

2017 Supplementary Planning Document (SPD) consultation

Consultation statement -Control of Hot Food Takeaways and Betting Shops SPD

The Council consulted statutory and other consultees on the draft Control of Hot Food Takeaways and Betting Shops SPD in line with the approved 2011 Statement of Community Involvement (<https://www.sefton.gov.uk/sci>). The consultation period ran from mid-March to 2nd May 2017.

6 responses were received, from:

- NJL Consulting [on behalf of Modwen Properties]
- SSA Planning [on behalf of KFC]
- Steven Abbott Associates [David Pluck Bookmakers]
- Canal & River Trust
- Environment Agency [no comments]
- Natural England [no comments]

The table below summaries the main issues raised by consultees ('summary of comment'), and how these issues have been addressed in the SPD ('initial response').

Consultee	Summary of comment	Initial response
Modwen Properties	The SPD states that planning permission for hot food takeaways (Use Class A5) and betting shops (sui generis) will only be granted provided it will not result in the percentage of that use in a centre or parade exceeding 5% of total commercial units. This is considered to be too restrictive, especially for small centres and it is suggested that greater flexibility should be applied by the Council to support regeneration. St. Modwen suggests that a better option could be to allow a 5% limit for betting shops and a 5% limit for hot food takeaways, rather than combined. This will allow for a greater level of flexibility in bringing town centre regeneration forward and will assist in achieving occupation of units.	Agree. This was the intention of the policy. Will look at the wording of the document (specifically paragraph 4.2) to ensure this is clear.
Modwen Properties	The SPD notes that planning permission for takeaways or betting shops would not be granted if it would cause the percentage of	This section reflects Policy ED2 from the Local Plan. The 70% threshold is considered to be guide as to the preferred

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	<p>units in A1 use in primary retail frontages to fall below 70%. It may be the case that a centre may have less than 70% A1 uses but no betting shops or takeaways, due to a prevalence of other uses and therefore this guidance is not considered to be appropriate. It is also important to note that there has been a national decline A1 retail in centres with an increase in leisure uses and it is now widely acknowledged that such leisure uses support vitality and viability of centres, therefore it is considered that this guidance does not meet the intended objectives.</p>	<p>usage in our centres. It is unlikely this would be used to refuse an application for a non-retail use. The wording will be amended to reflect this.</p>
Modwen Properties	<p>The SPD states that in centres where the vacancy rate is above 20%, exceptions will be made to the provisions above, if the applicant can demonstrate that a unit has remained vacant after being actively marketed for a minimum of 2 years. St. Modwen considers 2 years to be a long period of time for a unit to be vacant, with the associated impact on vitality and viability, especially in a small centre. St. Modwen is therefore concerned that this guidance could directly affect the regeneration and vitality and viability of centres, whilst occupiers market a site for two years when it could be occupied by a use that brings vitality and viability to the centre. It is therefore suggested that this guidance is amended to require the submission of evidence of the benefits of bringing forward the use in that location, in line with wider planning policy objective, if it has not been marketed for 2 years.</p>	<p>Agree in part. The intention of this policy is to try to maintain a supply of suitable accommodation for retail uses and for them to be marketed for that purpose. However, it is accepted that two years may in effect sterilise a unit for too long. This will be amended to require the unit to be actively marketed for 1 year.</p>
KFC	<p>We are concerned that hot food takeaways and betting shops are quite different uses with widely differing planning impacts and ought to be dealt with separately.</p>	<p>Agree in part. The guidance is intended to treat each use separately whilst accepting that the policy approach to each is similar. Paragraph 4.2 will be amended that each use will be treated separately.</p>
KFC	<p>We remain concerned that evidence presented at the Examination of the Local Plan (LP) and in support of this SPD does not support the specific type of policy proposed. There is still no evidence of a causal link between the presence of hot food takeaways within 400 metres (or indeed any distance) of schools and incidence of</p>	<p>It was discussed at the examination that it is difficult to clearly demonstrate a direct link between obesity and access to A5 uses. However, it was accepted that this is reflects the complex causes of obesity and not that no link exists. The Council was clear that this policy approach was</p>

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	<p>obesity.</p> <p>As the LP Inspector stated in his Report, the “... graph showing a moderate correlation between overweight children and concentrations of hot food takeaways is not evidence of causality.” Indeed, at the Examination, the Inspector questioned the extent to which the graph even demonstrated a correlation.</p> <p>Much of the evidence appears to attempt to correlate the number (not distance from schools) of hot food takeaways with deprivation, not obesity.</p>	<p>part of a number of methods it is undertaking to tackle obesity and that it was a valid mechanism to contribute to this.</p> <p>In his report into the examination the Inspector stated:</p> <p><i>I consider that the modified policy EQ10 and text are consistent with the ‘promoting healthy communities’ objective of the NPPF and with the objectives of PPG, which supports a reduction in health inequalities by, amongst other means, promoting access to healthier food.</i></p>
KFC	<p>We remain concerned that the approach treats all operators of hot food takeaways in the same way, disincentivising reformulation and healthy choices.</p>	<p>The current use class order does not differentiate between a hot food takeaway that provides health and unhealthy meals. The evidence in Sefton is that A5 uses overwhelmingly serve food that would be considered unhealthy. The restriction on all A5 uses on health grounds is therefore considered reasonable.</p>
KFC	<p>There is still no (1) assessment of the number of premises affected by the SPD, so no weighing of economic impact, (2) methodology for assessing if the SPD is the measure causing changes in obesity levels (if they occur) and (3) national policy or guidance support for policies of this nature, not least because policies must be evidence-based.</p>	<p>This policy approach is primarily aimed at redirecting A5 uses to more suitable locations. It is not a blanket ban. The policy is based on evidence and this has been supported by the Local Plan Inspector. The Inspector also stated in his report when considering the benefits to healthy eating:</p> <p><i>‘I also believe that these benefits outweigh any potential loss of catering and supply jobs.’</i></p>
KFC	<p>Notwithstanding the fundamental shortcomings of the LP policy and SPD, excluding town centres will mitigate some of the impact to sustainable accessibility and excluding hot food takeaways that only open in the evenings logically limits access at lunchtimes or after school. We still consider that “locked-gates” policies should</p>	<p>This is not within the remit of the planning authority. This policy is intended to be part of suite of approaches to tackling obesity and a lunchtime restriction on children leaving school grounds may be considered. However, this would not prevent children visiting premises after school if</p>

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	be considered.	A5 uses opened before 5pm.
KFC	We welcome the acknowledgement that, because children cannot drive, there could be no point restricting restaurants that also have drive through lanes. We consider that there could be a clearer treatment of such premises in the SPD, many of which are mixed uses, rather than simply ancillary hot food takeaways.	Do not agree. It is considered that this treatment of drive through restaurants is sufficient. It is not expected that any other food outlet, other than restaurants, would have a drive through element.
David Pluck Bookmakers	We are concerned that there is no clarification in the draft as to what constitutes a “sensitive location” (para 1.8). It is suggested that this should be made clear somewhere in the document or removed as it could cause unnecessary confusion due to subjectivity on what constitutes a “sensitive location”.	<p>Agree. This will be amended to read:</p> <p><i>By limiting new outlets in areas that have <u>an over-concentration of betting shops</u>, this will help promote healthy communities and maintain the character, vitality and viability of our high streets.</i></p> <p>The SPD defines what is meant by an over-concentration of betting shops, i.e. 5% of units or more.</p>
Canal & Rivers Trust	Hot Food Takeaways have the potential to negatively impact waterways due to the litter generated by them. When takeaways are in close proximity to a waterway there is increasing likelihood of litter in the waterway. It is therefore important to the Trust that applications are accompanied with a waste management plan. The imposition of a policy relating to waste management schemes with applications for hot takeaways close to the canal would help solve this problem.	<p>The SPD sets out that proposals for A5 uses must make sufficient provision for refuse and that applicants may be asked to fund the provision of bins. This would apply anywhere and not just those close to a waterway.</p> <p>Paragraph 4.17 of the SPD will be amended to say that the applicant must demonstrate that sufficient provision is made for refuse outside the property. It is not considered that this would necessarily require a waste management plan.</p>