



# Hot Food Takeaway

Supplementary  
Planning Document

October 2016

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# Introduction and Background

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## Introduction

- 1.1 A strategic aim of the Council is to tackle unhealthy lifestyles including unhealthy eating and obesity. Obesity and being overweight are major public health problems. Addressing wellbeing and health is important for Newcastle and our future planning framework. The health of people in Newcastle is improving but is still much worse than the national average.
- 1.2 The link between planning and health has been established in the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and incorporated in the Core Strategy and Urban Core Plan (CSUCP, adopted 2015), (see Policy Context section 2) and emerging Development and Allocations Plan. National and local planning guidance acknowledges that planning has an increasingly important role to play in creating health promoting environments and reducing health inequalities.
- 1.3 This Supplementary Planning Document (SPD) will provide additional guidance to support Policies CS14, CS7, CS13 and NC1 of the CSUCP, Unitary Development Plan (UDP) (Saved 2007) policies H2, EN1.1, T2, T4.5, T5.3, T7.1 and POL 7 and relevant national guidance. The policy context is considered in more detail in Section 2.
- 1.4 This SPD sets out the Council's approach in relation to planning control of hot food takeaways and will be a material consideration in the determination of planning applications for such uses. The Town and Country Planning (Use Classes) Order 1987 (as amended) subdivides different development types into separate classes of use. Hot food takeaways are designated as Use Class A5. The definition of Use Class A5 is an establishment whose primary business is for the sale of hot food for consumption off the premises. The proposed layouts of such premises provide a guide as to its primary function. In determining the dominant use of the premises consideration will be given to:
  - The proportion of space designated for hot food preparation and other servicing in relation to designated customer circulation space; and/or
  - The number of tables and chairs to be provided for customer use.
- 1.5 Hot food takeaways can also form part of a mixed use for example where restaurants or cafes (Use Class A3) include a significant proportion of hot food to takeaway and are therefore classed as a sui generis use (not within any use class), and this SPD would be a material consideration in determining these applications.
- 1.6 In this SPD the term "hot food takeaway" shall mean an A5 use or any proposal which includes an element of hot food takeaway (A5) use.

1.7 This SPD includes guidance on the following aspects and harms:

### **Aspects**

- Over concentration
- Clustering
- Protection of residential amenity
- Highway issues
- Hours of operation

### **Harms**

- Overweight and obesity
- Odours and noise abatement
- Disposal of waste products

## **Background**

1.8 Newcastle City Council adopted the Core Strategy and Urban Core Plan (CSUCP) in March 2015. The CSUCP is the central document in Newcastle's Local Plan and forms part of the Council's Development Plan and will guide all decisions about individual development proposals.

1.9 The CSUCP has a number of strategic objectives which will be delivered by the policies in the Plan. In particular, strategic objectives SO10, SO4 and SO30 are relevant. Strategic objective SO10 aims to "provide the opportunity for a high quality of life for everyone and enhance the wellbeing of people to reduce all inequalities". Strategic objectives SO3 and SO4 are related to Newcastle's position as a regional retail centre, the role of which should be improved and expanded. The CSUCP should ensure the provision of quality district and local centres with a diverse range of shops and services.

1.10 Policies CS14 'Wellbeing and Health', CS7 'Retail and Centres', and NC1 'Newcastle Central Sub-Area' will help to support the delivery of these objectives (See Appendix 1 for full policy wording).

1.11 The link between planning and health has been established in the NPPF, PPG and is integrated in the CSUCP. Policy CS14 aims to maintain and improve the wellbeing and health of communities by ensuring access to local employment opportunities, healthy housing, open space, cultural and community facilities, healthy food and care and health facilities. In particular, Policy CS14 details the Council's ambitions to control the location of unhealthy eating outlets. The CSUCP defines unhealthy eating outlets as "predominantly Class A5 of the Town and Country Planning (Use Classes Order 1987) (as amended)". An

important contributing factor to poor diet and health in certain parts of Newcastle is the distribution and access to unhealthy foods. Policy CS14 is the Council's adopted policy approach enabling the Council to control the number and location of hot food takeaways. This SPD provides further detail on this, supporting Planning's crucial role, as highlighted in the NPPF, in ensuring better health outcomes for the local community.

- 1.12 Policy CS7 separately aims to protect the vitality and viability of centres in the retail hierarchy by encouraging a balance of retail and supporting uses which are appropriate in scale to the relative position of each centre in the hierarchy.
- 1.13 Policy NC1 promotes the continued success of the Central Sub-Area, through protecting the retail centre and enhancing the role of Newcastle as the regional centre by permitting A1 and A3 uses within the primary retail frontages and permitting A1, A2, A3 and other supporting uses within the secondary retail frontages.
- 1.14 SPDs are used to provide more detail on policies/policy approaches in a higher tier plan. This SPD will therefore supplement the policies in the CSUCP and Saved UDP and will be a material consideration for decision making purposes.

## **Consultation**

- 1.15 The Council is strongly committed to involving as many people as possible in the preparation of an SPD to ensure that stakeholders and the community have an opportunity to have their say. The Council is legally required by Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulation 2012, alongside the Newcastle Statement of Community Involvement (SCI) (2013) to carry out early engagement during the scoping exercise and formally consult on the draft SPD.
- 1.16 The Council prepared a hot food takeaway scoping report in March 2015. Public consultation on this scoping report was carried out between 29 June and 27 July 2015. In total 32 responses were received.
- 1.17 All responses received to the scoping report informed the preparation of the Draft SPD. Consultation on the draft SPD was carried out between 4 December and 15 January 2016. In total 23 responses were received. Following this consultation, the council considered the submissions, reviewed the evidence and approach and amended the SPD taking into account the responses received.
- 1.18 A further round of public consultation was undertaken between 16 June and 28 July 2016. 14 responses were received. The comments made have been considered and did not result in any changes to the SPD, as most comments received were either in support, or beyond the scope of the SPD.

## **Monitoring Process**

- 1.19 The successful implementation of this SPD will be monitored through the Council's Annual Monitoring Report (AMR), using indicators for example use of this SPD in determining planning applications and number of new hot food take away premises granted.

## Policy Context

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- 2.1 Local Plan policies have an important role to play in assisting with reducing the growing levels of obesity, being overweight and unhealthy eating and in developing vital and viable locations which achieve an appropriate balance between retail and non-retail supporting uses.

### National Planning Policy Context

#### National Planning Policy Framework (NPPF)

- 2.2 The National Planning Policy Framework (NPPF), published in March 2012 is a material consideration in the determination of planning applications. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 explains that there are three dimensions to sustainable development - economic, social and environmental. The social role comprises *“supporting strong, vibrant and healthy communities, by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being”*<sup>1</sup>. Poor health also impacts on economic outcomes.
- 2.3 Paragraph 69 of the NPPF focuses on promoting healthy communities emphasizing how planning can play an important role in facilitating social interaction and creating healthy, inclusive communities<sup>2</sup>.
- 2.4 The NPPF aims to ensure the vitality of town centres by encouraging local planning authorities to set out policies for the management and growth of centres, including making clear which uses will be permitted in certain locations and promoting competitive town centres that provide customer choice and a diverse retail offer<sup>3</sup>. The NPPF states that planning policies and decisions should aim to achieve amongst other things, strong neighbourhood centres and active street frontages. This section of the NPPF also requires planning decisions to guard against the loss of valued facilities and services<sup>4</sup>.

#### Planning Practice Guidance (PPG)

- 2.5 The Planning Practice Guidance, (PPG) published by the Government in 2014, is an on-line planning tool providing greater clarity on the planning system. The PPG emphasizes that health and wellbeing should be considered by local authorities in plan making and decision taking including promoting access to healthier food. Paragraph 002 of the PPG states that *“the built and natural environments are major determinants of health and wellbeing”*. The Council’s local plan promotes health, social and cultural wellbeing and supports the

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<sup>1</sup> National Planning Policy Framework (2012), page 2

<sup>2</sup> National Planning Policy Framework (2012), page 17

<sup>3</sup> National Planning Policy Framework (2012), page 7

<sup>4</sup> National Planning Policy Framework (2012), page 17, paragraph 69 & 70

reduction of health inequalities. The local plan also promotes healthy communities by planning for an environment that supports people to make healthy choices, helps to promote active travel and physical activity, and promotes access to healthier food, high quality open spaces and opportunities for play, sport and recreation.

## **Local Planning Policy Context**

### **Core Strategy and Urban Core Plan (CSUCP)**

- 2.6 This SPD has been prepared principally to supplement CSUCP Policy CS14 Wellbeing and Health. The CSUCP was prepared and adopted following the publication of the new national guidance and is consistent with it on the issue of health and wellbeing. Policy CS14 sets out a strategic approach to planning for the wellbeing and health of our communities, recognising that planning has an increasingly important role to play in creating healthy environments. This includes the ability to earn a reasonable wage locally, access to good quality housing, open space, an active lifestyle, cultural and community facilities, healthy food, care and health facilities and adhering to the principles of equality and fairness. This SPD aims to support Policy CS14 to ensure that development does not have a negative impact on the health or wellbeing of people or communities.
- 2.7 Policy CS7 Retail and Centres recognises the important role of centres in the day to day lives of its residents and the local economy. They provide shopping and services, are places of employment and leisure, are a focus for community activity and provide character and identity to local areas. The success of Newcastle's centres is strongly influenced by the variety and choice of shops, services and other uses within them. In addition to Class A1 retail uses, a range of non-retail services within classes A2, A3, A4 and A5 (e.g. banks, estate agents, bars, cafes and restaurants) will be considered provided these other uses would not harm the centres overall vitality and viability. Regarding the acceptability of hot food takeaways in centres, this SPD explains how the vitality and viability of centres will be considered and protected.

### **Unitary Development Plan (UDP)**

- 2.8 In addition to the policy approach within the CSUCP, the Unitary Development Plan (UDP) (Saved 2007) also forms part of the approved development plan for the city. The following saved UDP policies are considered to be consistent with the NPPF and PPG and relevant to this SPD.
- 2.9 Policy H2 of the UDP seeks to protect residential amenity and sets out a number of criteria by which applications for development will be assessed. These include protecting the character of the locality, ensuring satisfactory daylight, sunlight, outlook and privacy for all dwellings, avoiding the introduction of new accesses traffic or parking as would increase visual intrusion, noise or disturbance or prejudice road safety, and ensuring that non-residential development will not harm residential amenity.



- 2.10 Saved UDP Policy EN1.1 seeks high standards of design in all developments. These policies aim to ensure that new development is well related to its site and surroundings, does not seriously affect nearby development, is of good design, and enhances the city's environment and distinctive identity.
- 2.11 Saved UDP Policies T2, T4.5, T5.3, and T7.1 relate to traffic management, parking, cycling and the provision of transport infrastructure. Policy T4.5 states that development shall provide parking that meets operational needs, the provision should be met by the implementation of parking standards on site or the payment of a commuted sum for alternative provision. Policy T5.3 states that cycling will be encouraged by ensuring cyclists' needs are considered as part of new development and where appropriate, requiring that facilities, including parking, are provided, to satisfy operational requirements and standards. Policy T7.1 recognises that new development will generate demand for access to public transport, delivery vehicles, cars, bicycles and pedestrians and that any new development must have regard to road safety, the environmental effects of traffic, and the ability of the highway network to cater for these demands.
- 2.12 Saved UDP Policy Pol 7 relates to noise and vibration, stating that development which generates noise sufficient significantly to affect existing ambient sound or vibration levels in residential areas or other noise sensitive areas will only be allowed if it complies with the attenuation and monitoring requirements of the Development Control Policy Statement 22 Noise and Vibration.
- 2.13 The Council's Interim Planning Guidance (IPG) on Transport Assessments, Travel Plans and Parking (adopted April 2010) is also relevant. This guidance is a material consideration in the assessment and determination of any planning application.
- 2.14 After 2300 hrs the provision of late night refreshment i.e. "hot" not "cold" food is regulated by the Licensing Act 2003. Further information is provided in Appendix 2.

## **National Health Policy Context**

- 2.15 Unhealthy eating, a poor diet and being overweight or obese has a significant impact on health. People who are overweight or obese have a higher risk of getting type 2 diabetes, heart disease and certain cancers. Being overweight or obese can also affect self-esteem and mental health and lead to many other adverse impacts.
- 2.16 Obesity is a complex problem and presents a significant challenge for a number of bodies, including local authorities. The Government commissioned the Foresight Report in 2007 "Tackling Obesities: Future Choices – Summary of Key Messages" which outlined that tackling obesity needs to move beyond behaviour



- 2.20 In March 2014, Public Health England published 'Obesity and the environment: regulating the growth of fast food outlets. This document focuses on the role of the environment and how planning authorities can influence the built environment to improve health and reduce the extent to which it promotes unhealthy eating, being overweight or obesity. It states that local planning authorities have a number of legislative powers which can help to create places where people are encouraged to maintain a healthy weight. One of the dietary changes identified over the last few years has been an increase in the proportion of food eaten outside the home, which is more likely to be high in calories. In particular, hot food takeaways, which tend to sell energy dense food high in fats, sugar and salts<sup>9</sup>.
- 2.21 Action on the food environment is also supported by Nice (National Institute for Health and Clinical Excellence). Nice recommends planning authorities should be supported in restricting planning permission for takeaways and other food retail outlets in specific locations, for example, close to schools<sup>10</sup>.

## Local Health Policy Context

- 2.22 The SPD also supplements citywide policy 'Newcastle's Wellbeing for Life Strategy. Newcastle City Council is one of the partners on the Wellbeing for Life Board made up of organisations and people working together to improve the wellbeing and health of everyone in Newcastle. The Board has developed a Wellbeing for Life Strategy for the city. The overarching ambition is – *“people who live, work or learn in Newcastle equally enjoy positive wellbeing and good health”*. The strategy focuses on five ways to wellbeing for life, one of which 'Take Notice' includes a reference to enjoying healthy food<sup>11</sup>. The Decent Neighbourhoods section also highlights the need to provide “a layout, shops, services, parks and green spaces that make active living and healthy eating easy to do”.<sup>12</sup>

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<sup>9</sup> Obesity and the environment: regulating the growth of fast food outlets (2014), pages 3,4,5

<sup>10</sup> National Institute for Health and Clinical Excellence. Prevention of cardiovascular disease (2010)

<sup>11</sup> Newcastle's Wellbeing for Life Strategy (2013)

<sup>12</sup> Ibid

# Evidence

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## Healthy Eating

- 3.1 Takeaway food has been demonstrated to be energy dense and to have high levels of sugar, salt and fat and low levels of micronutrients. Single large meals and snacks obtained in hot food takeaway outlets often approach or exceed recommended daily requirements for energy, fats, sugar and salt thereby increasing the risk of obesity if eaten regularly (more than once a week).
- 3.2 Obesity and being overweight are major public health problems. This is a very complex problem caused by multi-faceted factors. The main causes for this are eating too many calories and/or not getting enough physical exercise. Notwithstanding this, other factors are directly associated with being overweight and obesity, including environmental, behavioural and cultural factors which contribute to this problem.
- 3.3 For adults, obesity can lead to Type 2 diabetes, heart disease, cancer, musculoskeletal problems, mental health issues and poor quality of life. As well as impacting on the health of the population, being overweight or obese has an economic impact as well – often impacting on a person's ability to remain in work or to continue to be economically active. The high numbers of people who are overweight or obese means that this is an important public health issue.
- 3.4 Childhood obesity is one of the biggest public health challenges the Council faces. Research demonstrates that the more overweight and the earlier in life you become overweight, the greater the impact on your health. Overweight and obese children are more likely to become obese adults. It is therefore vital to support and establish healthy food choices from an early age<sup>13</sup>.
- 3.5 The Public Health Outcomes Framework sets out a range of outcomes that local authorities can use to better understand the health of their population. These indicators are useful in enabling local authorities to target health improvement work. The indicators directly relevant to this document are:
  - a. Excess weight in 4-5 and 10-11 year olds;
  - b. Excess weight in adults<sup>14</sup>.

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<sup>13</sup> Health risks of childhood obesity National Obesity Observatory [https://www.noo.org.uk/NOO\\_about\\_obesity/obesity\\_and\\_health/health\\_risk\\_child](https://www.noo.org.uk/NOO_about_obesity/obesity_and_health/health_risk_child) 2015.

<sup>14</sup> Public Health Outcomes Framework [www.phoutcomes.info](http://www.phoutcomes.info) (2015)

- 3.6 Excess weight is measured using Body Mass Index (BMI). If an adult has a BMI of between 25 and 29 they are classed as overweight. A BMI of 30+ means that an adult is obese. Child obesity is measured using a different methodology. Because of different growth rates among boys and girls at different age levels, a general classification cannot be used. The British 1990 growth reference is used with children above the 85th percentile being classed as overweight and over the 95th percentile being classed as obese.
- 3.7 Current levels of obesity in children in Newcastle are higher than the figures for England. The excess weight for adult's measure, whilst similar to the England average, is high. The England figure shows that 63.8% of the adult population are classed as overweight or obese. For adults in Newcastle the figure is 61.3%.
- 3.8 To seek to reduce the level of excess weight the City Council has put in place a programme of measures to work to reducing excess weight in both adults and children which is set out in more detail later in this document.
- 3.9 The prevalence of obesity in primary school children in reception (aged 4-5) and Year 6 (aged 10-11) is high. The 2014/15 data shows that 22.7% of reception children and 37.6% of Year 6 children in Newcastle were classified as overweight or obese. Of these, 10.1% of reception and 24.0% of Year 6 children were obese. These figures are higher than the England figures. For England, 21.9% of reception children and 33.3% of Year 6 children were classified as overweight or obese. Of these, 9.1% of reception and 19.1% of Year 6 children were obese.
- 3.10 Figure Two shows ward level data taken from the NCMP programme. This shows that those wards that are more deprived have higher rates of obese children.

**Figure Two**

**NCMP Ward Level Data: 2011/12 - 2013/14 HSCIC**

Ward Name	Reception (4-5 Years)			Year 6 (10-11 Years)		
	Measure d	Obese	Obese %	Measure d	Obese	Obese %
Walker	537	85	<b>15.8%</b>	437	110	<b>25.2%</b>
Byker	423	58	<b>13.7%</b>	335	86	<b>25.7%</b>
Elswick	641	100	<b>15.6%</b>	544	158	<b>29.0%</b>
Benwell and Scotswood	537	84	<b>15.6%</b>	441	138	<b>31.3%</b>
Westgate	221	39	<b>17.6%</b>	184	41	<b>22.3%</b>
Kenton	526	82	<b>15.6%</b>	399	104	<b>26.1%</b>
Woolsington	400	59	<b>14.8%</b>	325	82	<b>25.2%</b>
Fawdon	350	46	<b>13.1%</b>	317	81	<b>25.6%</b>
Blakelaw	450	63	<b>14.0%</b>	380	91	<b>23.9%</b>
Denton	347	47	<b>13.5%</b>	309	66	<b>21.4%</b>
Walkergate	303	44	<b>14.5%</b>	289	73	<b>25.3%</b>
Lemington	359	48	<b>13.4%</b>	326	85	<b>26.1%</b>
Wingrove	515	71	<b>13.8%</b>	383	90	<b>23.5%</b>
Fenham	369	57	<b>15.4%</b>	316	70	<b>22.2%</b>
Newburn	363	37	<b>10.2%</b>	318	82	<b>25.8%</b>
South Heaton	135	15	<b>11.1%</b>	139	39	<b>28.1%</b>
Ouseburn	140	20	<b>14.3%</b>	117	27	<b>23.1%</b>
Castle	388	37	<b>9.5%</b>	300	52	<b>17.3%</b>
Westerhope	259	22	<b>8.5%</b>	245	54	<b>22.0%</b>
North Heaton	263	21	<b>8.0%</b>	223	46	<b>20.6%</b>
South Jesmond	58	s	<b>s</b>	37	s	<b>s</b>
West Gosforth	308	25	<b>8.1%</b>	237	43	<b>18.1%</b>
East Gosforth	283	19	<b>6.7%</b>	191	23	<b>12.0%</b>
Dene	303	26	<b>8.6%</b>	259	41	<b>15.8%</b>
Parklands	370	24	<b>6.5%</b>	271	31	<b>11.4%</b>
North Jesmond	59	s	<b>s</b>	43	s	<b>s</b>

s = Data suppressed due to low numbers.

3.11 The Schools Health Related Questionnaire has been carried out in Newcastle on a biennial basis in both primary and secondary schools in the city. Not all schools take part, however it provides a useful picture of the health beliefs and behaviours of children. In 2015, 58 schools took part in the survey made up of 43 first and primary schools, 3 middle schools, 10 secondary schools, 1 special school and the Pupil Referral Unit. The results show that for secondary schools, 7% of boys and 5% of girls state that they eat takeaway / fast foods on “most days”. Pupils were also asked whether they considered their health when choosing what to eat. In the secondary schools taking part in the survey, 13%

replied never and 47% replied sometimes. 21% of pupils stated that they have fizzy drinks (not low calorie) “on most days”. When asked about how often their family have takeaways, 15% of pupils said that they have a take away / fast food on at least “2-3 days per week”. For primary school pupils this figure was 21%.

- 3.12 The impact on the children eating fast food at these levels should not be underestimated given that research has shown that the health risks associated with fast food are more likely to occur in those people with regular consumption. The local figures reflect recent national research which highlights that 19% of children ate meals out once per week or more and 21% of children ate takeaway meals at home once per week or more.
- 3.13 Enabling children to easily access energy dense food high in fat, salt and sugar means that they will probably make poor food choices and increase the risks associated with an unhealthy diet. Restricting access based on their exposure to fast food outlets both close to the school and on their routes to and from home will enable children to make better nutritional choices that will lead to a healthier diet.
- 3.14 Given the importance of the obesity and unhealthy eating agenda Newcastle City Council currently commissions a range of activities with the aim of reducing obesity across the city. The council spends in excess of £1.7m on primary and secondary prevention activities designed to improve the knowledge and skills of children and their families around obesity prevention and support people who eat unhealthily, be overweight or obese. These are focused on the following subject areas.

### **Primary prevention**

- 3.15 We commission a range of primary prevention activities including through geographically targeted approaches through our Change4Life East and West programmes. These programmes are delivered in some of the more deprived areas of the city with the aim of reducing health inequalities. These follow a life course approach to increasing healthy eating and physical activity. Our objectives are to:
- Improve nutritional and/or cooking skills of families and specific children’s groups;
  - Increase physical activity, specifically in inactive groups;
  - Help participants set realistic goals to achieve behaviour change;
  - Encourage children, young people and parents to develop skills to help others (e.g. peer support / young sport leaders / young cooks / health champions);
  - Build capacity of front line staff to deliver key consistent messages;
  - Focus on improving the health of children 0-11 (early & primary years) to ensure early intervention and prevention;

- Provide mentorship, volunteering and peer support opportunities specifically for teenagers and adults;
  - Provide a family focus.
- 3.16 Excess weight prevention work is also carried out in schools through the Healthy Schools programme and through supporting Personal Social and Health Education (PSHE) provision. We commission a Health at Work programme which focuses on improving health and wellbeing in workplaces. Preventing excess weight and increasing exercise is a component of this programme. The Sustainable Food City programme is also commissioned – the aim of this is to develop a partnership approach to food policy across the city. The food policy is currently under preparation.
- 3.17 The local Healthy Schools programme includes support on nutrition activities within the school which aims to promote healthy eating. As part of this, common practices in Newcastle schools engaged in the healthy schools programme include:
- Pupil school nutrition action groups;
  - Improved curriculum activity work on improving the dining environment;
  - Family learning sessions on healthy eating for parents;
  - Cooking clubs;
  - Growing activities;
  - Fruity Fridays;
  - ‘Taste all the colours of the rainbow’ referring to fruit and veg;
  - Fruit tuck shops/smoothie bar enterprises;
  - Provision of breakfast clubs;
  - Special food celebration days for parents;
  - Food taster session for parents.

### **Secondary prevention**

- 3.18 We currently commission weight management programmes for adults and children. Adult weight management is provided through a single integrated weight management service across the city. This is provided through:
- One to one sessions;
  - Physical Activity Sessions;
  - Healthy Eating sessions;
  - Additional Gym Membership or signposting into cycling and walking.



3.19 Weight management for children is commissioned from the council's leisure services team. The team provides the On the Go service which provides a family based service focusing on:

- Diet and healthy eating habits;
- Physical activity;
- Reducing the amount of time spent being sedentary;
- Strategies for changing the behaviour of the child or young person and all close family members.

### **Assessing exposure to food outlets within proximity/close to schools**

3.20 Whilst a number of local authorities have chosen a simple radius to delineate the food environment in proximity to schools, evidence suggests that reducing exposure to the food environment along routes to school would improve the estimated exposure<sup>15,16,17</sup>. Considering the exposure of pedestrians through analysing the routes taken was identified as helpful in estimating exposure to unhealthy food outlets in the food environment. The use of travel and mobility data provides us with a robust methodology for identifying in the activity space<sup>18</sup>. This should provide us with a more accurate measure of exposure to potential unhealthy food outlets.

### **Vitality and Viability of Centres**

3.21 Newcastle's retail centres perform an important role for residents and the local economy. They provide shopping and services, are places of employment and leisure, are a focus for community activity and provide character and identity to local areas. Policy CS7 of the CSUCP supports a network of accessible centres in the retail hierarchy, to act as the key focus for retail and leisure investment and seeks to promote their vitality and viability. Excluding the primary shopping area within Newcastle's city centre retail centre, the city has a total of 45 centres including 8 district centres and 37 local centres. District centres each perform a role and function which reflects the particular needs and character of their local community. The main role of district centres is to allow access to a wide range of retail and related services while local centres contain a smaller range of shops and services which support the daily needs of a smaller catchment area.

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<sup>15</sup> Sadler R and Gilliland J (2015) Comparing children's GPS tracks with geospatial proxies for exposure to junk food *Spatial and Spatio-temporal Epidemiology* 14-15 pp55-61

<sup>16</sup> Rossen L et al. (2013) Food Availability en Route to School and Anthropometric Change in Urban Children *Journal of Urban Health* 90(4)pp653-666

<sup>17</sup> Cetateanu A and Jones A (2016) How can GPS technology help us better understand exposure to the food environment? A systematic review *SSM – Population Health* 2 pp196 - 205

<sup>18</sup> Kestens et al (2012) Association between Activity Space Exposure to Food Establishments and Individual Risk of Overweight *PLOS One* 7(8)

3.22 Retail health checks for all of the district and local centres were prepared to inform the CSUCP. Retail health checks collate data on a range of individual vitality and viability indicators. Vitality refers to how busy a centre is and viability refers to the capacity of the centre to attract continuing investment. The health checks concluded that overall, district centres are performing their role as a retail and service hub well, with vacancy and environmental quality the main causes for concern, particularly for Shields Road District Centre. The performance of local centres varies, with just over half of the centres being classified as 'high performing' or 'efficient' and just under half being classified as 'at risk' or 'poor performing'. Vacancy rates, low footfall and environmental quality are the main causes for concern<sup>19</sup>.

## **Residential Amenity**

3.23 In order to ensure that Newcastle's retail centres continue to retain their primary purpose of providing a range of shops and services, including containing an appropriate concentration of hot food takeaways, and to ensure the amenity of surrounding residential properties is protected from the adverse impacts from hot food takeaways, the presence of hot food takeaways across the city was gathered during August 2016 to inform this SPD and provide a baseline for future monitoring.

3.24 The data gathered confirms that:

- There are a total of 264 hot food takeaways across the city;
- 139 are in allocated retail centres;
- 125 are outside of allocated retail centres;
- The district centres have the greatest representation of hot food takeaways, with Chillingham Road having the highest, at 14.

3.25 Appendix 3 shows those centres with hot food takeaways present and their location within the centre. Appendix 4 shows the distribution of hot food takeaways across the city. This is the baseline position for monitoring future hot food takeaway proposals through the Annual Monitoring Report.

3.26 Between September 2010 and May 2016, 149 planning applications for hot food takeaways or including an element of use class A5 were received. Of those, 29 applications were refused by the Council, 13 of which were appealed by the applicant. Of those 13 appealed; 6 were allowed, 6 were dismissed and 1 is outstanding. Of those dismissed by the Inspector, residential amenity – effect on living conditions of nearby residents through noise and disturbance were cited.

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<sup>19</sup> Newcastle Retail Health Checks, 2012

3.27 The success of adopted hot food takeaway SPDs by 12 other local planning authorities since 2008 at planning appeals has also been assessed to determine how effective the implemented policies have been. This found that there have been a total of 58 appeals relating to hot food takeaway applications since the SPDs were adopted. Of the appeals submitted, 38 were dismissed, within which the SPD was referenced on 25 occasions, whilst 20 were allowed, with the SPD referenced 16 times. Common reasons for dismissal were impact on residential amenity, over concentration and clustering, the site falling within an exclusion zone of a school and highway issues.

# Determination of Planning Applications

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## Do you require planning permission?

- 4.1 Planning permission is required to change the existing use of a premises to a hot food takeaway or if you intend to build new premises to be used as a hot food takeaway. Where a property currently has permission for use as a hot food takeaway, planning permission will not be required. However, any conditions attached to the original planning permission would remain in force.
- 4.2 External building works or alterations that materially change the appearance of an existing hot food takeaway, will usually require planning permission. External shutters and grilles also usually require planning permission.
- 4.3 Separate advertisement consent may be required if you intend to display shop advertisements, for example illuminated signs of any kind.
- 4.4 For further information on the above please contact Planning via email at [planning.control@newcastle.gov.uk](mailto:planning.control@newcastle.gov.uk). Advice on the likelihood of gaining planning permission in the city can be obtained through the Council's pre-application advice service. Appropriate forms and the correct fee can be viewed on the Council's website under the Planning and Building section.

## Planning Policy Considerations

- 4.5 The following planning policies will be taken into account when determining planning applications. For the avoidance of doubt, in the following policies the term "hot food takeaway" means an A5 use or any proposal which includes an element of hot food takeaway (A5) use. The policies supplement development plan policies used by the council to determine planning applications and will be used as a material consideration.

### ***HFT 1: Proximity to secondary schools***

Hot food takeaways which are located outside of a centre in the retail hierarchy will not be permitted within a designated school exclusion zone (school exclusion zones are identified in Appendix 5).

Appendix 5 shows the school exclusion zones identified across the city at the time of the making of the SPD. Appendix 6 shows the individual school exclusion zones.

## **Reasoned justification**

- 4.6 The Council considers that for premises which lie outside of an allocated retail centre, planning permission will not be granted for hot food takeaways which fall within a 10 minute walk-time from the entrance points of a secondary school. Allocated centres are exempt from this policy, as they are considered to potentially be appropriate locations for hot food takeaways (Policy CS7 of the CSUCP).
- 4.7 Rather than using a simple radius approach only, the Council have considered the exposure of school pupils through analysing actual walking routes for each secondary school, barriers affecting the walking speed such as metro lines, to identify a realistic 10 minute walk-time from the entrance points of a secondary school (see Appendix 7).
- 4.8 School exclusion zones have not been created around primary, first or middle schools as it is assumed that the majority of primary, first and middle school aged pupils (4-13 years old) do not leave the school grounds at lunchtime. Alongside this, evidence suggests that younger children do not directly interact with their food environment as much as secondary/upper school age children, who have more autonomy<sup>20</sup>.
- 4.9 Research demonstrates that the most popular time for school children to purchase food from shops is after school<sup>21</sup>, also, some secondary schools allow children to leave the school premises at lunchtime.
- 4.10 This Policy supplements CSUCP Policy CS14.

### ***HFT 2: Over concentration***

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

- The potential benefits of the proposal to the wider community;
- The number of existing hot food takeaway premises in the local area and their proximity to each other;
- The role and character of the centre or shopping parade and the importance of the number, function and location of shops and other services that would remain to serve the local community; and
- The existence of vacant shop units and the general retail health of the centre or shopping parade.

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<sup>20</sup> Understanding the relationship between food environments, deprivation and childhood overweight and obesity: Evidence from a cross sectional England-wide study, Health and Place 27 (2014).

<sup>21</sup> The school fringe: from research to action. Policy options within schools on the fringe (2009) Sinclair, S; Winkler JT. Nutrition Policy Unit, London Metropolitan University.

## **Reasoned justification**

- 4.11 It is recognised that the success of our centres and shopping parades are strongly influenced by the variety and choice of shops and services and other uses within them, of which hot food takeaways can offer a popular service and employment opportunities to local communities. Notwithstanding this, within centres and parades it is important that hot food takeaways do not detract from the primary shopping function, or result in a loss of shops to the detriment of local residents.
- 4.12 Retail centres and shopping parades vary in form and function. District centres are larger centres with the widest range and choice of goods and services. All have good public transport links, car parking provision and strong walk-in catchments. In addition to shops, they can support a number of other services and sustain their vitality and viability. Local centres are generally smaller scale offering day to day shopping needs of the local community. Some local centres are particularly small, but play an important role in areas with sparse retail facilities.
- 4.13 Outside the retail hierarchy shopping parades also provide an important service to the local community. It is therefore important, that such centres and parades maintain a strong convenience-based offer. Consequently, it is important that hot food takeaways do not detract from the primary shopping function, or result in a loss of shops to the detriment of local residents. The proliferation of hot food takeaways can displace other shops and negatively impacts on the vitality and viability of a centre or parade, reducing choice to healthier food options.
- 4.14 This policy supplements CSUCP Policy CS7 and NC1.

### ***HFT 3: Clustering***

To prevent the clustering of hot food takeaway units planning permission will only be granted for this use where the following criteria are satisfied:

- That no more than two consecutive hot food takeaways should be located adjacent to each other;
- Between an individual or multiple, adjacent hot food takeaways, there should be at least two non-hot food takeaway shop units.

## **Reasoned justification**

- 4.15 Where hot food takeaways cluster together they can have an unacceptably adverse impact on the vitality and viability of existing centres and parades and on residential amenity. Clustering of hot food takeaways can detract from the primary retail function of a centre.

- 4.16 Increased numbers of customers congregating around hot food takeaways, particularly in the evenings, can lead to problems of increased noise, disturbance and anti-social behaviour. These effects can be intensified where such users are clustered together.
- 4.17 This policy supplements CSUCP Policy CS7 and NC1.

#### ***HFT 4: Protection of residential amenity***

Applications for hot food takeaways will be refused where the use would result in an unacceptable adverse impact on neighbouring residential amenity from noise disturbance, vibrations from plant and equipment and odours or impact upon highway safety, parking and traffic flows.

#### **Reasoned justification**

- 4.18 The impact of hot food takeaways on residential amenity is an important consideration when determining planning applications. Hot food takeaways can cause unacceptable levels of noise, odours and traffic problems. Outside of allocated retail centres, particularly in predominantly residential areas, the need to protect residential amenity is paramount.
- 4.19 Often, the activities of hot food takeaway establishments tend to peak at times when the surrounding background noise levels are considered to be low (e.g. late evenings). Noise and vibrations generated both from the cooking activities and the essential extraction equipment used in these premises, along with increased levels of customer movement in and out of the premises, can cause intolerable levels of disturbance to residents. Late night opening hours act to further exacerbate the problem, attracting higher customer numbers in the afternoon and late evenings.
- 4.20 In areas where hot food takeaways are concentrated, the above issues can be exacerbated. For these reasons, the protection of the living conditions of residents close to hot food takeaways is a significant matter when assessing planning applications.

4.21 This Policy supplements Saved UDP Policy H2.

#### ***HFT 5: Highway issues***

Applications for hot food takeaways will be refused where the use is considered to have an unacceptable adverse impact on highway safety, parking and traffic flows. When considering the impact, regard will be had to:

- The existing use of the site;
- Existing traffic conditions;
- The availability of public parking provision in close proximity to the site, including on-street parking;
- Proximity of proposals to traffic controls, junctions, crossings and bus stops;
- Provision for loading/unloading and service vehicles;
- Provision for appropriate parking facilities if the premises offer a delivery service.

#### **Reasoned justification**

4.22 Saved UDP policies T4.5 and T7.1 supported by the Transport Assessments, Travel Plans & Parking Planning Guidance and CSUCP Policy CS13 seek to ensure that highway safety is not prejudiced by development. Hot food takeaways can generate a high proportion of car borne trade who require short stay parking. If the existing parking arrangements in the vicinity of the HFT, or new arrangements proposed as part of any planning application, do not lend themselves to safely accommodate this need for short term parking, or the proposed HFT is in an area where there is a lack of available parking spaces, this can led to patrons choosing to park for short periods in inappropriate locations which can be detrimental to road safety.

4.23 Delivery vehicles connected with hot food takeaways can also contribute to increased traffic flow in the vicinity of takeaways, add to existing parking pressures and increase highway safety issues. Where a proposed hot food takeaway use cannot readily demonstrate that servicing arrangements would not result in dangerous parking due to a lack of suitable areas for servicing to be carried out safely, or that vehicle manoeuvres would not be prejudicial to highway safety, then the application would be refused permission.



- 4.24 This Policy supplements CSUCP Policy CS13 and Saved UDP Policies T2, T4.5, T5.3 and T7.1.

#### ***HFT 6: Odours and noise abatement***

Hot food takeaway proposals must demonstrate that appropriate extraction systems would effectively disperse odours and fumes. Such systems must:

- Have acceptable impact on amenity, including location and external finish;
- Be satisfactorily acoustically attenuated;
- Not adversely impact on residential amenity by virtue of vibration, noise and odour;
- Provide appropriate odour protection to prevent the passage of smells penetrating through the building into neighbouring properties.

- 4.25 Applicants must demonstrate appropriate sound proofing of party walls and ceilings, where necessary, to ensure that there is no unacceptable noise disturbance from the hot food takeaway to residential amenity.
- 4.26 Extraction equipment must at least meet the minimum standards set out in the guidance on control of odours and noise produced by the Department of Environment, Food and Rural Affairs (Defra) and set out in Appendix 8 of this SPD.

#### **Reasoned justification**

- 4.27 It is not normally considered acceptable to locate hot food takeaways directly adjacent to residential properties, regardless of the nature or proposed effectiveness of the extraction system installed.
- 4.28 Planning Practice Guidance (PPG) on Noise advises that “some commercial developments including fast food restaurants...can have particular impacts, not least because activities are often at their peak in the evening and late at night. Local planning authorities will wish to bear in mind not only the noise that is generated within the premises but also the noise that may be made by customers in the vicinity”.
- 4.29 Odours from cooking smells from hot food takeaways can cause amenity problems, especially if there are nearby residents. An effective system for the extraction and dispersal of cooking odours must be provided. Natural ventilation is insufficient and a high level extraction stack with fan and filters is required to ventilate cooking fumes and remove odours without causing a nuisance to neighbouring properties.

- 4.30 The design of fume extraction/ventilation equipment should ensure that odours, fumes or noise cause no nuisance or disturbance to nearby properties. Full details of the proposed extraction system including the internal layout must be submitted as part of the planning application. Noise from plant and equipment associated with hot food takeaways will also be assessed when determining planning applications.
- 4.31 Appendix 8 provides detailed guidance on extraction systems.
- 4.32 This Policy supplements Saved UDP Policy POL7.

#### ***HFT 7: Hours of operation***

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

- The likely impacts on residential amenity;
- The existence of an established evening economy in the area;
- The character and function of the immediate area; including existing levels of night-time activity and noise.

#### **Reasoned justification**

- 4.33 Where a hot food takeaway use is potentially considered acceptable in amenity terms it is necessary to consider placing conditions on a planning permission to control the nature of the use and impacts on the surrounding area.
- 4.34 This Policy supplements Saved UDP Policy H2.

#### ***HFT 8: Disposal of waste products***

Hot food takeaways must have space on the site to store all refuse containers associated with the use in a secure and screened area.

#### **Reasoned justification**

- 4.35 Hot food takeaways can produce significant volumes of waste and disposal of waste products will be considered in all planning applications for hot food takeaways. Inadequate facilities for the storage and disposal of litter and waste can result in harm to visual amenity and can pose a risk to public health. It is therefore important to ensure that there is adequate space to accommodate waste facilities within the site boundary within suitably sized wheeled bins. The Council normally require at least one 1100 litre wheeled refuse container per hot food takeaway unit.
- 4.36 Inadequate storage facilities can lead to waste containers located outside the premises and sometimes encroachment onto the highway. This is not considered an acceptable solution.

- 4.37 Businesses have a legal duty to secure their waste, prevent it escaping from their control and to transfer it only to authorised persons. Disposing of waste or litter inappropriately is illegal. Areas continually degraded by litter, or private land that frequently accumulate litter and refuse, can have a detrimental effect on local amenity. Every occupier or owner of land has some responsibilities for its upkeep and for the safety of employees and visitors. Persons who illegally dispose of waste or deposit litter can be prosecuted, but action can also be taken against businesses where their activities contribute to littering, and against occupiers or landowners who frequently allow their premises to be defaced by litter and refuse.
- 4.38 Applicants are advised to view the Council's Developer Guidance Note on Provision of Waste and Recycling Collection and Storage Facilities to advise the appropriate level of refuse storage capacity and location. This can be viewed on the Council's web site.  
[https://www.newcastle.gov.uk/sites/drupalncc.newcastle.gov.uk/files/wwwfileroot/environment-and-waste/rubbish-waste-and-recycling/appendix\\_2 -  
\\_developer\\_guidance\\_on\\_the\\_provision\\_of\\_waste\\_and\\_recycling\\_collect  
ion\\_and\\_storage\\_facilities\\_final.pdf](https://www.newcastle.gov.uk/sites/drupalncc.newcastle.gov.uk/files/wwwfileroot/environment-and-waste/rubbish-waste-and-recycling/appendix_2_-_developer_guidance_on_the_provision_of_waste_and_recycling_collection_and_storage_facilities_final.pdf)
- 4.39 This Policy supplements Saved UDP Policies H2 and EN1.1.

## **Summary**

- 4.40 The key spatial plan for Newcastle, the CSUCP, includes policies which seek to support healthy lifestyles, liveable neighbourhoods and vital and viable centres through planning.
- 4.41 The NPPF and PPG emphasise the importance of healthy communities and how planning can play an important role in shaping healthy, inclusive communities. The Council's CSUCP promotes health, social and cultural wellbeing and plans for an environment that supports people to make healthy choices.
- 4.42 The CSUCP Policy CS14 (Wellbeing and Health) states that the wellbeing and health of communities will be maintained and improved by a number of matters, including controlling the location of, and access to, unhealthy eating outlets. The SPD takes this forward, setting out the Council's priorities and objectives in relation to controlling hot food takeaways. The Council acknowledges that unhealthy eating may encompass a broader range of uses than hot food takeaways only, but this SPD is one of the ways in which planning can have the greatest impact on health, and in particular over-weight and obesity levels.

- 4.43 The Foresight report published in 2007 confirms that changing dietary behaviours including eating out of the home has been associated with higher intakes of energy, fat, salt and sugars. In particular, there is evidence that the consumption of hot food takeaway foods are determinants of excess weight gain. The popularity and prevalence of eating out of the home, including the consumption of takeaway foods has risen greatly over the last few decades. The Foresight report shows that the food environment is an important element in the development of obesity.
- 4.44 Planning has a vital role in ensuring that the food environment can promote healthy lifestyles and dietary choice. The implementation of this SPD will allow us to meet our obligations outlined in Policy CS14, the NPPF and PPG.
- 4.45 The policy approach in this SPD will also be reviewed and taken forward in future policies within the Development and Allocations Plan.