

## HUDU Planning for Health

# Using the planning system to control hot food takeaways

A good practice guide



February 2013

# Contents

Introduction.....	3
Recommendations.....	3
What is the problem?.....	5
National policy and advice.....	8
London policy and guidance.....	10
The role of the planning system.....	10
Developing a planning policy response.....	12
A comprehensive policy approach.....	14
A strategic response.....	17
Conclusions.....	18
Selected further reading.....	20
References.....	22

NHS London Healthy Urban Development Unit

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## HUDU Planning for Health

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## Introduction

Many local authorities have developed policies and guidance to control hot food takeaways in response to local concerns about a proliferation of takeaways and the effect on diets and eating behaviour and obesity, in particular childhood obesity. This good practice guide reviews the policy approaches taken and recommends a coordinated approach using planning policies together with other local authority initiatives. The London Health Improvement Board, which comprises the Mayor of London, London Councils and the NHS has identified childhood obesity is a key priority. The board are developing a London Obesity Framework that will draw together a broad range of activity into a coherent, strategic approach for tackling obesity across London

This guidance focuses in particular on the role of the planning system. Further advice on other initiatives, such as working with businesses and schools can be found in a [Takeaways Toolkit \(November 2012\)](#) developed by the London Food Board, the Chartered Institute of Environmental Health and the Mayor of London.

## Recommendations

1. A planning policy approach to mitigating the health and other impacts of hot food takeaways should be developed in partnership with other local authority departments, including environmental health, public health and education.
2. Planning policies to restrict new hot food takeaways should be based on clear evidence and included in a development plan document or a supplementary planning document. Local evidence and circumstances will determine the appropriate planning policy response and evidence could include the Joint Strategic Needs Assessment, mapping exercises, research studies, surveys and qualitative information, using public consultation exercises to support policies.
3. A range of policies or criteria should be used together to control and manage the impact of new hot food takeaways, addressing:
  - a concentration and clustering of hot food takeaways in town or local centres
  - hot food takeaways in close proximity to schools

- restaurants providing a takeaway service
  - hot food takeaways in new developments
  - residential amenity, such as noise and odour
4. Planning controls should be part of a coordinated approach to tackle unhealthy diets and obesity, including
- Working with local takeaway businesses and the food industry to make food healthier
  - Working with schools to promote a healthier diet and reduce opportunities to purchase junk food, such as 'stay on site' policies.
  - Improving access to healthy food through the planning system and through initiatives such as Capital Growth by creating spaces for community food growing.
  - Other regulatory controls including enforcement of environmental health and waste regulations and use of street trading policies.
  - Promoting healthy eating and physical activity, including the 'Change4Life' initiative which includes advice on cooking and meals and on active lifestyles, and public health advice on nutrition and diet.

## What is the problem?

Some hot food takeaways offer 'energy-dense' or 'fast food' with high levels of fat, sugar and salt which are linked to obesity and related health conditions including cardiovascular disease, type 2 diabetes, stroke and some cancers. Of particular concern is the effect of fast food consumption on children's diets and eating behaviour as significant health problems related to obesity start to develop at primary school age and behaviour established in early life has been shown to track into adulthood<sup>1</sup>.

Obesity is one of the biggest health challenges facing the UK. Just over a quarter (26%) of adults are obese and 3 in 10 children aged 2 to 15 are either overweight or obese<sup>2</sup>. In 2007, the Government-commissioned Foresight report 'Tackling Obesities: Future Choices'<sup>3</sup> predicted that if no action was taken, 60% of men, 50% of women and 25% of children would be obese by 2050. The report also estimated the direct costs to the NHS of treating obesity-related illnesses to be £4.2bn per year with the wider cost to the UK economy of £15.8 billion per year.

London experiences a significant variation in obesity levels. In 2010/11 obesity prevalence varied from 6.4% in Richmond and Twickenham to 14.6% in City & Hackney for Reception children and from 10.7% in Richmond and Twickenham to 26.4% in Southwark for Year 6 children.

Food availability and accessibility are both key features of an 'obesogenic' environment where the widespread availability of fast food and an environment that promotes sedentary behaviour is of concern.

### **Proliferation of takeaways**

Many local authorities across the country have observed an increase in the number and density of hot food takeaways. For example, St Helens have identified a proliferation of hot food takeaways, especially in proximity to schools as a key local issue. The Borough is 'saturated' with 161 hot food takeaways with 20,000 obese residents costing the local health service an estimated £3.6 million per year<sup>4</sup>. In Tower Hamlets, a study found that there were 42 junk food outlets per school and that 97% residents live within ten minutes of a fast-food outlet<sup>5</sup>.

It is considered that a proliferation of takeaways could tempt children into consuming greater quantities of unhealthy food which would undermine initiatives to promote a healthy diet, particularly in schools. In 2008, the Children's Food Trust (then called the School Food Trust) produced a 'temptation town' measure of the ratio of 'junk food' outlets (including fast food outlets and confectionery shops) to secondary schools<sup>6</sup>. Temptation to eat fast food is only partly influenced by the availability and accessibility of fast food outlets, but also by other factors which influence eating behaviour, such as advertising, marketing, economics, and peer group pressure. Nevertheless, some takeaways located near schools may target school children by selling foods within their price range and offer special deals<sup>7</sup>.

A study published in 2008 found that secondary school pupils got more food from 'fringe' shops (including takeaways and convenience stores) than from the school canteen and that this food was often high in fat or sugar<sup>8</sup>. Whilst schools might have a stay-on-site policy during lunch hours, research has indicated that the most popular time for purchasing food from shops is after school<sup>9</sup>. This includes older primary school children who might not be accompanied by an adult to and from school. Many local authorities have come to the conclusion that takeaways within walking distance of schools are contributing to rising levels of childhood obesity.

### **Links between obesity and deprivation**

There is a strong relationship between socioeconomic deprivation (as measured by the 2010 Index of Multiple Deprivation score) and obesity prevalence in children. Obesity prevalence among Year 6 children attending schools in the least deprived decile was 13.7% compared with 24.3% among those attending school in the most deprived decile. There are a number of other socio-demographic factors that are linked with obesity prevalence, most notably ethnicity.

The National Obesity Observatory (NOO) found a strong association between deprivation and the density of fast food outlets with more deprived areas having more fast food outlets per 100,000 population<sup>10</sup>. Also a separate review of 13 studies found a positive association between deprivation and the availability (proximity and density) of fast food outlets<sup>11</sup>.

Conversely, the availability of healthy food, and in particular fresh produce, is often worse in deprived areas. This has led some to propose that the creation of so-called 'food deserts' (areas where there is poor access to healthy and fresh foods) in deprived areas may contribute to obesity<sup>12</sup>. The Food Standards Agency have found that low income groups are more likely to consume 'energy-dense' foods than higher income groups<sup>13</sup>.

Whilst there is a link between obesity and deprivation and between the density of fast food outlets and deprivation it is difficult to show a direct relationship between fast food and obesity. However, the Foresight report notes that deprived areas tend to have a higher concentration of fast food outlets and levels of obesity tend to be higher in deprived areas than in wealthier areas<sup>14</sup>.

### **Links between obesity and fast food takeaways**

There are a number of American studies that have found a causal link between over-concentration of and proximity to fast food outlets and obesity<sup>15</sup>. They point to an association between obesity levels and the density of fast food outlets<sup>16</sup>.

In Leeds, an observational study identified a positive relationship between the density of fast food outlets per area and the obesity status of children<sup>17</sup>.

National consumer surveys in the UK suggest that the accessibility of fast-food outlets (including proximity and opening hours) is a factor that influences use<sup>18</sup>. American researchers found that students with fast food restaurants within a half a mile of their

schools consumed fewer servings of fruits and vegetables and were more likely to be overweight or obese than students whose schools were not near fast-food restaurants<sup>19</sup>. Other US researchers have found that fast food restaurants within 160 metres of a school (0.1 miles) is associated with a 5 per cent increase in obesity<sup>20</sup>. However, another study using a 'buffer zone' of 800 metres (but with no analysis at a 400 or 200 metre level) found no correlation between the proximity of fast-food takeaways to schools and childhood obesity<sup>21</sup>.

The distance between fast food outlets and schools will vary from place to place depending on the type of area – rural, suburban or inner city - travel routes and the density of schools and fast food outlets. Children may visit takeaways on route to and from school. In London children can take a free bus to reach the cheapest takeaway.

In general, there is more evidence for links between obesity and hot food takeaways than for there being no link. However, it may be difficult to demonstrate a direct relationship, particularly the relationship between the proximity of takeaways to schools and childhood obesity. Nevertheless, the density of hot food takeaways, particularly in a deprived area, is a factor which influences eating habits and so in turn levels of obesity.

Perhaps as important as quantitative data is qualitative evidence into people's perceptions of their built environment and how it affects their behaviour. Responses to public consultations on planning policy documents give a useful insight into local concerns and perceptions. A number of consultations have highlighted that a proliferation of takeaways is a key local issue which requires a policy response.

## National policy and advice

There have been several documents which have reviewed the evidence on obesity and provided guidance on the range of policy instruments and actions needed to tackle obesity.

*The Foresight report (2007)*<sup>22</sup> argued that obesity should be tackled by a multi-faceted way with interventions addressing the many causes of obesity, supporting communities to eat healthily and become more active. Foresight and other analysis emphasised the role of the built environment in influencing decisions on physical activity and a healthy diet.

A number of studies are cited by Foresight<sup>23</sup> who concluded that increased availability of and access to and reliance on 'food on the go' (including, but not restricted to, fast food) is an important consideration for planners.

*The Marmot Review (2010)*<sup>24</sup> highlighted a social gradient in health which is related to deprivation. Health inequalities are determined by social inequalities, including environmental inequalities. Those living in the most deprived neighbourhood are more exposed to environmental conditions, which negatively affect health. In response, actions are needed across the social gradient and across the determinants of health. This includes actions to improve the food environment in local areas and fully integrate the planning, transport, housing, environmental and health systems to address the social determinants of health in each locality.

A report on the implications for spatial planning arising from the Marmot Review<sup>25</sup> noted that deprived areas could particularly benefit from policies which aim to improve availability of healthier food options and better access to shopping facilities, coupled with planning restrictions to control the density of fast food outlets.

Guidance in May 2011 from the *National Institute for Health and Clinical Excellence (NICE)* on the prevention of cardiovascular disease and Type 2 diabetes<sup>26</sup> recognises that planning mechanisms can help promote healthy diets by controlling fast-food outlets and improving access to food retailing. It recommends that local planning authorities regulate the number of takeaways and other food retail outlets in specific areas (for example, within walking distance of schools) and regulate the opening hours of outlets, particularly those near schools that specialise in foods high in fat, salt or sugar. Such controls should be complimented by initiatives to improve the nutritional quality of food available in existing takeaways and other food outlets.

In November 2010, the Coalition Government published its *Public Health White Paper*<sup>27</sup> setting out a range of reforms to the responsibilities, powers and resources for addressing public health. It takes forward the focus on tackling health inequalities as highlighted by the Marmot Review and the role of local government to create healthy places by bringing together a wider range of services, including planning. The White Paper recognises the potential for local planning authorities to influence access to healthy food and manage a concentration of fast food outlets.

The Government's '*A Call to Action on Obesity in England (Oct 2011)*'<sup>28</sup> places an emphasis on empowering people and communities to take action where behaviour is influenced by a range of factors, including the neighbourhood that people live in. Tackling obesity requires a comprehensive and integrated range of interventions. It states that there is clear evidence that the built and physical environments are important factors in influencing people's physical activity, access to and consumption of healthy food, and social interaction. It acknowledges the potential of the planning system to create a healthier built environment and notes that a number of local areas have taken steps to limit the growth of fast food takeaways, for example by developing supplementary planning documents. Allotments and food growing projects can provide some opportunities for people to be more active and eat more healthily.

The *National Planning Policy Framework (March 2012)*<sup>29</sup> identifies that the planning system can play an important role in creating healthy, inclusive communities (paragraph 69). In drawing up local plans, local planning authorities should pursue policies to support the vitality and viability of town centres (paragraph 23) and deliver social, recreational and cultural facilities and services the community needs (paragraph 70). Planning policies and decisions should take account of and support local strategies to improve health and wellbeing for all (paragraph 17). When preparing local plans, local planning authorities should work with public health officers and health organisations to understand and take account of the health status and needs of the local population and the barriers to improving health and well-being (paragraph 171).

The *Public Health Outcomes Framework (Jan 2012)*<sup>30</sup> offers a broad range of opportunities to improve and protect health across the life course and to reduce inequalities in health by tackling determinants of lifestyle diseases. Many of the proposed indicators are relevant to fast food takeaways, including excess weight in adults, recorded diabetes and mortality from all cardiovascular diseases.

## London policy and guidance

The *Mayor of London's Health Inequalities Strategy (April 2010)*<sup>31</sup> recognises that London is facing an obesity epidemic with obesity levels highest among those in 'routine and manual occupations' often living in those parts of London with the poorest health and deprivation indicators. It notes that access to affordable fresh food varies across London and tends to be lower in areas of high deprivation where there is a proliferation of fast food shops and restaurants. The strategy seeks to help Londoners adopt healthier behaviours, to influence the food industry to reduce unhealthy food content and to create healthy places where there is access to affordable fresh food.

*A Tale of Two Obesities (September 2010)*<sup>32</sup> recommends 11 broad actions which could help London and New York reduce childhood obesity. For land use and planning it recommends using land use and other regulatory controls to limit access to fast food and increase the availability of healthy, affordable food, and incorporate active design principles into strategies and neighbourhood planning.

The *London Plan (July 2011)*<sup>33</sup> seeks to address the main health issues affecting the capital, including obesity, "by seeking to ensure that developments are designed, constructed and managed in ways that improve health and reduce health inequalities (para 3.10)". The plan aims to increase access to healthy foods which are complemented by other measures, such as local policies to address concerns over the development of fast food outlets close to schools.

The *London Health Improvement Board* is a partnership between the Mayor of London, London Councils and the NHS, to improve the health of all Londoners. It has identified childhood obesity as one of four priorities and is developing a London Obesity Framework that will draw together a broad range of activity into a coherent, strategic approach. A key element of this work is supporting local authorities and their partners to promote a food and retail environment in London that supports children and their families to make healthy food choices. *Tackling Childhood Obesity in London: The case for action (2011)*<sup>34</sup> sets out why coordinated action is needed to tackle obesity, given the complexity of the problem.

## The role of the planning system

A concentration of hot food takeaways has long been an area of concern for communities in terms of the impact on the retail character and economic health of town centres and the adverse impacts on the amenity of residents associated with noise, fumes, parking, litter and anti-social behaviour. In recent years, this has extended to health issues, concerning poor diet and obesity.

Traditionally land use planning has focused on the regulation and control of land and development. The concept of 'spatial planning' provides greater scope to integrate policies and programmes to influence the nature of places and how they function.

There is a strong relationship between spatial planning and the wider determinants of health<sup>35 36</sup>. The planning system can shape the built environment and influence human behaviour and lifestyles.

In response to obesity, planning can help to:

- Improve healthy eating choices and opportunities for urban growing.
- Promote physical activity by encouraging active travel and improving access to open spaces and sports and recreation facilities.

The planning system defines and manages the role and function of town centres and other centres and seeks to maintain their economic vitality and viability. An overconcentration of non-retail uses can harm the economic health of centres.

The Town and Country Planning (Use Classes) Order 1987 (as amended) defines broad classes of use for buildings or other land. Hot food takeaways are classified as A5 use, while restaurants and cafés for the consumption of food and drink within the premises are classified as A3 use.

Planning permission is not required when both the present and proposed uses fall within the same class, or in certain situations specified in the Order where a change of class is permitted. For example, an A5 hot food takeaway can change to an A3 restaurant without the need for planning permission. However a shop (Class A1) or a restaurant (Class A3) cannot change to an A5 hot food takeaway without planning permission.

National planning policy advocates the use of planning conditions to resolve issues relating to the impact of the development on traffic and the amenity of neighbouring residents, such as hours of operation. Therefore, conditions could be attached to planning permissions for new hot food takeaways to control the hours of operation and odour and noise.

There are other planning tools which can be used to extend or restrict 'permitted development rights'. A Local Development Order could identify an area within which changes of use could occur without planning permission. Conversely, an Article 4 Direction can restrict permitted development rights where there is a particular need to do so. However, the use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area<sup>37</sup>.

The Localism Act (2011)<sup>38</sup> introduces new rights and powers to allow local communities to shape new development by preparing neighbourhood plans and by permitting certain types of development through neighbourhood development orders. Article 4 Directions remain a key neighbourhood planning tool and, in theory, could be used to restrict changes within use classes<sup>39</sup>. However, Article 4 Directions require both detailed evidence before being applied and careful monitoring afterwards, and can lead to compensation being payable.

The Localism Act has amended proposals for the Community Infrastructure Levy to allow for a 'meaningful' proportion<sup>40</sup> of funds to be passed onto neighbourhoods and

to allow for funds to be used for the future maintenance costs of providing infrastructure. Neighbourhoods will be able to spend the funds on the infrastructure that they want. Therefore, the Community Infrastructure Levy could be used for initiatives to tackle childhood obesity such as providing local open space provision, playgrounds and cycle paths where the funding supports the development of the area<sup>41</sup>.

A recent High Court case (the 'Cable Street' case) ruled that healthy eating and the proximity of a proposed hot food takeaway to a school is capable of being a material planning consideration<sup>42</sup>. This reinforces the role of planning to reflect health and wellbeing strategies and take into account healthy eating policies and programmes.

The planning system has a role to play in promoting healthy eating and controlling fast food outlets by restricting the number of new A5 hot food takeaways in an area created either through new development or through the change of use of existing premises. However, the role of the planning system is limited.

- All outlets which sell hot food for consumption off the premises are classified as Class A5. The Use Classes Order does not define what type of food can be sold.
- There is no definition of an unhealthy hot-food takeaway. Not all Class A5 uses are unhealthy. The salt and fat content of takeaway food varies considerably. A 'healthy' A5 hot takeaway could be replaced by an 'unhealthy' hot food takeaway without the need for planning permission. Of particular concern is fried fast food which, depending on the frying oil used, can contain high levels of trans fats which increase the risk of coronary heart disease.
- The planning system cannot deal with existing takeaways, other than to take enforcement action on unauthorised uses.
- 'Fast food' outlets are not defined and a wide range of outlets sell 'energy-dense' food, i.e. bakers, newsagents, grocers and supermarkets. Other types of outlets may cause problems, i.e. 'burger vans'.
- Many restaurants provide a take-away service, but are classified in a different use class (Class A3).
- Many hot food takeaways operate a home delivery service rather than rely solely on passing trade.

## Developing a planning policy response

Many local authorities have developed policies and guidance to control hot food takeaways. Some local authorities have chosen to develop specific supplementary planning documents (SPDs) to provide guidance to support existing or emerging development plan policies. Although an SPD does not have the same status as the development plan it is still an important material consideration in the determination of planning applications.

In allowing a planning appeal in the London Borough of Tower Hamlets the inspector found that the Council lacked specific local policies to restrict hot food takeaways and evidence to demonstrate an overconcentration of takeaways and the link between proximity to a school and childhood obesity<sup>43</sup>. In response as part of its Healthy Borough programme it produced a report 'Tackling the Takeaways'<sup>44</sup> which provides the evidence to support its policy approach towards hot food takeaways in its Managing Development DPD<sup>45</sup>.

The London Borough of Waltham Forest worked closely with London Metropolitan University and the research on school 'fringe' food shops and developed a supplementary planning document in response to widespread public concerns about the rise in fast food outlets in the Borough.

A food outlet mapping exercise in the London Borough of Newham<sup>46</sup> drew on existing evidence in terms of obesity and the links with consumption of energy-dense food. It identified a concentration of hot food takeaways and relatively poor availability of healthy food and recommended restricting new hot food takeaways within a 400m 'exclusion zone' around the boundary of existing or proposed secondary schools to help to influence young people's access to such food. The report provided the evidence to support Policy SP2 on healthy neighbourhoods in the Borough's Core Strategy.

Mapping exercises, research studies and surveys can help build a case for taking action to address the impact of fast food takeaways. Information from the Joint Strategic Needs Assessment can provide evidence on obesity, deprivation, diet and lifestyles.

Local evidence and circumstances will determine the appropriate planning policy response. This evidence can also be qualitative, using public consultation exercises to support policies to control hot food takeaways.

## **Monitoring and effectiveness**

Local authorities are committed to reviewing the effectiveness of their planning policies through an Annual Monitoring Report. St Helens will review its hot food takeaway supplementary planning document against a set of indicators and targets in its Annual Monitoring Report and in particular will monitor the effectiveness and extent of its exclusion zone.

Waltham Forest's Annual Monitoring Report 2011/12 (December 2012) includes an indicator on the number of hot food takeaways in the Borough and sets a target of no increase in the number and % of hot food takeaways. It notes that since the adoption of its Hot Food Takeaway Supplementary Planning Document in March 2009 25 planning applications for hot-food-takeaways were refused and 6 were allowed under special circumstances. There was a decrease of 2 takeaway premises between 2010/11 and 2011/12 on the Waltham Forest Food Premises Register. A fall in childhood obesity rates has also been reported and the success in implementing the SPD is seen as a contributory factor.

Barking and Dagenham report that only one new takeaway has been permitted in the Borough (on appeal) since 2009 and eight hot food takeaway applications have been refused.

Sandwell Council has produced a data sheet to monitor its Supplementary Planning Document on hot food takeaways. It includes data on the concentration of A5 uses in each centre which will be updated at regular intervals to ensure that the guidance remains relevant.

## A comprehensive policy approach

Tackling the issues of fast food takeaways and obesity requires a co-ordinated response across a much wider set of policy and regulatory instruments than planning. Nevertheless, the planning system can play a significant role, and a range of policies or criteria can be used together to control and manage the impact of new hot food takeaways, addressing:

- a concentration and clustering of hot food takeaways in town and local centres
- hot food takeaways in close proximity to schools
- restaurants providing a takeaway service
- hot food takeaways in new developments
- residential amenity

### **A concentration and clustering of hot food takeaways**

Most local planning authorities have policies which seek to control a concentration and clustering on non-A1 (shop) uses within shopping centres in order to protect the vitality and viability of centres, such as restaurants, betting shops and hot food takeaways. An acceptable proportion of non-A1 uses can vary depending on the type of the centre and its place in the shopping centre hierarchy. A concentration and clustering of uses can be measured in terms of an entire centre or within a specific retail frontage.

This established approach to protect the economic health of shopping areas can also help prevent a proliferation of Class A5 hot food takeaways. However, a finer grain approach is required with a specific policy setting out thresholds whereby further hot food takeaway uses would be resisted.

For example, St Helens Council<sup>47</sup> and the London Boroughs of Waltham Forest<sup>48</sup> and Barking and Dagenham<sup>49</sup> restrict the number of A5 uses to 5% of the total number of units within a centre or frontage. They also restrict the clustering and distribution of A5 units within a centre so that no more than two adjacent A5 units are allowed and at least two non-A5 uses are located between an A5 use. Furthermore, Waltham Forest limits no more than one A5 unit within 400m of an existing A5 in areas outside designated frontages and outside designated centres (called tertiary zones).

## Hot food takeaways in close proximity to schools

A proliferation of hot food takeaways within walking distance of locations where children and young people congregate, particularly schools is seen by many local authorities as a contributing factor to rising levels of childhood obesity.

The London Boroughs of Barking and Dagenham and Waltham Forest apply an 'exclusion zone' policy to restrict new A5 uses within 400m of the boundary of a primary school and secondary school. Waltham Forest consider that 400m is equivalent to a 10 minute walk when taking into account physical barriers, rather than as the 'crow flies'.

Similarly, the London Borough of Greenwich's draft Core Strategy restricts hot food takeaways within 400m of the boundary of a primary or secondary school. The 400m distance is considered sufficient to deter school children from walking to the takeaways during their lunch period or after school. It considers that by limiting the unhealthy food options available, there is an opportunity to improve the health of the Borough's children<sup>50</sup>.

The London Borough of Newham's Core Strategy seeks to address the cumulative impact of hot food takeaways by excluding new premises within 400 metres of a secondary school<sup>51</sup>. Proximity to primary schools is not addressed as secondary schools pupils are considered to have greater mobility and independence compared to primary school pupils.

In a recent planning appeal in Newham the Inspector dismissed an appeal against refusal for a change of use from A1 to A5 as the proposal would add to a local clustering of A5 uses contrary to policy. Furthermore, the proposed A5 use would be located within one of the Council's preferred 'exclusion' zones within 400m of a secondary school and as such would conflict with the Council's policy to promote healthy lifestyles<sup>52</sup>.

In allowing a planning appeal in Barking and Dagenham the inspector considered that 400 metres would equate to a 5 minute walk as the crow flies and that taking into account site specific factors the actual journey time from the nearest school would take longer than 5 minutes. As a result the inspector considered it unlikely that the proposed takeaway would therefore attract custom from pupils of the school<sup>53</sup>. This is the first new takeaway permitted in the Borough since 2009.

Therefore, although the 400m distance is a useful guideline, site specific factors, such as physical barriers to pedestrian movement and the number and location of other takeaways along the school route should be taken into account.

The London Borough of Waltham Forest also expands its zone to cover youth centres and parks where children congregate. However, Barking and Dagenham did not consider this necessary as the 400m exclusion zone around schools was extensive and covers many of these areas. St Helens have chosen to include sixth form colleges as well as schools.

Eating fast food outside of school may also undermine school healthy eating initiatives. Whilst schools may have a stay-on-site policy during lunch hours, there is the temptation to buy fast food before or after school.

In a planning appeal decision in Rotherham<sup>54</sup>, the Inspector noted that a proposed KFC restaurant/takeaway drive through would be located approximately 40 metres from a primary school which holds a Healthy School certificate and provides a “nutritionally balanced breakfast and lunch and teaches its pupils the importance of a healthy lifestyle”.

The Inspector noted that the council had no policy to restrict hot food takeaways near schools or youth facilities, although she did accept that the health and wellbeing of residents was a material consideration. She noted that as a primary school, children were not usually permitted to leave the school at lunchtime, and that “given the age of the children, it is unlikely that they would travel to and from school unaccompanied by an adult.” Therefore, she concluded that “I do not accept that the presence of a KFC restaurant/drive through would jeopardise the local healthy-eating initiatives.”

A planning appeal in Barking and Dagenham<sup>55</sup> for the change of use to a hot food takeaway was dismissed as the proposal would harm the vitality and viability of the district centre. The property was located within 400m of a school with ‘Healthy School’ status and in line with the Council’s SPD, the Inspector considered that health was a key issue. He considered that a condition requiring the counter service to be closed between 15.00 and 16.30 each afternoon on schooldays would have prevented over-the-counter sales to parents and children immediately after school and as such would have ‘neutralised’ the effect on health and wellbeing. However, restricting hours of operation may harm the vitality and viability of a centre.

### **Restaurants providing a takeaway service**

Many restaurants and cafes provide a takeaway service. To be classified as a Class A3 restaurant the dominant use of the premises should be to sell food for consumption on the premises, with the takeaway service remaining ancillary. Some local authorities are concerned with the issue of ‘A5 by the back door’ whereby permission is granted for a A3 use, but the premises operates predominately as an A5 use. Often, the proposed layouts provide a clear guide to the dominant use of the premises, in particular the number of tables or chairs to be provided for customer use.

Policies to control concentrations of A3 restaurants could limit the availability of takeaway services in addition to those provided by A5 hot food takeaways.

### **Hot food takeaways in new developments**

Although the policy focus has been on restricting new hot food takeaways created through changes of use, the planning system can limit or resist new hot food takeaways proposed in new developments through the use of area based policies and planning conditions. For example, Barking and Dagenham seeks to restrict hot food takeaways in the new town centres within development at Barking Riverside, which is the Borough’s largest housing site.

## Residential amenity

Historically, policies have sought to control the impact of hot food takeaways on residential amenity (from increased noise, odour, traffic, litter and anti-social behaviour). In particular, where takeaways are concentrated or clustered together they can cause noise and traffic disturbance and fear of crime which in turn can have a negative impact on mental health and wellbeing. Planning conditions can be imposed to control certain impacts, such as odours (by providing adequate extraction systems), litter and hours of operation. Waltham Forest's SPD on hot food takeaways is based on a number of criteria, including these amenity concerns.

## A strategic response

Many existing policy documents on hot food takeaways have been developed as a result of coordinated concern and action to address issues associated with hot food takeaways. Waltham Forest's SPD originated from consultation on the Borough's Sustainable Community Strategy and the need to develop a joined-up approach to tackle the proliferation of fast food outlets. This gained significant political support. A hot food takeaway corporate steering group was established that included representatives from planning alongside enforcement, food standards, education and NHS Waltham Forest.

St Helens' SPD on hot food takeaways is part of a broader strategy to tackle obesity as set out in its Health Inequalities Plan and "sends a clear message" that the Borough intends to address the "serious issues of poor diet and obesity to improve the health of the Borough"<sup>56</sup>.

Barking and Dagenham's SPD is one of a range of measures set out in the Borough's Childhood Obesity Strategy and Action Plan. Tower Hamlets' research report 'Tackling the Takeaways' was produced as part of the Healthy Borough Spatial Planning Project initiative and supported by a steering group including planners, academics and public health officers.

Tackling obesity requires a multi-faceted response. Planning policies to limit the concentration and location of new takeaways should be seen as part of a strategic response to promote healthy eating. Many areas are already 'saturated' with takeaways and wider measures can help address the impacts of existing hot food takeaways and other fast food outlets and promote healthy eating.

A joined-up strategic response could include:

Working with takeaway businesses to provide healthy choices, adopt nutrient labelling and to reduce the sugar, salt and fat content of the foods that they sell. This requires a multi-department approach involving nutrition professionals as well as environmental health or trading standards officers. Training and award schemes have proved popular.

Working with schools to improve the eating environment, quality of school food and the ease of purchasing - see Children's Food Trust (formerly School Food Trust)

standards and advice and the Food for Life Partnership. A 'stay on site' policy can help prevent children from accessing unhealthy food at lunch time.

Improving access to healthy food through initiatives such as Capital Growth (creating spaces for community food growing) and 'Buywell' projects with food retailers. The planning system can support these initiatives by ensuring a range of shops in town and local centres and protecting and promoting markets, allotments and community food growing spaces. Some local authorities have sought to promote healthier food choices in public buildings, for example leisure centres, workplaces and healthy options in vending machines.

Other regulatory controls and services such as increased enforcement of environmental health and waste regulations and use of street trading policies to restrict the operation of mobile fast food vans, particularly around schools. Where opportunities arise to renew leases on Council owned properties, it could place restrictions on the type of food which can be offered and / or limit the number of A5 units..

Promoting healthy eating and physical activity including 'Change4Life' which includes advice on cooking and meals and active lifestyles and public health advice on nutrition and diet.

Barking and Dagenham's SPD includes a levy on new hot food takeaway outlets where a contribution of £1,000 can be allocated towards initiatives to tackle childhood obesity in the Borough. The Community Infrastructure Levy could be used for neighbourhood initiatives to tackle childhood obesity such as providing local open space provision, playgrounds and cycle paths.

## Conclusions

Government advice and guidance encourages planning authorities to support local strategies to improve health and wellbeing and to maximise the role of the planning system to create a healthier built environment, for example, by controlling a proliferation of hot food takeaways. Addressing a proliferation of takeaways will both help maintain the economic vitality and viability of town and local centres and promote healthy lifestyles.

Obesity is one of the biggest health challenges facing the UK. There are significant variations in obesity levels linked to deprivation where there is an association between deprivation and the density of fast food outlets. However, proving a direct relationship between the density of fast food outlets and obesity is difficult. Nevertheless, the Foresight report and other studies identify an association.

Local authorities consider that the location of hot food takeaways in close proximity to schools could tempt children into consuming a greater amount of unhealthy food which would undermine initiatives to promote a healthier diet, particular in schools. Many local authorities have come to the conclusion that takeaways within walking distance of schools influence eating behaviour and contribute to rising levels of childhood obesity.

The availability of fast food is seen to be part of an obesogenic environment and the planning system has an important role to play to promote healthy eating and physical activity. Healthy eating and the proximity of a proposed hot food takeaway to a school is capable of being a material planning consideration. However, restricting hot food takeaways must be supported by planning policies based on evidence.

To be effective a range of planning policies or criteria should be developed where local evidence and circumstances will determine the appropriate policy response. Evidence can be both quantitative and qualitative, including public consultation exercises to understand how people perceive their built environment and how it influences their behaviour.

The ability of the planning system to address the health impact of fast food is limited in that it can only control new hot food takeaways and cannot deal with the problems of existing takeaways and other fast food outlets. Therefore, planning controls should be seen as part of a strategic response, including initiatives to work with takeaway businesses and with schools, and the combined use of other regulatory controls and public health interventions.

Many planning policies and guidance on hot food takeaways have been developed as a result of coordinated concern and action which has facilitated joint working and raised the profile of planning and its ability to address health issues. Such opportunities may increase as local authorities take on responsibility for public health and health and wellbeing boards and joint health and wellbeing strategies address the wider determinants of health, including those determinants influenced by spatial planning.

HUDU/Feb 2013

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## Selected further reading

Association for the Study of Obesity (ASO) <http://www.aso.org.uk/> Obesity Fact Sheets and statistics

Boyce T, Patel S, The Kings Fund (2009). The Health Impacts of Spatial Planning Decisions.

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Department of Health (2010b) Healthy lives, healthy people: our strategy for public health in England. London: Department of Health

Foresight (2007) Tackling obesity: future choices – Project Report 2<sup>nd</sup> Edition: Government Office for Science

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Cross-Government Obesity Unit (2009) Healthy Weight, Healthy Lives: A Cross-Government Strategy for England. COI, London

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London Borough of Barking and Dagenham (2009) Saturation Point: Addressing the Health Impacts of Hot Food Takeaways Supplementary Planning Document

London Borough of Newham (2010) Food Outlet Mapping

London Borough of Tower Hamlets Tackling the Takeaways: A New Policy to Address Fast-Food Outlets in Tower Hamlets (2011) Dr Foster Intelligence and Land Use Consultants,

London Borough of Waltham Forest (2008) Hot Food Takeaway Shops Supplementary Planning Document

London Health Improvement Board Tackling Childhood Obesity in London: The case for action

London Metropolitan University, Nutritional Policy Unit (July 2008) The School Fringe What Pupils Buy and Eat from Shops Surrounding Secondary Schools

London Metropolitan University, Nutrition Policy Unit (April 2010) The Takeaway Snowball

Mayor of London (November 2012) Takeaways Toolkit

NICE (June 2010) Prevention of cardiovascular disease at population level PH25

NICE (May 2011) Preventing type 2 diabetes – population and community interventions PH35

The National Obesity Observatory (NOO) publications  
[http://www.noo.org.uk/NOO\\_pub](http://www.noo.org.uk/NOO_pub)

McPherson K, Brown M, Marsh T et al. (2009) Obesity: recent trends in children aged 2–11y and 12–19y. Analysis from the health survey for England 1993–2007. London: National Heart Forum

The Information Centre for Health and Social Care National Child Measurement Programme: England, statistics on obesity, physical activity and diet  
<http://www.ic.nhs.uk/statistics-and-data-collections/health-and-lifestyles/obesity-and-health-surveys> <http://www.ic.nhs.uk/statistics-and-data-collections/health-and-lifestyles-related-surveys/health-survey-for-england>

National Heart Forum (2010) Assessing the options to use the regulatory environment to promote local physical activity and healthy eating. The National Heart Forum has developed an interactive online ‘Healthy Places’ resource looking at the ways in which the regulatory environment, including planning can promote and support healthy living. It currently focuses on physical activity and healthy eating.  
[www.healthyplaces.org.uk](http://www.healthyplaces.org.uk)

The Marmot Review (2010) Fair society, healthy lives. Strategic review of health inequalities in England post 2010. London: The Marmot Review

The Marmot Review: implications for Spatial Planning, (2011) The Marmot Review Team: Ilaria Geddes, Jessica Allen, Matilda Allen, Lucy Morrissey

Sustain (January 2011) Good planning for good food: How the planning system in England can support healthy and sustainable food,

Royal Town Planning Institute (2009) Good Practice Note 5 Delivering Healthy Communities

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- <sup>4</sup> St Helens Council (June 2011) Hot Food Takeaways Supplementary Planning Document
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- <sup>8</sup> Sarah Sinclair and Jack Winkler (2008) The School Fringe: What pupils buy and eat from shops surrounding secondary schools. Nutrition Policy Unit. London Metropolitan University
- <sup>9</sup> Sarah Sinclair and Jack Winkler (2009) The School Fringe: from Research to Action. Policy Options within Schools on the Fringe. Nutrition Policy Unit, London Metropolitan University
- <sup>10</sup> National Obesity Observatory website. Obesity and the Environment: Fast Food Outlets [www.noo.org.uk/uploads/doc/vid\\_15683\\_FastFoodOutletMap2.pdf](http://www.noo.org.uk/uploads/doc/vid_15683_FastFoodOutletMap2.pdf)
- <sup>11</sup> Fraser, L. K., K. L. Edwards, et al. (2010). "The Geography of Fast Food Outlets: A Review." *International Journal of Environmental Research and Public Health* 7(5): 2290-2308.
- <sup>12</sup> See [http://www.nutritionevidencelibrary.com/evidence.cfm?evidence\\_summary\\_id=250300](http://www.nutritionevidencelibrary.com/evidence.cfm?evidence_summary_id=250300)
- <sup>13</sup> Food Standards Agency (2007) Low Income and Diet Survey. Food Safety Authority, London
- <sup>14</sup> Foresight (2007) Tackling obesities: future choices – Project Report 2<sup>nd</sup> Edition: Government Office for Science
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- <sup>23</sup> Foresight (2007) Tackling Obesities: Future Choices – Obesogenic Environments – Evidence Review Government Office for Science
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- <sup>25</sup> The Marmot Review: implications for Spatial Planning, (2011) The Marmot Review Team: Ilaria Geddes, Jessica Allen, Matilda Allen, Lucy Morrisey
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- <sup>34</sup> London Health Improvement Board (2011) Tackling Childhood Obesity in London: The case for action
- <sup>35</sup> Royal Town Planning Institute (2009) Good Practice Note 5 Delivering Healthy Communities
- <sup>36</sup> NHS London Healthy Urban Development Unit Rapid Health Impact Assessment Tool (2012) and The Health Impacts of Spatial Planning Decisions (The King's Fund, 2009)
- <sup>37</sup> Department for Communities and Local Government (March 2012) National Planning Policy Framework.
- <sup>38</sup> The Localism Act received Royal Assent on 15 November 2011
- <sup>39</sup> In a House of Commons debate on 24 November 2010 Planning Minister Robert recommended the use of an Article 4 Directions to control betting shops within the A2 Use Class.
- <sup>40</sup> Planning Minister Nick Boles announces new cash incentives (10 January 2013) to indicate that neighbourhoods may receive up to 25% of Community Infrastructure Fund revenues.
- <sup>41</sup> Department for Communities and Local Government (October 2011) Community Infrastructure Levy Detailed proposals and draft regulations for reform consultation
- <sup>42</sup> Regina (Copeland) v London Borough of Tower Hamlets 11 June 2010

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- <sup>43</sup> 375 Cable Street, London Borough of Tower Hamlets appeal allowed for a change of use from A1 to A5 hot food takeaway (ref: APP/E5900/A/10/2141935)
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- <sup>50</sup> London Borough of Greenwich, Draft Core Strategy with Development Management Policies November 2010, Policy TC(d) Hot Food Take-aways
- <sup>51</sup> London Borough of Newham adopted Core Strategy (January 2012), Policy SP2.
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- <sup>53</sup> 122 Fanshawe Avenue, Barking, appeal allowed for a change of use from A2 to A5 takeaway (ref: APP/Z5060/A/11/2167225)
- <sup>54</sup> Canklow Hotel, Canklow Road, Rotherham, appeal allowed for a KFC Restaurant/Drive through A3/A5 use (ref: APP/P4415/A/11/2159082).
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