

HEALTH AND WELLBEING BOARD

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HOT FOOD TAKEAWAYS IN MEDWAY: A GUIDANCE NOTE

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Summary

This report is for information purposes and seeks comments on the proposal to undertake consultation on a draft planning guidance note to tackle the issue of obesity through the built environment. The guidance will encourage the restriction of hot food takeaways in sensitive areas where children are likely to gather, such as schools and play areas. Following consultation, the intention is to implement a final guidance note that can form a material consideration in the determination of planning applications for hot food takeaways.

1. Budget and Policy Framework

- 1.1 The proposed guidance note seeks to provide additional guidance on the location of hot food takeaways in considering planning applications for new outlets. This responds to the policies set out in the National Planning Policy Framework 2012, Medway's Sustainable Community Strategy and policies within the Medway Local Plan 2003 in particular R18 which outlines the parameters to control development of a restaurant or hot food takeaway. As such it will conform to the Policy Framework.
- 1.2 It is recognised that there is the possibility of appeals against refusals of planning applications, and their associated costs. However it is considered that the guidance note will assist in defending costs against the council.

2. Background

- 2.1. In 2010, a Task Group of the Children and Young People Overview and Scrutiny Committee recommended that the Council investigate the possibility of developing a Supplementary Planning Document restricting fast food outlets from operating near schools, parks and leisure centres or at areas that are already highly concentrated with fast food outlets. This matter was also

identified as a priority action for 2013/14 in the Health and Wellbeing Strategy for Medway 2012-2017, in promoting healthy eating. The National Planning Policy Framework (2012) has made explicit the role planning should play in creating healthier environments.

- 2.2. The Joint Health and Wellbeing Strategy has identified the need to reduce health inequalities in developing new local policy in tackling obesity in defined neighbourhoods. It further indicates that planning has a role in restricting access to unhealthy fast food. An integrated approach should be taken to tackle the issue.
- 2.3. Ambitions set out in the Sustainable Community Strategy for Medway states that every child should have a good start in life, and that Medway residents should enjoy good health, wellbeing and care.
- 2.4. This guidance note has been developed by the Development Policy & Engagement team working closely with Public Health and builds on the workshop held with members and officers on this topic in January 2013. Following this meeting, a cross departmental project group of planning and public health officers was set up to review existing planning policy and examine the scope for new guidance to manage the location of hot food takeaways. This is seen to be a starting point for further work on embedding health considerations in planning Medway's environment.
- 2.5. Currently one in four adults in England are obese. There is a clear link between increased body fat (obesity) and risk of medical conditions including type 2 diabetes, cancer, heart and liver disease. The UK-wide NHS costs attributable to overweight and obesity are projected to reach £9.7 billion by 2050, with wider costs to society estimated to reach £49.9 billion per year.
- 2.6. The Medway Joint Strategic Needs Assessment, 2012 shows that an estimated 30 per cent of Medway's adult population and over 20 per cent of children (at the age of ten) are classified as obese.
- 2.7. The National Planning Policy Framework has made explicit the relationship between health and planning. Paragraph 171 states that local planning authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population (such as for sports, recreation and places of worship), including expected future changes, and any information about relevant barriers to improving health and wellbeing.
- 2.8. Within the Medway Local Plan 2003, policy R18 sets out the Council's approach to development of restaurants and hot food takeaways. It states that there should not be a proliferation of a single use in an area that would have a negative impact on the environment or highway safety.
- 2.9. The policy interventions that will be put forward in the proposed guidance note will follow best practice that is supported by appeal decisions whereby guidance similar to that proposed, is used to refuse planning permission for hot food takeaways in unsuitable locations.

- 2.10. It is proposed that development of a hot food takeaway within 400m of a school or play area should not be granted, unless within a defined centre. Evidence shows that once obesity is developed it is difficult to treat. If in adolescence obesity develops, it is likely to remain into adulthood. This may lead to increased levels of disease and reduced life expectancy. In an effort to establish appropriate healthy eating habits and reduce the rate of childhood obesity in the local population it is therefore considered appropriate to restrict the number of hot food takeaways within 400m of primary and secondary schools.
- 2.11. It is considered that having fast food outlets in close proximity to schools negates some of the independent health initiatives implemented in schools and is a contributing factor in the rise of obesity in the area. It is for this reason that the zone is set at 400m from both secondary and primary schools. This distance is equivalent to a five-minute walk and it is widely used across the country in developing interventions in creating healthier environments.
- 2.12. The guidance will further propose applying a maximum percentage to the commercial frontage that may comprise of hot food takeaways. Numbers of hot food takeaways may also be limited by not permitting more than two hot food takeaways to locate adjacent to each other, and ensuring that there are no less than two units (not hot food takeaways) between a group of hot food takeaways.
- 2.13. Whilst it is recognised that hot food takeaways contribute to the mix of town centre uses, they are currently dominating the local retail food offer in some areas. This abundance of hot food takeaways displaces other shop and food options impacts on the vitality and viability of designated town and neighbourhood centres. Because of this, communities in Medway have a limited choice over and access to fresh, nutritious food.
- 2.14. This is a cross-departmental issue and there has been input from environmental health, greenspace and public health. Officers from the Planning Policy and Development Management teams are collating the guidance note.

3. Options

- 3.1 The issue of obesity has been highlighted in a number of forums, and the National Planning Policy Framework has made this issue one which planning can address.
- 3.2 Options to progress work to tackle the issue of obesity include:
- Produce a guidance note to inform decision-making when determining planning applications for hot food takeaways,
 - Await further applications for hot food takeaways, relying on extant policy and officers' independent assessment of applications. This has the risk of an increase of hot food takeaways.

- 3.3 An increase in the number of takeaways is likely to have a negative effect on the residents of Medway, giving rise to further obesity and failing to take account of the initiatives and strategies implemented by the public health team.
- 3.4 In terms of planning and the built environment, over-concentration of such uses contributes to a lack of vitality and viability in neighbourhood and town centres, contrary to the National Planning Policy Framework.
- 3.5 Should the Council not proceed with the guidance note, it is anticipated that hot food takeaways will locate adjacent to sensitive land uses, such as schools and play areas, and jeopardise initiatives put forward by the public health team.
- 3.6 Accordingly, it is considered that an integrated approach is required to better the health and wellbeing of Medway's residents and it is therefore considered appropriate to proceed with the guidance note.

4. Advice and analysis

- 4.1 An estimated 30 per cent of Medway's adult population and over 20 per cent of children (at the age of ten) are classified as obese. In 2012, 23.8% of 4-5 year olds and 34% of 10-11 year olds were classified as overweight or obese in Medway, higher than the national average of 22.6% and 33.0% respectively.
- 4.2 Estimates of the costs of overweight and obesity to NHS Medway by 2015 are £77.4 million; £45 million attributed to obesity alone.
- 4.3 The proposed guidance expands on policy R18 in the Medway Local Plan 2003. It aims to restrict the proliferation of hot food takeaways, in particular in relation to areas that are likely to attract children and young people such as schools and play areas.
- 4.4 Once the guidance has been published, it will become a material consideration in the assessment of planning applications for hot food takeaways. A material consideration is a matter that should be taken into account in deciding a planning application or an appeal against a planning decision.
- 4.5 It is intended that the information gathered to produce the guidance note will be used to inform policy in a new local plan.

5. Risk management

Risk	Description	Action to avoid or mitigate risk
Decision not to implement the guidance note	Medway Council would not be taking into consideration paragraph 171 of the National Planning Policy Framework and would fail to adopt an integrated approach to tackling obesity in Medway. An increase in levels of obesity would act as a trigger. Should this materialise, the health of Medway's residents would deteriorate. Risk is considered significant and critical - C2.	The guidance note will set out the objectives of planning in tackling obesity through the built environment in accordance with the National Planning Policy Framework.
Possibility of there being more appeals	Appeals against the local authorities decision to refuse hot food takeaways. Risk is considered high and critical – B2	Consultation on the guidance note will ensure its robustness. The guidance is informed by best practice and case law in other planning authorities. Using the guidance note will help build a case for refusing a planning application for a hot food takeaway in inappropriate locations.

6. Consultation

- 6.1 Consultation will be carried out in accordance with the Statement of Community Involvement that is used to guide all planning policy documents in order to effectively gather the views of stakeholders and the wider public.
- 6.2 It is intended that there is early engagement with the relevant internal and external stakeholders. Internal consultation will be undertaken with those dealing with frontline services and environmental health among others. External consultation is likely to include members of the minority and ethnic communities, parish councils and small businesses.
- 6.3 Advice is sought in relation to other groups that may need to be included in the consultation process. Consultation is expected to take place within a six-week period in order to produce a robust document.

7. Financial and legal implications

- 7.1 Preparation of the Council's guidance note including the process of public consultation and consideration of representation, is regulated in accordance with the Town and Country Planning (Local Planning) Regulations 2012.

- 7.2 Costs of developing the guidance can be met from existing budgets. It is recognised that there is the possibility of appeals against refusals of planning applications, and their associated costs. However it is considered that the guidance note will assist in defending costs against the council.
- 7.3 Once the guidance note is published, it will be a material consideration to be used alongside other planning considerations when determining planning applications for hot food takeaways. A material consideration is a matter that should be taken into account in deciding a planning application or on an appeal against a planning application.

8. Recommendations

- 8.1 Members are requested to provide their comments to inform the consultation process and note the intention of the draft guidance note.

Lead officer contact

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Background papers

Medway Local Plan (2003). Available at:

<http://www.medway.gov.uk/environmentandplanning/developmentplan/localplan.aspx>

Medway Joint Health and Wellbeing Strategy (2012-2017). Available at:

<http://www.medway.gov.uk/pdf/health%20and%20Well-being%20StrategyFINAL.pdf>

The Medway Joint Strategic Needs Assessment, 2012. Available at:

<http://www.medway.gov.uk/pdf/health%20and%20Well-being%20StrategyFINAL.pdf>

Sustainable Community Strategy (2010-26). Available at:

http://www.medway.gov.uk/pdf/sustainable_com_strategy_web.pdf

Medway Statement of Community Involvement, January 2012

<http://www.medway.gov.uk/pdf/Statement%20of%20Community%20Involvement%202012.pdf>

National Planning Policy Framework (2012). Available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Diversity Impact Assessment: Screening Form

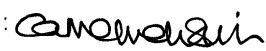
Directorate RCC	Name of Function or Policy or Major Service Change Hot Food Takeaways in Medway: proposed Guidance Note		
Officer responsible for assessment Catherine Smith		Date of assessment 30 December 2013	New or existing? New
Defining what is being assessed			
1. Briefly describe the purpose and objectives	<p>The council is proposing to produce a guidance note to manage the location of new hot food takeaways in sensitive areas, eg, near schools. This is to be used as a consideration in determining planning applications for new fast food outlets.</p> <p>The guidance aims to improve the health of Medway's population and be one aspect of coordinated action on obesity.</p>		
2. Who is intended to benefit, and in what way?	All of Medway's population, through seeking to create a healthier environment, and contribute to actions to reduce obesity. In considering restrictions in locations close to schools, the proposed guidance will particularly seek to influence improved health in children and young people.		
3. What outcomes are wanted?	Improved health of Medway's population, and a reduction in the levels of obesity, particularly in children.		
4. What factors/forces could contribute/detract from the outcomes?	<p>Contribute</p> <p>Effectiveness of guidance intervention in improving healthier food choices</p>	<p>Detract</p> <p>Existing distribution of fast food outlets and wider influences on nutrition and exercise.</p>	
5. Who are the main stakeholders?	Population of Medway, fast food businesses, schools, and planning agents.		
6. Who implements this and who is responsible?	The guidance will be used by planning officers in considering applications for new hot food takeaways. This information will be included in reports to Planning Committee.		

Assessing impact		
7. Are there concerns that there <u>could</u> be a differential impact due to <i>racial/ethnic groups</i> ?	YES	There is the potential that hot food takeaways may have a higher representation of businesses from BME groups. The guidance may therefore have a differential impact.
	NO	
What evidence exists for this?	Assessment of existing hot food takeaway businesses.	
8. Are there concerns that there <u>could</u> be a differential impact due to <i>disability</i> ?	YES	The policy seeks to improve health of all community sectors in Medway.
	NO	
What evidence exists for this?		
9. Are there concerns that there <u>could</u> be a differential impact due to <i>gender</i> ?	YES	The policy seeks to improve health of all community sectors in Medway.
	NO	
What evidence exists for this?		
10. Are there concerns there <u>could</u> be a differential impact due to <i>sexual orientation</i> ?	YES	The policy seeks to improve health of all community sectors in Medway.
	NO	
What evidence exists for this?		
11. Are there concerns there <u>could</u> be a have a differential impact due to <i>religion or belief</i> ?	YES	There is the potential that hot food takeaways may have a higher representation of businesses from BME groups, and therefore people from different faiths. The guidance may therefore have a differential impact.
	NO	
What evidence exists for this?	Assessment of existing hot food takeaway businesses.	
12. Are there concerns there <u>could</u> be a differential impact due to people's <i>age</i> ?	YES	The policy seeks to improve health of all community sectors in Medway. However, the proposal to control new outlets close to schools seeks to encourage healthier eating in children and young people.
	NO	
What evidence exists for this?	Specific proposal to consider restrictions on new outlets close to schools.	
13. Are there concerns that there <u>could</u> be a differential impact due to <i>being trans-gendered or transsexual</i> ?	YES	The policy seeks to improve health of all community sectors in Medway.
	NO	
What evidence exists for this?		

this?		
14. Are there any <i>other</i> groups that would find it difficult to access/make use of the function (e.g. speakers of other languages; people with caring responsibilities or dependants; those with an offending past; or people living in rural areas)?	YES	The policy seeks to improve health of all community sectors in Medway.
	NO	
What evidence exists for this?		
15. Are there concerns there <u>could</u> be a have a differential impact due to <i>multiple discriminations</i> (e.g. disability <u>and</u> age)?	YES	The policy seeks to improve health of all community sectors in Medway.
	NO	
What evidence exists for this?		

Conclusions & recommendation		
16. Could the differential impacts identified in questions 7-15 amount to there being the potential for adverse impact?	YES	Consideration of potential for differential impact on BME businesses.
	NO	
17. Can the adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or another reason?	YES	The aims to improve the health of Medway's population include wider benefits to BME groups. The guidance would not prohibit the development of new fast food outlets, rather provide clear guidance on locations where planning applications would not be encouraged.
	NO	
Recommendation to proceed to a full impact assessment?		
NO	This function/ policy/ service change complies with the requirements of the legislation and there is evidence to show this is the case.	
NO, BUT ...	What is required to ensure this complies with the requirements of the legislation? (see DIA Guidance Notes)?	Consultation on the proposed guidance will include representatives of BME and faith groups, and small business associations. This will seek to gather information on any differential impact and promote understanding of the guidance.
YES	Give details of key person responsible and target date for carrying out full impact assessment (see DIA Guidance Notes)	

Action plan to make Minor modifications		
Outcome	Actions (with date of completion)	Officer responsible
Ensure engagement with BME communities in developing draft guidance.	<p>Consultation on draft guidance note to include engagement with BME communities and small businesses.</p> <p>Consultation report to set out issues raised and the council's response.</p> <p>Timing of consultation subject to agreement by Cabinet.</p>	Catherine Smith

Planning ahead: Reminders for the next review		
Date of next review	On consideration of final version of guidance note, following consultation.	
Areas to check at next review (e.g. new census information, new legislation due)	Account to be taken of consultation responses received.	
Is there <i>another</i> group (e.g. new communities) that is relevant and ought to be considered next time?		
Signed (completing officer/service manager) 	Date	30 December 2013
Signed (service manager/Assistant Director)	Date	

NB: Remember to list the evidence (i.e. documents and data sources) used