

REPORT TO: Executive Board

DATE: 29th March 2012

REPORTING OFFICER: Strategic Director – Policy and Resources

PORTFOLIO: Physical Environment

SUBJECT: Approval for the formal adoption of the Hot Food Takeaway Supplementary Planning Document (SPD)

WARDS: Boroughwide

1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to seek approval for the formal adoption of the Hot Food Takeaways Supplementary Planning Document (SPD): as part of the Halton Local Development Framework.
- 1.2 It also proposes responses to representations made and amendments to the text of the SPD to accommodate these representations as listed in the Statement of Consultation, Appendix 1, where appropriate.

2.0 RECOMMENDATION: That

- (1) The Hot Food Takeaway SPD (Appendix A) be adopted as a Local Development Document and the procedures for adoption, as set out in the Town and Country Planning (Local Development) 2004 (England) regulations be carried out.**
- (2) The results of the public consultation, as set out in the Statement of Consultation (Appendix B) be noted.**
- (3) Any further editorial and technical changes that do not materially affect the content or intended purpose of the SPD be agreed by the Operational Director: Policy, Planning and Transportation in consultation with the Portfolio Holder for the Physical Environment if necessary, before the document is published.**

3.0 SUPPORTING INFORMATION

- 3.1 The draft Hot Food Takeaway SPD was approved for the purposes of public consultation by the Executive Board on 8th September 2011. It was resolved that the results of the public consultation exercise and the

revised SPD be reported back to the Executive Board for adoption as a Local Development Document.

- 3.2 The policies in the SPD will be supplementary to the emerging Core Strategy Policy CS22: Health and Wellbeing and adopted Unitary Development Plan policies.
- 3.3 Once adopted this guidance will be a material planning consideration in the determination of planning applications for proposed Hot Food Takeaway establishments in the Borough.

Public Participation

- 3.4 Public consultation on the draft SPD was undertaken between 22nd September and the 4th November 2011, to coincide with the Halton 'Foodie Fortnight' event which focused on providing food, health and healthy-eating related information and advice in public venues throughout Halton. The event featured in Runcorn & Widnes Weekly News, Runcorn & Widnes World, Radio Merseyside, and Cheshire Life website, Liverpool Daily Post, Wire FM and Halton Community Radio. In addition to the Foodie Fortnight publicity, the document was placed in 'deposit locations' throughout the Borough and on the Council's website, individual notification letters were sent to statutory consultees and those individuals and organisations on our consultation database who had requested to be informed of the production of SPD's.
- 3.5 The Consultation undertaken complied with or exceeded the requirements of the adopted Statement of Community Involvement (2006) and Regulation 17 of the Town and Country Planning (Local Development)(2004)(England) (Amendment) Regulations.
- 3.6 A total of six responses to the consultation were received. Appendix B to this report is a 'Statement of Consultation' in accordance with Regulation 18 (4) (b), which summarises the representations received and provides the recommended Council responses at Appendix 1, for the Executive Board's approval.

Adoption

- 3.7 Following a resolution to adopt, and in line with regulations the document will be made available for inspection on the Council's website and at the same deposit locations where it was available during public consultation. There is a 3 month period within which anyone aggrieved by the content of the SPD can apply to the High Court for permission to apply for a judicial review of the decision to adopt the SPD.

4.0 POLICY IMPLICATIONS

- 4.1 It is considered that the Hot Food Takeaway SPD will provide valuable additional guidance for applicants or their agents proposing a new Hot Food Takeaway establishment in the Borough.

5.0 OTHER IMPLICATIONS

- 5.1 None at this stage.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

It is anticipated that once adopted this SPD will have a positive effect on the health of children and young people in Halton by restricting further increases in the overabundance of hot food takeaway establishments in the Borough. This will be achieved by restricting the number of new hot food takeaways within walking distance (excluding town and neighbourhood centres) of primary and secondary schools, sixth form colleges, playing fields and children's play-spaces.

6.2 Employment, Learning and Skills in Halton

None identified

6.3 A Healthy Halton

The Hot Food Takeaway SPD supports and provides more detailed guidance to Core Strategy Development Plan Document policy CS22: Health and Well-being which specifically looks to support healthy environments and lifestyles in the Borough particularly children and young people as aforementioned.

6.4 A Safer Halton

This SPD provides additional guidance on the impact hot food takeaways can have on traffic flow, road safety and crime and anti-social behaviour. It is anticipated to have a positive effect and supplement guidance provided in the already adopted Designing for Community Safety SPD.

6.5 Regeneration and Environment

When compared against other uses, hot food takeaways can generate unacceptable levels of noise, vibrations, odours, traffic disturbance and litter. It is therefore important that such uses are controlled or restricted to protect the environment, and amenity of businesses in Halton's town and neighbourhood centres, as this SPD contains specific reference to these areas of nuisance and provides guidance so that they can be controlled and minimised.

7.0 RISK ANALYSIS

7.1 There should be no legal risks to the Council from the adoption of this document, as the statutory procedures for its preparation and adoption have been met. The planning policy content of the Hot Food Takeaway SPD may be subject to challenge through the planning appeals process should it be used in the refusal of planning permission or the imposition of conditions on the grant of permission..

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 None identified

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Halton Core Strategy Development Plan Document	Planning Policy – LDF Municipal Building	Alasdair Cross
Halton Unitary Development Plan	Planning Policy - LDF Municipal Building	Alasdair Cross
Halton Local Development Scheme 2009 (as electronically amended)	Planning Policy - LDF Municipal Building	Alasdair Cross
Halton Statement of Community Involvement (2006)	Planning Policy - LDF Municipal Building	Alasdair Cross
Copies of representations received	Planning Policy - LDF Municipal Building	Alasdair Cross
Town and Country Planning (Local Development)(England)(Regulations) (2004, as amended 2008, 2009)	Planning Policy - LDF Municipal Building	Alasdair Cross
Planning and Compulsory Purchase Act 2004	Planning Policy - LDF Municipal Building	Alasdair Cross