

Report of Chief Planning Officer

Report to Development Plan Panel

Date: 16th December 2014

Subject: Planning Policy Approach to Hot Food Takeaways (HFTs)

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| Are specific electoral Wards affected? If relevant, name(s) of Ward(s): District-wide | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Are there implications for equality and diversity and cohesion and integration? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Is the decision eligible for Call-In? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

1. Summary of main issues

- 1.1 Arising from the Site Allocation Plan (SAP) workshop sessions the Chair of the Development Plan Panel and Executive Member, have requested that officers advise on the overall planning policy approach to Hot Food Takeaways (HFTs). This includes the need to address a number of policy considerations (including over concentration and amenity) and health issues to reflect the City Council's obligations under the Duty to improve Public Health.
- 1.2 The City Council is taking a number of steps regarding the control, management and impacts of HFTs. These include: licensing, environmental health checks, promoting local food growing, awareness campaigns (to promote health education and healthier life styles), together with a pilot project in Middleton to look at the local impact of HFTs).
- 1.3 Within this wider context, there has been a growing national recognition of the relationship between Planning and Public Health. This is broadly reflected in the National Planning Policy Framework (NPPF) which makes reference to 'Health & well-being', although no specific reference is made to HFTs (para. 171). In seeking to address these issues locally, UDP saved Policies and the recently adopted Core Strategy contains a range of planning policies to provide a basis to manage the location and impact of HFTs.

2. Recommendations

- 2.1 Development Plan Panel is requested to consider this report and the approach to Hot Food Takeaways and the need for the application of relevant policies to be kept under review.

3. Purpose of this report

- 3.1 The purpose of this report, is to provide an overview of the planning policies in Leeds relating to HFT, following issues raised through the SAP member workshops.

4. **Background information**At the SAP, member workshops (City Centre) specific reference was made to the impact of HFTs. Particular concerns were raised regarding the cumulative impact of HFTs and related issues such as litter and antisocial behaviour. Reference was also made to the effectiveness of planning policy and the role of licensing, in managing the impact of such development, - which also include, the over concentration of such development, the proximity to HFT to schools, youth facilities and parks, highway safety, the impact on residential amenity, operating hours, odour & cooking smells and waste disposal.

5. Main Issues

- 5.1 As emphasised above, there has been a growing national recognition regarding the relationship of Planning and Health and the wider role of local authorities through the Duty to improve Public Health (Health & Social Care Act 2012). The Leeds UDP and recently adopted Core Strategy, provide a planning policy framework to address health issues in Leeds through the planning system. This includes Policies to promote opportunities for recreation (though green space provision), the regeneration of priority areas (to help tackle issues of multiple deprivation) and policies relating to HFTs.

Leeds UDP

- 5.2 Whilst the Core Strategy has been adopted, a number of UDP Policies are retained as 'saved policies'. Within this context, UDP Policy GP5 has been saved. This states:

*“Development proposals should resolve detailed planning considerations (including access, drainage, contamination, stability, landscaping and design). Proposals should seek to avoid problems of environmental intrusion, **loss of amenity**, pollution, **danger to health or life**, and highway congestion, to maximise highway safety, and to promote energy conservation and **the prevention of crime**. Proposals should have regard to the guidance contained in any Framework or Planning Brief prepared for the site or area.”* (Policy GP5, Leeds UDP).

5.3 As a general 'catch-all', Policy GP5 touches on - and guards against - many of the most important negative aspects of HFTs. It provides protection from the very issues that the Duty to Improve Public Health raises with regards to HFTs, namely 'danger to health or life'. In the future the implementation of Policy GP5 must better accord with this new Duty.

Leeds Core Strategy

5.4 Health issues are an integral component of the overall approach of the Core Strategy. The Policy framework of the Plan was subject to a sustainability appraisal and Health Impact Assessment Screening. Within this context, reference is made to the role of the plan in taking forward the council's 'Duty to improve Public Health'. This is translated throughout the Plan,

- reference to the importance of public health in the opening sections of the document (supported by the inclusion of Map 2, which illustrates the Indices of Multiple Deprivation across the District),
- the inclusion of public health and well-being as a specific objective, incorporated into the Spatial Vision ("*Support the improved public health and wellbeing of Leeds' residents and workforce*" – Objective 14),
- Together with specific policies, to tackle HFTs, through the mainstream planning process.

Taken as a whole, this Policy framework provides a basis to address issues relating to HFTs at a District-wide level, enabling planning applications at a local level to be considered on their individual merits, in terms of their local impact and evidence.

5.5 The Core Strategy sets out individual policies for acceptable uses within Leeds City Centre (CC1), Town Centres (P2), Local Centres (P3) and Shopping Parades (P4). In principal HFTs are acceptable in principle in all of these locations, as they are a Town Centre Use, as defined by the NPPF. However, whilst the principle of the use may be acceptable, the application and operation of such uses need to be considered within the context of saved UDP Policy GP5 and the local impacts associated with such proposals.

5.6 CC1 provides further detail in section g) by stating "*All other town centre uses [including HFTs] will be supported within the City Centre boundary provided the use does not negatively impact on the amenity of neighbouring uses and that the proposal is in accordance with all other Core Strategy policies*". Whilst this element of the Policy does not refer to HFTs explicitly, it is clear that it would be appropriate to use this element of the Policy in assessing HFT applications.

5.7 Policies for Town Centres and Higher Order Local Centres do not go into any further detail on HFTs or amenity issues, other than to say that the use class would be appropriate in principle within these centres. However, it should be emphasised that through the SAP, parts of these centres will be covered by Primary and Secondary Shopping Frontages designations. This in turn will provide a degree of protection from the loss of A1 units to A5 HFT units within these frontages. However, outside of these protected shopping frontages, or where the proposal

does not result in the loss of A1 Retail, UDP saved Policy GP5, provides the overall context.

- 5.8 For Lower Order Local Centres and Neighbourhood Shopping Parades, as they do not have Shopping Frontages, the Core Strategy provides protection via a set of criteria designed to ensure that the loss of A1 Retail units (within these Lower Order Local Centres and Neighbourhood Parades) does not have a cumulative impact upon amenity and traffic. This Policy applies to the loss of A1 Retail, and in other instances UDP saved Policy GP5, provides the overall context.

Implementation of the Core Strategy

- 5.9 The health and associated issues relating to HFTs have been highlighted as particular concerns for members. This report has set out the overall Policy context in Leeds. Central to this are the recently adopted Core Strategy Policies. At this stage, in terms of implementation we simply do not know how successful these Policies will be in defending Leeds from inappropriate HFT proposals. The efficacy of these Policies still needs to be tested via the planning application and appeal processes (and the conclusions and reasoning of Planning Inspectors). Consequently, further monitoring and review of the application and impact of these Policies will be necessary to consider if any further planning guidance is required.

6. Corporate Considerations

6.1 Consultation and Engagement

- 6.1.1 The Core Strategy has now been adopted and has been found by an independent Inspector to be sound (this also includes compliance with the Duty to Co-operate). The Site Allocation Plan has been subject to Issues and Options consultation in summer 2013 and there will be a further opportunity for representations to be made at Publication stage, prior to submission. Outside of these processes, officers have been responding to community groups and individuals across the District on planning matters and in relation to the preparation of Neighbourhood Plans, for which there is a high level of interest. In progressing the plan to the next stage, extensive member engagement has taken place, through 11 member workshops (between June – December 2014), involving members of the DPP and ward members for the relevant HMCA.

6.2 Equality and Diversity / Cohesion and Integration

- 6.2.1 In the preparation of the Core Strategy and Site Allocations Plan, due regard has been given to Equality, Diversity, Cohesion and Integration issues. This has included the completion of EDCI Screening of the Core Strategy and meeting the requirements of the Strategic Environmental Assessment Directive, which has meant that these Plans are subject to the preparation of a Sustainability Appraisal. The purpose of such Appraisals is to assess (and where appropriate strengthen) the document's policies, in relation to a series of social (and health), environmental and

economic objectives. As part of this process, issues of Equality, Diversity, Cohesion and Integration, are embedded as part of the Appraisal's objectives.

6.3 Council policies and City Priorities

6.3.1 The Core Strategy and the emerging Site Allocations Plan, play a key strategic role in taking forward the spatial and land use elements of the Vision for Leeds and the aspiration to the 'the best city in the UK'. Related to this overarching approach and in addressing a range of social, environmental and economic objectives, where these Plans also seeks to support and advance the implementation of a range of other key City Council and wider partnership documents. These include the Best Council Plan (2013-17) and Leeds Joint Health and Wellbeing Strategy (2013-2015).

6.4 Resources and value for money

6.4.1 The preparation of statutory Development Plan Documents is an essential but a very resource intensive process. This is due to the time and cost of document preparation (relating to public consultation and engagement), the preparation and monitoring of an extensive evidence base, legal advice and Independent Examination. These challenges are compounded currently by the financial constraints upon the public sector and resourcing levels, concurrent with new technical and planning policy pressures arising from more recent legislation (including the Community Infrastructure Levy and Localism Act). There are considerable demands for officers, members and the community in taking the Development Plan process forward.

6.5 Legal Implications, Access to Information and Call In

6.5.1 None at this stage.

6.6 Risk Management

6.6.1 Following the adoption of the Core Strategy there is considerable urgency to take the Site Allocations Plan forward. This is needed to help implement the Core Strategy, provide clarity for investment decisions (and the co-ordination of infrastructure), to take forward the Council's strategic priorities and to provide an up to date planning framework for emerging Neighbourhood Plans.

7 Conclusion

7.1 As set out above, the City Council is taking a corporate approach through a range of initiatives and regulatory controls, to manage HFT. Given the tight scope of the SAP and the coverage of the Core Strategy policies, it is considered that at this stage it is unnecessary to add further policy when the Core Strategy was only adopted last month and the efficacy of these policies remain untested. The operation of these policies will need to be kept under review and in the future it may be appropriate to develop further guidance as appropriate.

8 Recommendations

- 8.1 Development Plan Panel is requested to consider this report and the approach to Hot Food Takeaways and the need for the application of relevant policies to be kept under review.

9 Background documents¹

- 9.1 None

10 Appendices

- 10.1

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

