

**Barking and Dagenham Local Development Framework**

# **Barking and Dagenham SPD**

## **Saturation Point Addressing the health impacts of hot food takeaways**

**(Supplementary Planning Document, March 2010)**

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# 1. Introduction

**1.1** This Supplementary Planning Document (SPD) explains the Council's overall guidance on addressing the health impacts of hot food takeaways (Use Class A5) as part of a strategic approach to tackling the Borough's obesity problem, and particularly childhood obesity. It advises on the appropriate location and concentration of such premises.

**1.2** The SPD specifically supplements policies of the Core Strategy:

- **CM5: Town Centre Hierarchy**
- **CC3: Achieving Community Benefits Through Developer Contributions**
- **CE1: Vibrant and Prosperous Town Centres**

It also helps implement the following Core Strategy Strategic Objectives

- **SO7: Promoting Vibrant Town Centres**
- **SO13: Improving the Health and Wellbeing of Local Residents**

The SPD provides further detail on the implementation of the following emerging Local Development Documentation:

*Borough Wide Development Policies*

- **BC10: The Health Impact of Development**
- **BE1: Protection of Retail Uses**
- **BE3: Retail Outside of Town Centres**

**1.3** The SPD does not have the same status as the development plan but, once adopted, it will be an important material consideration in the determination of planning applications.

**1.4** The provisions of this SPD will be implemented primarily through the development management process and the determination of applications for hot food takeaway development.

**1.5** This document is intended to complement rather than duplicate other planning documents. It should be read in conjunction with the Barking and Dagenham Local Strategic Partnership's Community Strategy, and

the Council's saved Unitary Development Plan (1996) policies and the emerging Local Development Framework (LDF) to gain an understanding of the health priorities, aims and objectives for the Borough.

- 1.6** Details of all the planning documents that are currently in force within the London Borough of Barking and Dagenham, and a timetable for the production of new documents, are set out in the Councils Local Development Scheme (LDS).

**Hot food takeaways – a definition**

- 1.7** Hot food takeaways differ in purpose from restaurants or cafes (Class A3), drinking establishments (Class A4) and shops (Class A1). This SPD specifically applies to hot food takeaways, designated in planning terms as Use Class A5 under the Town and Country Planning (Use Classes) Order 1987 as amended.

- 1.8** The definition of a Class A5 hot food takeaway is an establishment whose primary business is the sale of hot food for consumption off the premises.

- 1.9** The proposed layouts of such premises provide a guide as to whether the use will fall into the A3 or the A5 Use Class. In determining the dominant use of the premises, consideration will be given to:

- The proportion of space designated for food preparation and other servicing in relation to designated customer circulation space.
- The number of tables or chairs to be provided for customer use.

- 1.10** The Council will expect the applicant to demonstrate that the proposed use will be the primary business activity, the table below indicates which shop types fall within the A5 use class. Please note this is not intended to be a definitive list.

<b>Examples of Use Class A5 shop types</b>	<b>Examples of Shop types not within Use Class A5</b>
Chicken Shops	Restaurants / Cafes
Fish and Chip Shops	Public Houses
Pizza Shops	Wine Bars
Chinese, Indian or other	Night Clubs

Takeaway shops	
Kebab Shops	
Drive Through Premises	

## 2. Status

- 2.1** This guidance has been put together in accordance with the framework provided in the Government's Planning Policy Statement 12: Local Spatial Planning (2008). The Statutory Development Plan is the starting point when determining planning application for the development or use of land. The Development Plan consists of the London Plan (consolidated with Alterations since 2008) the London Borough of Barking and Dagenham's Development Plan Documents (DPDs) and the saved Unitary Development Plan policies.
- 2.2** This SPD provides further detail on the implementation of DPD policy that applicants must follow to ensure they meet the policy requirements.

## 3. Planning policy framework

- 3.1** This SPD has been prepared by the London Borough of Barking and Dagenham to address the health impacts of hot food takeaways. It draws upon national and regional planning policy guidance and expands on the policies in the Unitary Development Plan (1996) and the emerging LDF.
- 3.2** National planning policy recognises the role which planning takes in better enabling people to live healthier lifestyles. Planning Policy Statement 1 (PPS1, 2005<sup>1</sup>) states that development plans should aim to reduce inequalities and deliver safe and healthy places to live.
- 3.3** PPS4 (2009)<sup>2</sup> states that the Government's overarching objective is sustainable economic growth. This is defined in the guidance as being:
- 'Sustainable growth: growth that can be sustained and is within environmental limits, but also enhances environmental and social welfare and avoids greater extremes in future economic cycles'.
- 3.4** With 187 hot food takeaways (A5 Use Class) in Barking and Dagenham, the Council considers that in the interests of the health of the Borough's residents, particularly children, that the proliferation of A5 uses needs to be carefully controlled. It is for this reason that the

Council has decided to provide further guidance on the location of hot food takeaways.

- 3.5** At the regional level, the Mayor's draft strategy to address health inequalities in London calls for the creation of a built environment which makes healthier choices easier, including increasing the availability of affordable healthy food<sup>3</sup>. The London Plan further promotes healthier lifestyles<sup>4</sup>. Policy 3A.20 requires Development Plan Documents to include policies which improve the health of the local population and reduce inequalities. In addition, Best Practice Guidance – *Health Issues in Planning*, stresses the link between planning decisions and the physical environment. It also draws attention to 'food deserts'. These are areas where there is no local provision of food beyond junk food<sup>5</sup>.
- 3.6** Planning and public health have a long shared history. Facilitating the creation of a healthy environment is fundamental to the spatial planning approach. This is reiterated in the Royal Town Planning Institute's, Good Practice Guidance Note – *Delivering Healthy Communities* (2009)<sup>6</sup>, which states that 'spatial planning has a key role to play in shaping environments which make it possible for people to make healthier choices about exercise, local services, travel, food, nature and leisure'.
- 3.7** This SPD is part of a broader strategy to tackle obesity in Barking and Dagenham. Improving the health of the Borough is a cross cutting policy incorporated into a number of objectives in Barking and Dagenham's LDF. This SPD seeks to reduce the proliferation of fast food takeaway shops around schools, parks and youth amenities and will be used to inform local master-planning and regeneration strategies.
- 3.8** This SPD is one of a range of measures within the Barking and Dagenham Childhood Obesity Strategy and Action Plan. It aims to reduce the risk of obesity amongst the Borough's population and in particularly children by:
- Reducing the prevalence and clustering of hot food takeaway shops, especially those in proximity to schools, parks and local youth amenities such as leisure centres.
  - Seeking developer contributions from new takeaways towards initiatives to tackle obesity.
  - Working with hot food takeaways to improve the nutritional value of the food they sell.
  - Improving the opportunities to access healthy food in new developments.

**3.9** It will help meet the Local Area Agreement target for Barking and Dagenham – to halt the year-on-year rise in obesity among young children and young people (from 4 to 11 years old)

## 4. Purpose and scope

### Obesity – the UK challenge

- 4.1 Obesity is one of the biggest health challenges facing the UK. Currently 1 in 4 adults in England is obese<sup>7</sup>. There is a clear link between increased body fat (obesity) and risk of medical conditions including type 2 diabetes, cancer, heart and liver disease<sup>8</sup>. The Government estimates the annual cost of overweight and obese individuals to the NHS to be £4.2 billion, a figure which is predicted to more than double by 2050<sup>9</sup>. Tackling the growing obesity trend is therefore an important concern for the Government.
- 4.2 England's obesity epidemic has attracted considerable policy attention in recent years<sup>10 11</sup>. The Government's White Paper, *Choosing Health: Making Healthier Choices Easier*, was published in November 2004 and set out a wide-ranging plan to improve the nation's health. The Paper called for the NHS, local authorities, schools and workplaces to deliver joined up action to make healthier lifestyles easier to attain<sup>12</sup>.
- 4.3 In 2006 the National Institute for Health and Clinical Excellence (NICE) and the National Collaborating Centre for Primary Care (NCC-PC) produced obesity guidance. This further stressed the importance of local authorities working in a collaborative and coordinated manner<sup>13</sup>.
- 4.4 The Health Committee Report on obesity, published in 2004, drew attention to the increasing consumption of fast food and the growing trend towards eating on the move<sup>14</sup>.
- 4.5 Published in October 2007, the Foresight report *Tackling Obesities: Future Choices*<sup>15</sup>, led to the Improvement and Development Agency (IDeA) commissioning Sheffield Hallam University to analyse the implications of the report for local government<sup>16</sup>. Both identified the importance of the built environment and the ability planning has to improve access to healthier lifestyles.
- 4.6 In addition, the Government published *Healthy Weight, Healthy Lives: a Cross Government Strategy for England* in 2008, launched the *Change4Life Strategy* in January 2009 and in March 2009 published the Health Committee Report for Health Inequalities<sup>17</sup> again highlighting the need to address the rising numbers of fast food takeaways on the high street. Indeed, *Healthy Weight Healthy Lives*<sup>18</sup> calls for 'local authorities [to] use existing planning powers to control more carefully the number and location of fast food outlets in their local areas'. It further states that 'the Government will promote these powers to local authorities and PCTs to highlight the impact that they can have on promoting healthy weight, for instance through managing the proliferation of fast food outlets, particularly in proximity to parks and schools'.



- 4.7** The Foresight Report further calls on policy makers to take a precautionary approach. It states that ‘...expert opinion suggests there are barriers and opportunities for changes to the way we configure the built environment. Better use could be made of existing planning regulations...’ and that ‘there is also a desire for new policy levers and better leadership and policy implementation.’<sup>15</sup>
- 4.8** The Government’s aim is for the UK to become the first major country “to reverse the rising tide of obesity and overweight in the population, by ensuring that all individuals are able to maintain a healthy weight”<sup>19</sup>.
- 4.9** *Healthy Weight, Healthy Lives* identifies the Thames Gateway region as being an area which should act as an exemplar in working to reduce the levels of obesity. Published in 2008, the document encourages local authorities to use existing planning regulations to control more carefully the number and location of fast food outlets<sup>20</sup>.

#### **Barking and Dagenham – delivering change**

- 4.10** Barking and Dagenham, located at the heart of the Thames Gateway, is one of the fastest-growing Boroughs in the country. Health is an important priority for the Borough and a key feature of the Community Strategy<sup>21</sup>.
- 4.11** Identified by the Government as a Spearhead Primary Care Trust (PCT), Barking and Dagenham falls within the bottom fifth nationally for life expectancy at birth and for cancer and cardio vascular disease mortality rates for under 75s. With life expectancy in the Borough significantly below the national and London average for both men and women, the need to tackle the rising levels of obesity cannot be underestimated.
- 4.12** An individual born in Barking and Dagenham is more likely to be obese than someone born in any other London Borough<sup>22</sup>. NHS Research, conducted in 2008, indicates that children in Barking and Dagenham have higher overweight and obesity levels compared to the national average. Indeed, 28.4% of children at Reception (4-5 years old) are either overweight or obese. This figure rises to 40.5% of children in Year 6 (10-11 years old)<sup>23</sup>.
- 4.13** Barking and Dagenham’s Local Area Agreement (LAA)<sup>24</sup> is taking a systematic approach, working in partnership with the NHS, schools, local businesses and workplaces to address overweight and obesity levels in the Borough.

**4.14** Partnership working is central to *The Barking and Dagenham Childhood Obesity Strategy and Action Plan*<sup>25</sup>. Stakeholders responsible for implementing the strategy include:

- Community Safety
- Regeneration (Town Planning, Parks and Leisure)
- Schools
- Early Years and Child Care Providers
- NHS Barking and Dagenham

**4.15** The Childhood Obesity Task Force, formed by the Council and NHS Barking and Dagenham, has identified the planning system as a key tool which can contribute to halting the rising obesity trend. It has highlighted the ability planning has to create physical environments which promote healthy lifestyles through measures such as restricting fast food takeaway outlets on high streets.

**4.16** Diet is a key determinant both of general health and obesity levels. Most fast food takeaways are a source of cheap, energy dense and nutrient poor foods<sup>26</sup>. Research indicates that once a child or adolescent develops obesity they are more likely to remain obese through adulthood, have poor health and reduced life expectancy<sup>27</sup>. The proliferation of takeaway food shops in the Borough, especially in proximity to schools, is therefore cause for concern.

**4.17** Whilst it is recognised that hot food takeaways contribute to the mix of town centres, providing a popular service to local communities, employment and a source of economic development, hot food takeaways are dominating the local retail food offer in the Borough. This displaces other shops and food options, restricting choice and access to healthy, fresh food which in turn impacts on the health of communities in the Borough.

**4.18** The 2009 London Town Centre Health Check Analysis Report<sup>28</sup> shows there are 35 major centres in London, Barking with 3,024 sqm of takeaway floorspace ranks second only to Waltham Forest. However, it is the third smallest Major Centre in terms of overall retail and leisure floorspace. This finding is corroborated in the Council's Neighbourhood Health Check<sup>29</sup> which states that in 'a number of weaker centres in the Borough, particularly...there is little differentiation in the food/service offered. The lack of diversity of retailer types within such centres is a weakness which could present a long term problem if the dominance of takeaway's crowds out other potential convenience and comparison operators as levels of expenditure grow in the Borough.' The study also established that within the Borough's neighbourhood parades there are 5 greengrocers and 135 hot food takeaways.

**4.19** Research commissioned by the NHS<sup>30</sup> found that the Thames Ward had very poor access to fresh fruits and vegetables. Indeed, it was ranked as one of the worst food deserts (areas with little or no access to foods needed to maintain a healthy diet) in London.

## 5. The guidance

### SPD Implementation Point 1 – Proximity to Schools

**Planning permission for new hot food takeaways (Use Class A5) will not be granted in the hot food takeaway exclusion zone. This is where proposals:**

- **Fall within 400m of the boundary of a primary or secondary school**

**The hot food takeaway exclusion zone is detailed in Figure 1.**

#### REASONED JUSTIFICATION

- 5.1** The Borough is saturated with 187 hot food takeaways, many of which are in close proximity to sensitive uses such as schools, leisure centres, youth facilities and parks. Figure 1 indicates particular hotspots in Barking and Dagenham where A5 Use dominates the retail offer.
- 5.2** Research indicates that once obesity is developed, it is difficult to treat<sup>31</sup>. An obese adolescent is likely to remain so during adulthood, which may lead to associated obesogenic diseases and reduced life expectancy<sup>32</sup>. In an effort to establish appropriate healthy eating habits and reduce the rate of childhood obesity in the local population the Council is seeking to restrict the number of hot food takeaways within 400m of primary and secondary schools.
- 5.3** A 2008 report from the Nutrition Policy Unit of London Metropolitan University<sup>33</sup> found that food outlets in close proximity too and surrounding schools were an obstacle to secondary school children eating healthily, with many shops offering child-sized portions at child-sized prices. Another study has established that children who attend schools near fast food restaurants were more likely to be obese than those whose schools do not have fast food restaurants nearby (Currie et. al. 2009)<sup>34</sup>
- 5.4** The Council considers therefore that takeaways within walking distance of schools are a contributing factor to the rising levels of obesity in the Borough. It is for this reason that the exclusionary zone is set at 400m from secondary and primary schools.
- 5.5** Whilst pupils in primary education should not be allowed out of school premises during the school day, research has indicated that the most popular time for purchasing food from shops is after school<sup>35</sup>. Since not

all primary school pupils will be accompanied home by an adult applying the exclusion zone around primary schools is deemed appropriate.

- 5.6** Given the extent of the exclusion zone around schools it is deemed unnecessary to implement further buffers around parks, children centres and leisure centres. Indeed, mapping conducted by the Council indicates that the exclusionary zone imposed around schools will encompass these sensitive uses. The effectiveness and extent of the exclusion zone will be reviewed in monitoring this SPD. This monitoring will take account of any new schools.

## SPD Implementation Point 2 – Concentration and Clustering

Planning permission will only be granted for a hot food takeaway outside of the hot food takeaway exclusion zone provided that:

- It is within Barking Town Centre, or Dagenham Heathway, Chadwell Heath and Green Lane District Centres or one of the Neighbourhood Centres
- It will lead to:
  - No more than 5% of the units within the centre or frontage being hot food takeaways.
  - No more than two A5 units being located adjacent to each other.
  - There being no less than two non-A5 units between a group of hot food takeaways.

### **Basis for Calculation**

The percentage is based on the measured frontage in relation to both:

- The proportion of non-A1 uses in each identified primary or secondary frontage.
- The proportion of non-A1 uses across the entire primary frontages, secondary frontages or neighbourhood frontages in question.

For Neighbourhood Centres, the percentage calculation is solely based on the proportion of non-A1 uses in the entire shopping area.

The location and proposed boundaries of the District and Neighbourhood Centres are detailed in Figure 1.

### **REASONED JUSTIFICATION**

- 5.6** In accordance with Borough Wide Development Planning Policy BE3, new retail development is expected to be located in the town centres set out in Core Strategy Policy CM5.

- 5.7** Borough Wide Development Policy BE3 makes it clear that planning permission for retail development outside or on the edge of town centre will only be granted where it can be demonstrated that it benefits the existing community and fits in with the LDF objectives. Therefore, hot food takeaways will not be permitted outside the Borough's town centres. Within the Borough's town centres hot food takeaways will be allowed outside the exclusion zone detailed in Policy HFTA1 provided they satisfy the criteria set out in this SPD.
- 5.8** Borough Wide Development Policy BE1 restricts hot food takeaways (A5 Use Class) to a maximum of 15% of the measured frontage of a town centre. However, on reflection the Council considers that this is not strong enough. For example, it would allow nearly half of the non-A1 primary frontage in District Centres to be in A5 use and a quarter of the non-A1 secondary frontage. Similarly, it could lead to 15% of Neighbourhood Centres being in A5 uses which would equate to 196 fast food outlets. It is for this reason the SPD is introducing more stricter controls on the extent and clustering of A5 uses in town centres.
- 5.9** Whilst it is recognised that hot food takeaways contribute to the mix of town centres, hot food takeaways are currently dominating the local retail food offer in the Borough. This abundance of hot takeaways displaces other shop and food options impacts on the vitality and viability of designated town and neighbourhood centres. Because of this, communities in the Borough have a limited choice over and access to fresh, nutritious food.
- 5.10** This has a damaging effect on health. Research in Barking and Dagenham has suggested that certain areas within the Borough have constrained access to fresh fruits and vegetables<sup>36</sup>. There is little choice other than to shop at supermarkets and this is prohibitive for those residents without cars who live some distance from such stores. Furthermore, residents who use public transport are limited to the amount of shopping they can carry.
- 5.11** The clustering of hot food takeaways breaks up the continuity of the retail frontage. Such 'clustering' can detract from the primary retail function and result in a loss of shops which is to the detriment of local residents.
- 5.12** The high concentration of hot food takeaways has also led to an unsightly amount of litter both outside and some distance away from where food is purchased. This detracts from the amenity quality of the Borough's retail parades and is a potential health hazard, attracting pests and vermin to the area.
- 5.13** Consequently, to ensure that shopping areas are diverse and balanced, especially in designated centres, applications for hot food takeaways will be assessed for their cumulative impact.

## SPD Implementation Point 3 – Hot Food Takeaway Levy

**Where hot food takeaways are deemed appropriate a fixed fee of £1000 will be charged. This contribution will be sought through a Section 106 agreement.**

**This fee will contribute towards initiatives to tackle childhood obesity in the Borough such as providing facilities in green spaces to encourage physical activity and improvements to the walking and cycling environment.**

### REASONED JUSTIFICATION

- 5.14** Hot food takeaways will still be allowed provided they satisfy Local Development Framework policy and guidance. However, to mitigate the impact on the health of their customers a fixed fee of £1000 will be levied on each new A5 unit which is permitted. This money will be spent exclusively on initiatives to combat obesity which will be identified in partnership with NHS Barking and Dagenham. Examples of projects the levy will be put towards are Outdoor Gyms in the Borough's parks and facilities which encourage active play for children.

## 6 Strategic working

- 6.1** In tandem with this guidance the Council and its partners are implementing a number of initiatives to help reduce obesity amongst the Borough's residents.

### Healthy food choices

- 6.2** Whilst this guidance will help restrict opportunities for new hot food takeaways to establish themselves in the Borough the reality is that many of Barking and Dagenham's centres are already saturated with A5 uses. Therefore, the Council and NHS Barking and Dagenham will encourage existing hot food takeaways to improve the nutritional value of their meals.
- 6.3** Through this initiative the NHS will provide practical advice to the proprietors of existing hot food takeaways on the development of improved food options. Retailers will be encouraged to provide healthy choices, adopt nutrient labelling and to reduce the sugar, salt and fat content of the foods that they sell. This is an important means of delivering Barking and Dagenham's Obesity Strategy.



## **Schools**

- 6.4** The NHS and the Council's School Improvement Service will continue to work with schools in the Borough, supporting the Healthy Schools Programme to ensure that healthier meals are provided. A range of initiatives are being developed including developing a healthy eating toolkit for schools.

## **Council Property**

- 6.5** The Council is a major property owner and this includes a significant number of shop units. Notwithstanding that many of these units are let on long leases, where opportunities arise, the Council will work with landlords to reduce the number of hot food takeaways in its properties. Where the Council is a partner in new developments it will look to limit the opportunities for new hot food takeaways, for example through the use of conditions or covenants as appropriate.

## **Major commercial, retail and town centre developments**

- 6.6** Barking Riverside is the Borough's largest housing site. Over the next 15-20 years 10,800 homes will be built there. One of the core principles driving the design of this development is to enable its residents to lead healthier lifestyles. This includes a planning condition restricting hot food takeaways in the new town centres within the development. Whilst the Council cannot insist on this it will encourage developers to adopt the same approach on other major schemes which involve new shop units. Inline with LDF policy it will also require new development to be designed around the needs of pedestrians and cyclists and provide, where appropriate, active play space for children.

## **Mobile Hot Food Takeaway Vans**

- 6.7** This guidance may lead to an increase in the number of mobile food vans selling hot food takeaways in the Borough. In January 2009 the Nutrition Policy Unit at London Metropolitan University produced policy proposals based on recommendations from UK research on the location of retailers selling nutrient poor foods near schools<sup>37</sup>. The Nutrition Policy Unit has since proposed controlling the location of mobile food vans near school property.
- 6.8** Barking and Dagenham does not currently permit mobile vans to trade in the vicinity of schools. The Council will also explore the potential for implementing licensing restrictions similar to those of Leicester Council which forbids vendors from stopping within 400 metres of school grounds from an hour before the start until an hour after the end of the school day.

## **7. Monitoring, Implementation and Review**

### **Monitoring**

- 7.1** Preparation of LDF documents is not a once and for all activity. It is essential to check that the SPD is being implemented correctly, that the desired outcomes are being achieved and if not, what corrective action needs to be under taken.
- 7.2** This will be done through a regular process of monitoring in partnership with NHS Barking and Dagenham the success of the SPD and its policies against a set of indicators and targets in the Annual Monitoring Report.
- 7.3** Such indicators may include:
- Year on year rise in obesity among young children and young people (4-11 year olds). Obesity levels will be measured in reception aged children (4-5 year olds) and those in year 6 (10-11 year olds)
  - The numbers of children rating their health as good or very good in the 'Tell Us survey'
  - The proportion of children consuming 5 portions of fruit or vegetables a day
  - Obesity risk
  - Success of the Levy
  - Success at appeal
- 7.4** The Council will closely monitor the impact of the policy by noting the number of new BAME business start ups to ensure that there is no negative impact on the BAME community. The indicators to be used are:
- Number of VAT registered businesses in Barking & Dagenham
  - Proportion of business registrations per 10,000 resident population aged 16 and above

## **Implementation**

- 7.5** The SPD will be primarily implemented through the development management process and the determination of planning applications. The SPD does not have the status of the development plan (for the purpose of Section 38 of the Planning and Compulsory Purchase Act 2004), but it will be an important material consideration in determining planning applications.

## **Review**

- 7.6** The Council's Annual Monitoring Report will highlight any issues that may need a review. Where such a review is required, a timetable for this activity will be included in the Local Development Scheme as resources permit.
- 7.7** Changes in National or Regional Planning Policy or progress on Development Plan Documents, which form a part of the Local Development Framework, may also prompt the need for further reviews.

## 8. References

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