



Planning Guidance on new Hot Food Takeaways
in the City of Wolverhampton



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Foreword

- 1.1 City of Wolverhampton Council is committed to improving the health and wellbeing of its residents, workers and visitors. This commitment is established through the City of Wolverhampton Corporate Plan, the City of Wolverhampton Health and Wellbeing Strategy, and in 2014 the Council made an Obesity Call to Action. The commitment is further articulated through this Hot Food Takeaway Supplementary Planning Document, which aims to reduce the trends towards increasing levels of obesity and poor diet in the City by tackling issues of over-concentration of Hot Food Takeaways and the exposure of particularly vulnerable groups, such as school children, to Hot Food Takeaways.

- 1.2 The rapid expansion of the fast food industry over recent decades has had a considerable influence over our eating habits, food purchasing and food production. It has affected not only our diet but also the nature and appearance of our towns and cities. Fast food outlets / Hot Food Takeaways ('A5' as a Planning Use Class classification) are now a common feature of our high streets and shopping centres and meet an increasing demand for instant food access and convenience. Fast food preparation and supply is an important element in the economy and in some urban areas makes up a considerable proportion of the retail offer. Where balanced with other types of retail this can provide a service to the public, jobs and rental income.

However, where takeaways occupy a disproportionately high percentage of the retail offer, there can be negative effects. Too many takeaways can reduce the vitality and viability of a shopping centre and discourage shoppers and future retail opportunities. Takeaways are recognised as adding to the vitality and viability of centres but retailing should be the dominant use, as identified in national guidance. There is a need to balance the protection of the retail function of our shopping centres and encouraging diversification of uses to keep them vital and viable. This balance can be difficult to achieve as takeaways have high profit margins and low operating costs and are therefore easy to establish and cheap to run.

- 1.3. Another major driver of the increase in the number of takeaways is demand. Less food is prepared from scratch using fresh ingredients, both commercially and in the home, again driven by pressures to save time, offer convenience and reduce price. More food products are mass produced, pre-cooked and pre-packaged than ever before. Market forces, demand, and the need for standardisation have resulted in greater consumption of food that is highly processed and high in saturated fat, sugar, salt and additives, often at the expense of important qualities such as fibre content and nutrition. We are also eating larger portions than ever before. This is against a backdrop of increasingly sedentary lifestyles. Greater consumption and less activity equates to more calories in and fewer calories burned, resulting inevitably in rising levels of obesity and poorer health.
- 1.4 This is a significant trend in Wolverhampton which has some of the highest levels of obesity in the country. Around two thirds of adults and nearly half of school children in Year 6 are classified as being either overweight or obese. This is significantly higher than the England average. The impacts of obesity cost the NHS £6-8 billion a year.

- 1.4 Furthermore, research by London Metropolitan University has shown that increased exposure and opportunity to buy fast food results in increased consumption. It has also been demonstrated that the prevalence of takeaways near schools can negatively impact on children's eating habits. Whilst it is recognised that takeaways can have a useful role to play in offering convenience and choice, they can contribute negatively on health due to higher amounts of salt, saturated fats and preservatives found in many of the foods served, as well as extremely large portion sizes. They also have potential to create conditions for disturbance and detract from residential amenity and environmental quality through creating litter, noise, anti-social behaviour, odour issues and elevated levels of vehicular traffic.
- 1.5 For several years, the Council has encouraged takeaways to control the ingredients and content of their fast food offer and to offer healthier options to customers. Several operators have risen to the challenge. However, the sector continues to be dominated by retailers offering food in large portion sizes that is high in fat, sugar and salt. Therefore, we cannot rely on working with retailers or appealing to the public alone. We must also use the tools offered to us through the planning system to control the proliferation of these premises.
- 1.6 This Supplementary Planning Document aims to achieve an economically viable balance between Hot Food Takeaways and other retail across the City, and to contribute towards reducing increasing levels of obesity and poor diet. It addresses issues of over-concentration of Hot Food Takeaways and exposure of particularly vulnerable groups such as school children to opportunity purchases of fast food. Choice, demand and current provision remain largely unaffected by this policy, which aims to strike a balance of interests and issues in the granting of new planning permissions for Hot Food Takeaways.



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- 2.1 This Hot Food Takeaway Supplementary Planning Document (SPD) supports and provides detailed guidance on the implementation of policies in the Wolverhampton Local Plan. The SPD is in line with the National Planning Policy Framework and the Joint Strategic Needs Assessment for Wolverhampton (2017).
- 2.2 The SPD explains the overall approach to the location of Hot Food Takeaway development across Wolverhampton, including:

- The appropriate proportion of Hot Food Takeaways in centres;
- The appropriate level of clustering of Hot Food Takeaways in centres;
- Distance restrictions on the creation of new Hot Food Takeaways close to secondary schools.

- 2.3 This SPD is a material consideration in the determination of planning applications. The SPD has been issued under Regulation 17 of the Town and Country Planning (Local Development) (England) Regulations 2004 as amended by the (Local Planning) 2012 Regulations.



3

What is a Hot Food Takeaway?

- 3.1 The Town and Country Planning (Use Classes Order) (Amendment) Order 2015 draws a distinction between a shop (including sandwich shops) (Class A1), a restaurant or café (Class A3), a drinking establishment (Class A4) and a Hot Food Takeaway (Class A5). Establishments whose primary business is the sale of hot food for consumption off the premises fall within Class A5.
- 3.2 A3 restaurants often have an ancillary Takeaway element and A5 Takeaways can have ancillary eat-in facilities. If the two elements are evenly balanced then there would be a mixed A3/A5 use. Where the A5 element of a proposal is equal to or larger than the non-A5 element the guidance in this SPD will apply to that proposal. To determine the nature of a proposal, the layout 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 or chairs to be provided for customer use.
- 3.3 The applicant will be expected to demonstrate that the proposed use will be the primary business activity. For clarity, Table 1 below provides examples of uses which fall within Class A5, and those which do not. This list is not exhaustive:

Table 1: Examples of Class A5 Uses

Covered in Class A5	Not covered in Class A5
Fast food takeaways	Sandwich Shops
Hot Food takeaways	Restaurants
Pizza takeaways	Cafes
Fish and Chip shops	Coffee Shops
Fried chicken shops	Dessert cafes
Burger takeaways	Bakeries
Chinese takeaways	
Indian takeaways	
Drive throughs	

- 3.4 Anyone intending to submit a planning application for a Hot Food Takeaway is encouraged to read this SPD and contact the City Council's Planning Department for free pre-application advice and information.



4

Local Context

- 4.1 It is recognised that Hot Food Takeaway establishments provide convenience in the food offer, particularly in town centres. However, compared to other retail uses, they are more likely to have a detrimental impact on amenity and on the retail character and function of shopping centres.
- 4.2 They are often shuttered up during the day, leading to dead frontages. This can result in a reduction in town centre viability. Other harmful impacts include an increase in the incidence of litter, smells, anti-social behaviour, noise and general disturbance, as well as parking and traffic problems.
- 4.3 In recent years several retail units in Wolverhampton have been converted into Hot Food Takeaway establishments. Where high concentrations occur in our retail centres, they can pose a threat to retail function and local character and prevent inward investment in other retail categories.
- 4.4 Information on the concentration of Hot Food Takeaways in Wolverhampton's centres is updated on a regular basis. The current version of the 'Hot Food Takeaway Data Sheet' can be found on the Planning webpage of the City of Wolverhampton Council website.





Hot Food Takeaways in Wolverhampton

- 4.5 According to the Food Environment Assessment Tool (FEAT), as of 2017, Wolverhampton currently has 967 food outlet types, 267 of which are classified as A5 Hot Food Takeaways.
- 4.6 This means that Hot Food Takeaways currently make up 27.6% of the total food retail offer for the City.
- 4.7 It also means that there are currently 1.07 Hot Food Takeaways in Wolverhampton per 1000 people. This is higher than the England average, which is 0.86 Hot Food Takeaways per 1000 people.
- 4.8 Furthermore, several wards in Wolverhampton have a much greater number of Hot Food Takeaways per 1000 people than the average for England, as shown in Table 2.
- 4.9 St Peter's ward is omitted from Table 2 owing to its City Centre coverage. The ward has a higher concentration of Hot Food Takeaways than other wards in the City, owing to the concentration of premises along certain frontages. The City Centre area is included in the policies of this SPD.

Table 2: Concentration of Hot Food Takeaways in Wolverhampton Wards (wards which exceed the national average (0.86) are highlighted in red)

Ward	Population ¹ (2011 Census figures with 2017 ONS population projection figure applied)	Number of Hot Food Takeaways	Number of Hot Food Takeaways per 1000 people
• Bilston East	13897	21	1.51
Bilston North	12701	9	0.71
Blakenhall	12502	10	0.79
• Bushbury North	12413	16	1.28
Bushbury South and Low Hill	15582	10	0.64
• East Park	12996	11	0.86
Ettingshall	14021	11	0.78
• Fallings Park	12906	16	1.23
Graiseley	12775	10	0.78
Heath Town	14523	9	0.62
Merry Hill	12676	10	0.79
Oxley	13308	3	0.23
Park	12785	6	0.47
Penn	13226	7	0.53
• Spring Vale	12732	11	0.87
Tettenhall Regis	12387	7	0.57
Tettenhall Wightwick	11306	7	0.62
Wednesfield North	11684	7	0.60
• Wednesfield South	11867	21	1.77

¹ http://webarchive.nationalarchives.gov.uk/20160107175615/http://www.ons.gov.uk/ons/dcp171778_279964.pdf



Hot Food Takeaways and Schools

- 4.10 Takeaway outlets near schools can provide an added incentive and temptation to children to over-consume fast food. Most fast food takeaways are a source of cheap, energy dense and nutrient poor foods. Research indicates that children attending schools near fast food outlets are more likely to be obese than those whose schools are more inaccessible to such outlets (Engler-Stringer et al, 2014).
- 4.11 The density of unhealthy food outlets in a neighbourhood has been linked to the prevalence of overweight and obesity in children in England (Black et al, 2014). The number of outlets near a school has also been found to significantly affect school obesity rates (Alviola et al, 2014; Currie et al, 2011). This is particularly concerning given consistent evidence that Hot Food Takeaways tend to cluster around schools (Caraher et al, 2013; Austin et al, 2005; Ellaway et al, 2012). Fast food is inexpensive and heavily marketed at children (Freudenberg et al, 2010) who often opt for adult portions (Caraher et al, 2013).
- 4.12 Having additional outlets close to schools could negate efforts by the City Council and its partners to support the healthy eating programmes offered by the Children and Young Peoples' Health Improvement (C & YP HI) service to ensure that young people have access to healthy options.
- 4.13 As shown in Table 3, several secondary schools are signed up to working with the service, including advice on healthy eating, but have several Hot Food Takeaways within easy walking distance (400m) of the school gates. Further proliferation of these premise types could run counter to efforts to promote healthy eating amongst school pupils.

Table 3: Current Secondary schools in Wolverhampton, number of pupils, number of Hot Food Takeaways within 400m of school gates and number of secondary schools signed up to the Children and Young People's Health Improvement service, which includes advice on healthy eating

Secondary School	Number of pupils (2016-2017)	Number of A5 Hot Food Takeaways within 400m of school gates	Signed up to C & YP HI service?
Aldersley High	807	1	No
Colton Hills Community SLC	916	0	No
• Coppice Performing Arts	951	1	Yes
Heath Park	1195	4	No
Highfields	1514	5	No
• Moreton	735	2	Yes
• Moseley Park	831	3	Yes
North East Wolverhampton Academy	846	6	No
• Our Lady & St Chads CSC	829	4	Yes
• Smestow School SSC	914	1	Yes
South Wolverhampton & Bilston Academy	1061	10	No
St Edmunds Catholic Academy	864	2	No
• St Matthias	512	3	Yes
St Peters Collegiate CE	1031	3	No
The British Sikh School	185	3	No
• The Kings CE	719	0	Yes
The Royal School	467	2	No
Wednesfield High School SEC	891	2	No
West Midlands Construction UTC	202	2	No
• Wolverhampton Girls' High School	859	3	Yes
Wolverhampton Secondary School Total	16329	57	8

4.14 In 2017, a study was carried out on findings of the 2015-2016 Health Related Behaviour Survey (HRBS), and the 2015-2016 National Child Measurement Programme (NCMP) in Wolverhampton. The study found the following:

- There was an increase in the percentage of those overweight and obese linked to the percentage of those who said they wanted to lose weight.
- There was an increase in the percentage of those overweight and obese linked to the percentage of those who said they had a takeaway for lunch.
- There was an increase in the percentage of those overweight and obese linked to the percentage of those who said their diet is not very healthy or very unhealthy.

4.15 These findings show that, amongst other things, those that wanted to lose weight were gaining weight, that the amount of pupils that were overweight who had a takeaway for lunch had gone up, and that the biggest cause of being overweight or obese was poor diet.

4.16 A poor food environment around schools can contribute to increasing the percentage of those children classified as being overweight and obese.



Table 4: Childhood Overweight and Obesity rates in Wolverhampton wards (wards which exceed the national average (40.6%) are highlighted in red)

Ward	% Year 6 Overweight or Obese ²	Number of A5 Hot Food Takeaways within 400m of school gates
• Bilston East	45.9	21
• Bilston North	40.8	9
• Blakenhall	44.1	10
Bushbury North	35.3	16
• Bushbury South and Low Hill	41.9	10
East Park	40	11
Ettingshall	38.7	11
Fallings Park	40.3	16
Graiseley	38.1	10
• Heath Town	41.4	9
Merry Hill	32.6	10
• Oxley	40.6	3
Park	34.5	6
Penn	30.4	7
Spring Vale	37.3	11
• St Peter's	43.4	56
Tettenhall Regis	31.4	7
Tettenhall Wightwick	26.9	7
Wednesfield North	38.6	7
Wednesfield South	34.3	21

² Wolverhampton National Child Weight Measurement Programme Data, 2016-17



Obesity in Wolverhampton

- 4.17 The Joint Strategic Needs Assessment for Wolverhampton (2017) identifies that the City experiences significant health inequalities. On average, the people who live in Wolverhampton do not live as long as people in other areas of England and spend more of their lives either suffering from ill-health or disabled. These inequalities exist within and across Wolverhampton. The most marked inequalities are between Wolverhampton and the rest of England, however there are significant inequalities in health and wellbeing between different sections of the population within Wolverhampton. These variations are related to several factors including ethnicity, age and gender.
- 4.18 The JSNA identifies that the health of people in Wolverhampton is improving, but not as fast as the England average. Obesity, low fruit and vegetable consumption, lack of exercise, inactivity, smoking and alcohol use are all significant causes of ill health in the City.
- 4.19 Obesity contributes to the onset of many diseases and premature mortality and is the sixth most important risk factor contributing to the overall burden of disease worldwide. Moderate obesity (BMI 30-35 kg/m²) can reduce life expectancy by an average of three years, while morbid obesity (BMI 40-50 kg/ kg/m²) reduces life expectancy by eight to ten years. This eight to ten-year loss of life is equivalent to the effects of lifelong smoking.
- 4.20 In Wolverhampton, obese adults made up 21.7% out of 7,583 participants in our healthy lifestyles survey in 2016. This figure is deemed representative of our population. Of the 21.7% of participants who were classified as being obese, 7.5% were classified as being morbidly obese.

- 4.21 There are also likely to be different rates of increase in obesity between different socio-economic sub-groups within the local population. The Health Survey for



England (2012) found that low-income males were 5% more likely to have a higher BMI than those in higher-income classes. For low-income women, this difference was far greater; up to 13% more likely to have a higher BMI than those in higher-income classes.

- 4.22 Geographically, obesity prevalence is closely correlated with levels on the Index of Multiple Deprivation (IMD) and rises with decreasing educational level among both men and women.
- 4.23 Excess weight (overweight and obese) for Reception year children in Wolverhampton has been consistently significantly worse than regional and national averages. During 2015/16 25.3% of children in Wolverhampton were overweight or obese compared to 23.3% in the West Midlands and 22.1% in England. For Year 6 children in Wolverhampton, excess weight is also consistently significantly worse than the national average. The figure in 2015/16 was 40.3%, a minor decrease, following a peak of 41.5% during 2013/14. The Wolverhampton gap to the national average is much starker than Reception year figures with Year 6 excess weight at 34.2% for England in 2015/16. West Midlands figures are similar to the national average at 36.6%. Current trends suggest that around 80% of children who are obese at ages 10–14 years will become obese adults, particularly if one of their parents is also obese.
- 4.24 The Health Survey for England suggests that by 2030, 41% to 48% of men and 35% to 43% of women could be obese if trends continue. A 2014 study by the McKinsey Global Institute revealed that the associated annual cost of obesity to the NHS could increase from between £6 billion and £8 billion in 2015 to between £10 billion and £12 billion by 2030.

5

Planning Policy

- 5.1 The requirements set out in this SPD support and provide detailed guidance on the application of planning policies at a national, sub-regional and local level.

National Policy

- 5.2 The National Planning Policy Framework (NPPF) endorses local policies that support the vitality and viability of town centres. It promotes healthy communities and the adoption of local plans that limit change of use where this change does not benefit the local community.

Section 2. Ensuring the Vitality of Town Centres

- 5.3 Paragraphs 23 to 27 of the NPPF require Local Plans to promote competitive retail centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres. Where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.
- 5.4 Hot Food Takeaways fall within a retail use class and are therefore defined as a Main Town Centre Use as detailed in NPPF Annex 2 Glossary. Consequently, proposals should be directed to centres in the first instance and be subject to relevant centres policies in the Local Plan. For proposals that are not in a centre the NPPF requires a “sequential test” to be carried out:

NPPF Para 24: Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

Section 8. Promoting Healthy Communities

- 5.5 To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and that they are retained for the benefit of the community. In defining the plan-making process, the NPPF 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”.



National Planning Practice Guidance (NPPG) Health and Wellbeing

- 5.6 The following paragraph was added to NPPG in July 2017 and supports the guidance in this SPD.

NPPG Para 6. How can planning help create a healthier food environment?

Planning can influence the built environment to improve health and reduce obesity and excess weight in local communities.

Local planning authorities can have a role in enabling a healthier environment by supporting opportunities for communities to access a wide range of healthier food production and consumption choices.

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. In doing so, evidence and guidance produced by local public health colleagues and Health and Wellbeing Boards may be relevant. Policies may also request the provision of allotments or allotment gardens, to ensure the provision of adequate spaces for food growing opportunities.

Local planning authorities and planning applicants could 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 and general poor health in specific locations
- over-concentration and clustering of certain use classes within a specified area
- odours and noise impact
- traffic impact
- refuse and litter

Sub Regional Policy

- 5.7 The Black Country Core Strategy (2011) includes 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 several criteria relating to proposals for centre uses that provide under 200sqm (gross) floorspace and are not located in a centre.

CEN6 – Meeting Local Needs for Shopping and Services (part)

New small-scale local facilities outside defined centres of up to 200 square metres gross, or extensions to existing facilities which would create a unit of up to 200 square metres gross will be permitted if it can be shown that all of the following requirements are met:

- The proposal is of an appropriate scale and nature to meet a specific day-to-day need of a population within convenient, safe walking distance for new or improved facilities;
- Local provision could not be better met by investment in a nearby centre;
- Existing facilities that meet day-to-day needs will not be undermined.
- Access to facilities by means other than by car would be improved and, in particular, will be within convenient, safe walking distance of the community it is intended to serve;
- Where new local facilities are to meet the specific needs of new housing development, particularly food provision, then proposals need to meet the requirements of Policy HOU2.

Local Policy

- 5.8 There are a range of policies within the Wolverhampton Development Plan which control the location of Hot Food Takeaways, primarily within centres. The boundaries of centres – strategic, town, district and local – are also defined in these Plans. Appendix 1 shows the boundaries of these centres.
- 5.9 Policy SH10 of the Wolverhampton Unitary Development Plan (UDP) controls the proportion of non-A1 units within all district and local centres not covered by an Area Action Plan (AAP) or Tettenhall Neighbourhood Plan.

Policy SH10 - Protected Frontages Within district and local centres, proposals to use ground floor units for non-retail uses will be considered favourably only where all of the following criteria are met:

1. the overall retail function of the centre/group of shops would not be undermined. Permission will not be granted where non-A1 uses constitute any of the following: i. more than 30% of shop units in the centre concerned; ii. more than 30% of frontage length; iii. more than three consecutive units;
2. the use would make a positive contribution to the overall role of the centre / group of shops;
3. there would be no conflict with Policy SH9 in respect of the retention of convenience shops, post offices and pharmacies;
4. the use is compatible with other UDP policies; and
5. shop front treatment, including security measures, should harmonise with the building of which it forms a part and with neighbouring buildings in terms of design, scale, materials, colour and texture. Shopfront treatments should also maintain views into the unit in the daytime and at night. Further guidance on shopfront treatment is set out in Supplementary Planning Guidance.

For the purposes of this Policy a frontage is defined as one side of a street or parade which is not separated by a significant gap such as a road junction. Proposals to change the use of a shop to a restaurant, a hot food take-away, or an amusement centre, will also be subject to Policies SH14 and SH16 respectively.

- 5.10 Policy SH14 of the UDP specifically relates to the location and design of catering outlets, including A5 uses. In terms of design, this should be read alongside Policy EP1: Pollution Control (which relates to smells), Policy EP5: Noise Pollution and Policy AM12: Parking and Servicing Provision.

Policy SH14 – Catering Outlets (part)

Catering outlets (comprising uses within Classes A3, A4 and A5 of the Use Classes Order) should be located within defined centres, except where a proposal would comply with Policy CEN6 in meeting a local need for this type of use which cannot be met within a defined centre.

Proposals for catering outlets will not be permitted where:

1. the proposal would conflict with the frontage use policy for the centre in which it would be sited, or would otherwise harm the vitality and / or viability of the centre; or
2. significant harm would be caused to the amenities of existing or proposed residential accommodation in the vicinity, either individually or cumulatively with other Class A5 uses, including by reason of noise, smell, general disturbance or traffic impact; or
3. significant harm would be caused to the visual amenities of the area by proposed ventilation and / or fume extraction equipment incorporated in the proposal; or
4. the vehicle movements and parking generated would be harmful to highway safety or the free flow of traffic, taking into account the availability of space for parking and servicing; or
5. adequate provision would not be made for the storage and disposal of refuse.

Proposals which could affect the amenities of residential accommodation may be permitted subject to conditions to limit the permitted hours of operation, where it is considered that the effects can be satisfactorily mitigated by such a limit.

- 4.12 Policy WVC6 of the UDP controls the proportion of non-A1 units within Wednesfield Village Centre.

Policy WVC6 - Frontage Use Policy (part) Within the Primary Shopping Area planning permission will not be granted where non-A1 uses constitute more than 30% of the number of units in a retail frontage or exceed 30% of frontage length. For the purposes of this Policy a frontage is defined as one side of a street or parade which is not separated by a significant gap such as a road junction. Elsewhere no set percentage will be applied although it will be important to retain a majority element of retailing.

- 5.11 Policy CA1 of the Wolverhampton City Centre Area Action Plan (AAP) controls the proportion of non-A1 and A5 units within Wolverhampton City Centre Shopping Core (primary shopping area), with different controls for primary and secondary frontages.

Policy CA1: Shopping Core (part) (e) Retaining and improving a variety of A1 shop) uses in the Shopping Core by imposing controls over changes of use in key streets. It is recognised that other uses such as A2 (financial and professional services), A3, A4 and A5 (food and drink) uses have a key role but their location must be controlled to maintain a healthy mix of uses. For ground floor retail units that form part of a frontage, proposals for a change of use that are subject to planning control and will result in an increase in non-A1 presence where it exceeds any of the following will not be permitted:

(i) For Primary Frontages: More than 30% of the number of units being in non-A1 use More than three consecutive units being in non-A1 use More than 15% of the number of units being in A5 use More than two consecutive units being in A5 use (ii) For Secondary Frontages: More than 50% of the number of units being in non-A1 use More than four consecutive units being in non-A1 use More than 25% of the number of units being in A5 use More than three consecutive units being in A5 Where shop units are vacant for six months or longer and it can be demonstrated that they have been adequately marketed as A1 units for that period without success, a relaxation of the above criteria may be acceptable in order to maintain an active street frontage.

- 5.12 Policy CA5 of the City Centre AAP controls the proportion of non-A1 and A5 units within Chapel Ash Local Centre.

Policy CA5: Chapel Ash & West Park (part) ... (b) Strengthening the retail and service offer of Chapel Ash Local Centre ... Within the Local Centre boundary for ground floor retail units that form part of a frontage, a change of use that will result in an increase in non-A1 presence where it exceeds any of the following will not be permitted: (i) More than 50% of the number of units being in non-A1 use (ii) More than four consecutive units being in non-A1 use (iii) More than 25% of the number of units being in A5 use (iv) More than three consecutive units being in A5 use For the purposes of this Policy a frontage is defined as one side of a street or parade which is not separated by a significant gap such as a road junction.

- 5.13 Policy SRC3 of the Stafford Road Corridor AAP controls the proportion of non-A1 and A5 units within Stafford Road (Three Tuns) District Centre.

Policy SRC3: Meeting Shopping and Service Needs at Three Tuns District Centre and the Neighbourhood Centre at Goodyear (part)

Proposals for ground floor retail units that would lead to any of the following will be resisted:

- More than 40% of ground floor retail units within the centre within non-A1 Use Classes;
- More than three consecutive ground floor retail units within non-A1 Use Classes;
- More than two consecutive A5 hot food takeaways; or
- More than 10% of ground floor retail units within the Centre within Use Class A5 'hot food takeaway' Where shop units are vacant for six months or longer and it can be demonstrated that they have been adequately marketed as A1 units for that period without success, a relaxation of the above criteria may be acceptable in order to maintain active frontages within the Centre.

5.14 Policy BC10 of the Bilston Corridor AAP controls the proportion of non-A1 units within Bilston Town Centre.

Policy BC10 – Bilston Town Centre (part) Within the Primary Shopping Area planning permission will not be granted where non-A1 uses constitute more than 30% of the number of units in a retail frontage or exceed 30% of frontage length. For the purposes of this Policy a frontage is defined as one side of a street or parade which is not separated by a significant gap such as a road junction. Elsewhere in Bilston Town Centre, a majority element of retailing should be maintained. Ground floor uses must be able to attract significant numbers of customers, generate street level activity and incorporate attractive shopfronts and lively window displays.

5.15 Policy TNP3 of the Tettenhall Neighbourhood Plan controls the proportion of non-A1 and A5 units within District and Local Centres in the Neighbourhood Plan area.

Policy TNP3 - Commercial Centres and the Retail Offer (part)

2. Maintaining an appropriate balance of retail (Use Class A1) uses within the designated District and Local Centres. In order to maintain this balance:

- | | | |
|--|--|---|
| <ul style="list-style-type: none"> • Proposals for ground floor retail units that would lead to any of the following will be resisted: • More than 30% of ground floor retail units in the Centre within non-A1 Use Classes; | <ul style="list-style-type: none"> • More than three consecutive ground floor retail units within non-A1 Use Classes; • More than two consecutive ground floor units in the A5 Use Class (hot food takeaways); | <ul style="list-style-type: none"> • More than 10% of ground floor retail units in the Centre within Use Class A5 'hot food takeaway'. |
|--|--|---|

Where shop units are vacant for six months or longer and it can be demonstrated that they have been adequately marketed as A1 units for that period without success, a relaxation of the above criteria may be acceptable in order to maintain active street frontages within the Centre concerned.

6

Hot Food Takeaway Guidelines

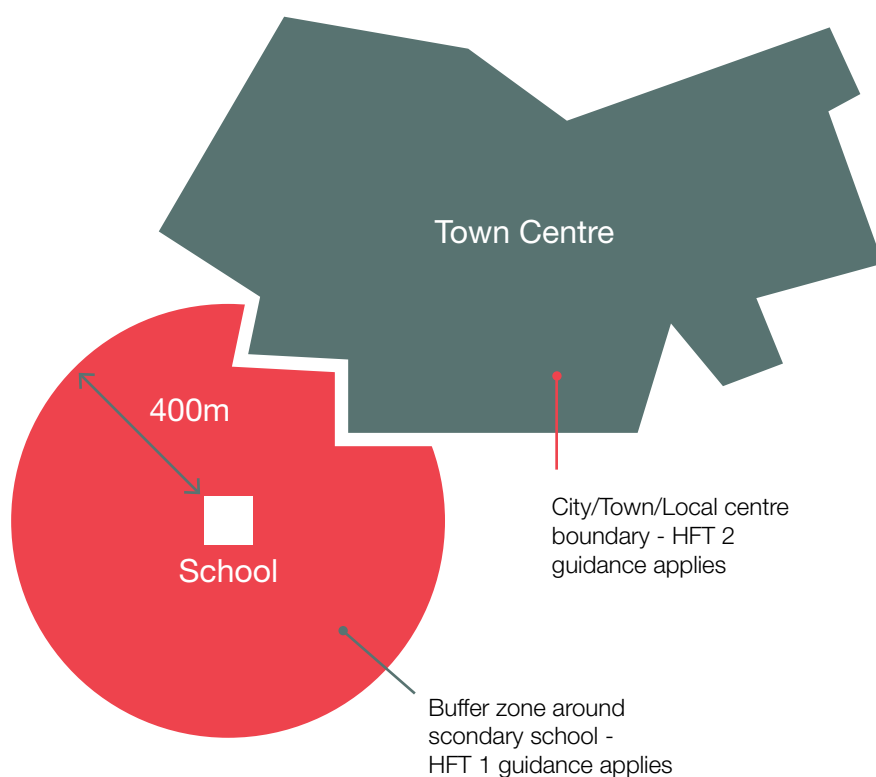
- 6.1 This document introduces two guidelines (HFT 1 and HFT 2) which are material considerations for any proposals that relate to applications for Hot Food Takeaways in Wolverhampton.

HFT1: Proximity to a Secondary School

No new Hot Food Takeaway development will be permitted within 400 metres of a secondary school, as measured in a direct line (as the crow flies) from any school entrance used by pupils.

HFT1 will not apply to proposals within a Local or District Centre, or within the primary shopping areas of Wolverhampton City, Bilston Town and Wednesfield Village Centre, where these boundaries overlap the 400m buffer zone. In these areas, relevant policies in the Wolverhampton Development Plan restricting A5 uses or HFT2 will take precedence.

- 6.2 National guidance advises Local Planning Authorities to restrict the location of Hot Food Takeaways, particularly around schools (NPPG Paragraph 6). No new Hot Food Takeaway should increase the exposure of school children to these opportunities. As explained, studies show that Hot Food Takeaway food is inherently unhealthy, and the food environment can influence diet. HFT1 aims to restrict the access of secondary school children to unhealthy foods, to encourage and support healthy lifestyle choices, by restricting Hot Food Takeaway proposals located outside a centre but within easy walking distance of a secondary school, thus supplementing Core Strategy Policy CEN6, NPPF paragraph 24 and NPPG paragraph 6. 400m is used as a proxy for a 5-minute walk, which is considered easy walking distance. Primary schools are not included in this restriction as their pupils do not have the same amount of independence and autonomy as secondary school children to access Hot Food Takeaways.



HFT2: Vitality and Viability of Centres

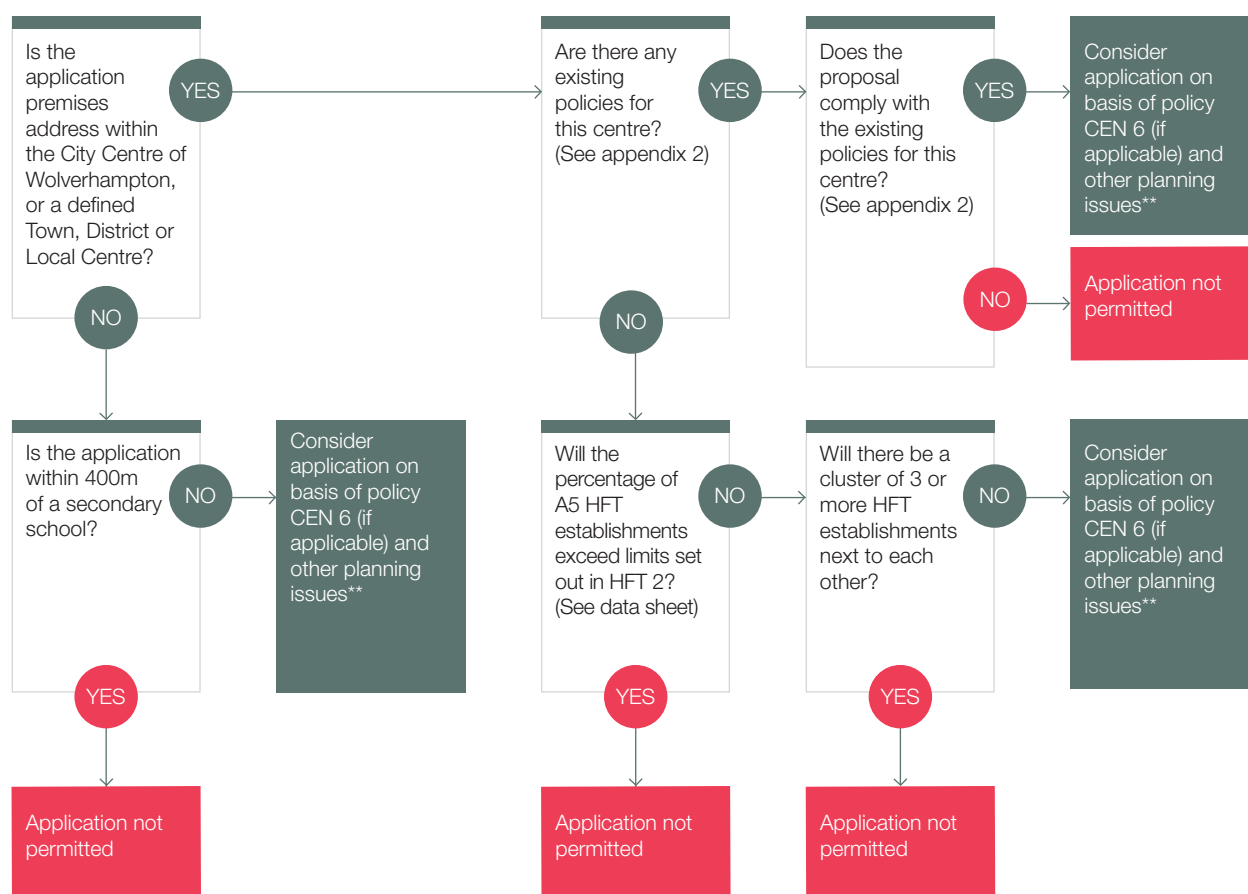
For any Centres that are not subject to a specific Hot Food Takeaway (Class A5) policy in the Wolverhampton Development Plan, the proportion of Hot Food Takeaways will be limited as follows:

- In centres with 40 units or more - no more than 10% of ground floor shop units in total and no more than 10% of ground floor shop units in any frontage should be occupied by Hot Food Takeaways;
- In centres with less than 40 units - no more than 15% of ground floor shop units in total and no more than 15% of ground floor shop units in any frontage should be occupied by Hot Food Takeaways;
- In all centres - no more than two consecutive ground floor shop units in the centre should be occupied by Hot Food Takeaways.

A frontage is defined as one side of a street or parade which is not separated by a significant gap such as a road junction.

- 6.3 Current Wolverhampton Development Plan policies relating to A5 uses cover some but not all centres in Wolverhampton. Therefore, given that new Hot Food Takeaways should not prejudice the vitality or viability of a centre, additional guidance is required to cover those centres without a bespoke policy, as set out in Appendices 1 and 2.
- 6.4 The limits set out in HFT 2 are designed to manage the concentration of Hot Food Takeaways to levels that will not affect the vitality and viability of the centre to deliver services to members of the public, in line with national, sub-regional and local policy.
- 6.5 The clustering of Hot Food Takeaway outlets together creates areas in centres that are dominated by one use and only open and active at certain times of the day. Reducing the clustering of these types of outlets will increase the variety of different types of shop fronts and therefore improve the perception and vitality of the Centre.
- 6.6 Where any of the above percentage or clustering limits has already been reached, or would be reached by permitting the proposed development, then the proposal will not be permitted.
- 6.7 Details of the address and current use of units within each Centre is provided in the most current 'Hot Food Takeaway Data Sheet' which can be found on the Planning webpage of the City of Wolverhampton Council website.
- 6.8 In addition, each proposal for a new A5 use which is submitted to the council will be assessed on its individual merits and the guidance contained in the SPD will be applied with a degree of flexibility for each case, for instance, if an applicant wished to sell a range of healthier food instead of the typical high fat, high salt food sold in most hot food takeaways.

Figure 2: Hot Food Takeaway (A5) Planning Application Flow Diagram



**Consistent with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application will be judged in relation to conformity with the Development Plan and other material considerations. In addition, each proposal for a new A5 use which is submitted to the council will be assessed on its individual merits and the guidance contained in the SPD will be applied with a degree of flexibility for each case, for instance, if an applicant wished to sell a range of healthier food instead of the typical high fat, high salt food sold in most hot food takeaways.

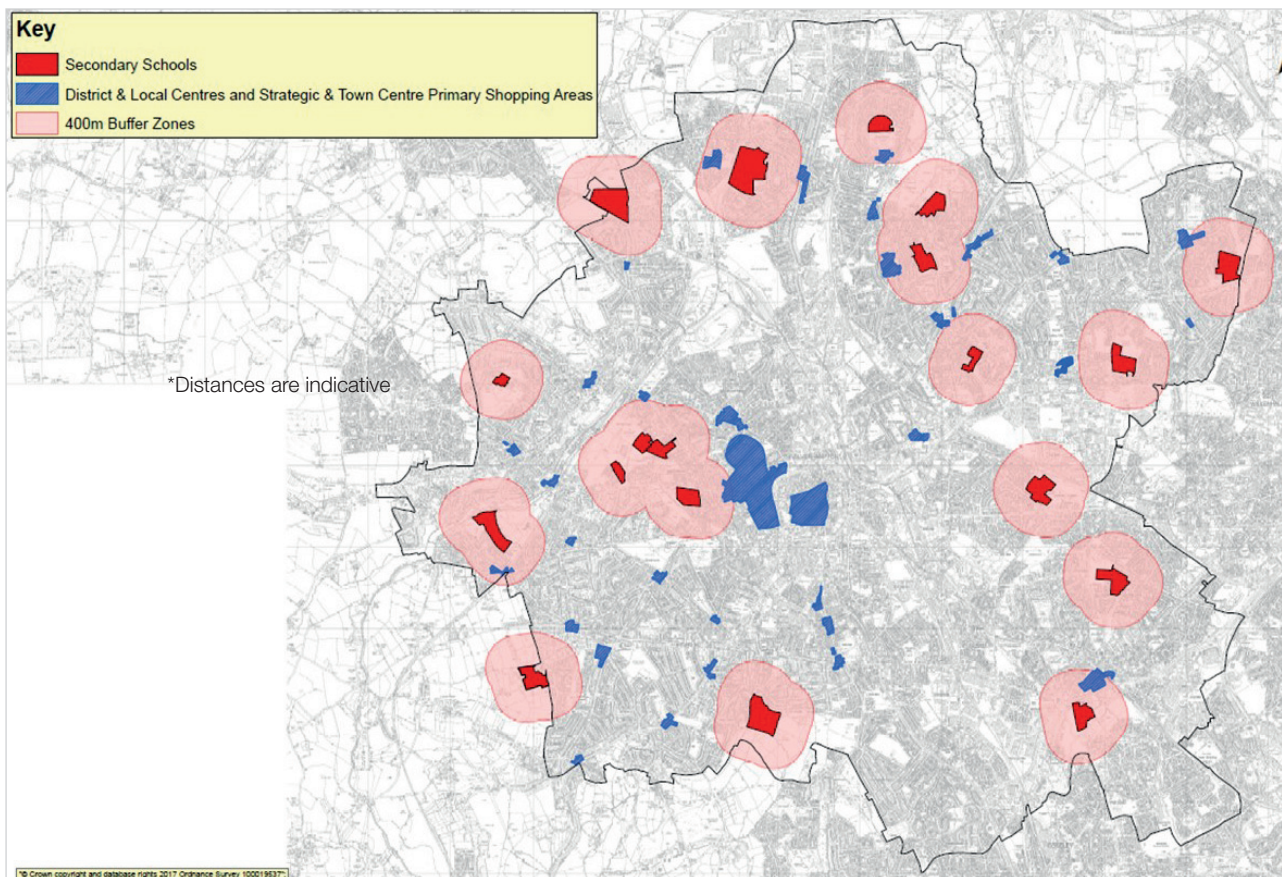
7

Monitoring

- 7.1 For each centre, details of the address and current use of each unit is provided in the 'Hot Food Takeaway Data Sheet' which can be found on the Planning webpages of the City of Wolverhampton Council website: (www.wolverhampton.gov.uk)
- 7.2 This information will be kept up to date with an annual survey of all centres and through using monitoring data.

Appendix 1

Location of Wolverhampton Centres and Secondary Schools with 400m buffer*




Appendix 2:

Hot Food Takeaway (A5) and Non-A1 Restriction Policies which apply to each Wolverhampton Centre and proposals outside a Centre

Relevant Policies / Guidelines →		Core Strategy	Saved UDP	Bilston Corridor AAP	Stafford Road Corridor AAP	Wolverhampton City Centre AAP	Tettenhall Neighbourhood Plan	Outside primary shopping area – HFT 1	Hot Food Takeaway SPD HFT 2
Proposal outside a centre		CEN 6						HFT 1	
Proposal within a centre									
Type	Map Ref / Name								
Strategic Centre	1 Wolverhampton City Centre	CEN 1, 2 & 3				CA 1		Outside primary shopping area - HFT 1	
Town Centres	2 Bilston	CEN 1, 2 & 4		BC 10					HFT 2
	3 Wednesfield		WVC 6						
District & Local Centres	4 Stafford Road (Three Tuns)	CEN 1, 2 & 5			SRC 3				
	5 Chapel Ash					CA 5			
	6 Tettenhall Village						TNP 3		
	7 Aldersley (Claregate)								
	8 Castlecroft								
	9 Compton Village								
	10 Finchfield								
	11 Tettenhall Wood								
	12 Ashmore Park		SH 10						HFT 2
	13 Broadway								

Relevant Policies / Guidelines →		Core Strategy	Saved UDP	Bilston Corridor AAP	Stafford Road Corridor AAP	Wolverhampton City Centre AAP	Tetterhall Neighbourhood Plan	Outside primary shopping area – HFT 1	Hot Food Takeaway SPD HFT 2
Proposal within a centre									
Type	Map Ref / Name								
District & Local Centres	14 Bradmore	● CEN 1, 2 & 5	● SH 10						● HFT 2
	15 Bushbury Lane								
	16 Cannock Road (Scotlands)								
	17 Dudley Road (Blakenhall)								
	18 Fallings Park								
	19 Heath Town								
	20 Merry Hill								
	21 Newbridge								
	22 Parkfield								
	23 Pendeford Park								
	24 Penn Fields								
	25 Penn Manor								
	26 Showell Circus								

Relevant Policies / Guidelines →		Core Strategy	Saved UDP	Bilston Corridor AAP	Stafford Road Corridor AAP	Wolverhampton City Centre AAP	Tetterhall Neighbourhood Plan	Outside primary shopping area – HFT 1	Hot Food Takeaway SPD HFT 2
Proposal within a centre									
Type	Map Ref / Name								
District & Local Centres	27 Spring Hill	● CEN 1, 2 & 5	● SH 10						● HFT 2
	28 Stubby Lane								
	29 Upper Penn								
	30 Whitmore Reans / Avion Centre								
	31 Warstones Road								
	32 Wood End								



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