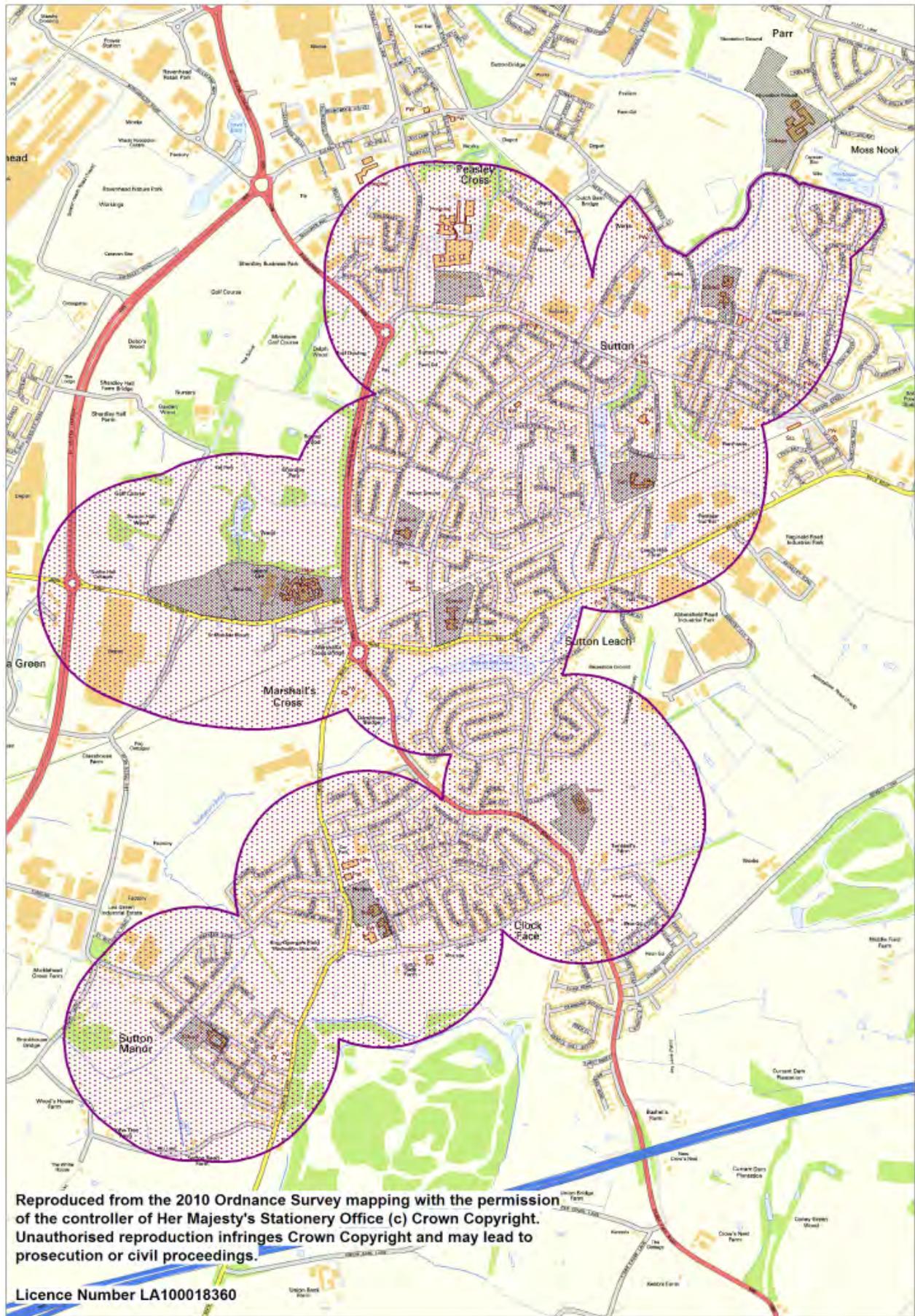


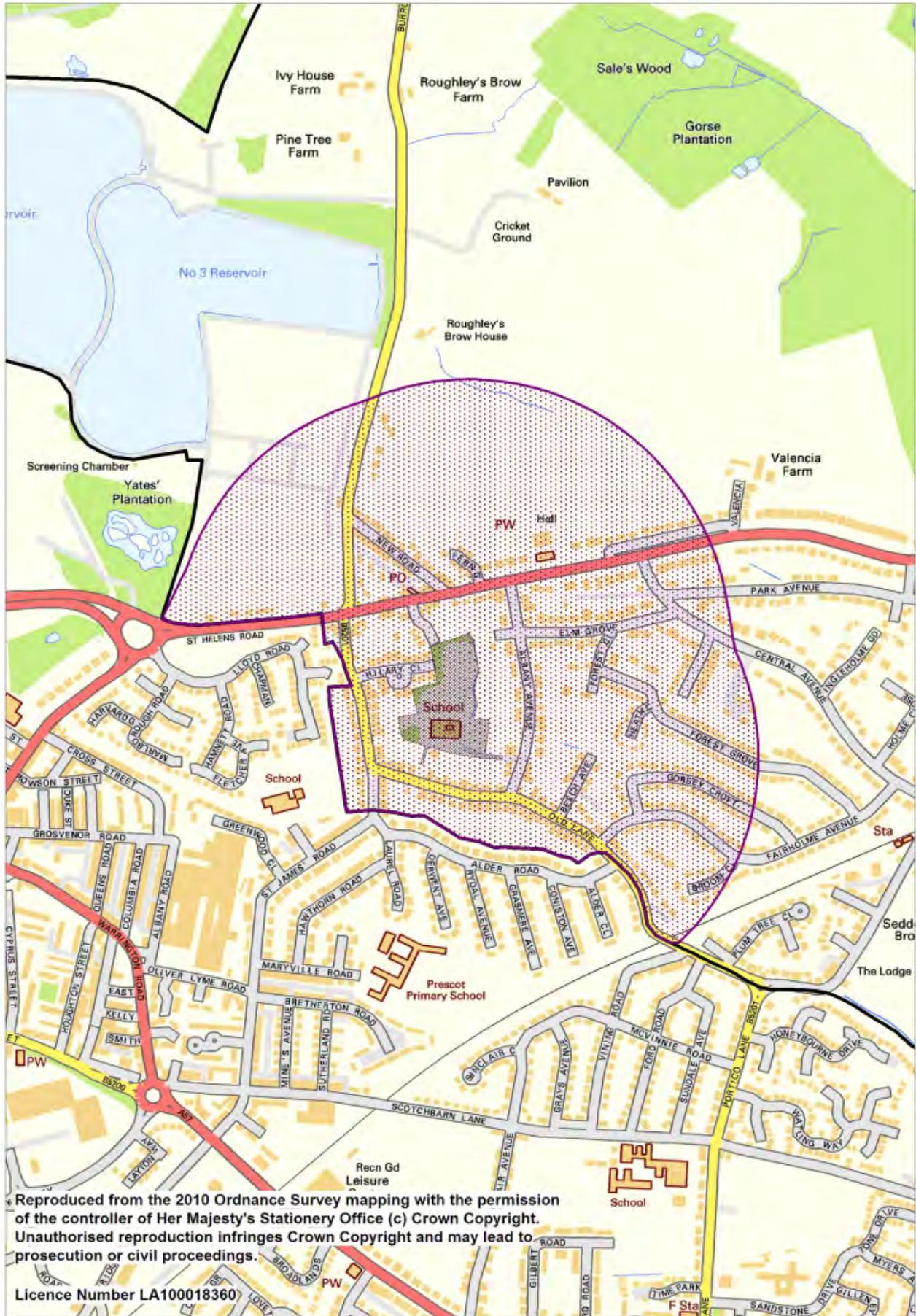


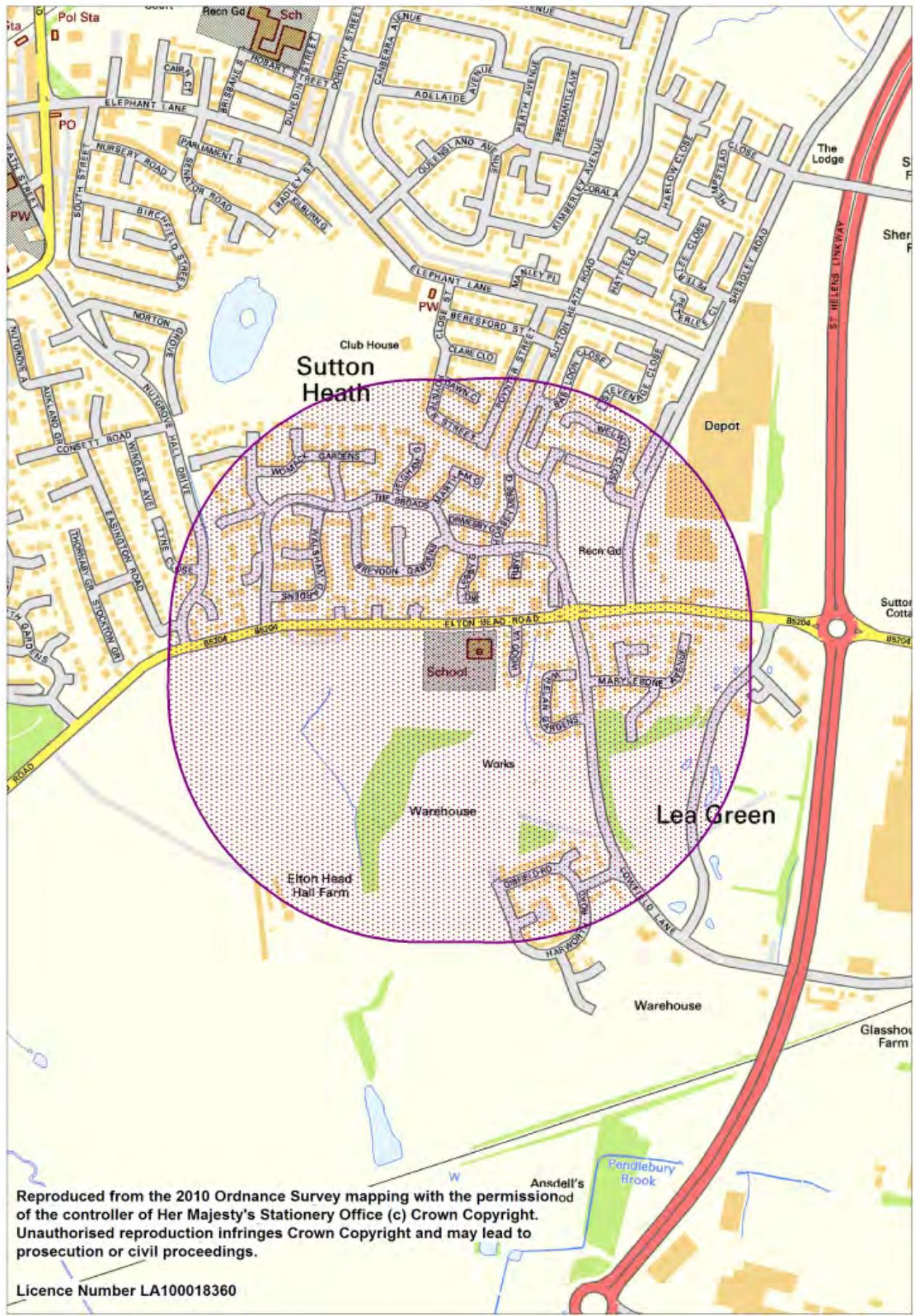


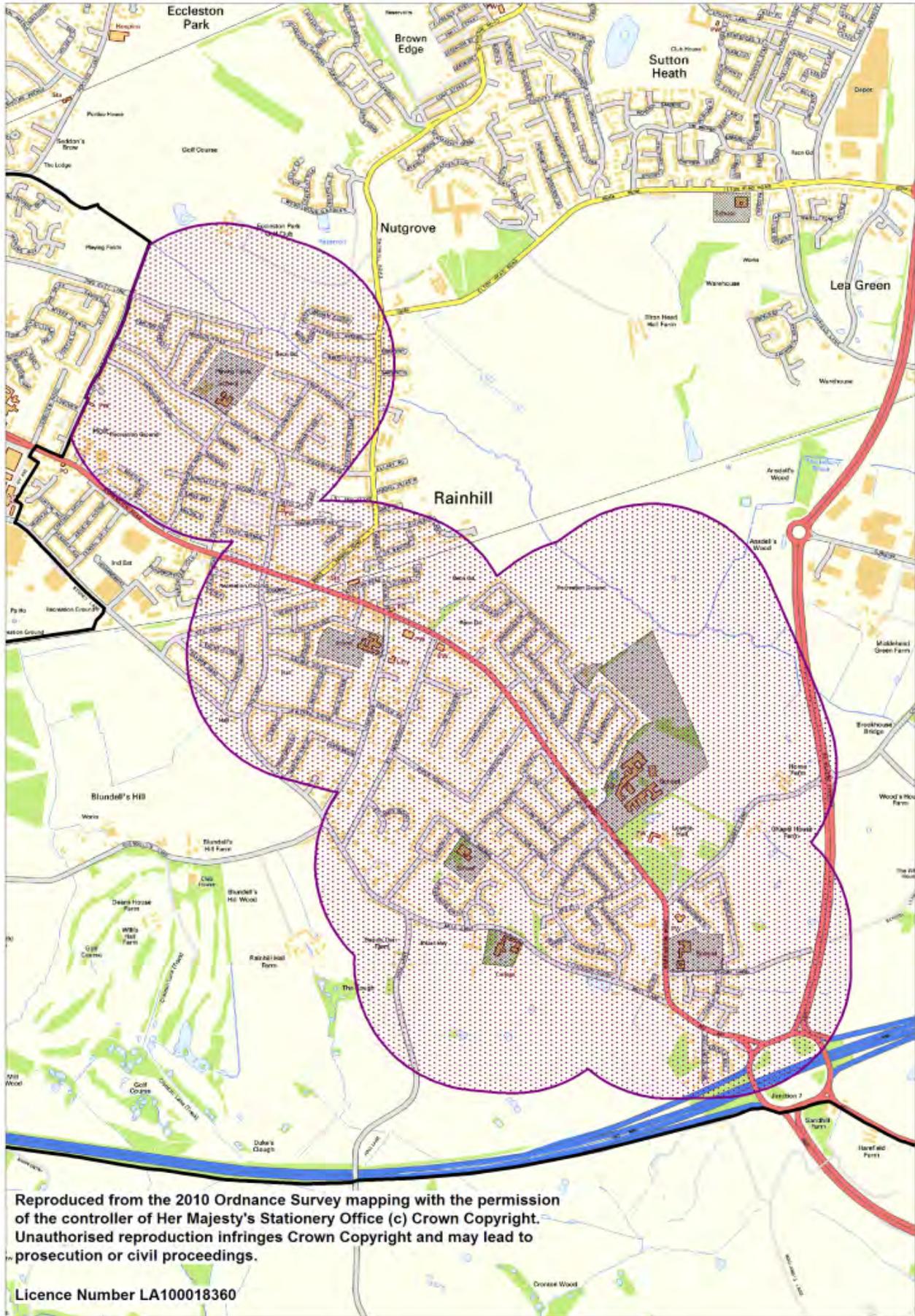












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## Adoption Statement

In accordance with Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2004, St.Helens Council hereby gives notice that the Hot Food Takeaways Supplementary Planning Document (SPD) was adopted on 22nd June 2011.

The Hot Food Takeaways SPD will provide guidance against which planning applications will be assessed in relation to location and operation of hot food establishments.

Copies of the adopted Hot Food Takeaways (June 2011) and a summary of the representations received are available for inspection at Planning Reception, Town Hall, Victoria Square, St.Helens and all local libraries in the Borough during normal opening hours. The adopted Hot Food Takeaways SPD (June 2011) and a summary of the representations can also be viewed and downloaded from the Council's website at [ldf.sthelens.gov.uk](http://ldf.sthelens.gov.uk) or obtained by contacting the Planning Policy Team on 01744 676190.

Any person with sufficient interest in the decision to adopt the Hot Food Takeaways SPD may make an application to the High Court for permission to apply for judicial review of the decision to adopt the document. Any such application must be made promptly and in any event not later than 3 months after the day on which the Hot Food Takeaways SPD was adopted.





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