

Application Number:	2016/0040	Application Type:	Other
Proposal:	Change of use from A1 retail to A5 hot food takeaway.	Location:	67 Deardengate, Haslingden, BB4 5SN.
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	19.7.2016
Applicant:	Mr Josh Rose C/O 72 Bury New Road Manchester M25 0JU	Determination Expiry Date:	26.7.2016
Agent:	Mr David Bitan		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	3 or more objections and recommending approval.
Other (please state):	

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

That the Committee approve planning permission for the reasons set out in Section 9.

2. SITE

The application site comprises of No. 67 Deardengate, an Edwardian-era 2 storey former bank building on a Secondary Shopping Frontage in Haslingden town centre. The property is approximately 30m to the south of the main crossroads on the corner of Deardengate

and Ratcliffe Street, with the latter running past the property's side (north) elevation. The building has ornate features and large feature windows common for buildings of this period. The current layout comprises of a large partly divided foyer to the front with sundry ancillary rooms to the rear (including WCs) and on the floor above. Access is via a large ornate entrance opening out onto Deardengate. The building is currently connected to the adjoining unit (No. 69 Deardengate) via 2 doors in the dividing wall at ground floor level.

The rear of the property includes a back yard enclosed by an approximately 2m high brick wall with a pedestrian gate opening out onto a cobbled alleyway. The plot is bound by similar type commercial properties to the north, east (front) and south with residential properties and a pocket park to the rear (west). There is also a terrace row to the north-east on Ratcliffe Street. The building is currently empty and was originally a bank, having most recently been used as a shop.

3. RELEVANT PLANNING HISTORY

2014/0121: Change of use from bank (Use Class A2) to shop (Use Class A1) including new shop front. Approved subject to conditions 27 June 2014.

4. PROPOSAL

The applicant has applied to change the building to a hot food takeaway with ancillary restaurant provision. This would entail the removal of several internal walls towards the front of the ground floor to provide for a large open room for a counter/kitchen, waiting area and dining element, the latter accommodating approximately 20-30 diners. The current doorways at ground floor providing access to the adjoining unit would be blocked up. The development would not impact the building's external elevations and would be limited to the ground floor. The proposed fume extraction/ventilation system would be completely contained within the external shell of the building and would utilise the property's rear chimney stacks. The applicant intends to employ 2 full and 2 part time members of staff.

APPLICANT'S SUPPORTING STATEMENT

The applicant has provided the following in support of their proposal:

- They have agreed a 20 year lease with the landlord during which time it would be occupied by their franchisee subletting from the applicant.
- The franchisee will run the store in strict compliance with their franchise agreement to ensure high standards.
- Franchisee stores are regularly assessed by Dominos in terms of their service levels, delivery times, quality and cleanliness.
- Franchisees have to ensure their stores are fitted out as approved by the Dominos Corporate Team. The 'fit out' would be expected to cost in the region of £250,000, with new 'refresh' work taking place every 5-7 years. This would improve the building's visual impact.
- Expected job creation is expected to be in the region of 30 plus (full and part time).
- This location has been chosen because it is in the heart of Haslingden, it is a prominent building and also of a size capable of accommodating Domino's new 'concept seating store' type.
- The store would have an exclusive delivery area.
- Dominos stores generally operate from 10.30am to 11pm which avoids the common A5 problem of hot food takeaways being closed and shuttered during the day.
- Dominos as a nationally recognised brand creates the opportunity to attract other A1 national occupiers.

5. **POLICY CONTEXT**

National

National Planning Policy Framework

Section 1: Building a Strong Competitive Economy;
Section 2: Ensuring the Vitality of Town Centres;
Section 4: Promoting Sustainable Transport;
Section 8: Promoting Healthy Communities.

National Planning Practice Guidance

Development Plan Policies

Rossendale Core Strategy DPD (2011)

Rossendale Core Strategy DPP 2011:
AVP 6: Haslingden and Rising Bridge;
Policy 1: General Development Locations and Principles;
Policy 8: Transport;
Policy 9: Accessibility;
Policy 11: Retail and Other Town Centre Uses;
Policy 23: Promoting High Quality Design and Spaces;
Policy 24: Planning Application Requirements.

Hot Food Takeaways Interim Policy Statement (2011).

It is considered that the Hot Food Takeaways Interim Policy Statement cannot provide detailed guidance when assessing such applications because it is not based on the current Core Strategy and has not been formally adopted. It is therefore given limited weight in determining this application.

6. **CONSULTATION RESPONSES**

LCC Public Health and Well Being: Object to the proposals on the grounds that the proposed development will not support a strong, vibrant and healthy community and has the potential to impact negatively on the health, nutrition and diet of local residents. Concerns are also raised about the proximity of the premises to 2 primary schools and a play area. Their full comments are appended to the end of this report

LCC Highways: No objection.

RBC Environmental Health: No objection to proposed internal fume extraction system utilising the property's current rear chimney stacks. No objection to the proposed development subject to conditions.

Lancashire Constabulary: No objection.

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order a site notice has been displayed and 17 neighbour letters issued.

A petition has been received from a Haslingden Town Centre pizza proprietor signed by the owners/employees of 13 hot food takeaways including several pizzerias. It is noted that many of these premises are located outside of Haslingden. The grounds for objection are that the proposed development would damage the objectors through competition and furthermore Haslingden is already oversaturated with takeaways.

A second petition objecting to the proposed development on essentially the same grounds has been received with 65 signatures.

Officers response: Competition is not a material planning consideration. The other issues raised by these petitions are considered further in the assessment section below.

A neighbour letter has been received which objects to the proposed development because it would add to the current overconcentration of hot food takeaways in Haslingden town centre, thereby undermining its retail offer and visitor attraction.

A letter has been received from the owner of a Haslingden town centre pizza takeaway which objects to the proposed development on the grounds of financial damage to his business through competition in an already over-saturated market.

A letter has been received from a local resident (this letter also enclosing the second petition noted above) which objects to the proposed development on the following grounds:

Referring to a 2005 Retail and Town Centre Study this shows Haslingden town centre has a higher percentage of A3 uses than the national average reflecting the high proportion of takeaways. This report also highlights the higher than average vacancy rate. A subsequent 2009 addendum showed such uses had increased in the interim.

The proposal will be contrary to the Hot Food Takeaway Interim Policy Statement.

Officer response: It is considered that the Hot Food Takeaways Interim Policy Statement should not be used to provide detailed guidance when assessing such applications because it is not based on the current Core Strategy and has not been formally adopted. It is therefore given limited weight in determining the application.

The proposal would result in unacceptable visual amenity, neighbour amenity and access/parking impacts.

ASSESSMENT

The main considerations of the application are: 1) Principle; 2) Amenity; and 3) Access/Service.

Principle

The proposed development would result in the re-use of a vacant building, this building located at a relatively prominent position on a corner plot to the south of the main crossroads, the building itself having some presence within the street scene due to its position, scale and ornate design.

The proposed hot food takeaway is considered to be a main town centre use with reference to the provisions of the Framework. It is considered that the location of a hot-food takeaway at a Secondary Shopping Frontage within Haslingden town centre would comply with Core Strategy Policy 11 which seeks to focus town centre uses within defined town and local centres - Haslingden town centre being described as one of 2 District Centres within the borough. The proposed development is considered to be a main town centre use and as such its location within a Secondary Shopping Frontage is considered to be acceptable.

Considering the issues of over-concentration and vitality/viability a recent assessment of the number of hot food takeaways in Haslingden town centre has been undertaken which identified 13 in total, this number representing almost 10% of all properties within the town centre, with four of these being located within Secondary Shopping Frontages. It is also noted that no other takeaways are located within the immediate vicinity of the application site, although there are two such premises to the south on the opposite side of Deardengate.

Haslingden town centre has a 10% vacancy rate which is similar to the national average in terms of town centre vacancy rates. Anything higher has the potential to adversely impact on the function of the town centre and to enable businesses to establish themselves. Surrounding uses are generally those associated with town centres including retail, charity shops, hairdressers and offices. It is therefore considered that the proposed hot food takeaway would not result in an overconcentration of this type of business in the locality.

Furthermore with reference to the number of empty units within the town centre, including several close to the application site, it is considered that the proposal would result in a positive contribution to the vitality and viability of the area by bringing back into productive use this prominent building. Whilst it is accepted that there is no guarantee that the hot food takeaway would operate to its full hours of operation, especially during the daytime, it would nevertheless be an improvement on the current situation of an empty building.

It is not considered that the proposal would affect the town centre's function with regard to the number, function and location of shops that would remain open should the development be approved.

Additionally the development would have a positive employment impact through the provision of 2 full and 2 part-time employees.

Whilst it is accepted that Core Strategy AVP 6 for Haslingden and Rising Bridge includes under the 'Issues' section '*number of hot food takeaways in Haslingden town centre*', the 'Issues' section also states '*amount of vacant and derelict buildings and land – particularly in Haslingden town centre.*'

Health Impact

The Public Health consultee at Lancashire County Council has objected to the proposal on public health grounds, with this consultee raising concerns that the hot food takeaway would not contribute positively towards the principles of sustainable development in terms of its social dimensions as defined in the Framework through its resulting negative health impacts.

The Public Health consultee considers there is an over concentration of hot food takeaways in the local area (Worsley ward) with the locality also having significantly higher recorded levels of excess weight and obesity in children and adults. Worsley ward is moreover one of the most deprived in England and evidence shows deprivation is linked to health inequalities. This consultee considers the proposed development has the potential to negatively impact the health, nutrition and diet of local residents and notes that the site is within 400m of two primary schools and adjacent to a play area. The town centre location could also influence young people's food choices as these are more likely to congregate in such locations.

This advice is made with reference to Framework paragraphs 6 & 7 and a number of sources, studies and reports which are set out in full within the comments appended to this report.

Whilst the potential negative health impacts of the proposed development, particularly on local residents and their children, have been taken into consideration it is not considered that sufficiently robust evidence has been provided upon which a recommendation of refusal of planning permission could be based. This is in part because no specific evidence has been presented by the consultee (and the Local Planning Authority (LPA) is not aware of such evidence) which demonstrates a clear link between the number of hot food takeaways in the local area and the prevalence of obesity in Haslingden.

It is also noted that there are numerous examples of similar applications where LPAs had refused planning permission for a proposed hot food takeaway in part on health grounds and this decision was overturned on appeal because there was no specific evidence the proposed development would result in a negative health impacts and the LPAs had no specific policy basis for such a refusal, as is the case with the current proposal. Whilst it is accepted that other similar hot food takeaway proposals have been refused by LPA's across the country with reference to their negative health impacts and subsequently the refusal was upheld at appeal, in these instances the LPAs had a specific policy and evidence base informing their refusal.

Whilst the LPA does have an Interim Policy Statement on Hot Food Takeaways (2011), this does not contain any specific policies regarding public health impacts of such development apart from Policy HFTA3 – Proximity to Schools, Youth Facilities and Parks.

HFTA 3 – Proximity to Schools, Youth Facilities and Parks

With regard to proposals which fall outside town centre and local parade locations, hot food takeaways will be resisted where the proposal would fall within:

- 1. 200m of the boundary of an existing school or youth centred facility*

2. 200m of a park boundary.

This policy only applies to hot food takeaways which would fall outside of town centres and local parade locations, which is not the case in this instance, and therefore HFTA 3 cannot be afforded any weight in the determination of this application.

The closest schools are two primary schools where children would not be permitted to travel off-site during the school day with the main opportunity to visit being in the late afternoon when travelling home under adult supervision. With this in mind it is considered that the potential negative health impacts of the proposed development on such children could be partly off-set through planning permission being granted subject to a condition ensuring the premises are closed apart for home deliveries between 3pm and 5pm to avoid parents being pressurised into taking their children on the way home from school or when the play area would be expected to have its greatest use from younger children.

Given the above it is not considered that the LPA could recommend refusal on the basis of the proposal's potential negative health impacts. It is considered that the lack of a clear Planning Policy direction supported by a robust evidence base does not support the refusal of the proposed development.

It is considered that the proposed change of use to a hot food takeaway would comply with the provisions of Core Strategy Policies 1 and 11, and the Framework, and as such the proposed development would be acceptable in principle.

Amenity

Should the proposed change of use be permitted this would result in a new hot food takeaway with ancillary restaurant element operating from this premises. Such uses have the potential for adverse amenity impacts on neighbouring occupants in terms of fumes, odours, extractor fan/customer noise, and litter. Whilst the property is located on a commercial frontage the site is also close to a number of residential properties including a terraced row immediately to the north on Ratcliffe Street. The proposed fume extraction/ventilation system would be contained within the building and would utilise the rear chimney stacks, which is considered to be acceptable by the Environmental Health Officer subject to the conditions set out below.

Should permission be granted the hours of operation would be limited to 9.00am to 3pm and 5.00pm to 11.00 pm Monday to Friday (during school term time), 9am to 11pm Monday to Saturday (outside school term time), 9am to 11pm on Saturdays (during school term time) and 9.00am to 10pm on Sundays and Bank Holidays for customer visits, however the LPA has agreed to the premises being able to operate a solely takeaway service between 3pm and 5pm Monday to Friday when it is closed to customer visits.

Whilst the proposed development will have an impact on the surrounding area the fact that the property is located in a town centre adjacent to several bars and public houses it is not considered that any impact will be greater than the current situation within the area to warrant refusal.

It is therefore considered that the proposal would have an acceptable neighbour amenity impact subject to further fume extraction, hours of operation and litter bin conditions with reference to Core Strategy Policy 24.

Access/Servicing

The proposed development would not include on-site parking provision and it is expected that patrons will visit primarily using public transport or having parked elsewhere within the town centre. The site is well served by several bus routes with a number of bus stops in the near vicinity. The Highway Engineer has commented that there are opportunities to park on Deardengate in the limited waiting parking bays and for longer periods of time on the public car parks as part of a linked trip with other Town Centre facilities. During the evening period after 6pm there is on-street parking available on Ratcliffe Street to the side. Given these opportunities there is no objection on highway grounds.

Deliveries would be to the rear of the property with waste stored in the enclosed back yard. It is noted that the Environmental Health consultee has confirmed no objection subject to a condition that the applicant submits details of proposed refuse/bin storage, which is considered acceptable.

It is therefore concluded that the proposal would have acceptable access/servicing impacts subject to a planning condition and would therefore comply with Core Strategy Policy 24.

Crime

The Designing Out Crime Officer at the Lancashire Constabulary has reviewed the proposals and has made some recommendations in order to prevent the opportunity for crime and disorder at the hot food takeaway. These recommendations will be attached to the recommendation as an informative.

9. SUMMARY REASON FOR APPROVAL

The proposed development would result in the re-use of a vacant building located on a Secondary Shopping Frontage within Haslingden town centre, thereby resulting in a positive impact on the town centre's vitality and viability, it would not result in an overconcentration of hot food takeaways in the immediate locality, and as such it would be acceptable in principle. The proposed development would also be acceptable with reference to its visual amenity, neighbour amenity and access/servicing impacts subject to planning conditions. It is therefore considered that the proposed development accords with Policies 1, 8, 9, 11, 23 and 24 of the Council's Core Strategy, and the National Planning Policy Framework.

10. RECOMMENDATION

That the application be approved subject to conditions.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the following unless otherwise required by the conditions below:

'Site - Block Plan' & 'Site - Location Plan', drawing number 001, received 16 March 2016; and

'Existing and Proposed GA Plans and Elevations', drawing number 002 Rev 4, received 1 July 2016.

Reason: To ensure the development complies with the approved plans and avoid undue harm to visual or neighbour amenity.

3. The use hereby permitted shall only be open to visiting members of the public between the following hours:

- Monday to Friday: 9am to 3pm and 5pm to 11pm (during school term time). Between 3pm and 5pm the premises shall only provide a delivery service and shall not be open to visiting members of the public.
- Monday to Friday: 9am to 11pm (during school holidays)
- Saturday: 9am to 11pm.
- Sundays and Public Holidays: 9am to 10pm.

Reason: In order to maintain the amenity of the area and in the interests of public health.

4. No deliveries shall be taken at or despatched from the site outside the hours of 9am to 11pm, Monday to Saturday and 11am to 10pm on Sundays and Public Holidays.

Reason: In order to maintain the amenity of the area.

5. Prior to the first use of the premises hereby permitted a scheme to address litter as a result of the takeaway use hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to, a litter picking regime and/ or the provision of litter bin(s). The agreed scheme shall be operated thereafter in accordance with the approved details.

Reason: In the interests of the amenity of the area

6. A detailed scheme for the control of cooking odours and fan noise from the premises shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the premises for trading. The measures to control odours and noise shall thereafter be implemented in accordance with the approved scheme and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent loss of amenity to occupiers of neighbouring premises from cooking odours and/or extraction system noise.

7. Prior to commencement of the development hereby permitted on the site a scheme shall be submitted to and approved in writing by the Local Planning Authority showing a suitably screened area which makes provision within the site for storage, prior to disposal, of refuse, crates, packing cases and other waste materials. The area shall be laid out in accordance with the approved details prior to first occupation of the development hereby approved and thereafter retained. There shall be no storage of refuse crates packing cases and other waste materials in areas of the site other than that approved.

Reason: In the interests of amenity and to ensure that no obstruction is caused on the adjoining highway.

INFORMATIVE NOTES

1. Standard approval informative - amended;
2. Applicant would need to apply for advertisement consent for amended signage;
3. Lancashire County Constabulary advice.

FULL LCC COMMENTS

The application (2016/0040) raises serious concerns on the grounds that the proposed development of a new hot food takeaway would not contribute positively towards the principles of sustainable development in terms of its social dimension as defined in the National Planning Policy Framework (2012). The proposed development will not support a strong, vibrant and healthy community.

The development will add to the proliferation and resultant existing over concentration of hot food takeaways in the Worsley ward in Haslingden. Worsley has a current crude rate of 2.48 takeaways per 1,000 persons, compared to the Rossendale district crude rate of 1.06 per 1,000 persons. The ward already has significantly higher recorded levels of excess weight and obesity in primary school children (reception and Year 6) when compared to the average levels for Rossendale, Lancashire and England. The adult excess weight level is also significantly higher than the district, county and national averages. The ward is also one of the most deprived wards in England and evidence shows that deprivation is linked to health inequalities.

The proposed development has the potential to impact negatively on the health, nutrition and diet of local residents. Moreover, the application site is located within 400m of two primary schools and is located adjacent to a play area which could increase the temptation for additional usage from its easy availability on the way home from school or when visiting the park. The location of the site in the town centre could also influence young people's food choices as young people are likely to congregate in the town centre.

JUSTIFICATION

Guidance

*The **National Planning Policy Framework (NPPF)**, (Communities and Local Government, 2012) states in Paragraph 6 that the purpose of the planning system is to contribute to the achievement of sustainable development. In Paragraph 7 three dimensions of sustainable development are identified as - economic, social and environmental. With regard to the social role, the planning system 'supports strong, vibrant and healthy communities including supporting health, social and cultural well-being'.*

Paragraph 7 of the NPPF sets out that to provide sustainable development, LPAs should support strong, vibrant and healthy communities. Local Planning Authorities (LPAs) must work with public health leads and health organisations to understand and take account of the health status and needs of the local population including expected future changes, and any information about relevant barriers to improving health and well-being.

The NPPF makes it clear that LPAs have a responsibility to promote healthy communities. It says local plans should 'take account of and support local strategies to improve health, social and cultural wellbeing for all' and that 'local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in local and neighbourhood plans and in planning decision making'. Clear advice is also given that LPAs should "work with public health leads and organisations to understand and take account of the health status and needs of the local population...including expected changes, and any information about relevant barriers to improving health and wellbeing". Important issues may be identified through health impact assessments that may be conducted as part of the planning process.

The **Planning Practice Guidance Note for Health and Wellbeing (Communities and Local Government)** provides an explanation of the links between planning and health in Paragraph 2. It states that 'The link between planning and health has been long established. The built and natural environments are major determinants of health and wellbeing'. It highlights that a range of issues can be considered through planning plan making and decision-making processes, including, 'opportunities for healthy lifestyles have been considered (e.g. planning for an environment that supports people of all ages in making healthy choices, helps to promote active travel and physical activity, and promotes access to healthier food, high quality open spaces, green infrastructure and opportunities for play, sport and recreation)'

The guidance defines a healthy community in Paragraph 005 as:

'A good place to grow up and grow old in. It is one which supports healthy behaviours and supports reductions in health inequalities. It should enhance the physical and mental health of the community and, where appropriate, encourage:

- *Active healthy lifestyles that are made easy through the pattern of development, good urban design, good access to local services and facilities; green open space and safe places for active play and food growing, and is accessible by walking and cycling and public transport.*
- *The creation of healthy living environments for people of all ages which supports social interaction. It meets the needs of children and young people to grow and develop, as well as being adaptable to the needs of an increasingly elderly population and those with dementia and other sensory or mobility impairments'.*

The guidance also states in Paragraph 004 that 'Local authority planners should consider consulting the Director of Public Health on any planning applications (including at the pre-application stage) that are likely to have a significant impact on the health and wellbeing of the local population or particular groups within it'.

The Marmot report '**Fair Society Healthy Lives**', 2010 examined the most effective evidence based strategies for reducing health inequalities in England. The report concluded that reducing health inequalities would require action on six policy objectives, which includes objectives relating to creating and developing healthy and sustainable places and communities and to strengthen the role and impact of ill-health prevention.

The NHS London Healthy Urban Development Unit good practice guide '**Using the planning system to control hot food takeaways**' was published in 2013. The guide recommends the use of planning policy to mitigate for health and other impacts of hot food takeaways, and to also restrict the development of new hot food takeaways. It recommends that policies could be used to address issues including the concentration and clustering of hot food takeaways in town or local centres; the close proximity of hot food takeaways to schools; and also restaurants providing a takeaway service.

The guide references the following research findings:

- *Schoolchildren can be influenced to eat fast food by the availability and accessibility of fast food outlets.*
- *Many local authorities have come to the conclusion that takeaways within walking distance of schools (both secondary and primary schools) are contributing to rising levels of childhood obesity.*
- *A strong relationship between socioeconomic deprivation (as measured by the 2010 Index of Multiple Deprivation score) and obesity prevalence in children and a strong*

association between deprivation and the density of fast food outlets, with more deprived areas having more fast food outlets.

The Town and Country Planning (TCPA) 2014 report, **'Planning healthy-weight environments'** recommends six elements to planning healthy weight environments, of which one element is identified as the food environment. The report recommends that there is a need to 'avoid over-concentration of hot food takeaways (A5 use) and restrict proximity to schools or other facilities aimed at children, young and vulnerable people'.

The Local Government Association (LGA) has published the **'Building the foundations: tackling obesity through planning and development'** report in March 2016, in association with Public Health England (PHE) and the Town & Country Planning Association (TCPA). Within the report PHE states that 'obesity is a major public health crisis and that it is now recognised that the built environment is one of the many complex factors that influence whether or not people are obese or overweight'.

The Local Government Association 2016 report **'Tipping the scales'**, highlights the need to tackle obesity as one the most important public health issues this country faces. It states that 'there is a growing body of evidence on the 'obesogenic environment' that makes it harder for people to attain and remain at a healthy weight and hardest of all for people in the most deprived areas in this country'.

The report recognises the current and future burden that obesity puts on the local economy. The report stresses that obesity is a serious health issue and that the use of planning powers fits in with a broad approach to facilitating healthy eating and physical activity and tackling health inequalities.

The report states that fast food outlets tend to sell food that is high in fat and salt and low in fibre, fruit and vegetables and goes on to cite research which provides evidence that:

- Elevated levels of obesity are in communities with high concentration of fast food outlets.
- Concentrations of fast food outlets are highest in areas of greatest deprivation.
- The type of food on sale nearest to schools may influence the diet of schoolchildren.
- People exposed to the highest number of takeaways are 80 per cent more likely to be obese and 20 per cent more likely to have a higher Body Mass Index (BMI) than those with the lowest number of encounters.

In light of research and best practice guidance it has been reported by the LGA and TCPA that numerous local authorities have since adopted local plan policies to:

- Restrict hot food takeaway developments or their hours of operation when they are proposed to be located near to schools (e.g. secondary/primary schools) with a usual exclusion zone distance of 400 metres (equivalent to a 10 minute walk). The justification for the policy has primarily been to facilitate healthy eating by school children; this is because tackling the issue with younger people can prevent problems in later life.
- Restrict A5 uses to a given percentage amount in town centres and in neighbourhood and local centres and/or to restrict the number of 'A5' (hot food takeaway) uses within a defined number of retail units. The justification for these policies has primarily been to avoid over-concentration and clustering in town or district centres, which would disturb the balance of the retail offer, the vitality and viability of retail centres, noise, litter and anti-social behaviour, particularly where the takeaways are part of the night time economy.

Assessment

The proposed development has been considered in light of the guidance detailed above and takes account of the following factors – location, public health evidence and school locations. The potential health impacts are then discussed.

1. Location

The proposed development is for a hot food takeaway (A5 use) at the old bank at Deardengate in Haslingden in Rossendale. The previous use of the site was for A2 financial and professional services use. The development site is within the town centre and within the Worsley ward of Rossendale district.

On Deardengate street, 5 existing hot food takeaways are located, with a further 4 located close by at Warner Street and Beaconsfield Street. This represents an over concentration/clustering of hot food takeaways in this town centre locality when compared to Haslingden town as a whole.

Environmental Health officers at Rossendale Borough Council have confirmed that there are 73 hot food takeaways in the district. Lancashire County Council Public Health intelligence officers have identified that 29 (almost 40%) of the takeaways are located in the wards of Worsley and Hareholme. The application site is in Worsley where 15 existing outlets (20%) are located. A further 14 outlets (19%) are located in the neighbouring ward of Hareholme.

The mid-year 2014 population estimates for the wards is 6,406 for Worsley and 5,544 for Hareholme, which when combined, accounts for 17% of Rossendale district's population. With regard to the concentration of takeaways in these wards in comparison to Rossendale district as a whole, Worsley has a crude rate of 2.48 takeaways per 1,000 persons and Hareholme a crude rate of 2.53 per 1,000 persons. Both of these wards are significantly above the district crude rate of 1.06 per 1,000 persons. (Note - crude rates take into account the population size of the area but do not take into account the age or gender).

The Worsley and Hareholme wards are two of the most deprived wards in England with Worsley aligned to deprivation quintile 1 and Hareholme deprivation quintile 2, where 1 = most deprived quintile and 5 is the least. This shows that there are particular concentrations of hot food takeaways in the more deprived neighbourhoods and with the greatest number in and around Haslingden town centre.

2. Public Health Evidence and Strategies

Tackling obesity is one of the biggest health challenges facing the UK. There is a clear link between increased body fat (obesity) and risk of medical conditions including type 2 diabetes, cancer, heart and liver disease. The treatment of overweight and obese places a burden on public resources in terms of health costs, on employers through lost productivity, and on families because of the increasing burden of long-term chronic disability. Obesity reduces life expectancy by an average of three years, with severe obesity estimated to reduce life expectancy by an average of 8–10 years.

Children who are obese are more likely to become obese adults, and have a higher risk of morbidity, disability and premature mortality in adulthood. The rising level of childhood obesity has physical, mental/emotional and social consequences in the short and long term.

The National Child Measurement Programme (NCMP) shows that in Worsley ward where the application site is located, the 2011/12, 2013/14 prevalence data for excess weight in reception children (aged 4-5 years) is 27% , of which 14.9% are obese and for Year 6 is 37.2% excess weight and 22.5% obese. This compares to Rossendale district rates of reception age children (aged 4-5 years) excess weight of 22.7% (8.7% obese) and 32.3% in year 6 (aged 10-11 years), of which 19.1% were categorised as obese. Further comparison to the Lancashire average – reception age 23.5% excess weight, of which 9.4% obese 32.2% of year 6 children excess weight with (18.4% obese. England figures are 21.9% excess weight (9.1% obese) for reception age children and 33.2% excess weight (9.1% obese) for year 6 children. The rates for Worsley ward are, therefore, significantly higher for both age ranges in comparison to district, county and national averages.

The Public Health England, Health Profile 2015 for Rossendale district records that 25.5% of adults aged 16+ are classed as obese, directly comparable to the Lancashire average of 22.9% and the England average of 23%. Adults with excess weight are recorded at 69.1% for Rossendale which is significantly worse than the Lancashire average of 64% and the England average of 63.8%.

Public Health England Health Profile data for wards for 2013 shows that the prevalence of excess weight in reception age children (aged 4-5 years) for Worsley ward was estimated at 27.7% (of which 14.8% were categorised as obese) compared to the Rossendale average of 24.5% (10.1% obese), the Lancashire average of 23.4% (9.4% obese) and the England average of 22.5% (9.4%). For Year 6 children (aged 10-11 years) for Worsley ward the estimated figure is 33.8% (of which 20.8% were categorised as obese) compared to the Rossendale average of 33.1% (17.2% obese), the Lancashire average of 32.2% (17.7% obese) and the England average of 33.5% (19.1%). For adults the obese estimates are 23.1% for Worsley ward, 23.5% for Rossendale, 22.5% for Lancashire and 24.1% for England.

The **Health and Wellbeing Strategy for Lancashire** has a vision that every citizen in Lancashire will enjoy a long and healthy life. By 2020 the strategy goals are to deliver better health, better care and better value in Lancashire. For better health, an objective is to improve healthy life expectancy and narrow the health gap in health and wellbeing and its determinants. Three programmes of interventions have been identified as Starting Well, Living Well and Ageing Well. Within the Starting Well intervention, an objective is to reduce childhood obesity and within the Living Well intervention objectives include promoting healthy settings and healthy lifestyles.

The **Annual Report for 2016 from the Director of Public Health and Wellbeing for Lancashire, Securing our Health and Wellbeing**, states the ten worst health inequalities for Lancashire, based on the results of the **2014 Health Inequalities JSNA**.

Of the ten worst inequalities, three have a relationship with obesity.

- Diabetes is identified with those people in the most deprived areas being seven times as likely to die prematurely from diabetes as those in the least deprived areas.
- Digestive disease – those in the most deprived areas are over 3 times as likely to die prematurely from chronic liver disease as those in the least deprived areas.
- Circulatory disease – those in the most deprived areas are over two and a half times as likely to die prematurely from coronary heart disease, and over twice as likely to die prematurely from stroke as those in the least deprived areas.

In Lancashire the percentage of reception aged children and adults that are overweight and obese adults is higher than the national averages. A recommendation of the annual report

is therefore to continue to enable the citizens of Lancashire to adopt healthier lifestyles through a comprehensive behaviour change approach, including tackling obesity.

In Rossendale in the application site ward of Worsley and the neighbouring ward of Hareholme, over the course of 2015/16 there were 4,044 hospital episodes by ward residents, of which 1,298 (32%) of these being unplanned admissions. 149 (11%) of the unplanned admissions were in relation to digestive system diseases and 133 (10%) of the unplanned admissions were in relation to diseases of the circulatory system. In the last five years (2011-2015) 428 persons living in Worsley or Hareholme wards have died, accounting for 13% of all deaths in Rossendale districts. Of these 428 persons, 64% of the deaths were for cancers and 32% were for diseases of the circulatory system.

*The **Health Behaviours in Lancashire, Joint strategic needs assessment (JSNA), 2015** assessed lifestyle behaviours and impacts in Lancashire. The JSNA states that 'Health behaviours are shaped and influenced by the settings in which people live, their immediate environment, their family and friends and social networks, and the group/societal norms to which they are exposed'. It notes that the healthy places model addresses the factors which counteract the obesogenic environment, and this includes a reduced number of takeaways/fast food outlets.*

The key findings in the JSNA in relation to healthy eating are that a poor diet is a risk factor for many of the major conditions in the UK including cancer, coronary heart disease and diabetes. Evidence findings show that healthy eating is less likely in those people who are struggling financially, those with a disability (including mental health issues), younger people and those who are obese. Deprived and socially disadvantaged people and households have poorer dietary-related health outcomes and behaviour, compared to more affluent individuals. Where cooking and storage facilities are problematic for some households and/or the cost of gas/electricity can prohibit the consumption of healthy food, then takeaway/fast food is more likely to be eaten. In Lancashire the JSNA found that the number of fast food/takeaway establishments is higher in districts with increased levels of deprivation.

Recommendations from the JSNA to encourage healthier eating include removing or reducing the barriers to behaviour change. Behaviour change can be encouraged through a sliding scale of intervention, with the lowest intervention a nudge (providing information) and the highest intervention a smack (a ban or prohibition), with hugs (provision of incentives) and shoves (disincentive or restriction) in-between. The restricting of takeaways near schools for example, would be considered a shove.

***Health and Wellbeing Strategy for Rossendale 2008-18** identifies a number of aims with the first aim to increase the opportunities for Rossendale residents to have a healthy lifestyle which includes reference to a healthy diet. The **Rossendale Sustainable Community Strategy 2008-18** has priority outcomes relating to health and wellbeing.*

*The emerging **Local Plan for Rossendale** includes policy proposals for a hot food takeaway policy which will restrict the development of hot food takeaways with an exclusion zone around schools. It is anticipated that an Interim Hot Food Takeaway Policy will be prepared to accompany the draft policy and that this will eventually become a Supplementary Planning Document (SPD).*

3. School Locations

Three maps are attached providing the following spatial information for Rossendale and Haslingden:

- Rossendale: Reception excess weight % of children measured by ward of residence 2011/12-2013/14. Fast food outlets and schools.
- Rossendale: Year 6 excess weight % of children measured by ward of residence 2011/12-2013/14. Fast food outlets and schools.
- Haslingden: Reception excess weight % of children measured by ward of residence 2011/12-2013/14. Fast food outlets and schools.

All maps showing the reception (age 4-5 years old) data for Rossendale as a whole and Haslingden in more detail, show that the percentage of children with excess weight at reception is between 26.83%-33.72%. The Year 6 excess weight plan shows the highest obesity rate of between 38.3%-43.9%.

The maps also show the concentration of hot food takeaway outlets in Haslingden town centre and the location of primary and secondary schools. Two primary schools, Haslingden Primary School and Haslingden St James Church of England Primary School, are located within 400m of the application site and the existing concentration of hot food takeaways. A third primary school, St Marys Roman Catholic Primary School, is approximately 700m away from the application site. The two secondary schools of Haslingden High School Specialist Arts College and All Saints Catholic Language College are located over 1km away from the application site.

4. Potential Health Impacts of the Proposed Development

Type of Development: The proposed development is for a hot food takeaway outlet which will sell food which is generally considered to be high in fat and salt. This means that the development has the potential to have a negative impact on diet and nutrition. As a result residents may not follow a healthy diet and may be at risk of having excess weight or being obese. In turn obesity is a risk factor for many major conditions including diabetes, digestive disease, circulatory disease and cancer.

Development Location: The development will be located in a street that already has a number of existing hot food takeaways located along it. Although the existing outlets are not located adjacent to one another they do represent a cluster along the street and with other hot food takeaways located in neighbouring streets in the town centre it can be argued that this creates a concentration of hot food takeaways in Haslingden town centre. The current rate of takeaways to people in Worsley ward is of 2.48 takeaways per 1,000 persons compared to the Rossendale district crude rate of 1.06 per 1,000 persons. The proliferation of hot food takeaways in the ward may result in residents not following a healthy diet and the subsequent risks of gaining excess weight and becoming obese. There is also the potential for the proposed development to have a cumulative impact on the vitality and viability of the town centre and the potential to have an adverse impact on the standard of amenity for existing and future residents and commercial uses.

Groups of People Likely to be Affected: The development will be located in the town centre of Haslingden and has the potential to impact on all local residents. Excess weight and obesity levels for reception age children, year 6 age children and excess weight in adults in Worsley ward have been recorded in 2013 as being higher than the England average. Given the nature of the proposed development, it has the potential to have a negative impact on future levels of excess weight and obesity levels amongst both children and adults.

In addition, the site is located within 400km of two primary schools so parents may feel under pressure to take their young children to the hot food takeaway on the way home from school. The location in the town centre also represents an area where young people may congregate and be tempted to visit the application site. The application site is also located adjacent to a play area so there is the potential for children and parents to be tempted to use the hot food takeaway given its close proximity to the play area resulting in less healthy food choices being made by individuals and families.

Worsley ward is aligned to deprivation quintile 1 as one of the most deprived wards in the country. There is health evidence that shows 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. There is a potential negative health impact that obesity levels will continue to rise in deprived areas if the number of fast food takeaways increases. PHE report that obesity is more common amongst certain groups of people including people in deprived areas.

Others Considerations: *There is also the potential for negative health impacts on the local population with regard to the following:*

- Proximity of the development to private residences.*
- The control of odour and noise.*
- The hours of opening and whether a night-time economy is already established.*
- The character and function of the immediate area.*
- The likelihood of anti-social behaviour and in turn adverse effects on personal safety and the health and wellbeing of local residents.*
- Consideration for the safe disposal of waste products and the provision of litter bins.*
- Highway safety with regard to availability for parking spaces and safe loading areas.*

RBC Forward Planning: No objection.

Adopted Core Strategy (2011)

This building is located within the Town Centre boundary of Haslingden on a secondary frontage. The Town Centre boundary was re-defined with the adoption of the Core Strategy in 2011 (Policy 11) and, in accordance with national policy, the Town Centre was subdivided into the Primary Shopping Area (PSA) and primary and secondary frontages were identified too. As set out in the NPPG primary frontages are likely to include a high proportion of retail uses which may include food, drinks, clothing and household goods. Secondary frontages provide greater opportunities for a diversity of uses such as restaurants, cinemas and businesses.

Main town centre uses are defined in the Government's National Planning Policy Guidance (NPPG), as being "Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)". Specific reference is not made to hot food takeaways, however together with retail (A1), financial and professional services (A2), restaurants and cafes (A3), and drinking establishments (A4), all five categories are referred to as Part A. Furthermore an establishment with an A5 use can change to a use

classified as A1, A2 or A3 under the General Permitted Development Order (GPDO) of 2015 (as amended). Hence for the purposes of this application it is considered that a hot food takeaway should be in a location that would also be suitable for retail, professional and financial services and restaurants and cafes.

Hence in terms of the overall policy it would be appropriate for a hot food takeaway to be located on a secondary frontage in Haslingden Town Centre, subject to the provisions set out in the Interim Hot Food Takeaway Policy.

Interim Policy Statement on Hot Food Takeaways (2011)

The Council has an Interim Policy Statement on Hot Food Takeaways, which was published in June 2011, and approved for development control purposes. This contains more specific policies relating to hot food takeaways. As the introduction states

“hot food takeaways represent a popular service for local communities and an important complimentary use in town and neighbourhood centres but compared to other uses there is a greater potential for adverse impacts including loss of residential amenity and environmental quality through increased incidence of litter, odours, noise and general disturbance, parking and traffic problems. The over-proliferation in some town centres, and the consequent lack of vitality to the day-time economy has been recognised and addressed in the policy”.

Part 1 of the Interim Policy deals with location and specifically Policy HFTA1 looks to over-concentration.

HFTA 1 – Over Concentration

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

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

An assessment was undertaken of the number of hot food takeaways in Haslingden town centre, baseline date of December 2015. This was based on ground floor uses of all the properties in the Town Centre, which included a small number of dwellings too. In total 13 hot food takeaways were identified, representing almost 10% of all the properties in Haslingden town centre. None were located in the Primary Shopping Area or on a primary

retail frontage, with 4 being on a secondary frontage. In addition 3 establishments were located just outside the town centre boundary, two of these are lower down Deardengate.

There are no takeaways located in immediate proximity to this building, albeit two are located on the other side of Deardengate, about five doors down or so. Haslingden town centre has about a 10% vacancy rate in the Town Centre. This is slightly higher than an average of 7%, which is needed to allow the town centre to function effectively, enabling new businesses to come.

Other uses in the proximity are generally those associated with town centres. There is a mix of uses, typical of a location outside of the Primary Shopping Area, including some retail, charity, hairdressers and offices. No hot food takeaways appear to be located immediately adjoining or opposite to this property. None of these uses would affect or be affected by this use.

Haslingden town centre has an important shopping function, and this is concentrated in the defined Primary Shopping Area, which is close (but not adjacent) to this property, and separated by the busy cross-roads junction. Although this property has an A1 use class I consider that this change would not affect the town's centre's function with regard to the number, function, and location of shops that would remain open.

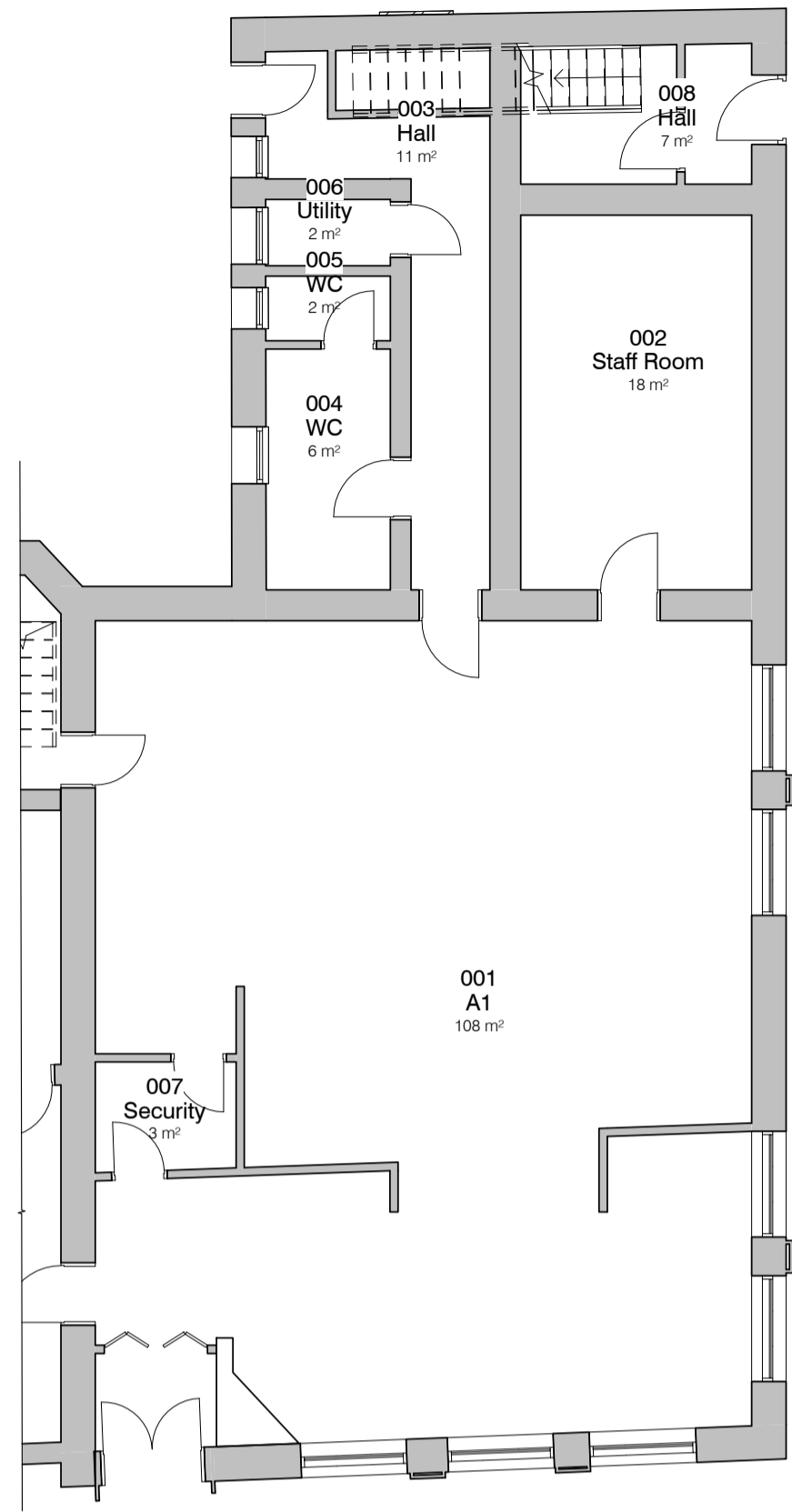
My understanding is that this change of use to a hot food takeaway selling pizza would not appear to have potential benefits for the wider community, apart from introducing a national operator to the town centre.

I am unable to comment on any unresolved amenity, traffic or safety issues arising from existing uses in the area.

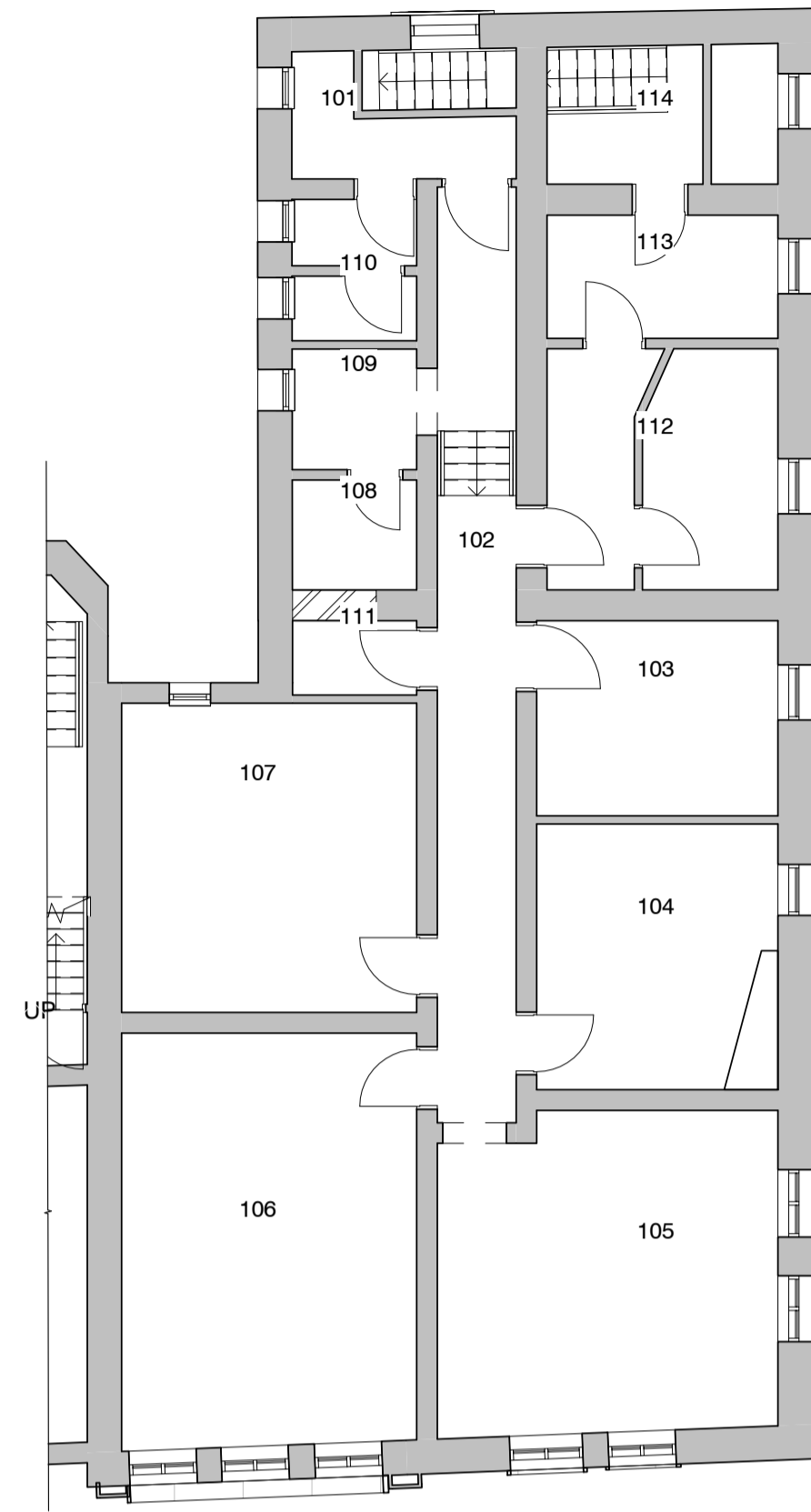
HFTA 2 – Proximity of Hot Food Takeaways to residential Properties

This states that "Planning permission for hot food takeaway establishments will not normally be granted where a unit of residential occupation exists directly above or adjacent to the proposed hot food takeaway". I note that there are residential properties on Ratcliffe Street, opposite the side elevation of applicant's property, so not directly adjacent. Unless you consider there to be any adverse impacts on these residential properties I consider the application should be supported.

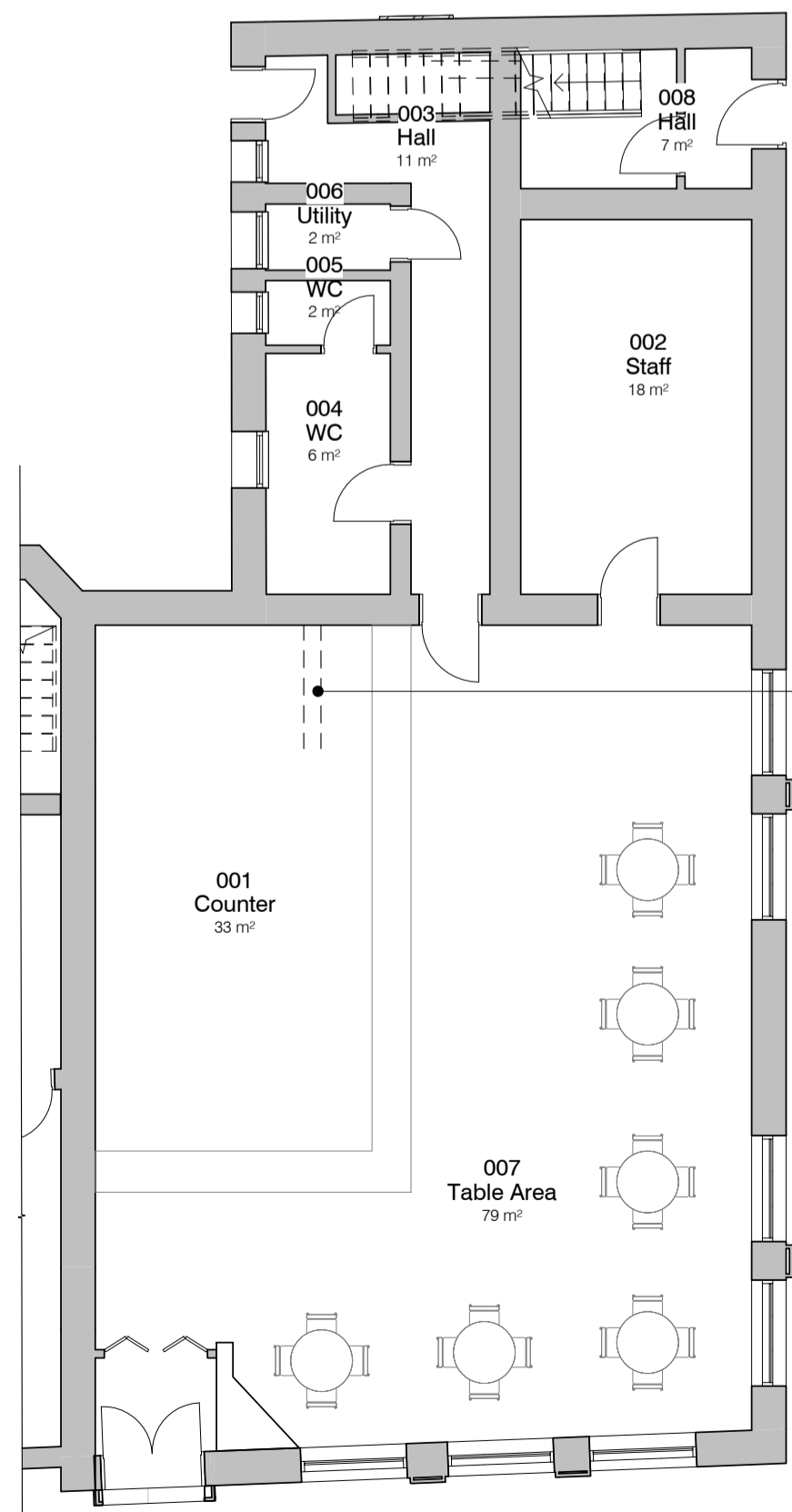
On balance I consider that this change of use could be supported, given that it is located in the town centre, outside of the Primary Shopping Area, in an existing vacant unit, with several other vacant uses close by, but no existing hot food takeaway establishments in the immediate area, or in close proximity to this building. This is of course assuming there are no amenity, highways or other development control matters that would affect the grant of planning permission, including external storage, extraction or waste disposal issues.



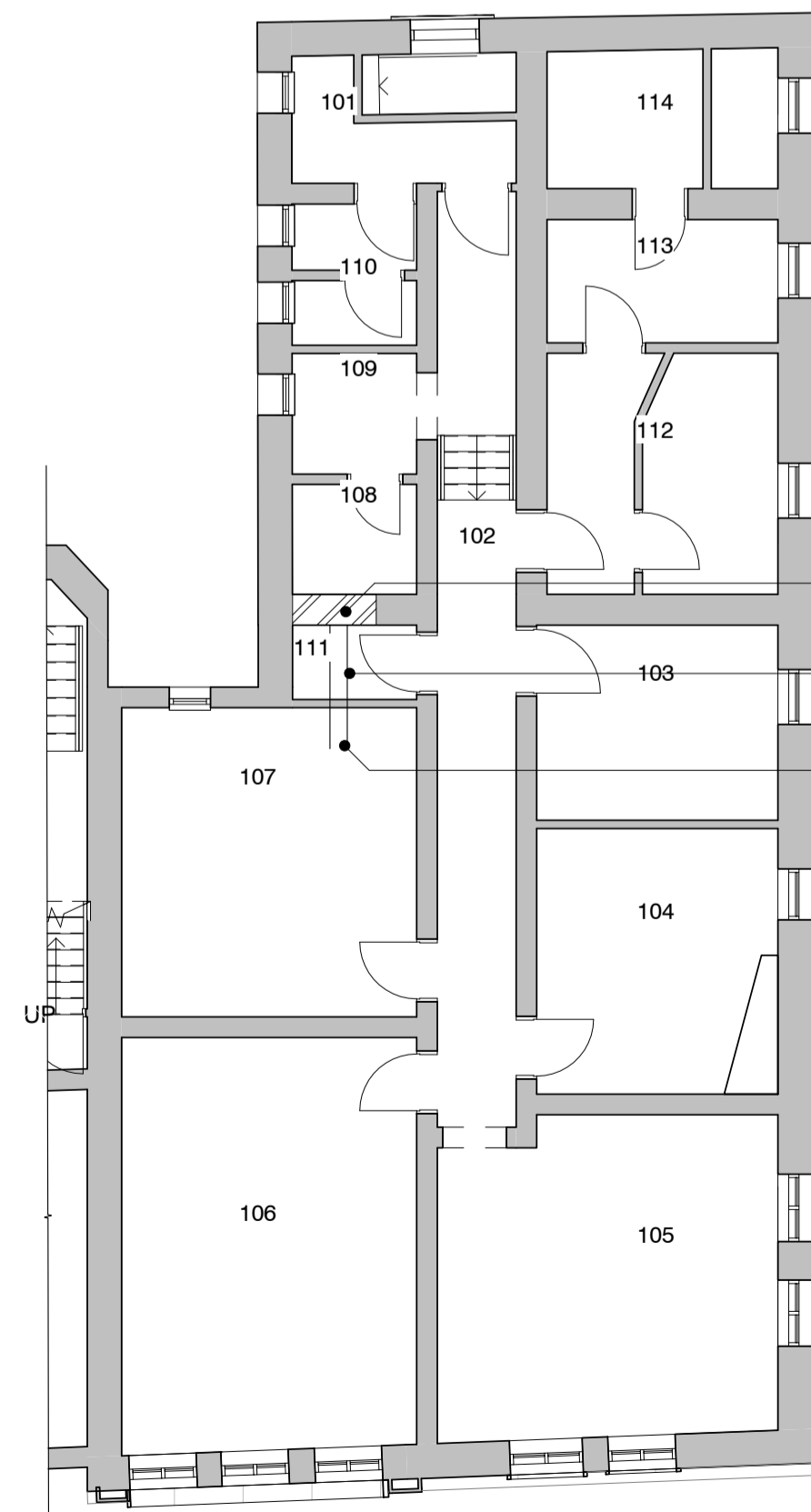
1 Level 0 - GA Existing
1: 100



2 Level 1 - GA Existing
1: 100



6 Level 0 - GA Proposed
1: 100



7 Level 1 - GA Proposed
1: 100

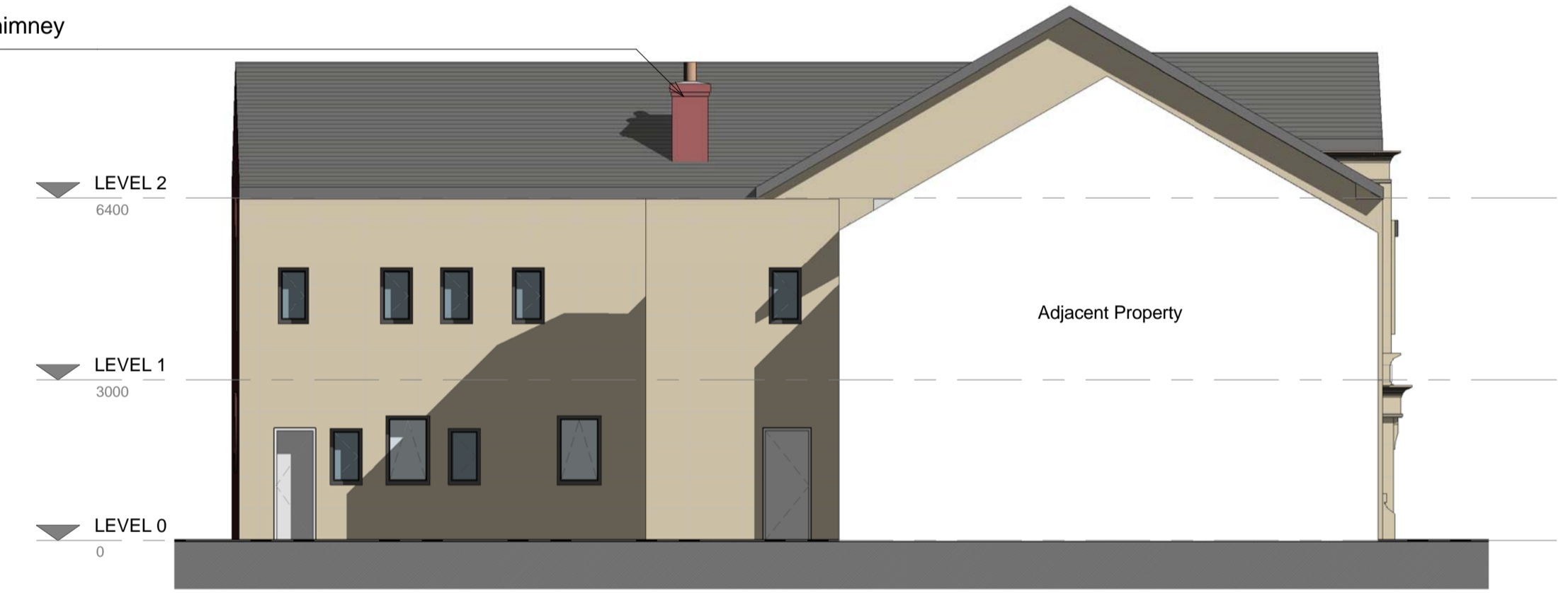


3 Front - Existing and Proposed
1: 100



4 Right Side - Existing and Proposed
1: 100

Existing Chimney Extraction



10 Left Side - Existing and Proposed
1: 100



5 3D Axo - Existing and Proposed

Ventilation Shaft Through Floor Joist Above

Chimney Extraction

Ventilation Shaft Through Floor Joist Below

Internal access for cleaning regime

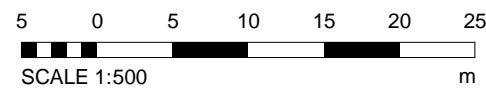
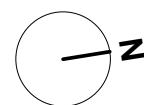


SCALE 1:100

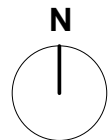
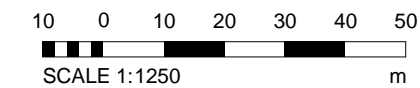
4	Chimney Refinements	30-06-16	F1
3	Planning Amendment - Chimney	30-06-16	TD
2	Planning Amendment - Air Vent elevation	01-06-16	TD
1	Planning Amendment - Air vents addition	26-05-16	TD
DEBTAL ARCHITECTURE			
72 Bury New Road, Manchester, M5 6JU Tel: 0161 773 1630 www.debtalarchitecture.co.uk			
PROJECT: Old Hall Properties			
ADDRESS: 67 Deardengate, Haslingdon			
TITLE: Existing and Proposed GA Plans and Elevations			
PROJECT NO:	DA16039.	ISSUED NO:	002. 4
STATUS:	PRELIMINARY	DATE:	08 FEB 2016
SCALE:	1: 100	DESIGNED BY:	IB
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1 Site - Block Plan
1 : 500



2 Site - Location Plan
1 : 1250



Legend - Boundaries

— Site Boundary

1	Planning Refinement	10-05-16	FI
DEBTAL ARCHITECTURE			
72 Bury New Road, Manchester. M25 0JU. Tel: 0161 773 1630 office@debtalarchitecture.co.uk www.debtalarchitecture.co.uk			
CLIENT Old Hall Properties			
PROJECT 67 Deardengate, Haslingdon			
TITLE Site - Location and Block Plan			
PROJECT NO.	DRAWING NO.	REV.	
	DA16039.001.	1	
STATUS PLANNING			
SCALE @ A3	DATE	DRAWN BY	
As indicated	05 FEB 2016	IB	
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