

## Businesses Selling Food and Drink



This guide sets out what we look for when someone wants to run a business that sells food, drink or both.

This includes:

- Cafes
- Coffee shops
- Hot food takeaways
- Public houses
- Restaurants
- Snack bars
- Wine bars

Our role is to assess the planning application and recommend approving or refusing planning permission. Planning decisions cannot be made on the basis of issues such as:

- commercial competition
- over-supply of similar businesses
- the morality of selling and drinking alcohol
- the identity or character of business owners.

When planning permission is approved it is often subject to conditions. For example, we may require a new food business to take special measures to prevent nuisance to neighbours from kitchen smells. Our job includes making sure developers fulfil these conditions.

### Do you need planning permission?

Most businesses need planning permission before they can sell food or alcohol.

You might not need planning permission if selling food and drink plays only a minor role in your business. If you are unsure, we recommend that you use our pre application service for further advice before proceeding with your proposal.

### What We Consider During Assessment

#### Towns and built-up areas

In towns and neighbourhood centres (please consult the local plan for your area for a detailed definition of these terms), we are likely to recommend planning permission if:

- conditions of planning permission or other laws can effectively control any new or extra nuisance to any neighbouring property;
- the property is not in a prime shopping area (defined as “prime retail frontage” in local plans)
- the property does not add significantly to the number of properties not being used for shopping (defined as “non-retail frontage” in local plans)
- parking spaces and arrangements for taking and making deliveries by vehicles meet, or can be made to meet, Fife Council’s standards
- adding to the number of similar types of business will not alter the character of an area or cause additional nuisance to local residents: this is particularly important in tenement areas, conservation areas and where there are listed buildings.

#### Settlements such as villages

In village centres and settlements (please consult the local plan for your area for a detailed definition of these terms) we are likely to recommend planning permission if:

- it is not reasonable to site the business in a nearby town or neighbourhood centre where suitable sites or buildings are available
- the property has been empty for a lengthy period and there is no reasonable prospect of it being put to any other beneficial use:
- the proposal meets all of these conditions:
  - ✓ No property – such as someone’s home, a school, hospital or care home – adjoins or is adjacent to the proposed site.
  - ✓ Conditions of planning permission or other laws can effectively control any new or extra nuisance to any neighbouring property.
  - ✓ Parking spaces and arrangements for taking and making deliveries by vehicles meet, or can be made to meet, Fife Council’s standards.

### Cooking smells

Businesses must use existing chimney flues to remove cooking smells. If you operate from a building with no chimney, your planning application must detail any outside ducts you need to fit to remove cooking smells.

The route you choose for fitting ducts must have as little impact as possible on how the building looks. The materials you choose must match the colour of the wall or any other surface it is fixed to.

You must have any ducts fitted and smell control systems in place before you can open a new business. In a block of flats or tenements, neighbouring residents may not agree to ducting and may be able to take legal action to prevent it being fixed to the building.

### What you need to consider

Areas where food and drink businesses are generally acceptable

These types of businesses are more acceptable in busy shopping areas, provided:

- they do not stop people shopping
- there are not too many of them
- they are in keeping with the area's appearance and heritage.

### Areas where they are generally not acceptable

They are not acceptable in quiet areas where people are not accustomed to late-night noise and the kind of activity associated with places of entertainment and people gathering in groups.

If you plan to open a food and drink business in an area like this you will have to convince us why the business should not be in a town centre location.

Even town centres may have quiet streets and areas where people live, and where food and drink businesses may not be appropriate.

Our stance on developing town centres is in line with:

- National Planning Policy guidelines
- Fife's planning policies
- The council's town centre strategy

### Common problems with food and drink businesses

These include neighbours complaining about:

- noise and disturbance from groups of people;
- cooking smells
- litter
- people loitering
- cars and other vehicles coming and going

So it is important that you always take particular care about the impact your proposed business will have on

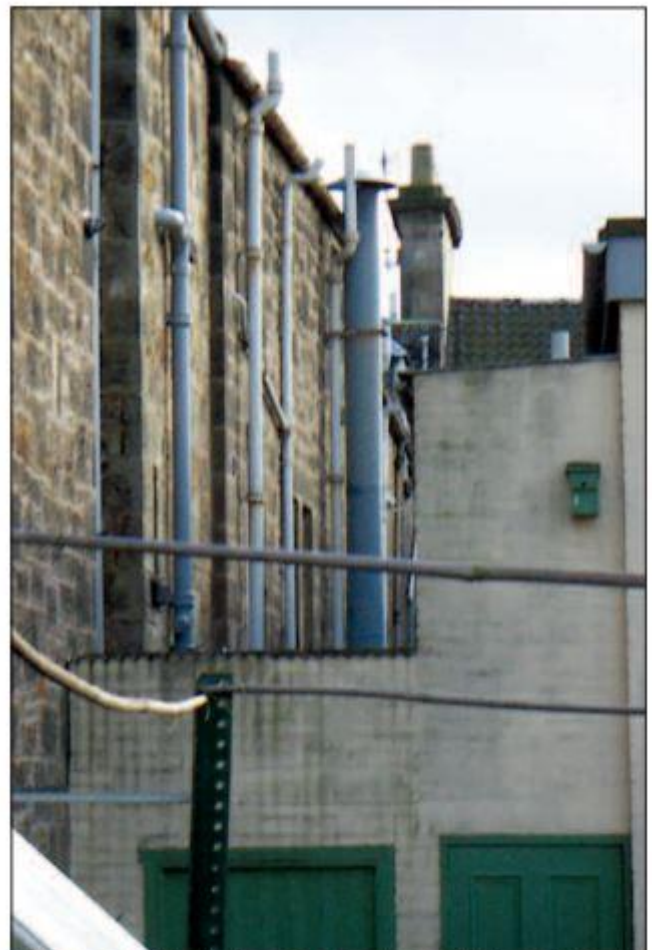
the environment, the neighbouring area and, especially, local residents.

Sometimes solutions to these issues can lead to more problems. Ducting, for example, will remove smells but may spoil the appearance of a building and prompt neighbours to complain.

### Planning conditions you may have to meet

These can cover issues such as:

- opening hours
- soundproofing
- litter and waste collection arrangements
- measures to control smells
- limits on noise from machinery and equipment such as fans.



*Where possible, businesses must use existing chimney flues to remove cooking smells. Where this is not possible discreetly located flues in rear elevations may be acceptable*

For further information you may contact our Duty Officer in the Public Protection Team.

[Duty.OfficerPPT@fife.gov.uk](mailto:Duty.OfficerPPT@fife.gov.uk)

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