

Sefton Council

DRAFT

Control of Hot Food Takeaways and Fast Food Outlets

Supplementary Planning Document

January 2026

Introduction

1.1 This Supplementary Planning Document (SPD) supplements the policies of the Sefton Local Plan, which was adopted in April 2017, especially policies:

- EQ1 Healthy Sefton
- EQ10 Food and Drink

This SPD will replace the Council's existing [SPD](#) that addresses Hot Food Takeaways and takes account of updated national guidance.

1.2 SPDs elaborate upon the policy and proposals in Local Plans but do not have their formal statutory 'Development Plan' status. They are, however, material considerations in assessing relevant development proposals. This SPD provides detailed guidance on the application of the Local Plan and national policies in respect of Hot Food Takeaways and Fast-Food Outlets.

1.3 This Supplementary Planning Document (SPD) sets out guidance on how the development of uses with the potential to cause harm to health and wellbeing should be controlled within Sefton.

Aims and Objectives

1.4 This SPD is designed to support the strategic aims of Sefton Council in tackling unhealthy lifestyles and obesity. It is also intended to provide additional support to address other negative impacts which can be associated with hot food takeaways and fast-food outlets, such as noise, odour and waste.

1.5 The Borough has a higher rate of obese children than England as a whole and this SPD seeks to control hot food takeaways and, where appropriate, fast-food outlets within the vicinity of schools and further education establishments.

1.6 When implemented alongside other policies and initiatives, controlling access to hot food takeaways and fast-food outlets around schools could contribute towards reducing rates of obesity.

2. Policy Context Overview

- 2.1 Government planning policy and how it is applied is set out in the National Planning Policy Framework (NPPF). The NPPF requires each council to have robust and comprehensible policies that support high-quality and sustainable development.
- 2.2 Paragraph 97 of the NPPF (published December 2024) details the conditions in which a local council should refuse applications for hot food takeaways and fast-food outlets:
- Applications should be refused when within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre, or
 - Application should be refused when 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.
- 2.3 Sefton Local Plan was adopted in April 2017. The Local Plan includes a range of policies, which conform to national planning policy, to shape the future of Sefton. It sets out how new development will be managed in the period from 2012 to 2030, encouraging sustainable development and economic growth and giving current and future generations more opportunities to live and work in Sefton's outstanding environment.
- 2.4 This proposed SPD – Control of Hot Food Takeaways – will support the following Local Plan policies:

Policy EQ1 sets out that developments should help maximise opportunities to improve quality of life to make it easier for people in Sefton to lead healthy, active lifestyles.

Policy EQ10 sets out the conditions in which food and drink developments are required to meet in order to prevent significant harm to local amenity.

3. How are Hot Food Takeaways and Fast Food Outlets Defined?

- 3.1 The Town and Country Planning (Use Classes) Order 1987 (as amended) draws a distinction between a shop (including sandwich shops), a restaurant or café which are in Use Class E; and a hot food takeaway (which is classed as a 'sui generis' use).
- 3.2 Hot food takeaways can be defined as:

‘Establishments whose primary business is the sale of hot food where consumption is mostly undertaken off the premises’.

Hot food takeaways can provide customer seating, and sell drinks and cold food, but the primary business will be the preparation of hot food for takeaway.

3.3 As hot food takeaways fall under the planning use class of ‘sui generis’, which means as use of its own. Any newly built hot food takeaway or change of use to hot food takeaway is classed as development and will require planning permission.

3.4 In addition to hot food takeaways, this SPD also addresses fast-food outlets. Fast food outlets can be defined as:

‘premises that specialise in serving hot and cold food quickly, often with minimal table service, and typically with a focus on take-out or drive-through options. These establishments offer a limited menu, prepared in bulk, and often serve dishes like burgers, fries, sweet and savoury goods and pastries, filled sandwiches and rolls and other quick-to-prepare, quick-to-serve items.’

Whilst there will be some overlap between premises that fall under the definition of hot food takeaway and fast food outlets, the Council does not consider all fast-food outlets to fall under the definition of a hot food takeaway, and as such this clarification is necessary.

3.5 It is likely that many fast-food outlets would fall within the Class E planning use classification (such as sandwich shops and bakeries), and a conversion from an existing premises within the same use class will not constitute development, therefore planning permission will not be required. Examples of this type of conversion may include a bank premises or retail store, to a fast-food restaurant. In these instances, the ability of the Local Planning Authority to control fast food outlets, which are not considered hot food takeaways, is more limited and may be primarily restricted to new buildings/drive throughs.

3.6 It is for the applicant to provide sufficient information to determine whether or not their business will trade as a hot food takeaway, which sells hot food where the consumption of that food is mostly undertaken off the premises, or a fast food outlet and apply for planning permission for the correct use.

4.0 Local Childhood Obesity Levels

- 4.1 In Sefton, the National Childhood Measurement Programme (2023), showed that severe obesity percentage among Year 6 students has seen a statistically significant rise.
- 4.2 The year 6 rates of children living with obesity have shown statistically significant increases for all authorities in the Liverpool City Region from 2006/07 to 2022/23, reflecting the national trends.
- 4.3 In 2022/23, around 1 in 4 (25.5%) reception children were overweight or living with obesity, these figures being significantly higher than both the national and regional averages.
- 4.4 Regarding changes in children's weight status, 21% of the children who measured as a healthy weight in reception year had moved to a higher weight status by year 6.
- 4.5 In 2022/23 the year 6 obesity rate in the most deprived banding was more than 1.8 times that of children living in the least deprived group.
- 4.6 Hot food takeaways and many fast-food outlets typically sell low-cost, energy-dense meals with little nutritional value that can contribute towards obesity and its ensuing health issues. When implemented alongside other policies and initiatives, controlling access to such uses around schools could contribute towards reducing rates of obesity.

5.0 Effect on Residents

Opening Hours

- 5.1 Hot food takeaways and many fast-food outlets often conduct the majority of their trade in the evening. It is therefore necessary to control the hours of operation of such premises to protect local and residential amenity.
- 5.2 Noise, disturbance, vehicular traffic movements, and pedestrian traffic outside of traditional trading hours are all material planning considerations for non-residential uses in close to Primarily Residential Areas.
- 5.3 Acceptable hours of operation for a proposed development will be established by the Council on a case-to-case basis. Despite this it is unlikely that planning permission will be granted for premises near residential properties to operate later than 11:00pm Sunday to Thursday and 11:30pm on Fridays and Saturdays. Depending on the

proximity to residential dwellings, an earlier closing time may be required. This will be assessed on a case-by-case basis. Opening hours will be controlled further in school restriction zones as per section 6 below.

Pollution

- 5.4 Cooking odours and fumes can be particularly unpleasant for nearby residents as well as damaging to the environment. It is therefore required that all such developments incorporate efficient extraction and ventilation equipment.
- 5.5 Hot food takeaways and fast-food outlets must make provisions for sufficient space for commercial bins within the application site, not on the public highway, that are safely accessible for the relevant refuse collector. The applicant must demonstrate that sufficient provision is made for refuse storage and collection. The bin stores should be located in a way that they do not pose any threat to the area's residential and visual amenity.
- 5.6 It is the responsibility of the premises owner to ensure customer bins are provided within the premises in order to prevent litter and the health and the safety issues that result.

Crime and Anti-social Behaviour

- 5.7 The Council will seek advice from Merseyside Police for proposals for any hot food takeaway and fast-food outlet, regardless of its location within the Borough. Such uses can attract a gathering of people and can result in "hot spots" for crime and anti-social behaviour. This accords with paragraph 97 of the NPPF.
- 5.8 Planning permission will not be granted for a hot food takeaway or fast-food outlet that is likely to impair community safety or result in an increased risk of crime and disorder within the immediate area.

6.0 Choosing suitable locations

400m Buffer Zone from Schools

- 6.1 As set out in the NPPF, applications for hot food takeaways and fast food outlets should be refused within walking distance of schools and other places where children and young people congregate.

- 6.2 In response to this national policy, development proposals for hot food takeaways and fast-food outlets within 400 metres of primary schools, secondary schools and further educational establishments will not be permitted. This expands upon policy EQ10 of the Sefton Local Plan, which only considered a restriction around secondary schools and colleges for hot food takeaways. This SPD reflects the more up-to-date national guidance set out in the NPPF.
- 6.3 Exceptions to this policy will be made where proposals are:
- located within a designated town, district or local centre (this does not include shopping parades), or
 - the premises do not open until after 17:00 hours
- 6.4 The restriction will also not apply where a Fast Food Outlet, under Use Class E, is proposed in a premises that already benefits from a Use Class E current use and where no other restriction applies (such as a condition). In this case, the change to a fast food outlet would not constitute development. This is most likely to occur in an existing shopping parade or centre.
- 6.5 Schools and further education establishment locations may change over time, sometimes with new ones opening or an existing one relocating or expanding. In these cases, the new location of the school will automatically have a restrictive zone as per this SPD. Where an existing school closes without a replacement at the same site, the restrictive zone will no longer apply.
- 6.6 The previous SPD on Hot Food Takeaways did not apply to primary schools. This reflected Local Plan policy EQ10. However, the NPPF does not distinguish between secondary and primary schools and the 400m restriction zone will apply to all schools and further education colleges.

Avoiding Clustering of Hot Food Takeaways

- 6.7 Sefton's high number of hot food takeaways are clustered in areas of deprivation and constitute a major concern for the Council and local health providers. They often locate in Sefton's shopping parades, many of which are located within easy walking distance to residential properties.
- 6.8 Hot food takeaways will normally only be permitted, subject to the restriction below, in designated Town, District or Local Centres, and shopping parades. They would not normally be permitted elsewhere in Primarily Residential Areas.

- 6.9 To address this issue of overconcentration and unacceptable groupings of hot food takeaways in many of Sefton's centres and shopping parades, planning permission will only be granted provided that it will not result in the percentage of hot food takeaways in a centre or parade exceeding 5% of all units. On shopping parades of less than twenty units, we would allow a maximum of one unit to be a hot-food takeaway.
- 6.10 In centres and parades where the vacancy rate is above 20%, exemptions will be made to the change of use to a hot food takeaway, subject to other primary planning considerations, if the applicant can demonstrate that a unit has remained vacant after being actively marketed for a minimum of one year. This is intended to prevent long term vacancies, ensure the vitality and viability of Sefton's centres and parades are maintained, and where possible allow empty units with limited interest to be brought into a functioning use. It will be the responsibility of the applicant to demonstrate that the unit has been vacant and remained so for a minimum of one year after being actively marketed.
- 6.11 The 5% restriction on uses in centres and parades will only apply to hot food takeaways falling under Sui Generis class. Fast-food outlets that fall under Use Class E, will not be subject to the restriction if they are located within a town, district or local centre or a shopping parade.

Drive-through Applications in Primarily Residential Areas

- 6.12 In recent years, the Council have noted an increase in the number of drive-through outlets being proposed, including within Primarily Residential Areas. Previously drive-through outlets had been restricted to large restaurant chains, such as McDonalds and KFC, which were often located on retail or employment parks. However, more recently there have been an increase in other brands opening smaller format drive-throughs close to residential areas.
- 6.13 The previous SPD had exempted drive-through restaurants from the restriction close to schools as it was considered the format was unlikely to be accessible to those who don't drive, and the use would often be considered a restaurant and not a hot food takeaway. This distinction and exemption is no longer valid due to the national guidance in the NPPF and the wider use of the drive-through outlet format. Therefore, a drive-through restaurant or premises that falls within the definition of hot-food takeaway or fast-food outlet would be subject to the same restrictions close to schools and colleges as set out at above.

Town Centre First Policy

- 6.14 Hot food takeaways and fast-food outlets are classed a main town centre uses. As outlined in Policy ED2 of the Sefton Local Plan, proposals for all retail, leisure and other town centre uses will be subject to a sequential approach to development. For proposals in out of centre locations, applicants will be required to justify the site's suitability through a sequential assessment. This will need to demonstrate that there are no sequentially preferable locations for the proposal in accordance with part 2 of Local Plan policy ED2. An Impact assessment may also be required depending on the size of the proposal, in accordance with Part 3 of Policy ED2. Note that shopping parades are not classed as centres, however these are existing commercial areas with a range of retail and leisure outlets where we would support, subject to other factors, their reuse as hot-food takeaways and fast-food outlets. We don't consider the reuse of units in shopping parades for these types of uses to be detrimental to our local, district, and town centres.
- 6.15 Where an out-of-centre Class E unit is permitted close to a school or college (for example for a shop) the Council will apply a condition to prevent the unit being converted to a fast food outlet that would ordinarily be allowed under the Use Class system.

7 Advice for applicants

- 7.1 For all proposals for hot food takeaways and fast-food outlets, we encourage you to use the Council's pre-application service to obtain early advice from planning officers on your proposed application. By discussing your project with us before you apply for planning permission, we can help you to put together a successful application that meets our requirements and avoid delays. There is a charge for this service. Details of our preapplication service can be found on [Pre-application advice on development proposals](#).
- 7.2 There are significant benefits in using our pre-application service. We will tell you:
- What use class your proposal falls under and whether planning permission is necessary
 - Whether your proposal is likely to be given permission or not
 - Whether you need specialist input (e.g. if your proposal is likely to have an impact on listed buildings, conservation areas, trees, ecology, etc) before you submit your application
 - About potential issues and so reduce the chances of you putting in a proposal which is not going to be acceptable

- If your proposal is completely unacceptable, and so will be able to save you the cost of putting in a formal application
- What information you need to include with your application, reducing the chances of you making an invalid application, and improving how quickly we can deal with your application

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