

Planning Advice Note

Hot Food Takeaways

Adopted May 2019



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Planning Advice Note: Hot Food Takeaway

1. About this Guidance

- 1.1 This Planning Advice Note sets out the Council's approach to dealing with hot food takeaways in respect of meeting the Council's health and wellbeing agenda. It should be read in conjunction with the SPD on hot food takeaways.

2. Introduction

- 2.1 Hot food takeaways are controlled by a range of different regulations and a number of statutory requirements must be satisfied before trading can begin. This note has been prepared to deal principally with the land use issues. However policies which promote good public health are to be encouraged and the planning system is an important tool for improving health and well-being.
- 2.2 This Planning Advice Note sets out the Council's priorities and objective in relation to the planning control of hot food takeaways. It elaborates upon existing and emerging policy in relation to health and wellbeing.

Use Classes Order

- 2.3 Establishments whose primary business is for the sale of hot food for consumption off the premises fall within the Use Class A5 (as defined by the Town and Country Planning (Use Class) Order 1987 (as amended). The proposed layouts of such premises provide a clear guide as to whether the use of the premises will fall into the A3 (restaurant) or the A5 (hot food takeaway) Use Class. In determining the dominant use of the premises consideration will be given to:
- The proportion of space designated for hot food preparation and other servicing in relation to designated customer circulation space; and/or
 - The number of tables and chairs to be provided for customer use;
 - The percentage of the use to the overall turnover of the business.

3. Policy

The National Planning Policy Framework section 8 "Promoting Healthy and Safe Communities" states that "*Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling*".

The following extract from Local Plan policy D1 High Quality Design and Placemaking is relevant where it states that development should:

- **Contribute to place making and be of a high quality that contributes to a healthy, safe and sustainable environment.**

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- **In terms of place making, development should make a positive contribution to achieving qualities of a successful place such as character, legibility, permeability and vitality.**

4. Further Advice

Planning

- 4.1** The Hot Food Takeaway Supplementary Planning Document advises that pre-application discussion about the suitability of a particular property may avoid the submission of an application where the proposal would create an unacceptable impact on the environment. If you have any questions or queries, initial contact should be made with Development Management. Telephone number 01226 772595.

Regulatory Services

- 4.2** As set out in the Hot Food Takeaway Supplementary Planning Document, for advice on the control of noise and odour, food hygiene, or health and safety, contact Regulatory Services on 01226 773555.

Licensing

- 4.3** For advice on the licensing of late night refreshments, contact Legal Services, Licensing on 01226 773843.

5. Health

- 5.1** Levels of obesity and excessive weight are a health concern in Barnsley. 73.1% of Barnsley adults are either overweight or obese which is 12% higher than the national average. Over a third of Barnsley's 10-11 year olds are overweight or obese and 18% of 4 to 5 year olds carry excess weight (Public Health England 2018). BMBC has revised its Public Health Strategy (2018-2021) with food as one of the priorities. A food plan has been introduced to improve and diversify the local food environment, increase access to healthy, good quality food, reduce obesity levels and improve obesity related health outcomes, such as diabetes and cardiovascular disease.
- 5.2** People who are overweight or obese have a higher risk of getting type 2 diabetes, heart disease and certain cancers. Excess weight can also affect self-esteem and mental health. The Government is spending £5billion a year to tackle obesity. The wider cost to the economy is estimated to be £20 billion a year once factors such as lost productivity and sick days are taken into account.¹

Hot Food Takeaways and Obesity

- 5.3** In 2018 Public Health England (PHE) emphasised that local physical surroundings have a large impact on the population as residents are now living in an environment which encourages unhealthy behaviours, such as eating more high calorie food and exercising

¹ Source: Public Health England, 2018 (*adult data based on Active Lives survey, Sport England 2016-17 and children's data taken from the National Childhood Measurement Programme 2017-18*)

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less. One of the biggest factors influencing our choices is the density of hot food takeaways.

- 5.4** PHE also advise that many of our streets are saturated with fast food outlets, selling food such as chips, burgers, kebabs, fried chicken and pizza. The sheer density of these outlets make it easier for us to consume too much, too often – and the fact that most outlets have no or limited nutrition information in store can make informed choices difficult. While not all fast food is unhealthy, it is typically high in saturated fat, salt and calories. Excess calorie consumption is the root cause of the obesity crisis, with overweight or obese children consuming up to 500 extra calories per day, depending on their age and sex.

Hot Food Takeaways and Schools

- 5.5** PHE (2018) also advises that children with excess weight are more likely to be overweight or obese as adults, increasing their risk of preventable diseases such as type 2 diabetes, heart disease and some cancers. With a third of Barnsley's children leaving primary school overweight or obese, shaping our food environment is an important part of supporting healthier lifestyles.
- 5.6** Both the built and natural environments can have an influence on our health and wellbeing. Children may find it more difficult to make healthier choices when exposed to so many fast food options, whether on their way to and from school or out with friends.
- 5.7** Continuing to permit school children access to food sold in hot food takeaways, often high in fat, salt and sugar, will perpetuate poor food choice. Restricting the development of hot food takeaways within a ten minute walking distance of the school (i.e. a 400m radius) will limit children's exposure.
- 5.8** The table below displays population figures by electoral ward, compared to the number of hot food takeaways and local childhood obesity data.

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Barnsley Ward Data

Table 1

| Ward Name | Ward Population | Number of Outlets 2018: BMBC Local Data Source | Excess Weight in 4-5 year olds | Excess Weight in 10-11 year olds |
|----------------|-----------------|--|--------------------------------|----------------------------------|
| Central | 11,115 | 40 | 19.4% | 34.9% |
| Cudworth | 10,977 | 16 | 17.7% | 26.4% |
| Darfield | 10,686 | 11 | 20.5% | 37.2% |
| Darton East | 10,676 | 9 | 18.3% | 35.1% |
| Darton West | 10,669 | 12 | 28.2% | 37.2% |
| Dearne North | 10,498 | 19 | 18.1% | 37.9% |
| Dearne South | 11,889 | 13 | 24% | 33.5% |
| Dodworth | 9,777 | 5 | 19% | 27.9% |
| Hoyland Milton | 11,852 | 19 | 19.7% | 27.5% |
| Kingstone | 10,680 | 11 | 20.5% | 30.8% |
| Monk Bretton | 10,785 | 12 | 20.3% | 37.9% |
| North East | 13,189 | 11 | 17.5% | 30.9% |
| Old Town | 10,811 | 3 | 20.5% | 31.4% |
| Penistone East | 11,587 | 0 | 18.1% | 33.4% |
| Penistone West | 11,322 | 8 | 24.3% | 35.6% |
| Rockingham | 11,062 | 6 | 18.4% | 26.2% |
| Royston | 10,728 | 8 | 18.5% | 28.4% |
| St Helens | 10,250 | 7 | 15.1% | 29.8% |
| Stairfoot | 11,510 | 10 | 21% | 36.9% |
| Wombwell | 11,477 | 17 | 25.6% | 36.7% |
| Worsbrough | 9,682 | 10 | 20.4% | 30.5% |

Ward Population Data Source: 2011 Census.

Number of Hot Food Takeaway units and applications in Barnsley (received and in business between 2015 and 2018), in line with electoral wards and population figures. Source: BMBC 2018.

Child Excess Weight data source: PHE 2018, three year aggregated data

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6. Part 2 – Guidance

Is planning permission required?

- 6.1** As set out in the Hot Food Takeaway Supplementary Planning Document, planning permission is required to build new premises for an A5 use. The Town and Country Planning (Use Classes) Order 1987 (as amended) subdivides different development types into separate classes of use. The Order also provides details on when planning permission is required to change from one particular use to another.
- 6.2** Where a property currently has permission for use as a hot food takeaway, planning permission is not usually required to use the property for any other type of hot food takeaway. However, the conditions attached to the previous planning permission, such as restrictions on opening hours, will still apply. External building works or alterations that materially change the appearance of an existing hot food takeaway, such as the building of an extension or the installation of a new shop front to the property will usually require planning permission.
- 6.3** Separate advertisement consent is sometimes required to display shop advertisements. For example, consent would be required for signs above fascia level, including projecting signs or banners, and illuminated signs of any kind.

Planning Application Considerations

In addition to those considerations set out in the Hot Food Takeaway Supplementary Planning Document, the additional considerations arising from this Planning Advice Note are:

1. Over Proliferation

In assessing applications for an A5 use, consideration will be given to the number of hot food takeaways already present in each ward as per Table 1. The NPPF states that “planning decisions should aim to achieve healthy, inclusive and safe places which: enable and support healthy lifestyles”. The greater the number of hot food takeaways within a ward the more likely it therefore is that proposals for further A5 uses would be in conflict with this part of the NPPF.

2. Proximity to Schools

Outside District or Local Centres, proposals for Hot Food Takeaways within 400m of a secondary school or Advanced Learning Centre (ALC), will have regard to guidance from Public Health England on the link between childhood obesity and proximity to Hot Food Takeaways. District and Local Centres are areas of shopping and services as outlined in the Local Plan and will be measured as a circular buffer taken from the centre of the school or ALC.

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3. Location where there are high levels of obesity

In assessing applications for an A5 use, consideration will be given to levels of excess weight of 10-11 year old pupils. The NPPF states that “planning decisions should aim to achieve healthy, inclusive and safe places which: enable and support healthy lifestyles” Proposals for hot food takeaways within a ward where more than 32% of 10-11 year old pupils are classed as having excess weight are therefore more likely to be in conflict with this part of the NPPF.

4. Health Impact Assessment

Applications for A5 uses will be required to include a Health Impact Assessment. (HIA). The HIA will be taken into consideration during assessment of the application.

7. Annex – Health Impact Assessment

Barnsley Hot Food Takeaways

Health Impact Assessment checklist - guidance for planners

This HIA checklist is a practical approach used to judge the effects of the planning application on the health and wellbeing of different groups of people. The findings of the HIA checklist will inform recommendations as to how any positive health impacts of the planning application may be maximised and any negative impacts reduced.

How to use this checklist

Description of Impact – Think about what impact the proposal may have with regard to each of the themes listed. Give details of how the proposal will impact on each specific group or population.

Recommendations - Write recommendations in these columns detailing how positive impacts could be maximised and negative impacts minimised.

A5 uses will be required to use this health impact assessment checklist.

1. Will any population groups be adversely affected by this application? e.g. minority ethnic groups (including traveller communities, refugees & asylum seekers), people living with a disability, older people, children and young people, people living on low incomes.

Yes/No – please state which groups and potential impact

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2. What are the positive and negative impacts of the application, and how would they be mitigated or maximised?

Table 2

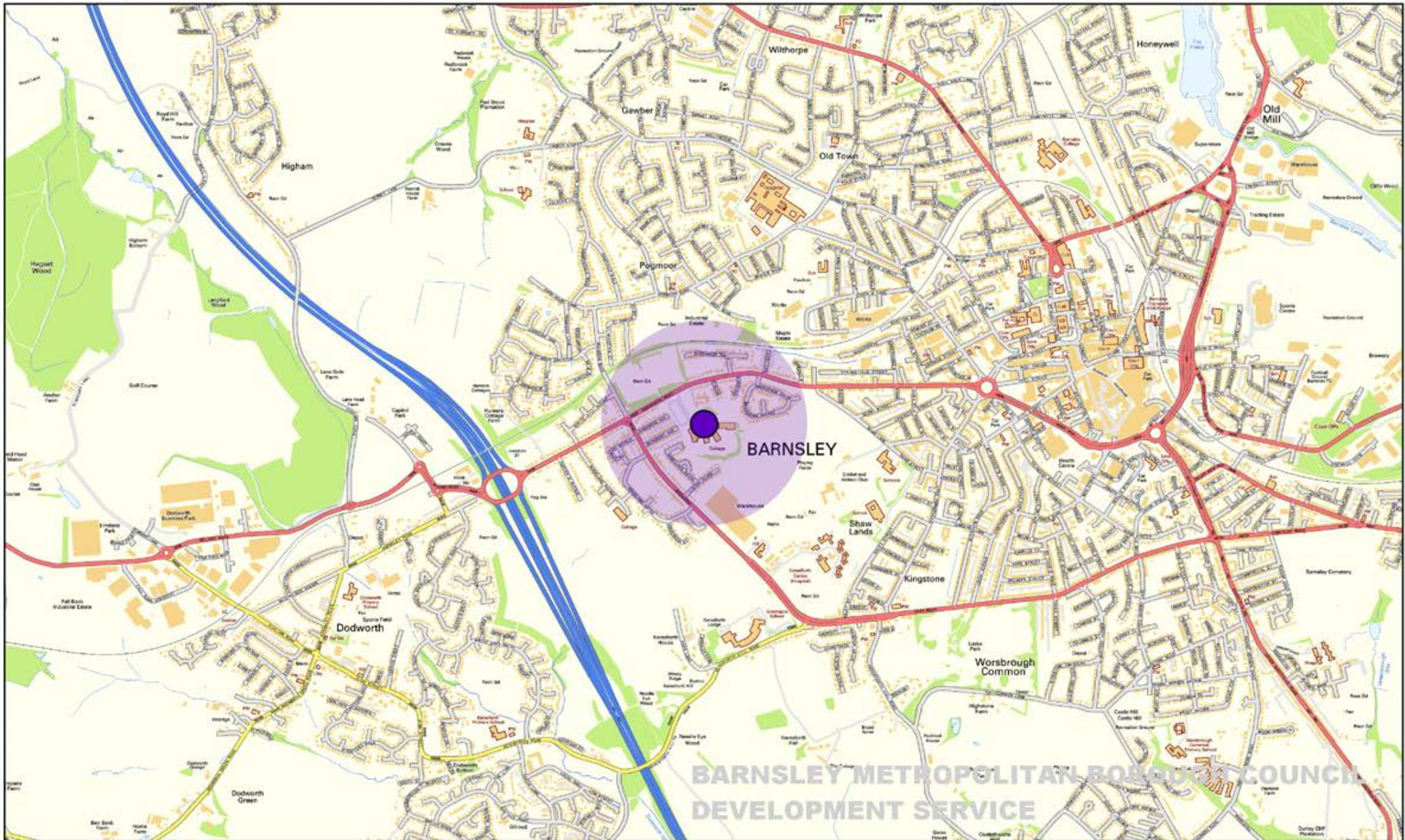
| Issue | Describe any impacts | Recommendation – How will negative impacts be mitigated? | Recommendation – How will positive impacts be maximised? |
|--|-----------------------------|---|---|
| Noise | | | |
| Odour | | | |
| Contaminated land e.g. disposal of oil | | | |
| Air Quality | | | |
| Litter | | | |
| Anti-social behaviour | | | |
| Healthy Eating | | | |
| Working Conditions | | | |
| Accidental injury & public safety | | | |

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| | | | |
|--------------|--|--|--|
| Other issues | | | |
|--------------|--|--|--|

This template has been amended from the Gateshead Hot food Takeaway SPD 2015

Barnsley Town Centre



Scale 1:20000

Drawn by: ML

KEY



Schools



400m Buffer



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Goldthorpe & Bolton-on-Dearne



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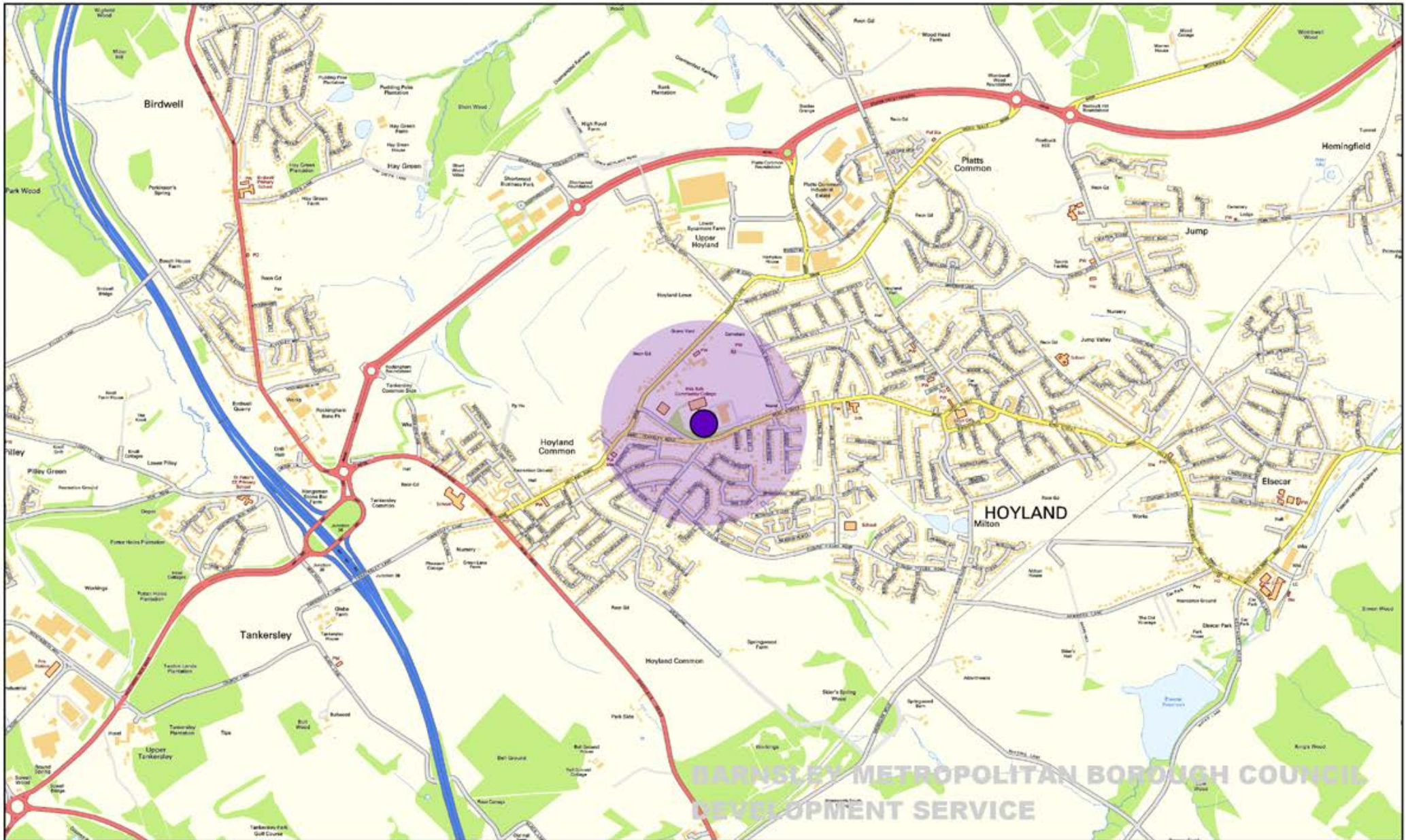


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Hoyland



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Schools



400m Buffer

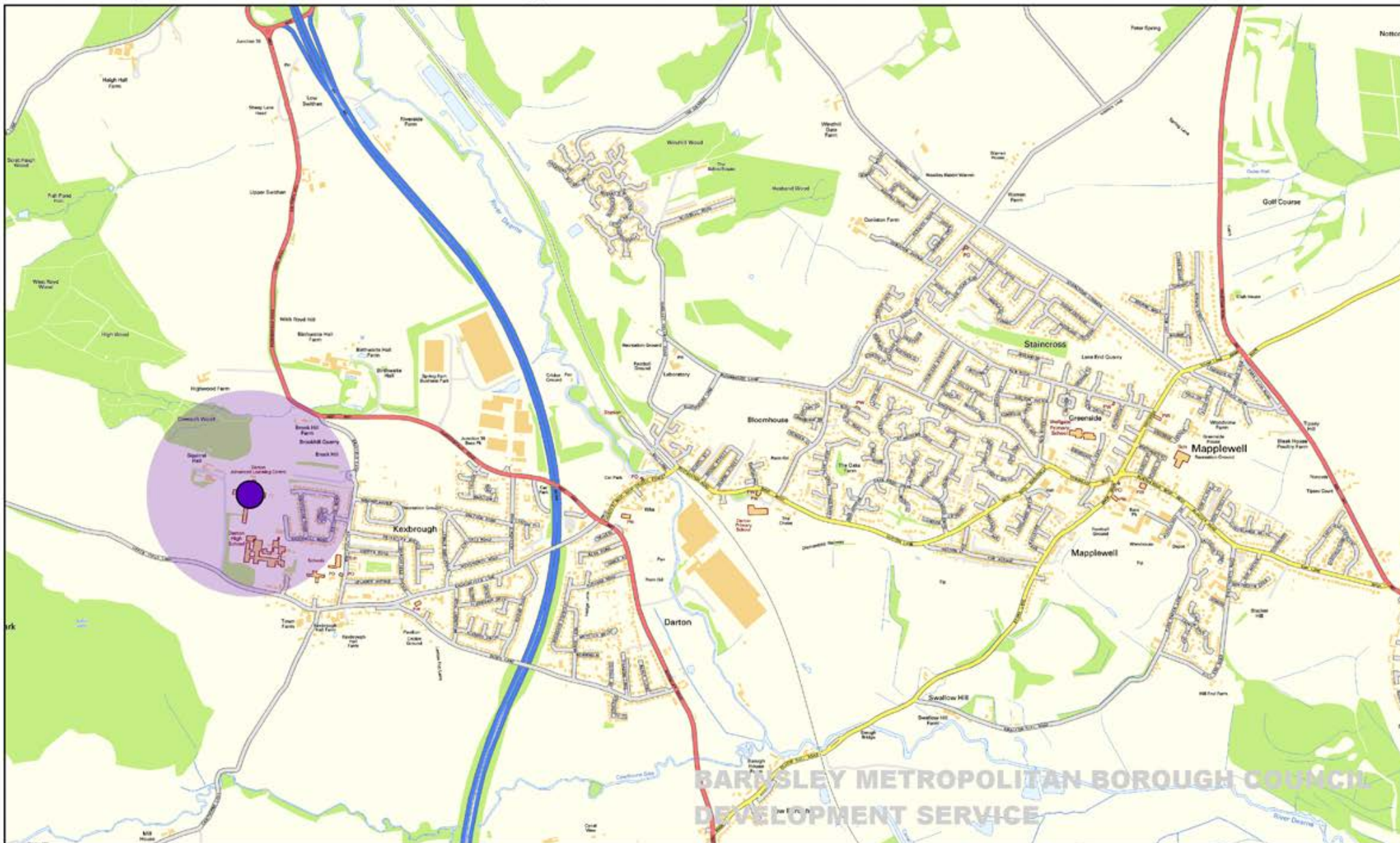


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Kexbrough, Darton, Staincross & Mapplewell



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Schools



400m Buffer

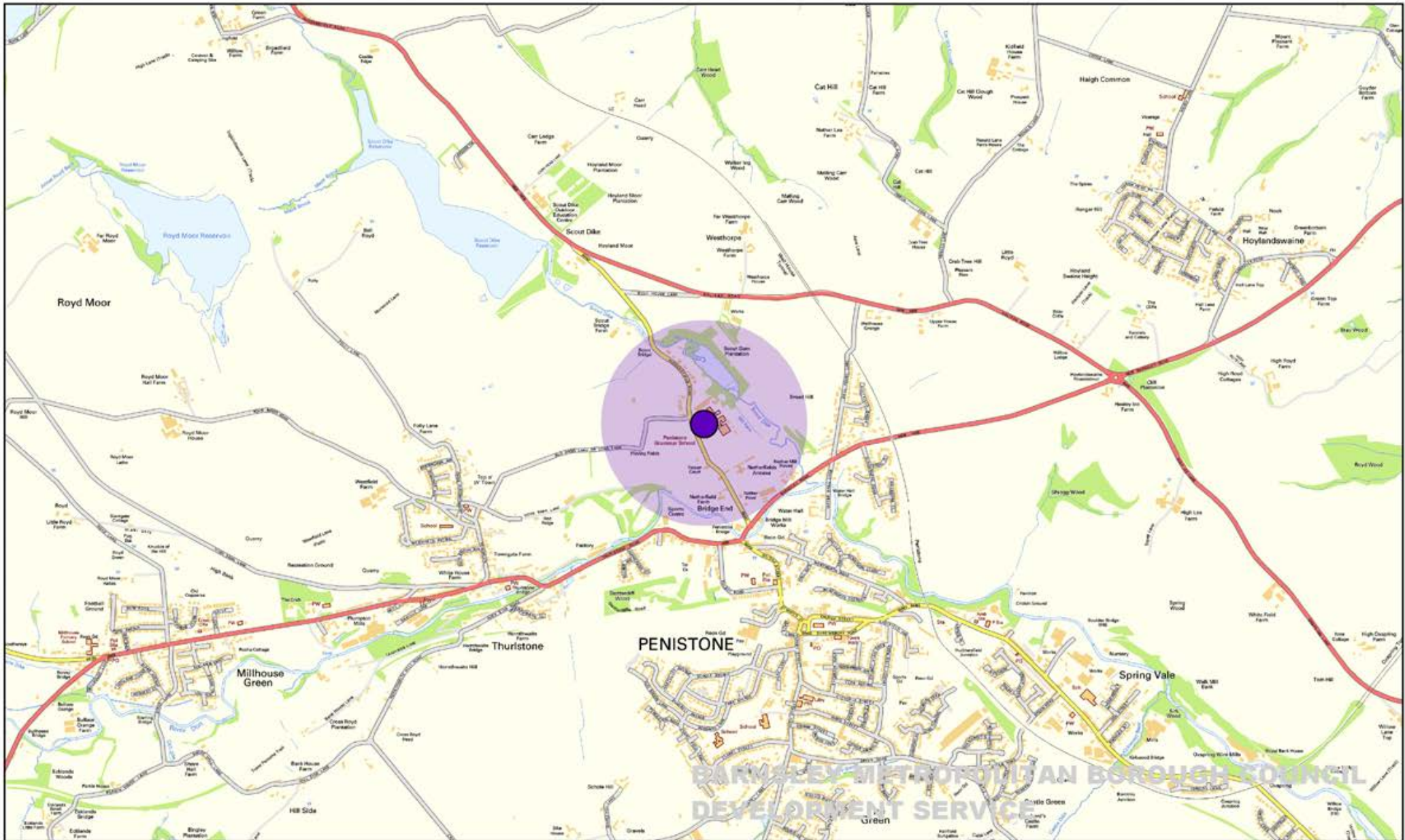


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Schools



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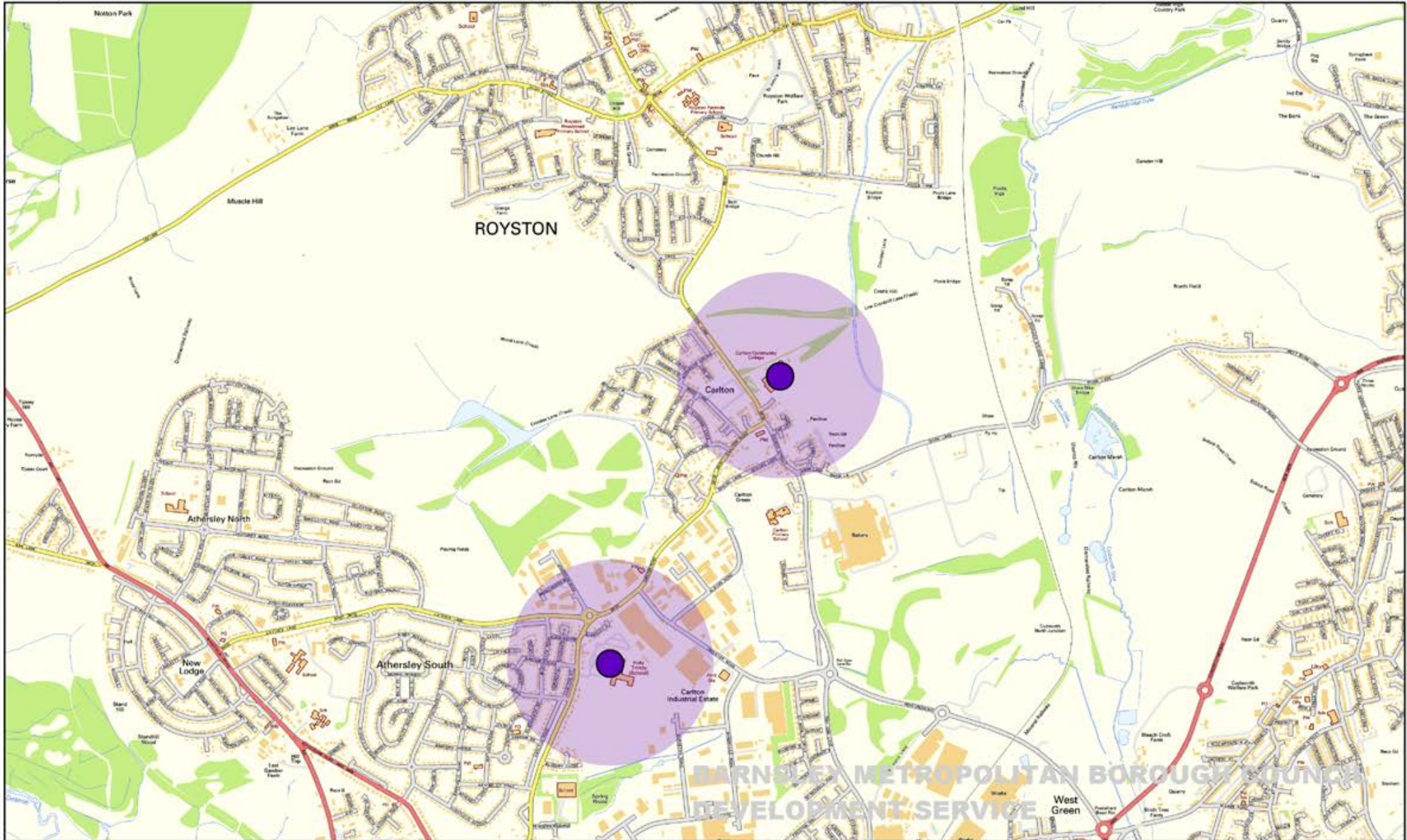


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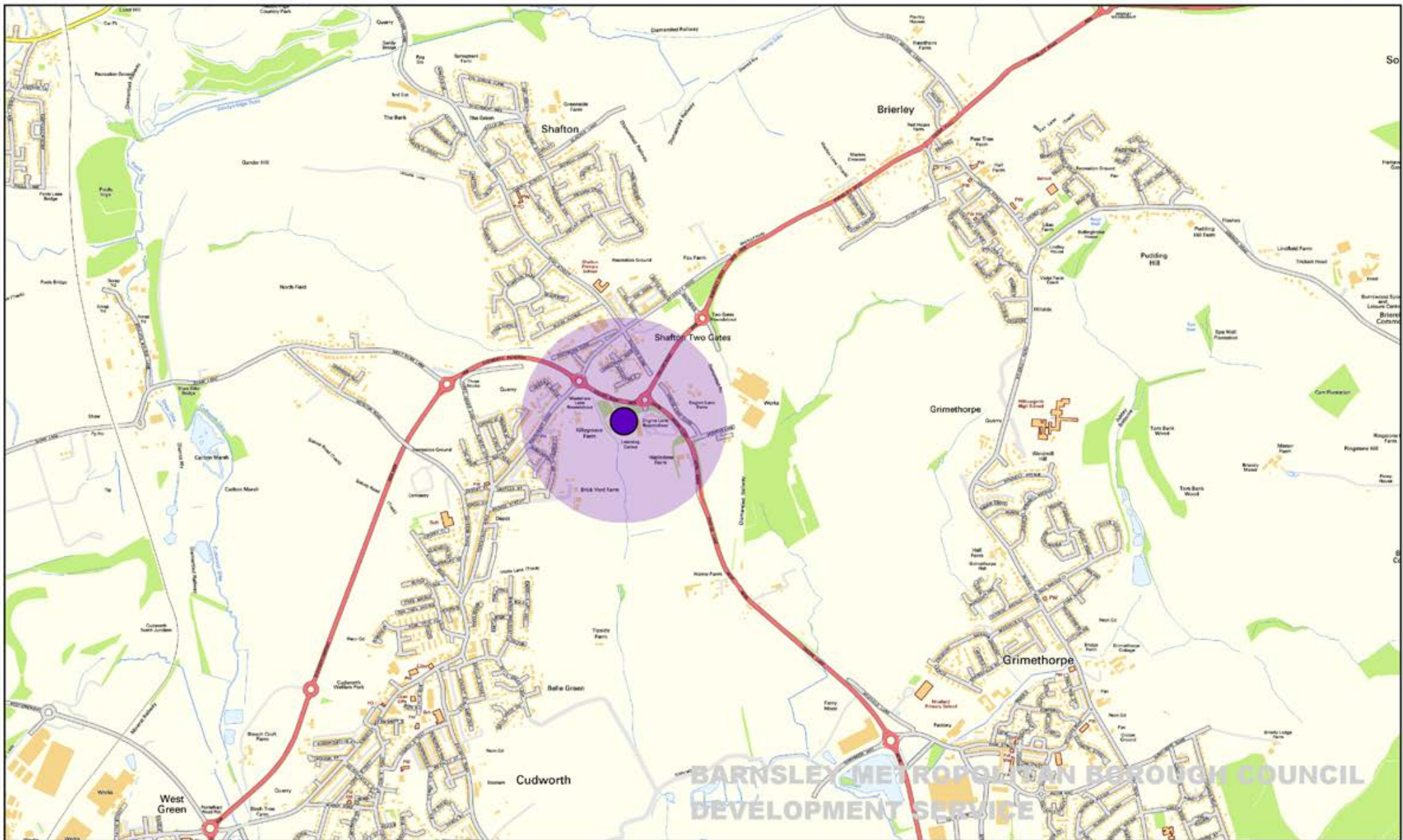


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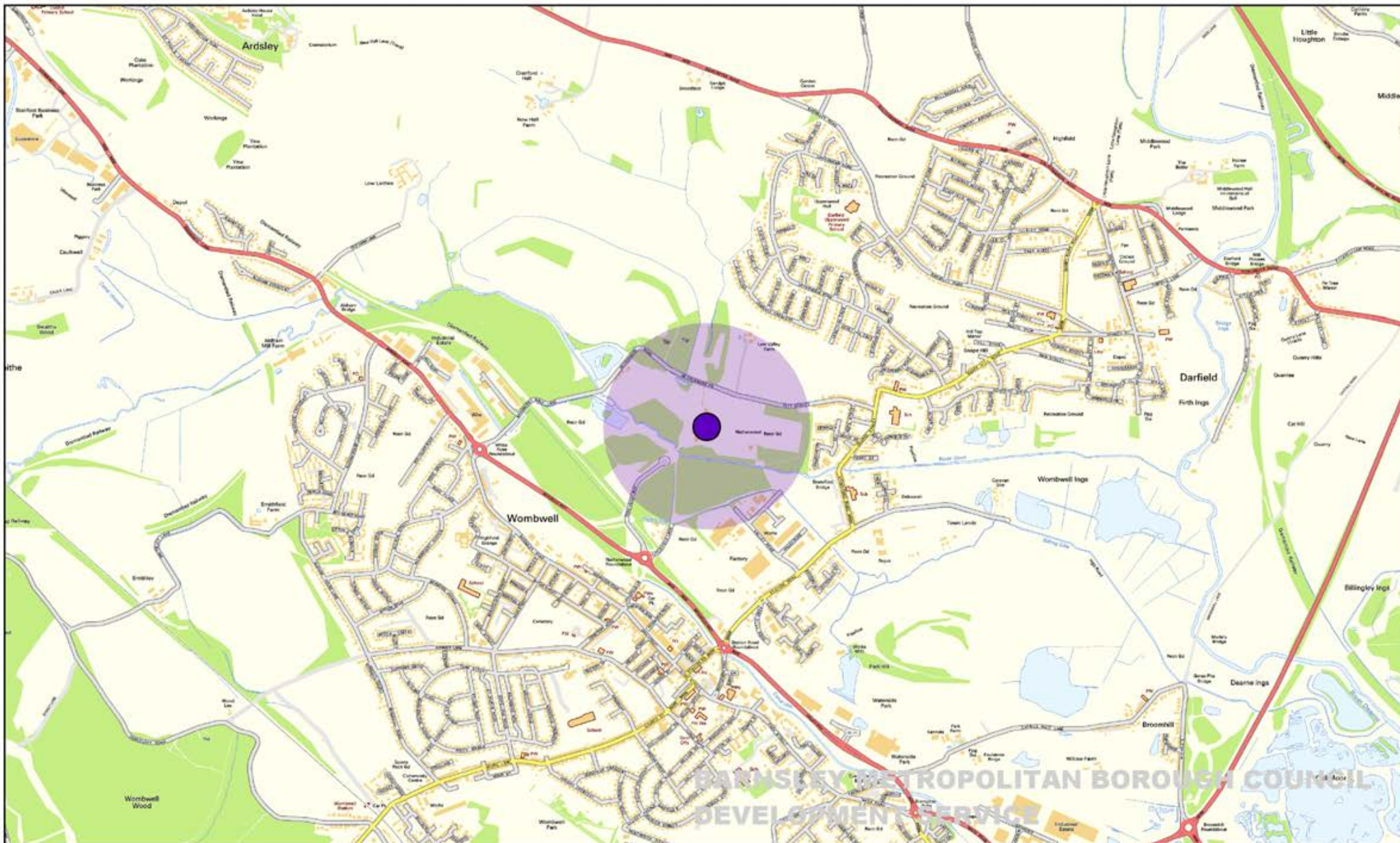


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Wombwell & Darfield



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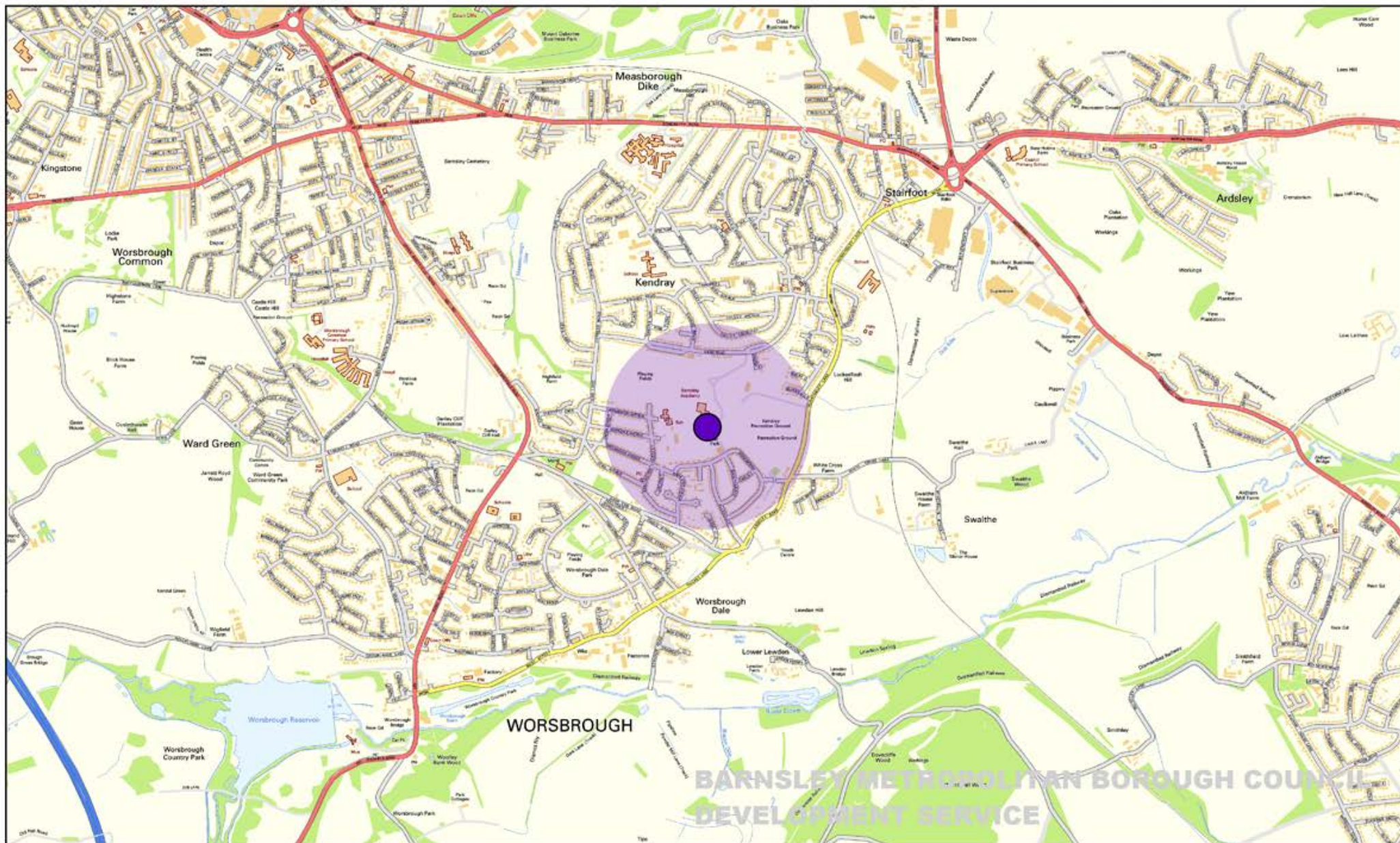
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