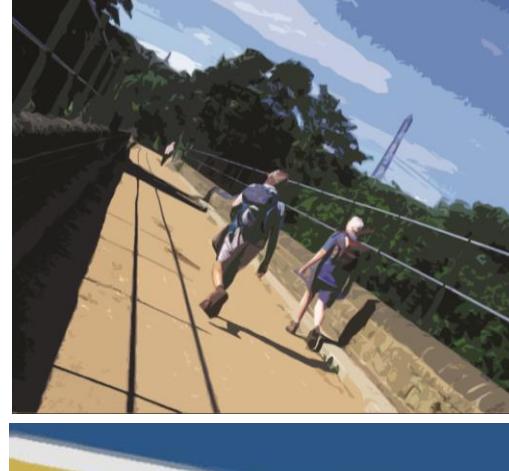


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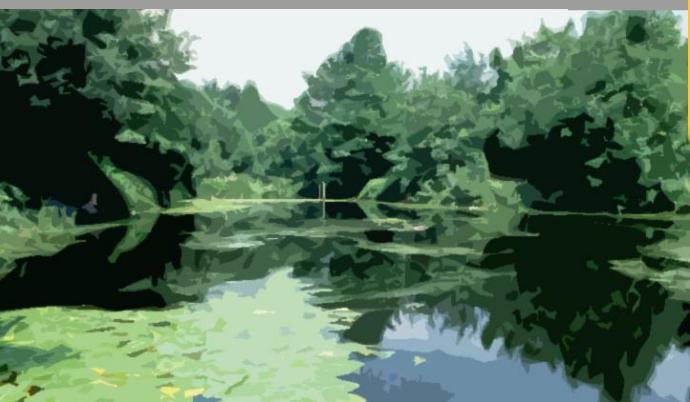
**Bury**  
Council



## Consultation Draft Supplementary Planning Document 19

## Hot Food Takeaways

January 2026



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# 1 Introduction

- 1.1 Good health is one of the key determinants of quality of life. As well as being of great importance in its own right, it also has a significant impact on the ability of people to enjoy the immense range of opportunities across Greater Manchester and to make a positive economic contribution. Today, the planning system has an increasingly important role to play in helping to make towns and cities healthier places to live, work and visit. Health is now embedded as a key theme throughout national and local policy, underpinning many aspects of planning to provide a more sustainable and beneficial future for the health and wellbeing of our population.
- 1.2 This Hot Food Takeaway Supplementary Planning Document (SPD) provides supporting information and guidance on how the Local Planning Authority will assess applications for hot food takeaways where planning permission is required.
- 1.3 This SPD is a material consideration in the determination of a planning application and provides further clarification on how current Council planning policies can be used to protect against a range of adverse impacts created by hot food takeaways.
- 1.4 This document has been drawn up in consultation with the Council's Public Health teams and other interested parties and explains the overall approach to the principle of hot food take away proposals across Bury.
- 1.5 The SPD has been prepared accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the National Planning Policy Framework 2023 and supports Policy JP-P6: Health of the adopted Places for Everyone Plan.
- 1.6 Once adopted, this SPD will be a material consideration in planning decisions. It is intended to expand on existing policies rather than duplicate other planning documents. It should be read in conjunction with the Council's Local Plan to gain an understanding of the Council's priorities, aims and objectives for the Borough. If development proposals do not comply, the SPD may be used as a reason for the refusal of planning permission.

## 2 Policy Context

### National policy and guidance

- 2.1 The National Planning Policy Framework (NPPF) sets out the government's planning policies for England and aims to contribute to the achievement of sustainable development. The NPPF is a material consideration in the determination of planning applications. There are three overarching objectives to sustainable development – economic, social and environmental. The social objective states, "to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being"<sup>1</sup>.
- 2.2 The NPPF states the purpose of the planning system in creating healthy and safe communities. The NPPF focuses on enabling and supporting "healthy lifestyles", especially where local health and wellbeing needs would be addressed - for example through access to "healthier food"<sup>2</sup>.
- 2.3 The NPPF aims to ensure that planning policies protect the vitality and viability of town centre environments and encourages local authorities to create policies that make clear the uses permitted in certain locations<sup>3</sup>. The NPPF states that planning should, amongst other things, promote strong neighbourhood centres and active street frontages<sup>4</sup>. The NPPF also requires planning decisions to consider and support the delivery of local strategies to improve health, social and cultural wellbeing for all sections of the community, in addition to guarding against the unnecessary loss of valued facilities and services.
- 2.4 Paragraph 96<sup>5</sup> of the NPPF promotes social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other, for example through mixed use developments, strong neighbourhood centres, and active street frontages.
- 2.5 Paragraph 96 also states that planning policies and decisions should also enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs, for example access to healthier food. The NPPF aims to support strong, vibrant and healthy communities by creating a high-quality built environment reflecting the community's needs. The core principles encourage planning to be a creative exercise in finding ways to

<sup>1</sup> [National Planning Policy Framework \(2024\)](#), Page 5

<sup>2</sup> [National Planning Policy Framework \(2024\)](#), Page 28

<sup>3</sup> [National Planning Policy Framework \(2024\)](#), Page 26

<sup>4</sup> [National Planning Policy Framework \(2024\)](#), Page 26

<sup>5</sup> [National Planning Policy Framework \(2024\)](#), Page 28

enhance and improve the places in which people live their lives. It emphasises that planning should take account of and support local strategies to improve health, social and cultural wellbeing for all.

2.6 Paragraph 97<sup>6</sup> of the NPPF states that local planning authorities should refuse applications for hot food takeaways and fast-food outlets where they are:

- Within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or
- In locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social behaviour.

## Planning Practice Guidance

2.7 The Government's Planning Practice Guidance (PPG) adds further context to the NPPF. The PPG explains how the planning system can play an important role in creating healthy communities and living environments that can prevent ill health and support the reduction of health inequalities. To achieve this, collaboration and engagement between planners, Public Health teams and other health organisations is firmly encouraged.

2.8 The PPG describes a healthy place<sup>7</sup> as one which supports and promotes healthy behaviours and environments and a reduction in health inequalities for people of all ages. It will provide the community with opportunities to improve their physical and mental health, and support community engagement and wellbeing.

2.9 In terms of hot food takeaways, the guidance states that local planning authorities can have a role by supporting opportunities for communities to access a wide range of healthier food production and consumption choices. Planning policies and supplementary planning documents can, where justified, seek to limit the proliferation of particular uses where evidence demonstrates this is appropriate (and where such uses require planning permission).

2.10 Planning policies and proposals may need to have regard to the following issues:

- proximity to locations where children and young people congregate such as schools, community centres and playgrounds.
- evidence indicating high levels of obesity, deprivation, health inequalities and general poor health in specific locations.
- over-concentration of certain uses within a specified area.
- odours and noise impact.

<sup>6</sup> [National Planning Policy Framework \(2024\)](#), Page 28

<sup>7</sup> PPG - Paragraph: 003 Reference ID:53-003-20191101.

- traffic impact; and
- refuse and litter.

## NHS Fit for the Future: 10-year Plan for England

2.11 The NHS Long Term Plan<sup>8</sup> aims to improve health outcomes and reduce health inequalities by shifting healthcare delivery towards community-based and preventative care, integrating services, and leveraging technology.

2.12 The key contributions of the NHS Long Term Plan to a Healthy System include fast food takeaway restrictions. The NHS Long Term Plan acknowledges the impact of obesity and poor diet on health services. Planning powers can be used to restrict hot food takeaways, especially near schools. Recommendations include updating the NPPF to include public health as a planning consideration and applying the precautionary principle in areas with poor health outcomes.

## Using the Planning System to Promote Healthy Weight Environments

2.13 Public Health England produced the “Using the planning system to promote healthy weight environments” document in February 2020<sup>9</sup>. This guidance supports local authority public health and planning teams to promote healthy weight environments through the powers of the planning system.

2.14 The single most common planning policy adopted to promote, has been the introduction of takeaway food outlet exclusion zones around locations often frequented by children and families<sup>10</sup>. These locations are most often schools but also parks and leisure centres. Exclusion zone buffer sizes are often 400 metres, which has been considered a reasonable 5-minute walk, or 800 metres which is a 10-minute walk. This principle includes primary schools, as those in year 6 may walk to and from school independently in preparation for the transfer to secondary school.

2.15 Additionally, it is recognised the families may use hot food takeaways on the way home from school and the presence of an adult does not necessarily mean hot food takeaway foods will not be purchased and consumed by children.

2.16 It may be appropriate to restrict new hot food takeaway premises just beyond 400m subject to local circumstances, such as:

- childhood obesity levels
- main school routes used by majority of children
- density of existing food retail uses

<sup>8</sup> [NHS England » Fit for the Future: 10 Year Health Plan for England](#)

<sup>9</sup> Public Health England Using the planning system to promote healthy weight environments (2020), pages 13, 14

<sup>10</sup> [Using the planning system to promote healthy weight environments](#)-page 14

# The Use Classes Order

2.17 The Town and Country Planning (Use Classes) Order 1987 (as amended)<sup>11</sup> puts uses of land and buildings into various categories known as 'Use Classes'. In general, planning permission is needed to change from one use class to another.

2.18 New regulations which came into force from 1 September 2020, changed use classes including those relating to food premises such as hot food takeaways. Table 1 below provides an overview of the changes made, in relation to food retail premises only:

**Table 1: Old vs the new Use Classes Order for Food Retail Premises**

Use Class Order before 1 <sup>st</sup> September 2020	Use Class Order from 1 <sup>st</sup> September 2020
A3 Restaurants and Cafes	Class E Commercial, Business and Service
A4 Drinking Establishments	Sui Generis
A5 Hot Food Takeaways	Sui Generis

2.19 According to guidance published by the Office for Health Improvement and Disparities (OHID)<sup>12</sup> , 'Sui generis' is a term used for premises that do not fall within a defined use class, and that cannot, generally, change to any other use, including other "sui generis" uses without obtaining express planning permission. In this way, OHID state that the change of the A5 hot food takeaway use class "allows local authorities to have greater control, through using the planning application process, to prevent the proliferation of hot food takeaways".

2.20 It is acknowledged 'unhealthy food outlets' may encompass a broader range of planning uses than sui generis hot food takeaways alone and could also include restaurants and retail units. The focus of this note and the ensuing policy recommendations are, however, focussed on managing the proliferation of sui generis hot food takeaway uses only.

<sup>11</sup> The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020:

<https://www.legislation.gov.uk/uksi/2020/757/made>

<sup>12</sup> OHID is a successor organisation to Public Health England (PHE). For more details about the role and responsibilities of this body, see: <https://www.gov.uk/government/organisations/office-for-health-improvement-and-disparities/about>

## Places for Everyone

2.21 Places for Everyone (PfE) is a joint plan of nine Greater Manchester districts and was adopted on 21<sup>st</sup> March 2024.

2.22 One of the key aims of PfE is to set out where we will build the new homes we need, where our businesses will locate to sustain and create jobs for our people, what infrastructure is needed to support the development and to protect and enhance our towns, cities and landscapes. to the Plan covers a timeframe up to 2039. It is clear that Greater Manchester and Bury will see considerable population and housing growth over the plan period that will, in turn, lead to increased pressures on infrastructure, such as education.

2.23 PfE recognises key issues related to health, wellbeing and food in the boroughs such as health disparities, sport and recreation, green infrastructure, active travel, design and food production.

2.24 Objective 10 of PfE promotes health and wellbeing of communities and seeks to improve access to healthy food options for all communities.

2.25 PfE **Policy JP-P6: Health** states that to help tackle health inequality new development will be required as far as practicable to:

- A. Maximise its positive contribution to health and wellbeing, whilst avoiding any potential negative impacts of new development.
- B. Support healthy lifestyles, including through the use of active design principles making physical activity an easy, practical and attractive choice; and
- C. Be supported by a Health Impact Assessment for all developments which require to be screened for an Environmental Impact Assessment, and other proposals which, due to their location, nature or proximity to sensitive receptors, are likely to have a notable impact on health and wellbeing.

## Bury's 'Let's Do It!' Strategy

2.26 Bury's Let's Do It Strategy<sup>13</sup> is a ten-year vision and strategy for the Borough. It seeks to build upon a shared sense of local pride and act as a call to arms for progressing the local vision of achieving 'faster economic growth than the national average, with lower than national average levels of deprivation'.

2.27 It is a single strategy for the council, police, health, other public services, the voluntary, community and faith sector and business communities and seeks to give everyone the encouragement and support to play their part, joining

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<sup>13</sup> [Let's Do It! strategy - Bury Council](#)

together the delivery of all public services as one and delivering an ambitious plan for both social and economic infrastructure.

2.28 Bury's Local Plan will play a key role in delivering the vision and aims of the Let's Do It Strategy and, as such, it is important that there is alignment between these two key local strategies

## Bury Joint Strategic Needs Assessment (JSNA)

2.29 The Bury JSNA<sup>14</sup> offers key insights into local health and wellbeing needs. It helps partners make informed decisions to improve public health, reduce inequalities, and plan better services.

2.30 The Joint Strategic Needs Assessment (JSNA) describes the health, social care and wellbeing needs of local communities in Bury. The core aim is to develop local evidence-based priorities for commissioning which will improve the public's health and reduce inequalities. JSNA output, in the form of evidence and the analysis of needs is used to help in determining what actions local authorities, the local Integrated Care Board (ICB) and other partners need to take to meet health and social care needs, and to address the wider determinants that impact on health and wellbeing locally.

## Bury Food Strategy (2020-2025)

2.31 The Bury Food Strategy<sup>15</sup> and Good Food Charter aims to unite with the national and regional approaches to transforming the food system and tailor these to suit our local population, with a focus on collaboration to improve our food environment. The impact of poor diet on health is well known and understood. However, a poor diet also has wide reaching consequences beyond poor health, for example, on children's educational outcomes, on productivity, on the local economy and on the environment and biodiversity, with food waste accounting for almost one third of global emissions.

2.32 The Strategy identifies that in Bury childhood obesity is a significant challenge, and mirrors trends seen nationally. Almost 1 in 10 reception-age children are classified as obese, and this doubles to almost 1 in 5 children classified as obese by the time they reach year 6. The proportion of adults in Bury classified as either being overweight or obese is also very high, with 2 in 3 adults meeting that definition.

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<sup>14</sup> <https://theburydirectory.co.uk/jsna>

<sup>15</sup> <https://theburydirectory.co.uk/services/bury-food-strategy>

- 2.33 In addition, the Strategy also finds a positive correlation between deprivation and the number of takeaways in Bury, with more deprived areas having more takeaways than less deprived areas.
- 2.34 The built environment in which we live, and work influences the choices we make around food. The density of fast-food takeaways in Bury is very high at 165.7 per 100,000 residents. Considering that there is an average of 115.9 hot takeaways in England per 100,000 population, the number of hot food takeaways in Bury is an issue. This type of food is typically more convenient and cheaper than healthier alternatives, and policies need to be considered on how to improve access to healthier food.
- 2.35 As a result, the Action Plan for 2020-2025 sets an aim to promote healthier food environments, through several deliverable actions, including limiting the number of takeaways in the borough.

### 3 Planning and Public Health

- 3.1 Having an unhealthy lifestyle can increase the risk of being overweight or obese. This can increase the chances of having poor health and developing long-term health implications. The risks of developing long term conditions earlier in life and living more years with poor health are increased due to being overweight or obese. In addition to the physical health impacts, obesity is associated with having a lower quality of life, experiences of stigma, social isolation and mental health issues for both children and adults.
- 3.2 Good planning means linking economic, social and environmental matters with the strategies of public agencies and service providers in the aim of creating attractive, safe and accessible places to live. This in turn improves the quality of life and wellbeing of individuals and communities. Developing strong, healthy and vibrant communities is vital to ensuring the well-being of the Borough's population and planning therefore, has a crucial role to play in ensuring health, and health inequalities, are addressed.
- 3.3 The health and well-being of communities must begin with the planning process and it is accepted that if communities and households have access to facilities and services, healthy food outlets, local employment opportunities, alternative transport options and well designed, open public space, they will be happier, healthier and more stable. Local planning policies, and the location of new developments and facilities, should enable people to have a choice of high quality and attractive places to live and allow them to reach the services they need and, for the services they need to reach them.

#### Bury's Health Context

##### Health Inequalities

- 3.4 Bury's population has increased by 5.6% from 188,400 in 2014 to 198,900 in 2024. This is lower than the overall increase for Greater Manchester (10.1%), the Northwest (8.4%) and England (7.8%) over the same period. Nearby areas such as Salford and Manchester have seen their populations increase by around 21.3% and 14.4%, respectively<sup>16</sup>.
- 3.5 In 2021, Bury ranked 97th for total population out of 309 local authority areas in England, which is a fall of one place in a decade. Bury was the 10th most densely populated of the North West's 39 Local Authority Areas in 2021<sup>17</sup>. The

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<sup>16</sup> [Nomis Population Estimates, 2024](#)

<sup>17</sup> [Office for National Statistics, 2021](#)

Borough's population is projected to increase to 197,829 by 2030 and to 203,442 by 2040, an increase of 2.8%<sup>18</sup>.

- 3.6 The Index of Multiple Deprivation for 2025 ranks Bury as the 90<sup>th</sup> most deprived out of 296 local authorities (where 1<sup>st</sup> is the most deprived). In 2019 Bury ranked 95<sup>th</sup> most deprived out of 317, in 2015 Bury ranked 122<sup>nd</sup> most deprived out of 326 and in 2010 Bury ranked 114<sup>th</sup> most deprived out of 326 local authorities.
- 3.7 Bury has 13 Lower Super output Areas (LSOAs) in the 10% most deprived in the country, mostly found in East, Radcliffe, Besses and Moorside areas. Of all the 120 LSOAs in Bury, lower levels of deprivation are more consistently found in Tottington and Bury West wards. Overall, Bury has remained the 8th most deprived of the 10 Greater Manchester districts, where 1<sup>st</sup> is the most deprived<sup>19</sup>.
- 3.8 The Income Deprivation Affecting Children Index (IDACI) measures the proportion of all children aged 0 to 15 living in income deprived families. Bury has seen worsening relative deprivation moving 22 places from rank 119 in 2019 to rank 97 in 2025. Among the 10 Greater Manchester Local Authorities, Bury has seen the largest rise in rankings for Income Deprivation Affecting Children Index (IDACI). Of the 10 most deprived LSOAs for this measure, four are in Bury East.
- 3.9 In the 2021 Census, 46.9% of the population of Bury identified themselves as being in very good health and 5.8% in bad health or very bad health. This is below the national average for very good health, and above the national average for bad or very bad health. Regionally, it is above the average for very good health and below the average for bad or very bad health.
- 3.10 According to the 2021 Census, approximately 8.5% of people in Bury are disabled under the Equality Act where their day-to-day activities are limited. This number decreased from the 2011 Census where it was 10.1% and is below the regional average (9.1%) but above the national average (7.5%)
- 3.11 There is a need to improve the life expectancy of Bury's residents which is currently below the national average, and there is inequality in life expectancy between the most and least deprived areas of the Borough. Bury's life expectancy is 78.1 for males and 82 for females for 2023, which is similar to the North West averages (77.7 and 81.7) but slightly lower than the England averages (79.3 and 83.2)<sup>20</sup>.

<sup>18</sup> [Office for National Statistics, 2025](#)

<sup>19</sup> [GOV.UK English Indices of Deprivation, 2025](#)

<sup>20</sup> [Office for Health Improvement and Disparities, 2025](#)

## Childhood Obesity in Bury

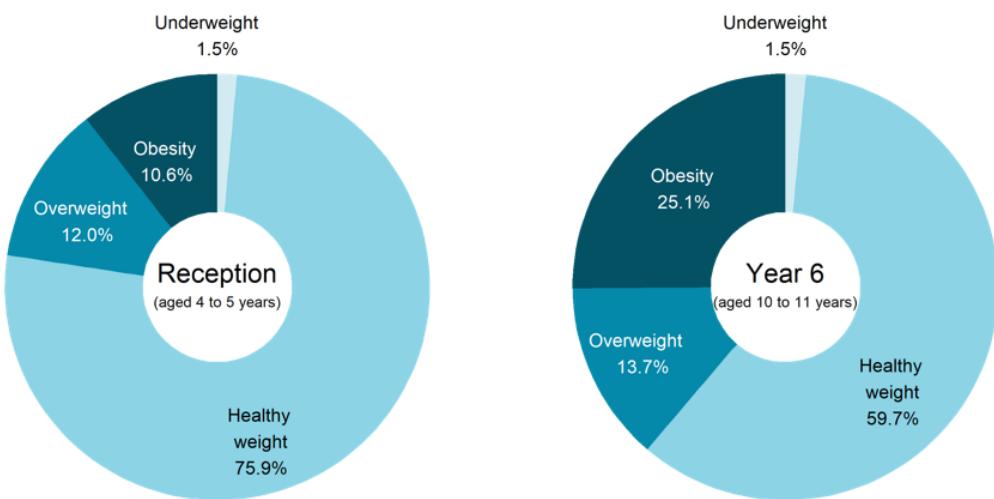
3.12 The latest National Child Measurement Programme (NCMP)<sup>21</sup> for 2024/25 shows an increase in levels of obesity for children in both Reception and Year 6. The levels are similar to the national average for children in Reception but larger than the national average in Year 6.

3.13 In Reception, 10.6% of children in Bury compared to 10.5% of children nationally are obese (including severe obesity). In Year 6, 25.1% of children in Bury compared to 22.2% of children nationally are obese (including severe obesity). Improved access to high quality open spaces can lead to increased participation in sport and physical activity.

3.14 The table below shows the percentage of overweight and obese Reception and Year 6 children in Bury from the NCMP (2024/25) in comparison to the region and England as a whole.

	Reception			Year 6		
	Bury	England	Northwest	Bury	England	Northwest
Underweight	1.5%	1.1%	0.9%	1.5%	1.6%	1.4%
Healthy Weight	75.9%	75.4%	74.1%	59.7%	62.2%	60.6%
Overweight	12.0%	13.0%	13.5%	13.7%	13.9%	14.3%
Overweight (Including obesity)	22.6%	23.5%	25.0%	38.8%	36.2%	38.0%
Obesity (including severe obesity)	10.6%	10.5%	11.5%	25.1%	22.2%	23.6%
Severe obesity	2.7%	2.9%	3.2%	5.7%	5.6%	6.2%

3.15 The below pie charts visualise the percentage by BMI categories in Bury for Reception and Year 6 for 2024-25.



3.16 Bury has seen an increase in the percentage of children in Reception classed as overweight (including obesity), up by 1.5% from 21.1% in 2023/24 to 22.6%

<sup>21</sup> <https://www.nhs.uk/live-well/healthy-weight/national-child-measurement-programme/>

in 2024/25<sup>22</sup>. This mirrors the trend seen nationally, up by 1.4% from 22.1% in 2023/24 to 23.5% in 2024/25.

3.17 Bury has also seen an increase in the percentage of children in Year 6 classed as overweight (including obesity) up by 3.3% from 35.5% in 2023/24 to 38.8% in 2024/25<sup>23</sup>Although Bury has mirrored an increased trend nationally, Bury's increase in the overweight (including obesity) category is much larger at 3.3% compared to an increase of only 0.4% nationally, from 35.8% in 2023/24 to 36.2% in 2024/25. Bury was 0.3% below the national figure in 2023/24 but is now 2.6% above the national average for 2024/25.

### Links between Childhood Obesity and Deprivation

3.18 In Bury, prevalence of obesity (including severe obesity) for the 5-year period 2020/21 to 2024/25 combined showed 10.9% of Reception children living in the most deprived quintile were classed as obese, 9.5% in both the second most and the average deprived quintiles, 9.3% in the second least deprived quintile and 6.5% in the least deprived quintile. This indicates a trend of increasing levels of obesity in Reception children as deprivation increases. This is consistent with the previous time period, when levels of obesity also increased with levels of deprivation. It is also consistent with the trend seen nationally as levels of obesity increase as deprivation increases<sup>24</sup>.

3.19 For Children in Year 6, the prevalence of obesity (including severe obesity) for the 5-year period 2020/21 to 2024/25 combined showed 28.7% of Year 6 children living in the most deprived quintile were classed as obese, 26.5% in the second most deprived quintile, 23.0% in the average deprived quintile, 19.3% in the second least deprived quintile and 16.2% in the least deprived quintile. This again highlights a trend of increasing levels of obesity in Year 6 children as levels of deprivation increase, consistent with the trend in the previous time. This is also consistent with the trend seen nationally, where levels of obesity are higher amongst higher levels of deprivation<sup>25</sup>.

### Adult Obesity in Bury

3.20 In 2023/24, 65.3% of adults in Bury were overweight or obese, similar to the figure for England of 64.5%. Although this is a decrease of 1.9% from 2022/23, the rate in Bury has increased over recent years from 59.6% in 2018/19. Bury has lower levels of overweight and obesity than the North West average for 2023/24 (66.7%).

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<sup>22</sup> [Obesity, physical activity and nutrition - Data | Fingertips | Department of Health and Social Care](#)

<sup>23</sup> [Obesity, physical activity and nutrition - Data | Fingertips | Department of Health and Social Care](#)

<sup>24</sup> [Obesity, physical activity and nutrition - Data | Fingertips | Department of Health and Social Care](#)

<sup>25</sup> [Obesity, physical activity and nutrition - Data | Fingertips | Department of Health and Social Care](#)

- 3.21 High takeaway outlet density is strongly associated with increased fast-food consumption and higher adult obesity prevalence, which in turn elevates risks for diabetes, cardiovascular disease, and liver disease<sup>26</sup>.
- 3.22 In England, adults who are obese are 5 times more likely to develop type 2 diabetes<sup>27</sup> than adults of a healthy weight, with 90% of adults with type 2 diabetes currently classed as being either overweight or obese. In Bury, in 2023/24, 8% of adults have a prevalence of type 2 diabetes with recent trends showing an increase.
- 3.23 Obesity is a major risk factor for non-alcoholic fatty liver disease (NAFLD) and can exacerbate alcohol-related liver damage. Public Health England evidence shows that areas with dense takeaway outlets have higher obesity prevalence, which correlates with increased liver disease mortality under the age of 75. In Bury in 2024, the mortality rate from Liver Disease for those under the age of 75 has been highlighted as a concern with 42 deaths with obesity as a contributing factor<sup>28</sup>.

### Links between Deprivation and Fast-Food Outlets

- 3.24 As well as the link between deprivation and obesity, research has also established a link between levels of deprivation and the proliferation of fast-food outlets. Greater exposure to hot food takeaways is linked to increased consumption of energy-dense, nutrient-poor foods, contributing to higher rates of overweight and obesity among children, as confirmed by the National Child Measurement Programme and multiple UK studies<sup>29</sup>.
- 3.25 High densities of hot food takeaways can also contribute to an obesogenic environment that discourages active lifestyles. Evidence shows that areas with greater fast-food availability often have lower walkability and fewer green spaces, while promoting sedentary behaviours through convenience-based eating. This correlates with reduced physical activity levels and higher inactivity rates, which amplify risks of obesity and chronic disease<sup>30</sup>.
- 3.26 Fast food outlets represent a popular, cheap convenient service. They provide an important complementary use in our main and local centres; can attract trade and provide local jobs. Nevertheless, it is also recognised that many of our streets can become saturated with fast food outlets, selling food such as chips, burgers, kebabs, fried chicken and pizza. The sheer density of these outlets may make it easier for us to consume too much, too often – and the fact

<sup>26</sup> NICE Obesity Guidance, 2015

<sup>27</sup> Type 2 diabetes accounts for at least 90% of all cases of diabetes. It occurs when the body either stops producing enough insulin for its needs or becomes resistant to the effect of insulin produced. The condition is progressive requiring lifestyle management (diet and exercise) at all stages. Over time most people with type 2 diabetes will require oral drugs and or insulin

<sup>28</sup> <https://theburydirectory.co.uk/jspa>

<sup>29</sup> Public Health England, 2020.

<sup>30</sup> Public Health England, 2021; NICE Physical Activity Guidance, 2018.

that most outlets have no or limited nutrition information in store can make informed choices difficult.

3.27 In seeking to tackle obesity, reducing easy access to calorie-dense food is an important aim. Whilst modifying the environment to ensure less reliance on the private car can help in ensuring we all live more active lifestyles, many areas of the country, particularly those with high levels of deprivation, are often further disadvantaged by an 'obesogenic environment', in particular from an over-prevalence of fast-food outlets.

# 4 What is a Hot Food Takeaway?

4.1 The Town and Country Planning (Use Classes) Order 1987 (as amended)<sup>31</sup> draws a distinction between a shop (including sandwich shops), a restaurant or café which are in Use Class E and a hot food takeaway. Establishments whose primary business is the sale of hot food where the consumption is mostly undertaken off the premises is Sui Generis (in a class of its own).

4.2 The proposed layouts of such premises provide a clear guide as to whether the use of the premises will fall into the A3 (restaurant) or the Sui Generis (hot food takeaway) Use Class.

4.3 In deciding whether an application is for a hot food takeaway, consideration will be given to the proportion of space designated for hot food preparation. Restaurants and cafes often have an ancillary takeaway element, and hot food takeaways can have ancillary eat-in facilities.

4.4 Where the hot food takeaway element of a proposal is equal to or larger than the non-hot food takeaway element the guidance in this SPD will apply to that proposal. To determine the nature of a proposal the operation of the premises will be considered, particularly:

- The proportion of space designated for food preparation and other servicing in relation to designated customer circulation space.
- The number of tables and chairs to be provided for customer use.
- The hours of opening; and
- The percentage of the hot food takeaway use to the overall turnover of the business.

4.5 The applicant will be expected to provide detailed floor plans to demonstrate the above and that the proposed use will be the primary business activity. For clarity, the table below sets out examples of uses which are considered to be hot food takeaways, and those which are not. This list is not exhaustive:

Examples of Hot Food Takeaways	Examples of other uses
Fish and Chip Shops	Restaurants/Snack Bars/Cafes
Pizza Takeaway	Sandwich/Deli Shops
Chinese/Thai Takeaway	Bakeries
Indian Takeaway	Coffee Shops
Burger Takeaway	Public Houses/Wine Bars
Fast Food Drive Through	Ice Cream Shops/Parlours
Chicken/Southern Fried Chicken Shops	Night Club
Kebab Takeaway	Shisha Bar

<sup>31</sup> The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020: <https://www.legislation.gov.uk/uksi/2020/757/made>

# 5 Guidance

## Is planning permission required?

- 5.1 This SPD sets out the principles that apply to hot food takeaways (as defined in Section 4) where planning permission is required, for example, new hot food takeaways or applications for a variation of opening times (Section 73 application).
- 5.2 Planning permission is required to build a new premises for a hot food takeaway (Sui Generis use). 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. Permission is also needed to convert a Class E commercial property to a hot food takeaway.
- 5.3 Where a property currently has permission for use as a hot food takeaway, planning permission is not 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.
- 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. External shutters and grilles also usually require planning permission. Separate advertisement consent is sometimes required 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.

## Planning application considerations

### Hot Food Takeaway Planning Matrix

- 5.5 The Council wants to take a balanced and fair approach to supporting local business and economic growth whilst also taking steps to ensure our environments support the health and wellbeing of our residents.
- 5.6 Therefore, to reflect the complexities of the obesogenic environment, the Council has developed a tool which will support the decision-making process for hot food takeaway proposals.
- 5.7 The matrix will inform any decision on proposals for new hot food takeaways based on their proximity to secondary schools within the Lower Super Output Area (LSOA) that it is located within. The Matrix will also consider obesity levels

in primary school Year Six pupils within the LSOA and if there are five or more existing hot food takeaways within the LSOA.

5.8 **Proposals for all new hot food takeaways will be assessed against the Matrix and proposals that are not accepted by the Matrix will be refused, unless other material considerations indicate otherwise.**

### Proximity to Schools

5.9 Reducing children's exposure to foods contributing towards obesity such as those sold in hot food takeaways can reduce access to food and drink that is high in fat, salt and sugar.

5.10 A specific issue has been identified with teenagers leaving secondary schools at lunchtimes to access hot food takeaways. Children in primary school do not normally leave school premises during school hours but research indicates that the most popular time for purchasing food from shops is after school<sup>32</sup>.

5.11 Whilst hot food takeaways within easy walking distance of schools can provide an attractive and affordable food option for pupils. The aim of this guidance is to ensure that during times when children are making food choices, such as lunchtime and after school, the environment and availability of hot food takeaways is not encouraging unhealthy choices.

5.12 In an effort to establish appropriate healthy eating habits and reduce the rate of childhood obesity in the local population the Council considers it appropriate to restrict the establishment of new hot food takeaways around secondary schools. **Therefore, planning permission will not be granted for new hot food takeaways which are located within a 400m radius of secondary schools.**

5.13 It is not considered appropriate, at this time, to restrict hot food takeaways around primary schools as there is no comparable evidence to suggest that the location of hot food takeaways acts as an obstacle to primary school children eating healthily. It is thought that the majority of primary school children are not permitted out of the school grounds during the school day, and that they are more likely to be accompanied by an adult on their way to and from school.

5.14 A detailed map showing the 400m restrictive zones around secondary schools can be found within Appendix 1. This map is to be used by potential applicants and those involved in the determination of planning applications to ascertain whether a premises falls within a 400m zone.

5.15 The schools shown in the mapping do not constitute a definitive list. School locations may change over time, and this guidance will be updated to

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<sup>32</sup> 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

accommodate such changes. Where a school is opened or relocated, its new location will automatically have an exclusion zone because of this guidance.

5.16 A school that is outside of Bury's Local Authority boundary but is within 400m of the Bury boundary will be considered as having a 400m exclusion zone from its nearest site boundary point to a proposed hot food takeaway site within the Bury local authority area.

### Locations where there are high levels of obesity

5.17 As set out in Chapter 3, childhood overweight and obesity rates in Bury remain significantly above national averages, with NCMP data showing that more than 25% of children in some Lower Super Output Areas are affected. These figures have risen in recent years, alongside an increase in hot food takeaway outlets and evidence demonstrates a clear association between the density of hot food takeaways and unhealthy weight outcomes, particularly in deprived communities.

5.18 In assessing planning applications for new hot food takeaways, consideration will be given to levels of excess weight of 10-11 year old pupils (primary school year six pupils). **In Lower Super Output Areas<sup>33</sup> where obesity levels in primary school Year Six pupils are more than 25% and there are more than 5 existing hot food takeaways within that ward, planning permission will not be granted on the grounds that it would be harmful to public health.**

5.19 Applying a more than 25% Year Six obesity threshold ensures that restrictions target areas with the greatest health need, supporting local and national public health objectives to reduce obesity, improve diet, and promote healthier environments. This approach aligns with NPPF guidance and reflects Bury's commitment to tackling health inequalities through spatial planning.

### Over-proliferation

5.20 An over-proliferation of hot food takeaway uses situated within close proximity may result in harmful impacts on residential amenity, as well as displace other uses and reduce options for healthier food choices. This could lead to negative outcomes on the vitality and viability of a centre or parade.

5.21 Increased numbers of customers congregating around hot food takeaways, particularly in the evenings, can also lead to problems of increased noise, disturbance and crime levels, fear of crime or anti-social behaviour. These impacts can be intensified where hot food takeaway uses are clustered together.

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<sup>33</sup> Lower layer Super Output Areas (LSOAs) comprise between 400 and 1,200 households and have a usually resident population between 1,000 and 3,000 persons (ONS, 2025).

5.22 Therefore, when considering whether the cumulative impact of introducing a new hot food takeaway would be detrimental to public health regard will be had to:

- the number of existing hot food take 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; and
- any known unresolved amenity, traffic or safety issues arising from existing uses in the area.

5.23 In order to avoid clustering, **there should be no more than two consecutive hot food takeaways in any one length of frontage. Where there are already existing hot food takeaways in any one length of frontage, a gap of at least two non-hot food takeaway uses shall be required before a further hot food takeaway will be permitted in the same length of frontage.**

### Health Impact Assessments

5.24 Applications for new hot food takeaways will be required to include a Health Impact Assessment. (HIA). The HIA will be taken into consideration during assessment of the application.

## Other Considerations affecting Hot Food Takeaways

### Residential Amenity

5.25 One of the most common concerns about hot food takeaways is the impact on amenity especially residential, from noise, odours, litter, vermin, road safety, traffic generation and anti-social behaviour. Careful consideration should be given to ensuring the lives of people in the local area are not negatively affected by amenity issues.

5.26 The activities associated with hot foot takeaway establishments often tend to peak at times when the surrounding background noise levels are considered to be low (e.g. late evenings). Odours, noise and vibrations generated from cooking activities and extraction equipment used in these premises, together with traffic disturbance, litter and the attraction of large numbers of people at particular times of the day mean that hot food takeaways can produce a higher degree of noise and disturbance to local residents than other kinds of retail use. This noise generated by the proprietor and from the customers can be very difficult to control.

5.27 In view of this, it is not normally considered acceptable to locate hot food takeaways directly adjacent to residential properties, regardless of the nature or effectiveness of the extraction system installed.

5.28 Applications for hot food takeaways close to residential properties must:

- Consider impacts on residential amenity in terms of noise disturbance, vibrations, odours, traffic impacts, litter or hours of operation because of the proposal.
- Accommodate extract equipment internally within the building and rooted within existing chimneys where practicable. Where external equipment is proposed, it should not be detrimental to the area or host property.

5.29 The development of new hot food takeaways or the expansion of existing units which would result in an unacceptable adverse impact on residential amenity will not be permitted.

### Hours of Operation

5.30 Late night opening hours can cause intolerable levels of disturbance to residents, attracting higher customer numbers in the afternoon and late evenings. It is necessary to consider planning conditions on the planning permission for a hot food takeaway proposal to control the nature of the use and the impacts on the surrounding area.

5.31 When determining the appropriate hours of operation for hot food takeaways consideration will be given to:

- The likely impacts on residential amenity.
- The existence of secondary schools either within or outside Local Education Authority control within 400m.
- The character and function of the immediate area; and

The potential benefits of the proposal for the wider community.

5.32 Sites outside of designated centres will usually be subject to more restricted opening hours.

5.33 Within designated centres, 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. 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.

5.34 In designated centres, with residential use in close proximity, opening hours are likely to be restricted to between 08:00 and midnight.

5.35 The proposed hours and days of opening should be specified as part of applications for hot food takeaway development. Hours of opening will be made a condition of the planning permission if it is granted.

### Highway Safety

5.36 The impact of hot food takeaways on traffic flow and road safety is an important consideration when determining applications. Hot food takeaways tend to attract a high proportion of car borne and short stay customers and outside the town centre and designated areas are often located where there is limited parking provision.

5.37 In all locations, planning permission for hot food takeaways will only be granted where there would not be an adverse impact on public or highway safety. Regard should be given to:

- Existing traffic conditions including availability of parking spaces.
- Availability of safe and legal loading areas.
- Proximity to junctions, pelican crossings, bus bays and bus stops.
- Accessibility of the site by public transport and cycling.

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

### Disposal of Waste Products and Customer Litter

5.39 As it is a legal requirement that businesses that produce waste comply with the Environmental Protection Act 1990 (s34 Duty of Care etc as respects waste), the appropriate disposal of all waste arising from the operation of a hot food takeaway will be a material consideration when such applications are received.

5.40 It is important that the waste generated by the operation of a hot food takeaway does not detract from the character of the area or cause nuisance to other users or occupiers in the vicinity. Proposals will not be acceptable if waste cannot be adequately stored and if proper access for refuse collection vehicles cannot be safely provided.

5.41 All waste generated by the business should be accommodated on site where practicable. If this is not possible the bin store must be on site and adequately screened in a manner and location that does not detract from the street scene or the character of the area and that does not cause odour nuisance to neighbouring occupiers.

5.42 Consideration should also be given to the need to mitigate for the impact of customer waste on the surrounding area.

5.43 All applications must be accompanied by a Waste Management Strategy which should cover storage and disposal of waste including provision of grease traps where appropriate. It should also consider recycling and the use of sustainable food packaging, such as cardboard boxes and paper straws.

#### Noise abatement and extraction of odours

5.44 A common concern associated with hot food takeaways is the impact on the amenity of adjoining occupiers through the generation of noise and odour, usually from ineffective, inappropriate and/or badly maintained kitchen odour control and extract systems or inadequate noise attenuation measures.

5.45 Proposals for new hot food takeaways must demonstrate effective kitchen odour control and extract systems and appropriate noise attenuation measures. Noise attenuation and odour control measures must:

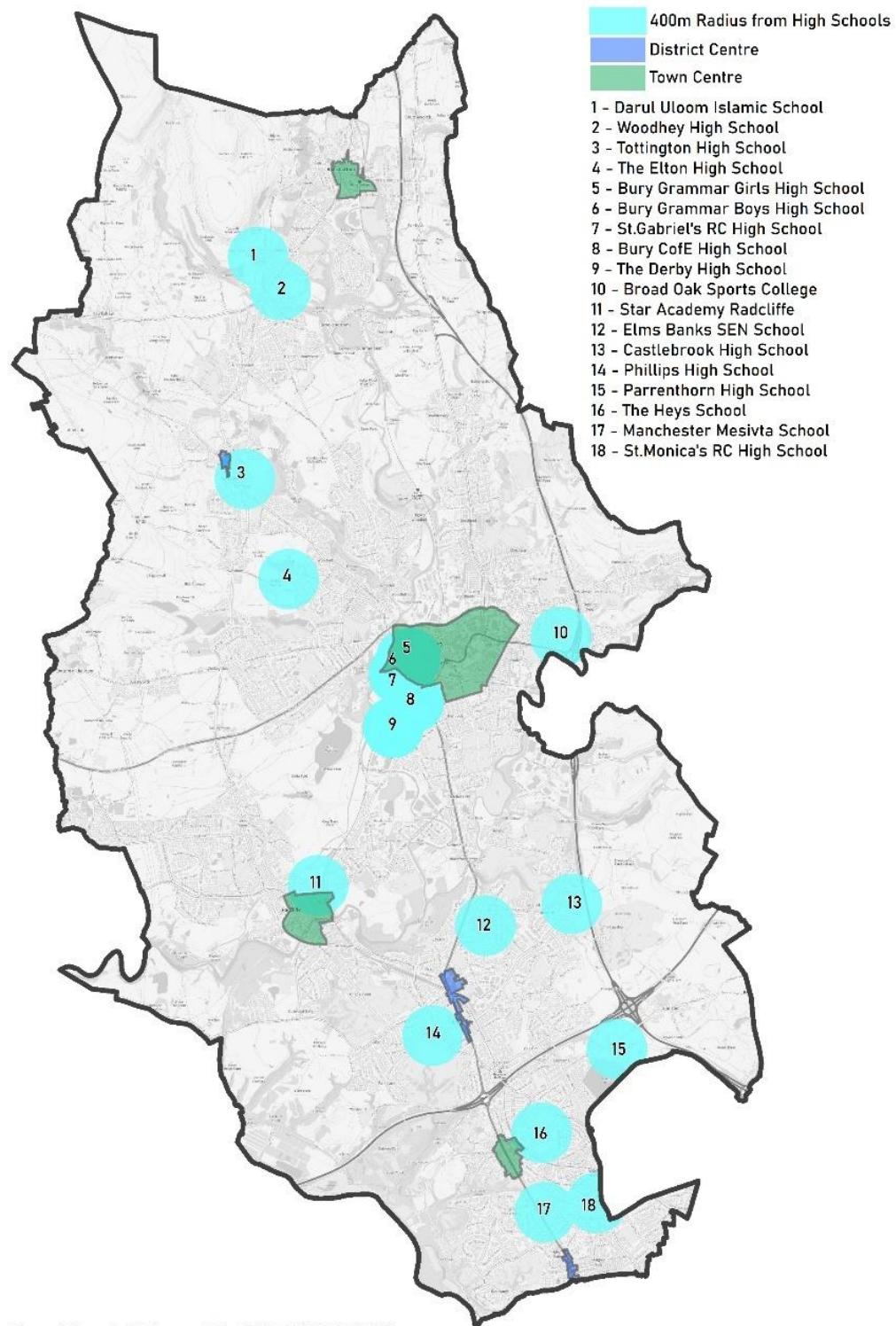
- Have minimal impact on visual amenity, including location and external finish.
- be acoustically attenuated.
- not have an unacceptable impact on the amenity of neighbouring occupiers, for example by virtue of vibration or odour.
- be properly operated, serviced, cleaned and maintained in accordance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

5.46 All applications must be accompanied by an Odour and Noise Impact Assessment. This should include full details of the extraction system proposed including the internal layout and external appearance showing the location of all the main components of the system, together with details of any necessary noise attenuation and odour abatement measures.

# 6 Monitoring and Reporting

- 6.1 The successful implementation of this SPD will be assessed through the Annual Monitoring Report (AMR). The AMR will note when the SPD has been used in determining planning applications, the number and location of new hot food takeaways permitted and refused, and the new hot food takeaways approved with restricted opening hours. Monitoring will also include whether there has been a reduction in both childhood and adult obesity.
- 6.2 The Council's AMR 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.
- 6.3 Changes in National or Regional Planning Policy or progress on Development Plan Documents, which form a part of the Local Plan, may also prompt the need for further reviews.

## Appendix 1- 400m School Exclusion Zones



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