

# Cabinet Meeting

## 18 October 2017

<b>Report title</b>	Hot Food Takeaway Supplementary Planning Document	
<b>Decision designation</b>	AMBER	
<b>Cabinet member with lead responsibility</b>	Councillor John Reynolds City Economy Councillor Paul Sweet Public Health and Wellbeing	
<b>Key decision</b>	Yes	
<b>In forward plan</b>	Yes	
<b>Wards affected</b>	(All Wards)	
<b>Accountable director</b>	Susan Milner, Public Health & Wellbeing Keren Jones, City Economy	
<b>Originating service</b>	Public Health and Wellbeing, Planning	
<b>Accountable employee(s)</b>	Michele Ross Tel Email Richard Welch Tel Email Richard White Tel Email	Lead Planning Manager (Sub-Regional Strategy) 01902 554038 <a href="mailto:michele.ross@wolverhampton.gov.uk">michele.ross@wolverhampton.gov.uk</a> Head of Healthier Place 01902 552162 <a href="mailto:Richard.welch@wolverhampton.gov.uk">Richard.welch@wolverhampton.gov.uk</a> Wider Determinants Specialist - Planning 01902 555585 <a href="mailto:Richard.white@wolverhampton.gov.uk">Richard.white@wolverhampton.gov.uk</a>
<b>Report to be/has been considered by</b>	People Leadership Team Place Leadership Team Senior Executive Board	4 September 2017 11 September 2017 3 October 2017

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### Recommendations for decision:

Cabinet is recommended to:

1. Approve the draft Hot food takeaway Supplementary Planning Document (SPD) and associated Sustainability Appraisal Report and Strategic Environmental Assessment Screening Report for consultation,

2. Delegate authority to the Cabinet Members for City Economy and Public Health and Wellbeing, in consultation with the Service Directors for City Economy and Public Health and Wellbeing, to approve the Council's response to representations received on the draft SPD,
3. Delegate authority to the Cabinet Members for City Economy and Public Health and Wellbeing, in consultation with the Service Directors for City Economy and Public Health and Wellbeing, to make amendments to the SPD following consultation and subsequently adopt the SPD.

## **1.0 Purpose**

- 1.1 To seek Cabinet's approval of the draft Hot Food Takeaway Supplementary Planning Document (SPD) for public consultation. This report summarises the contents of the SPD, which provides guidance on the application of planning policies relating to of hot food takeaways in Wolverhampton.

## **2.0 Background**

- 2.1 Hot food takeaways provide products and services that research has shown can adversely impact on health and wellbeing. These premises typically sell low cost, energy dense meals with little nutritional value that can contribute towards obesity and its ensuing health issues.
- 2.2 The National Planning Policy Framework (NPPF) (March, 2012), endorses local policies that support the vitality and viability of town centres. It promotes healthy communities and the adoption of planning policy approaches which restrict hot food takeaway proposals where these do not benefit the local community.
- 2.3 This is expanded on in Section 2 – Promoting Health Communities of the NPPF, which states that “Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities” and that “Crucially, Local Plans should identify areas where it may be necessary to limit freedom to change the uses of buildings, and support such restrictions with a clear explanation”.
- 2.4 Furthermore, the recently (July 2017) added Paragraph 6 of the National Planning Practice Guidance (NPPG) states that “Local planning authorities can consider bringing forward, where supported by an evidence base, local plan policies and supplementary planning documents, which limit the proliferation of certain use classes in identified areas, where planning permission is required.”
- 2.5 The Black Country Core Strategy (adopted February 2011) outlines a range of policies relating to the development of centres and centre uses and, although broad and not specific to hot food takeaways, is supportive of the fundamental planning principles. Policy CEN6 sets a number of criteria relating to proposals for centre uses that are under 200sqm (gross) and are not in a centre.
- 2.6 In addition, retained policies in the Wolverhampton Unitary Development Plan (2006) are also supportive of the planning principles, particularly EP1, EP5, S4, SH10 and SH14.
- 2.7 The Hot Food Takeaway SPD provides guidance on appropriate locations for new hot food takeaways, considering factors such as the concentration of similar premises in the vicinity and the proximity of secondary schools.
- 2.8 By limiting new outlets in sensitive locations, this will help promote healthy communities and maintain the character, vitality and viability of our high streets.

### 3.0 Summary

- 3.1 The draft SPD seeks to restrict hot food takeaways (“A5” as a Planning Use Class classification) from centres or shopping parades where there are already issues of over concentration and unacceptable groupings. Planning approval for these uses will not be granted if a proposal would result in the following:

For Town, District and Local centres that are not subject to specific hot food takeaway policies in AAPs, the percentage limit for the appropriate number of hot food takeaways is as follows:

- In centres with 40 units or more\* – there should be no more than 10% of units occupied by hot food takeaways.
- In centres with less than 40 units\* – there should be no more than 15% of units occupied by hot food takeaways.

*\*Units include all planning use classes identified in the use-class order as well as all vacant units.*

- 3.2 Hot food takeaway policies from Area Action Plans for Wolverhampton City Centre (2017), Stafford Road Corridor (2014) and Bilston (2014) are incorporated into this document.
- 3.3 Hot food takeaway policies from the Tettenhall Neighbourhood Plan (2014) are incorporated into this document.
- 3.4 These percentage limits are designed to manage the over-concentration of these types of outlets to a level that will not affect the viability of the centre to deliver services to members of the public.
- 3.5 Where the above percentage limit has been reached, or will be reached by the new development proposed, then the proposal will not be permitted, thus supplementing relevant Development Plan policies, such as saved Unitary Development Plan (UDP) Policy SH10.
- 3.6 In addition the SPD introduces a further restriction for hot food takeaways that are within 400m of secondary schools. Exemptions to this are if the unit is within the City Centre or a designated town, district or local centre. 400m is used as a proxy for a 5-minute walk. Primary schools are not included in this exemption as primary school aged children do not generally leave school at lunchtime or have the same financial independence as teenagers.
- 3.7 Public consultation on the draft SPD is planned for six weeks during November and December 2017. During that time the document will be made available at the Civic Centre and main libraries and on the Council’s website, and statutory consultees and key stakeholders will be notified and engaged.
- 3.8 Any representations received during the consultation period will be considered and, where appropriate, minor changes will be made to the SPD. Subject to no major

objections being received, it is expected that the SPD will be adopted in early 2018, subject to approval by the Cabinet Members for Economy and Public Health and Wellbeing in consultation with the relevant Service Directors.

- 3.9 The Draft Hot Food Takeaway Supplementary Planning Document can be found as an Appendix to this report.

#### **4.0 Evaluation of alternative options**

- 4.1 Not producing this SPD will mean there is less clarity in terms of guidance to applicants and developers within the City. This may result in proposals which do not properly deal with planning requirements and result in poorer quality schemes being submitted. The current “case-by-case basis” approach towards A5 hot food takeaways has no control on new A5 applications or changes of use to A5 outside of several distinct centres with specific policies. There is also no approach taken towards new applications within close proximity to secondary schools. Therefore, it will be more beneficial for both population health and the viability and vitality of local centres to adopt planning guidance that addresses these issues.

#### **5.0 Reasons for decision**

- 5.1 As outlined in 2.3, 2.4, 3.1, and 3.4, it is felt that introducing a whole city approach to planning guidance for hot food takeaways will help to address both population health and viability issues through planning decision making. It will contribute towards the City’s Obesity Call to Action by offering a planning approach to promoting healthy weight environments.

#### **6.0 Financial implications**

- 6.1 The costs for consultation and monitoring will be met from within existing Planning and Public Health budgets and resources.
- 6.2 Decisions based on concentrations of hot food takeaways in Centres will require up to date figures. A joint annual survey of retail uses is planned by Planning and Public Health and Wellbeing as part of this and other monitoring requirements. Staff time to undertake this survey will be met within existing resources.

[HM/11092017/X]

## **7.0 Legal implications**

- 7.1 Following adoption the Hot food takeaway SPD will become a material consideration in the determination of planning applications. The SPD is being prepared under the provisions of the Planning and Compulsory Purchase Act (2004) and the Town and Country Planning (Local Development) (England) Regulations 2004 as amended. It will be subject to a statutory period of consultation of 6 weeks from 30 October 2017 to 12 December 2017.

[LD/30082017/A]

## **8.0 Equalities implications**

- 8.1 An Equality Assessment (EA) has been carried out and this can be found as Appendix 2 to this report. The assessment states that the restriction of new takeaways within close proximity of the City's secondary schools could support other local initiatives to tackle childhood obesity, and therefore has the potential to positively benefit the health of secondary school aged children. As far as other equality themes are concerned, the SPD will have a neutral impact. There is a perception that a significant proportion of takeaways are owned, operated and provide employment for minority ethnic groups, and consequently imposing planning controls through the SPD could affect these groups. However, the SPD will be applicable and will impose planning controls for all future planning applications for any hot food takeaway, regardless of the race/ethnicity of the owners/operators/employees. In determining applications, decisions will consider and balance the relevant factors as set out within the SPD Guidelines. The numbers of future planning applications which may be refused because of the SPD are likely to be relatively few in number, and will be limited to specific geographic locations.

## **9.0 Environmental implications**

- 9.1 A Sustainability Appraisal was carried out on the contents of the SPD and this can be found as Appendix 3 to this report. The Appraisal concluded that adoption of the SPD would result in no significant change to the overall positive effects of existing policies on sustainability criteria. A Strategic Environmental Assessment (SEA) Screening Statement has also been produced and this can be found as Appendix 4 to this report. It concludes that an SEA of the SPD contents is not required. There are potential positive environmental implications from adopting this SPD, primarily concerning amenity (not permitting HFT's where they are adjoining residential ground floor properties; hours of operation where they are near to residential property or are to be developed outside of town centres; adequate mitigation of noise and odours; and parking issues).

## **10.0 Human resources implications**

- 10.1 There are no human resources implications.

## **11.0 Corporate landlord implications**

11.1 There are no immediate corporate landlord implications.

## **12.0 Schedule of background papers**

12.1 Appendix 1 Draft Hot Food Takeaway Supplementary Planning Document

12.2 Appendix 2 Equality Assessment

12.3 Appendix 3 Sustainability Appraisal

12.4 Appendix 4 Strategic Environmental Assessment Screening Statement