

Individual Executive Decision Notice

Report title	Adoption of Hot Food Takeaway Supplementary Planning Document (SPD)	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor John Reynolds City Economy Councillor Hazel Malcolm Health & Wellbeing	
Wards affected	All	
Accountable directors	Julian Wain, Director of Regeneration (previously Assistant Director City Economy) John Denley, Director of Public Health & Wellbeing	
Originating services	Public Health and Wellbeing, Planning	
Accountable employee(s)	Lina Martino Tel Email Michele Ross Tel Email	Consultant in Public Health 07973 715555 Lina.Martino@wolverhampton.gov.uk Lead Planning Manager (Sub-Regional Strategy) 01902 554038 Michele.ross@wolverhampton.gov.uk
Report to be/has been considered by	Strategic Executive Board Executive Team Health Scrutiny Panel Cabinet Member for City Economy Cabinet Member for Health & Wellbeing	10 April 2018 23 April 2018 24 May 2018 6 June 2018 7 June 2018

Summary

To approve adoption of the Hot Food Takeaway Supplementary Planning Document.

Recommendation(s) for action or decision:

That the Cabinet Members for City Economy and Health & Wellbeing, in consultation with the Service Director, Regeneration and Director of Public Health and Wellbeing:

1. Approve the Council's response to representations received on the draft Hot Food Takeaway Supplementary Planning Document, and adopt the document, subject to minor amendments.

This report is PUBLIC
[NOT PROTECTIVELY MARKED]

Signature
Date:

Signature
Date:

1.0 Background

- 1.1 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.
- 1.2 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 planning policy approaches which restrict hot food takeaway proposals where these do not benefit the local community.
- 1.3 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”.
- 1.4 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.”
- 1.5 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.
- 1.6 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.
- 1.7 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.
- 1.8 By limiting new outlets in sensitive locations, this will help promote healthy communities and maintain the character, vitality and viability of our high streets.

2.0 Consultation

- 2.1 Following Cabinet approval on 18 October 2017, public consultation on the draft SPD took place from 30 October to 11 December 2017. During that time the document was made available at the Civic Centre and main libraries and on the Council’s website, and statutory consultees and key stakeholders were notified and engaged.

- 2.2 During the consultation period four representations were received directly, whilst the Draft SPD had a high profile on social media. A number of suggested changes have been incorporated in the final SPD where appropriate:
- Table 2 has been amended to show a 2017 estimated population with the Office of National Statistics (ONS) population growth estimate (since 2011) applied (4%).
 - Table 3 has been inserted to show childhood obesity rates by ward. Guidance HFT 2 is aimed at managing a factor that can contribute towards childhood obesity.
 - The map on Page 26 has been amended to confirm that the 400m exclusion zones are indicative distances, taking into account consideration of the urban form.
- 2.3 A Consultation Statement has been produced which summarises these representations and the City of Wolverhampton Council's responses. One objection was received, and the response to the objection is summarised below:
- The document is in line with the National Planning Policy Framework (NPPF) in terms of promoting healthy communities. It also accords with the Black Country Core Strategy (the Local Plan) which is in turn in accordance with the NPPF.
 - Hot Food Takeaways are recognised as adding to the vitality and viability of centres but retailing should be the dominant use. As identified in policy and DCLG Guidance (2012), *"Retailing plays a major role in attracting people to the centre of cities, towns and villages, thus contributing to the overall economic vitality of those centres and supporting their role as centres of social interaction in the community"*.
 - This is expanded on in Section 2 – Promoting Health Communities of the NPPF, which states 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"*.
 - Furthermore, Paragraph 6 of National Planning Practice Guidance 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. In doing so, evidence and guidance produced by local public health colleagues and Health and Wellbeing Boards may be relevant"*.
 - Chapter 8 of the NPPF gives an overall principle of the role of the planning system in facilitating social interaction and creating healthy, inclusive communities. *"Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see"*.
 - The SPD does not require HFT's that are already in existence with 400m of secondary schools to close. In terms of preventing new HFT's from locating within 400m of secondary school, the SPD does not ask for money or contributions, therefore it does not create a financial burden.
 - The Flow Diagram (Figure 2 in the Draft SPD) assists applicants to make successful applications.

- Individual matters pertaining to each planning application can be discussed at pre-application stage, which is a free service.
- In addition, each proposal for a new A5 use 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.

2.4 The Consultation Statement and the final SPD for adoption can be viewed at: www.wolverhampton.gov.uk/planningpolicy.

3.0 Financial implications

3.1 The costs of preparing the SPD were met from Planning and Public Health revenue budgets in 2017/18. All staff time associated with responses and approval of the SPD in 2017/18 were also met from this budget. [HM/11092017/X]

4.0 Legal implications

4.1 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. (RB/16012018/C)

5.0 Equalities implications

5.1 An Equality Assessment (EA) was carried out on the contents of the SPD. 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.

6.0 Environmental implications

6.1 A Sustainability Appraisal was carried out on the contents of the SPD. 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. It concludes that there are potential positive environmental implications from adopting this SPD, primarily concerning amenity.

7.0 Human resources implications

7.1 The report has no human resources implications.

8.0 Corporate landlord implications

8.1 The report has no specific corporate landlord implications.

9.0 Schedule of background papers

9.1 Hot Food Takeaway SPD Consultation Statement

9.2 Final Draft Hot Food Takeaway Supplementary Planning Document, February 2018