

Cabinet Member

6 August 2018

**Name of Cabinet Member:**

Cabinet Member for Housing and Communities – Councillor E Ruane

**Director Approving Submission of the report:**

Deputy Chief Executive - Place

**Ward(s) affected:**

All

**Title:**

Draft Hot Food Takeaway Supplementary Planning Document

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**Is this a key decision?**

No

This SPD provides draft technical guidance which supports the newly adopted Local Plan.

**Executive Summary:**

Following a period of public examination of the Coventry Local Plan and the issuing of the Inspector's report in November 2017, the Coventry Local Plan was approved at Cabinet on 28<sup>th</sup> November 2017 and adopted by Council on 5<sup>th</sup> December 2017. The Coventry Local Plan became the basis for determining planning applications from 6<sup>th</sup> December 2017.

This SPD is intended to provide technical guidance and support to Policy R6 (Restaurants, Bars and Hot Food Takeaways) of the new Local Plan. This will contribute to delivering one of the overall objectives of the Plan which is to recognise the commercial element of hot food takeaways and their role within community provisions but to balance that with helping improve the health and wellbeing of Coventry people.

The Hot Food Takeaway SPD explains the requirements, relevant thresholds and measures that may need to be taken to ensure that a hot food takeaway is acceptable in planning terms and satisfies policy R6. The requirements consist of:

- Concentration of Hot Food Takeaways;
- Proximity to Schools;
- Litter and Waste Disposal;

- Odour Extraction;
- Highway Safety;
- Opening Times; and
- Conservation Areas and Listed.

The Hot Food Takeaway Supplementary Planning Document and the accompanying appendices are attached as Appendix A(i).

**Recommendations:**

The Cabinet Member is requested to:

1. Approve an initial round of consultation on the draft Hot Food Takeaway Supplementary Planning Document. The consultation is proposed to run for just over 6 weeks from 8<sup>th</sup> August 2018 to 21<sup>st</sup> September 2018.

**List of Appendices included:**

Appendix A(i): Hot Food Takeaway Supplementary Planning Document (HFT SPD) and Appendices to HFT SPD

**Background papers:**

None

**Other useful documents**

The report for the Adoption of the new Coventry City Council Local Plan were considered at Council on 5<sup>th</sup> December 2017. All papers are available under Agenda item 13 on <http://democraticservices.coventry.gov.uk/ieListDocuments.aspx?CId=130&MId=11416>

**Has it been or will it be considered by Scrutiny?**

No

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

No

## **Report title: Hot Food Takeaway Supplementary Planning Document (SPD)**

### **1. Context (or background)**

- 1.1 Hot Food Takeaways can play an important service to local people and add vitality and interest to defined centres, but planning applications for hot food takeaways, particularly those in close proximity to residential properties, frequently generate a significant number of objections. If successful, these premises can also have a negative impact on the health and wellbeing of those in Coventry. It is therefore important that there is appropriate guidance in place to allow new hot food takeaways to provide a service to local people, but without having a negative impact on the health and wellbeing of those in the area.
- 1.2 The Hot Food Takeaway SPD is aimed at individuals and organisations involved in preparing and submitting a planning application as well as those involved in the determination and enforcement of planning applications. This covers all applications that are wholly or partially for hot food takeaways (A5 use class). For the avoidance of doubt, this includes new build provisions or changes of use. It also includes single use or mixed use schemes (for example, a mixed A3/A5 use).
- 1.3 Supplementary Planning Documents are designed to build upon and provide more detailed advice and guidance on the policies in the Local Plan. They do not introduce new policy and should be used to help applicants make successful applications and are not to be used to add unnecessarily to the financial burdens on development, as per paragraph 153 of the National Planning Policy Framework.
- 1.4 By putting the SPD out to public consultation, not only are Coventry City Council meeting the statutory duty for consultation, but also providing an opportunity for interested parties to provide feedback on the Hot Food Takeaway SPD and for this to be taken into consideration in the formation of the final document.
- 1.5 By way of summary, the SPD is structured around seven requirements for relevant applications. It also covers links to other relevant policies in the Local Plan and the City Centre Area Action Plan, including policies on waste, environmental management, parking and design. The Hot Food Takeaway SPD explains the requirements, relevant thresholds and measures that may need to be taken to ensure that a hot food takeaway is acceptable in planning terms and satisfies policy R6. The requirements consist of:
  - Concentration of Hot Food Takeaways - drawing on nationally available information linked to population density and prevalence of hot food takeaways within a local catchment area;
  - Proximity to Schools – establishing 5 minute walk time isochrones from school gates with a view to limiting or restricting hot food takeaways within this ‘zone’;
  - Litter and Waste Disposal – ensuring both customer and commercial waste facilities are provided in an acceptable and appropriate location;
  - Odour Extraction – to manage issues of odour in so far as it relates primarily to any residential amenity situated above or in close proximity to the hot food takeaway;
  - Highway Safety – ensure matters of parking and highway movements are safe and secure;
  - Opening Times – with a view to potentially limiting these if it helps overcome other issues e.g. proximity to schools; and

- Conservation Areas and Listed Buildings – ensuring shop fronts and extraction flumes are appropriately positioned and designed to minimise any relevant impact on heritage assets.

## **2. Options considered and recommended proposal**

- 2.1 As the Coventry Local Plan has already been adopted, only two potential options have been considered.
- 2.2 The first of these options has been set out in the recommendation to this report. By going out to consultation for the Hot Food Takeaway Supplementary Planning Document, Coventry City Council would meet their legal requirements and also allow modifications to the final version of the document to allow the document to meet the needs of all that would use it. This would ensure effective implementation of Policy R6: Restaurants, bars and Hot Food Takeaways in the recently adopted Coventry Local Plan.

The second option would be to not put the Supplementary Planning Document out to consultation and to rely solely on the policies in the Local Plan and how applicants interpret those policies. This option has not been recommended as it would place greater reliance on how applicants use the new policies which could generate greater inconsistency in evidence submitted in support of applications and lead to greater resource pressure for planning officers managing day to day caseloads. As such this technical guidance is important to the correct understanding of the new Hot Food Takeaway policy in the new Local Plan. This level of detail was not provided within the Local Plan itself though as it would have extended the complexity and length of the Plan substantially.

## **3. Results of consultation undertaken**

- 3.1 Although no external consultation has taken place on this SPD thus far, internal consultation has been completed with departments that might be involved in the determination and enforcement of planning applications. This has ensured that the Hot Food Takeaway SPD supports all policies in the Coventry Local Plan. In this context it is important to note that the Local Plan itself has been subject to extensive consultation over recent years.
- 3.2 This report is recommending a period of full public consultation to allow Coventry City Council to meet their statutory duty.

## **4. Timetable for implementing this decision**

- 4.1 Subject to approval by the Cabinet Member it is proposed to consult on the draft SPD for a period of just over 6 weeks between the 8<sup>th</sup> August and 21<sup>st</sup> September 2018.
- 4.2 Following this round of consultation, all responses will be reviewed and the SPD will be updated and amended accordingly. A further round of consultation will then take place before the SPD can be formally approved. This is expected to take place in late 2018.

## **5. Comments from the Director of Finance and Corporate Services**

## **5.1 Financial implications**

Unlike the Local Plan or an Area Action Plan, a SPD is not subject to public examination. It therefore does not incur the same level of costs as a higher level Plan. As such, any costs associated with the delivery of this SPD will be met through existing budgets attributed to the Public Health team and Planning and Housing Policy team (as appropriate).

## **5.2 Legal implications**

Supplementary Planning Documents are produced under the Planning and Compulsory Purchase Act 2004 (as amended) and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. This draft SPD has been produced in accordance with the relevant legislation and regulations. Supplementary Planning Documents are subject to supporting evidence and consultation but are not publicly examined or subject to Sustainability Appraisal. As such, their 'material weight' in planning terms is less than that of a Local Plan, Area Action Plan or other Development Plan Document. Notwithstanding this, SPD's must be adopted by a resolution of the Local Planning Authority and they are still important planning policy documents that provide technical guidance and supporting information to those submitting planning applications. A SPD does not introduce new policy, instead it builds and expands upon policies set out in the higher level plan (in this case the new Local Plan) to ensure they are interpreted and delivered in the most efficient and effective way.

## **6. Other implications**

None

### **6.1 How will this contribute to the Council Plan ([www.coventry.gov.uk/councilplan/](http://www.coventry.gov.uk/councilplan/))?**

The Hot Food Takeaway Supplementary Planning Document will deliver against the Council Plan, in particular it will contribute to:

- Reducing the impact of poverty
- Protecting our most vulnerable people
- Improve health and wellbeing
- Reducing health inequalities

### **6.2 How is risk being managed?**

The recommended consultation period is associated with minimal risk. Engagement from other parties has been sought throughout the development of the Hot Food Takeaway Supplementary Planning Document and the Coventry Local Plan policy that this is supporting (R6: Restaurants, Bars and Hot Food Takeaways). The supporting policy has also been endorsed by the Planning Inspector.

### **6.3 What is the impact on the organisation?**

No direct impact

### **6.4 Equalities / EIA**

A full Equality and Consultation Assessment (ECA) was undertaken as part of developing the Local Plan. As this SPD supports the delivery and technical interpretation of policies within the Plan no further assessment has been undertaken. As part of that analysis, the Council had due regard to its public sector equality duty under section 149 of the Equality Act (2010).

Notwithstanding, an initial examination has shown that the Hot Food Takeaway Supplementary Planning Document can contribute to significant benefits to the health and wellbeing of the current and future population of Coventry, with a particular focus on reducing health inequalities and therefore benefiting some of the most vulnerable people and different population groups in Coventry.

### **6.5 Implications for (or impact on) the environment**

The Hot Food Takeaway Supplementary Planning Document encourages behaviours and designs for applications that will have positive impacts on the environment, particularly around litter and waste disposal.

### **6.6 Implications for partner organisations?**

No direct implications

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