

**Draft “Hot Food Takeaways”**  
**Supplementary Planning Document**

**Statement of Consultation**

**As at October 2014**

Policy and Spatial Planning  
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## **1. Introduction**

This document sets out how Solihull MBC has involved stakeholders in the preparation of the Draft “Hot Food Takeaways” Supplementary Planning Document. The purpose of this document is to explain how the Council is complying with Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Council is required to produce this Statement of Consultation to accompany the publication of the Draft Supplementary Planning Document for consultation. It will assist stakeholders and members of the community in determining whether the Council has undertaken the necessary consultation to comply with the regulations and its adopted Statement of Community Involvement (2007).

The Draft Supplementary Planning Document will be consulted upon from Monday 6 October 2014 until 5pm Monday 17 November 2014.

This document will also outline how the pre-production workshop with Council Officers and input from the local police informed the preparation of the Draft SPD.

## **2. Consultation Methodology**

The Council is committed to involving stakeholders and the local community in the development of the Draft “Hot Food Takeaways” Supplementary Planning Document. The Council has adopted an approach that views consultation as an on-going activity that is integral to the plan-making process.

The Council has a comprehensive consultation database containing more than 1000 consultees, including residents associations, parish councils, elected representatives, community and voluntary groups, developers and businesses, infrastructure providers, government agencies and individuals.

The Council has a form on-line for persons or organisations wishing to be included on the Council’s Local Plan consultation database, or to update their details. Stakeholders and the local community have been informed by email or in writing of opportunities to get involved in plan-making.

The Draft “Hot Food Takeaways” Supplementary Planning Document was prepared with input from Council Officers and the local police. A workshop was held in June 2014 and this is explained in more detail in the following chapter.

The Solihull Local Plan was submitted for examination in September 2012, with the Council adopting the Solihull Local Plan on the 3 December 2013.

Following meetings with Development Management and Public Health in early 2014, it was felt that further guidance on planning applications for Hot Food Takeaways

(Use Class A5) would be beneficial. A report on Planning and Health was taken to the Health and Well-being Board on 1<sup>st</sup> April 2014, with a commitment to prepare a draft Hot Food Takeaways SPD agreed at the Cabinet Member session on 29<sup>th</sup> April 2014.

The Council will consult on the Draft "Hot Food Takeaways" Supplementary Planning Document between Monday 6 October 2014 and 5pm Monday 17 November 2014. These organisations will include:

- Statutory Bodies
- Neighbouring Local Authorities
- Parish/Town Councils (Solihull)
- Neighbouring Parish/Town Councils
- Community and Residents Organisations
- Government Departments/Organisations/Statutory Undertakers
- Members of Parliament (Local)
- Agents
- Action, Community and Voluntary groups
- All schools
- Local business interests
- SMBC internal consultees

The Supplementary Planning Document will be publicised as follows:

- On the Council's web-site at [www.solihull.gov.uk/ldf](http://www.solihull.gov.uk/ldf)
- Letters to individuals and organisations on our database
- During normal office opening hours at the following Council offices:
  - Solihull Connect Library Square, Solihull Town Centre, Solihull. B91 3RG
  - Solihull Connect at Shirley Library, 22 Parkgate, Stratford Road, Shirley. B90 3GG
  - Solihull Connect Bluebell Centre, Ground Floor West Mall, Chelmsley Wood Town Centre. B37 5TN
  - Solihull Connect at Balsall Common Library, 283 Kenilworth Road, Balsall Common. CV7 7EL
  - Solihull Connect at Kingshurst, Church Close, Kingshurst, Solihull. B37 6HA
- Paper copies of the documentation are available on request

Any representations received will be reported to the Council's Cabinet Member for Economic Development and Land together with the recommended changes to the Supplementary Planning Document resulting from the consultation responses. A schedule will be attached to the report summarising the representations received, setting out requested changes and providing the Council's response.

The Consultation Statement will be updated at key stages of the SPD preparation in order to record the consultation carried out at each stage, to summarise any consultation responses received and to set out the Council's intended response to any representations. Once finalised the SPD will be accompanied by a final Consultation Statement before formal adoption.

### **3. Pre-production Workshop and Feedback**

An initial half-day workshop was set up with colleagues from the Council and local police with roundtable discussions to look at 'model policies' for the Draft SPD and provide feedback.

The list of invitees and stakeholders who attended the sessions is shown in [Appendix A](#).

Following the event, these feedback comments were collated and taken into account for the next stage. The model policies and feedback comments are available to view in [Appendix B](#).

After consideration of the feedback comments, a pre-draft of the SPD was sent to all those invitees who had expressed an interest in being involved with the preparation of the draft SPD.

Those final comments and amendments were incorporated into the draft SPD that went to Cabinet Member on 15<sup>th</sup> September 2014 and is now available for consultation.

Officers have specifically taken the feedback into account within the draft Supplementary Planning Document by making the following amendments:

- Concentrate on the link between Health and Well-being and other healthy eating initiatives by the Council;
- Include need to consider local character as well as residential amenity – as impact of hot food takeaways varies depending on location, scale, opening hours etc.;
- Maps to include all parades and local centres for consultation, as some 'parades' are similar in size to local centres;
- Expand on the Highway safety policy to include network efficiency

### **4. Conclusion**

The Council has been committed to involving stakeholders in the development of the Local Plan and this continues for the Draft "Hot Food Takeaways" Supplementary Planning Document.

The Council is satisfied that it will be complying with the requirements of Regulation 12 of the Town and Country Planning (Local Planning) (England) 2012 as the Draft "Meeting Housing Needs" Supplementary Planning Document goes out for consultation. It is also satisfied that it can demonstrate that consultation and involvement have been undertaken in accordance with the Council's Statement of Community Involvement adopted in February 2007 for developing Supplementary Planning Documents.

Finally, the Council believes it has provided clear evidence that the representations made by stakeholders have influenced the Draft "Hot Food Takeaways" Supplementary Planning Document so far and this will continue through the consultation as set out in the requirements of Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

## **Appendix A**

### **LIST OF INVITEES TO DRAFT “HOT FOOD TAKEAWAYS” SPD WORKSHOP:**

#### **Solihull MBC:**

Development Management  
Solihull Observatory (Statistics)  
Public Health  
Licensing  
Environment Health  
Environmental Coordinator  
Food Strategy Group  
Food Safety  
Neighbourhood Coordinators  
Landscape and Ecology  
Transport Policy  
Community Safety  
Planning Policy  
Economic Development and Regeneration  
North Solihull Partnership  
Children’s Services  
Healthy Schools Programme Coordinator  
Trading Standards

#### **External:**

Heart of England NHS  
West Midlands Police Force

Input was received from all of the above except Trading Standards and Heart of England NHS.

## **Appendix B**

### **MODEL POLICIES AND FEEDBACK COMMENTS FROM WORKSHOP ON 19<sup>TH</sup> JUNE 2014**

#### **MODEL POLICY HFT1**

##### **CONCENTRATION AND CLUSTERING**

When considering whether a proposed hot food takeaway would result in an over-concentration of such uses to the detriment of the vitality and viability of a town centre, local centre or local retail parade, regard will be had to:

- The number of existing hot food takeaway establishments in the immediate area and their proximity to each other;
- The type and characteristics of other uses, such as housing, shops and public houses;
- The importance of the location for local shopping, and the number, function and location of shops that would remain to serve the local community;
- The potential benefits of the proposal for the wider community; and
- Any known unresolved amenity, traffic or safety issues arising from existing uses in the area.

Appropriate concentrations of A5 uses will be assessed based on the following:

Within the three main town centres:

- No more than 15% of the units shall consist of A5 uses

Within local centres and on local parades:

- No more than 10% of the units shall consist of A5 uses\*

In all locations:

- No more than two A5 units should be located adjacent to each other.
- Between individual or groups of hot food takeaways, there should be at least two non-A5 units.

Applications for a change of use to A5 within a centre or parade will normally be refused where this figure has been or will be, exceeded.

*\*In parades or frontages which have fewer than 10 units, one A5 use may be permitted subject to meeting other policy considerations e.g. where there is no adverse impact on the amenity of residents.*

## **QUESTIONS FOR HFT1**

- Do you agree with restricting the concentration/clustering of HFTs?
- Are these thresholds reasonable? (see maps)
- Is there enough/too much flexibility in the policy?
- Is the definition of centre/town centre/parade adequate?
- Should the concentrations in a local centre relate to the whole centre or each set of frontages?
- We would provide maps for the main and local centres – would Development Management like guidelines on measuring where a parade stops and starts?
- Is it reasonable to assume this applies only to the ground floor street-facing frontage?
- Other comments?

## **FEEDBACK FOR HFT1:**

***Size of establishment/Location/Type of food offered... All make a difference to the scale of impact on V&V, Amenity & Highway Safety.***

<i>Types of Food Establishments</i>				
<i>No.</i>	<i>Character</i>	<i>Where</i>	<i>Time</i>	<i>UCO</i>
<i>1</i>	<i>Fish &amp; Chips/Kebab/Pizza/Burger</i>	<i>Street eating</i>	<i>Day/Eve</i>	<i>A5</i>
<i>2</i>	<i>'Asian' takeaway</i>	<i>Home Eating</i>	<i>Eve</i>	<i>A5</i>
<i>3</i>	<i>Fast Food restaurant chain, e.g. McD, KFC</i>	<i>In restaurant, street, home and drive-thru eating</i>	<i>Day/Eve</i>	<i>A3/A5</i>
<i>4</i>	<i>Independent restaurant with ancillary/greater takeaway sales</i>	<i>Home eating</i>	<i>Eve</i>	<i>A3 or A3/A5</i>
<i>5</i>	<i>Cafes with ancillary/greater takeaway</i>	<i>Home eating</i>	<i>Eve</i>	<i>A3 or A3/A5</i>
<i>6</i>	<i>Home delivery – as a sole use or added to above</i>	<i>Home eating</i>	<i>Eve</i>	<i>B2/A5</i>

- *Sometimes a HFT can add to the V&V of an area, broaden choice and boost footfall along a parade/high street.*
- *Impact will depend on the function of an area/centre*
- *Need to ensure that HFTs do not undermine a parade/centre's capacity to meet day to day needs*
- *Parades could be 'classified' for their acceptability of A5s*
- *Proximity to other uses can increase uptake/impact e.g. Hobs Moat and Ice Rink.*



## MODEL POLICY HFT2

### PROXIMITY TO SCHOOLS AND HEALTH IMPACTS

Whilst it is recognised that Hot Food Takeaways have a useful role to play in offering convenience and choice, it is also recognised that they can contribute negatively on health due to higher amounts of salt, saturated fats and preservatives found in many of the foods served at these types of establishments. Recent research has shown that increased exposure and opportunity to buy fast food results in increased consumption<sup>1</sup>. Research also indicates<sup>2</sup> that obese children are more likely to be ill, be absent from school due to illness, experience health-related limitations and require more medical care than normal weight children. Furthermore, overweight and obese children are more likely to become obese adults, and have a higher risk of morbidity, disability and premature mortality in adulthood. The Council considers it important to promote healthier food choices, increase community health and especially for children to embed good eating habits from a young age. With regards to Hot Food Takeaways within close proximity of schools, the following policies will apply:

- Hot Food Takeaways will be resisted where the proposal falls within a 400m\* radius of an existing primary school, secondary school or sixth form college.
- The above key principle will not apply when the 400m buffer zone overlaps with a main or local centre. In these areas policy HFT1 will take precedence.

*\* 10 minutes walking distance is equivalent to ~ 800m as the crow flies. Taking into consideration the physical barriers encountered while walking (e.g. buildings, traffic lights etc.), the Council considers 400m a more practical equivalent to a 10 minute walk)*

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<sup>1</sup> Burgoine T, et al. Associations between exposure to takeaway food outlets, takeaway food consumption, and body weight in Cambridgeshire, UK: population based, cross sectional study. *British Medical Journal* 2014; 348:g1464. Website: <http://www.bmj.com/content/348/bmj.g1464>

<sup>2</sup> Wijga A, Scholtens S, Bemelmans W, de Jongste J, Kerkhof M, Schipper M, et al. Comorbidities of obesity in school children: a cross-sectional study in the PIAMA birth cohort. *BMC Public Health* 2010;10(1):184. As reported on Public Health England website: [http://www.noo.org.uk/NOO\\_about\\_obesity/obesity\\_and\\_health/health\\_risk\\_child](http://www.noo.org.uk/NOO_about_obesity/obesity_and_health/health_risk_child)

## QUESTIONS FOR HFT2

- Do you think such a policy would have a positive impact on children's eating habits?
- Bearing in mind this is the standard measure used in adopted SPDs, is the 400m radius considered reasonable? (see maps)
- Are the types of schools appropriate? Should there be less/more types of child-centric establishments?
- Are the exemptions in bullet point 2 reasonable?
- Other comments?

## FEEDBACK FOR HFT2:

- *H & WB one of top 4 Council priorities*
- *Young people around takeaways:*
  - *Violence, Night-time economy, Drugs*
  - *Dilutes Police Resource*
- *See something, say something etc:*
  - *Campaigns/Training*
  - *Sexual exploitation (Rochdale)*
- *Legal agreements are enforceable and monitoring, hold them to account*
- *Safe places for children*
- *More specifications, especially CCTV and trained security staff*
- *Responsibility regarding litter, leafleting etc*
- *Community responsibility – accountable*
- *Financial impacts – additional crime measures and ongoing costs*
- *Recommend set of licensing principles with a minimum standards, not limited to night-time*
- *Commitment to preventing anti-social behaviour, adherence to principles and not just profit*
- *MECC training? Change 4 life posters?*

- *Add consideration of routes of travel for children – will be preferred routes for drop-off*
- *Consultation with schools required*
- *Doesn't go far enough to resist – need to refuse?*
- *Evidence HRBQ – negative change of eating habits and reduction in school meal uptake*
- *More evidence and stronger wording from Solihull angle*
- *400m radius makes it difficult to argue for exceptions*
- *Specify size of town centres?*
- *3 main town centres refer to Solihull, Shirley and Chelmsley Wood*
- *Big parades should also be considered*
- *Add children's centres to the list and doctor surgeries?*
- *Training/recipes?*
- *Awards Audits? – Community Responsibility*
- *What is the impact of one unit on police resources – extending life of night economy – more work for taxi marshalls?*
- *What is the saturation point for police resources? Spread vs. concentration*
- *Impact of A1 – Greggs too*

## **MODEL POLICY HFT3**

### **HIGHWAY SAFETY**

The impact of a proposal on the safety of pedestrians and road-users will be considered with regard to:

- The existing use of the site;
- Existing traffic conditions;
- The accessibility of the site by public transport and cycling;
- The availability of public parking provision in close proximity to the premises, including on-street parking;
- Proximity of site to lighting junctions, pelican crossings, bus bays and bus stops;
- The availability of easily accessible private parking provision;
- The availability of safe and legal loading areas in close proximity; and
- The implications of comings and goings on the amenity of local business occupiers and residents.

Where a proposal is considered to have an unacceptable impact on highway safety, and this cannot be remedied by planning condition or Section 106 agreement; planning permission will not be granted.

### **QUESTIONS FOR HFT3**

- Is this policy necessary, or would Local Plan policies P7 and P8 be sufficient?
- Is this policy too detailed?
- Is the policy omitting any points?
- Does the policy complement Local Plan policies P7 and P8, or is it contradictory?
- Other comments?

**FEEDBACK FOR HFT3:**

- *Local Plan policies P7 and P8 cover headline issues, but not the detail*
- *Impact of uses is very dependent on location, therefore define different locations, e.g. town centre, local centres, parades, resi areas – and use definitions to set out parking expectations*
- *E.g. Town centre not, others on a case-by-case basis*
- *Checklist of issues? Inc. accident data*

## **MODEL POLICY HFT4**

### **PROTECTION OF RESIDENTIAL AMENITY**

The protection of the living conditions of residents in close proximity to any existing or proposed A5 use will form a major consideration in assessing applications for hot food takeaways. Applications for hot food takeaways within close proximity to residential units will be refused where it is considered that there may be significant adverse impacts on residential amenity in terms of noise, vibrations, odours, traffic disturbance, litter or hours of operation as a result of the proposed premises.

### **MODEL POLICY HFT4a**

#### **Hours of Operations**

When considering appropriate hours of operation for hot food takeaways regard will be had to:

- The existence of an established evening economy in the area;
- The character and function of the immediate area; and
- The potential benefits of the proposal for the wider community.

Sites outside main and local centres will usually be more restricted.

**Note:** Restrictions placed on the hours of operation of premises through a planning permission override any hours of operation granted in a Premises License.

### **QUESTIONS FOR HFT4a**

- Is it worthwhile to restrict hours of opening?
- Is this policy too detailed?
- Is the policy omitting any points?
- Other comments?

## **MODEL POLICY HFT4b**

### **ODOURS AND COOKING SMELLS**

Extraction systems should be installed to effectively disperse odours from hot food takeaways. Proposed systems must meet the standards of the Council's Environmental Health Services. Extraction systems must also be designed so that they do not have an unacceptable impact on visual amenity. Consequently, the installed systems must not appear as an incongruous feature in the street scene. To be acceptable the proposed extraction system will have to be:

- Located preferably to minimise its visual impact on the street scene;
- Of a colour, finish and design to blend in with the buildings to which it is attached, incorporating cladding where appropriate; and
- Installed within the building where practicable and particularly where the proposal is within a conservation area or within the setting of a listed building.
- Special attention will have to be paid to the effects of noise and vibration when installed internally.

If unacceptable smells and fumes cannot be prevented by means of an effective extraction or abatement system, or if ducting cannot be installed without significant detriment to visual amenity, planning permission will not normally be granted.

Where an external flue is proposed on a property in joint ownership or involving a party wall, legal consent of all parties must be demonstrated prior to any development work commencing on site.

### **QUESTIONS FOR HFT4b**

- Does the policy complement Local Plan policy P14, or is it contradictory/superfluous?
- Is this policy too detailed?
- Is the policy omitting any points?
- Would it be helpful to include model conditions?
- Other comments?

## **MODEL POLICY HFT4c**

### **DISPOSAL OF WASTE PRODUCTS**

- Commercial bin stores should be contained within the site. Where this is not possible, secure storage structures should be provided;
- All applications for new build hot food takeaway premises must identify adequate and appropriate space on-site to store waste products;
- Suitable grease traps must also be installed on all drains for hot food takeaway shops to prevent blockages and flooding of properties;
- Where the waste storage provisions are considered inadequate, planning permission will not be granted.

## **MODEL POLICY HFT4d**

### **LITTER**

- A planning condition requiring the installation of litterbins on land within the applicant's control will be applied to every application for a hot food takeaway establishment;
- It is the proprietors' responsibility to maintain and empty these litterbins on a regular basis and to keep the area in front of the premises clear.

### **QUESTIONS FOR HFT4c and HFT4d**

- Does the policy complement Local Plan policy P14, or is it contradictory/superfluous?
- Is this policy too detailed?
- Is the policy omitting any points?
- Other comments?



#### **FEEDBACK FOR HFT4a-d:**

- *Example conditions useful & clear*
- *Existing guidance adequate to protect visual amenity*
- *Behaviours – Noise, litter, (Hardest to influence)*
- *Include pest control as a condition*
- *Policy area overlaps with Vitality and Viability*
- *Impacts vary depending on size and location of unit:*
  - *Small unit – local parade*
  - *Medium unit – local/main centre*
  - *Large unit – destination HFT?*
- *GAPS - Sustainability considerations:*
  - *Recycling*
  - *Electric vehicles for deliveries*
  - *NB benefits to neighbouring amenity*
- *Other legislation regulating impact on amenity is in place, however, this is often for enforcement after the event, and there are higher hurdles to get over than with planning*
- *What sense of place are we trying to create?*
  - *Established evening economy – or do we want to encourage or discourage one in certain areas? Distinction between parades where we are encouraging a NTE and ones where we are not – is enough enough in some areas?*
  - *We need proper clarity/definition on what main and local centres are – what about new developments?*
  - *There's no diversity in style of takeaways – is this something we can influence? Different types of takeaways encourage different behaviours*
  - *There is a place for takeaways in residential areas to serve the needs of the community – without parking/congestion problems*
- *If it is too restrictive, it may cause more problems and may be difficult to resource enforcement/regulations*

- *Can we include as part of policy that takeaways should contribute to e.g. waste/recycling because of the increase in need for such services? Is it reasonable?*
- *CCTV? Lighting? Decluttering!*
- *Defra guidance in useful and effective in managing odour control*
- *Classification of small/medium/large units. Impact varies depending on size/offering/location*
- *Health & Well-being agenda*
- *Waste/environmental/sustainability plans for businesses*
- *Commercial pest control opportunities*
- *Other legislation:*
  - *Environment Protection Act*
  - *Street litter control notices*
  - *Responsibility for street cleansing/pest control*
  - *Licensing Act 2004 – Deregulation Bill 2014*
    - *Statement of Licensing Policy*

## **MODEL POLICY HFT5**

### **SAFETY, CRIME AND ANTI-SOCIAL BEHAVIOUR**

In assessing planning applications for proposed hot food takeaways, the Council will consider issues around community safety, crime and disorder.

- The Council will seek the advice of the Police Crime Prevention & Design Adviser when considering applications for hot food takeaways, regardless of their location in the Borough;
- Planning permission for any new developments or change of use of premises for use as a hot food takeaway will be subject to considerations of the local context with regard to potential for crime and disorder;

Where there are concerns over crime and antisocial behaviour in the area, the applicant may be asked to enter into a legal agreement which may require the provision of a financial contribution to fund the provision of safety and security measures such as CCTV systems.

Proposals considered to pose an unacceptable risk will be refused.

### **QUESTIONS FOR HFT5**

- Is this policy reasonable in wider planning terms?
- Is the policy omitting any points?
- Is there a view on the impact of restaurants with a takeaway service contributing towards antisocial behaviour?
- Other comments?

### *FEEDBACK FOR HFT5:*

*Could additional Section 106 money be asked for to provide additional security to support the policing effort?*