

Additional evidence relating to 2018 draft Local Plan policy RC18 – Hot Food Takeaways

November 2017

CORRESPONDENCE FROM THE INSPECTOR

Inspector's Preliminary Informal Views
Hot food takeaways
26 October 2017

This informal note is intended to assist and expand on the action note (under Matter 4).

Having revisited the evidence, the policy and the wider guidance the principal issue remains the one discussed at the hearing which is the justification for capping A5 provision in many local centre areas on chiefly childhood obesity grounds.

Public health (Obesity / overweight)

Action:

- (1) As discussed at the hearing, the assessment in Table 9 of EX/HBC/72 "primary schools that could be on the walking route and the number of above average health statistics" (my emphasis) needs further explanation / justification than what is presented. Has a buffer or any other criteria been applied? (appropriate to primary age children) What is the assessment that the particular retail centre is on a school walking route? Are these walking routes defined in terms of relationship of the school to the reasonable catchment area? This is currently un-evidenced resulting in the policy lacking justification and effectiveness and therefore unsound.
- (2) Council to explain what would be the consequences of an alternative approach, for example a 400m buffer from secondary schools, youth centres, leisure centres and parks, where additional A5 provision would not be permitted. Would it represent a significant difference compared to the submitted thresholds approach? Would it be justified and effective in a Hartlepool context? Could the buffers be mapped to show the spatial extent? Would this allow for some provision in the villages as per the SOCG with Greatham?
- (3) Is the Council's proposed approach for additional A5 provision, a maximum of 1 hot food takeaway in each village (EX/HBC/91), consistent with the approach/evidence in Policy RC18 and EX/HBC/72? Greatham Primary school for example is 4/4 on the national stats measure.
- (4) If Policy RC18 is found sound (with amendment) then the text at 13.140-13.146 would need expanding to reflect content in EX/HBC/72.

COUNCIL'S RESPONSE TO THE INSPECTOR

(1) Has a buffer or any other criteria been applied? (appropriate to primary age children)

- 1.1 No specific buffer was applied when considering the primary schools that could be on the walking route of a retail and commercial area. Advice from the education team was that an acceptable walking distance to and from school for primary school children is two miles and an acceptable walking distance for secondary school children is three miles. These two and three mile buffers were overlaid on the local plan policies map and the outcome was that the whole of the borough was covered by the buffers and thus no hot food take away would be permissible in any of the retail and commercial areas if such criteria was used.
- 1.2 The Council considered this was an excessive policy option especially as not all schools suffer from negative health statistics and such a policy would not allow for any growth in the A5 sector.
- 1.3 During policy formation the use of different size buffers, smaller than the two and three miles, around primary and secondary schools were considered. In liaison with the education team it was considered that it was not prudent to apply the same buffer to each school because pupils in all schools travel from a wide variety of distances and thus no size, relevant to any statistical analysis could be applied.
- 1.4 During discussions with the education team it was considered that, for example, a 400 metre buffer or 500 metre buffer would not be reflective of the distance that pupils walk. When considering applying a one mile buffer, again it was considered that such a buffer would not be reflective of the distance that pupils walk.

What is the assessment that the particular retail centre is on a school walking route?

- 1.5 It was considered that the best approach was to list the nearest school in each direction from a retail and commercial area, that from plan, appear to be within proximity to the local centre and thus likely to be in walking distance.
- 1.6 Using the list a variety of hypothetical walking routes, choosing various streets, were followed to determine if pupils in surrounding schools are likely to go via the retail and commercial centre when travelling to and from school.
- 1.7 The question asked in each hypothetical situation was `if a child lived in X Street and they went to Y school, is there a chance that Z retail and commercial area is on the walking route. No specific distance was applied, more a general look at where paths lead to and from and which routes are direct to a school via shops, or direct and avoid the shops, or more desirable via the shops or more desirable avoiding the shops.
- 1.8 The officer undertaking the assessment of a potential walking route is the same officer that assists in undertaking the retail assessments along with housing surveys and thus has an in depth understanding of footways and routes across the borough.
- 1.9 In some instances retail and commercial areas are on direct walking routes from some streets to some schools, but in other instances pupils may have to deviate from the quickest route to access the retail and commercial area.

- 1.10 The Council considered that in some instances pupils would deviate from the quickest route if it allowed for them to `nip` to the local shop/A5 unit on their journey. Due to this contention, it was the case that for all local centres where school statistics have been applied, all of the closest schools have been applied to the local centre assessment when setting a threshold.
- 1.11 It may be the case that additional schools could have been factored into the analysis. For example schools beyond a distance that appears on a map, to be a legitimate distance to walk. These schools could have been applied especially as the Council are aware that pupils do travel varying distances. However it was deemed prudent to focus on the nearest schools that are most likely to be on a walking route as it is in them instances where the Council considered that liked trips and/or spur of the moment visits to shops, on foot, are more likely.
- 1.12 The Council considers that those travelling greater distances are in many instances more likely to travel by car, and are not as likely to be tempted by A5 uses. To visit an A5 use is likely to require deviation from a route, find parking, get out of the car, collect food, return to the car, re join the road network at an often peak time, which can all amount to too much effort especially with small children. When those on foot are more likely to walk by or take a small deviation, `nip` into an A5 property and then continue the walk home, which in general requires little effort.
- 1.13 If all schools that are, for example, within two miles were applied it is the case that too much data would be applied and the Council considered that in doing so would be contrary to the NPPF and the intention that LPA`s should apply an proportionate evidence base.¹
- 1.14 The approach taken in assessing assumed walking routes may appear to be an ad hoc methodology. It is the case that pupils from different areas attend different schools and will walk different distances to access school. In many instances pupils go to the closes school to their home, but that is not applicable all the time and thus an apparent ad hoc approach had to be applied to match with the approach that pupils do not follow a standard walking distance to access education.

Are these walking routes defined in terms of relationship of the school to the reasonable catchment area?

- 1.15 As a starting point the catchment areas for each school were considered, however advice from the education team was that catchment areas are not always guaranteed and that pupils do attend schools outside of their catchment area. If it is the case that pupils will deviate from the catchment areas it seemed illogical to apply a catchment area methodology to the assessment. Furthermore, in some instances, when the catchment areas were considered, it was apparent that there were a number of schools lying just beyond catchment boundaries but close to retail and commercial areas and therefore it was irrational to exclude them purely on the basis of a catchment area.
- 1.16 The methodology outlined in paragraphs 1.5 -1.7 above was deemed to be a more bespoke approach and reflective of what may happen in practical terms.

¹ NPPF paragraph 158.

(2) Consequences of an alternative approach, i.e a 400m buffer from schools, youth centres, leisure centres and parks, where additional A5 provision would not be permitted.

2.1 The Council's reasons for not applying buffer are stated in paragraphs 1.1 – 1.4 above. However as requested and to assist in providing further clarity the Council has undertaken a mapping exercise to show the spatial context of the consequences of applying a 400 metre buffer around the boroughs schools (primary² and secondary) youth centres, leisure centres and parks, where additional A5 provision would not be permitted.

2.2 Four maps have been created and can be viewed as appendices at the back of this document.³

- Appendix 1 Map shows a 400 metre buffer around schools
- Appendix 2 Map shows a 400 metre buffer around youth centres
- Appendix 3 Map shows a 400 metre buffer around leisure centres, parks and gardens
- Appendix 4 Map overlays appendix 1, 2 and 3 above

2.3 The consequences of an alternative approach would be that fewer areas could add additional A5 floor space and although that may be beneficial for the health statistics of the borough it would not assist in allowing economic growth in the A5 market.

Would an alternative approach represent a significant difference compared to the submitted thresholds approach?

2.4 If the Council chose to apply a 400 metre buffer around schools, youth centres, leisure centres and parks, where additional A5 provision would not be permitted then it would be the case that hot food takeaways could only be permitted in three of the retail and commercial areas in the borough (Brus Corner, The Former Saxon and Wiltshire Way) and in the northern half of Greatham village.

2.5 This is a significant difference compared to the submitted thresholds approach.

2.6 Appendix 5 sets out the retail and commercial areas with a higher threshold percentage than the percentage of A5 floor space that exists at present. From looking at those areas, the Council assessed how much floor space in square metres could be used to accommodate A5 use. Then Council then calculated the existing average size of an A5 unit in order to understand where additional A5 floor space could, based on an average, be located. Appendix 6 sets out that the average A5 unit size⁴ in the borough is 84M²

2.7 In the submitted thresholds approach, based on average A5 unit size, six out of 58 retail and commercial areas have potential to deliver additional A5 floor space along with one unit in each village.

2.8 In the submitted thresholds approach, based on the smallest A5 unit size,⁵ within Hartlepool 13 out of 58 retail and commercial areas have potential to deliver additional A5 floor space along with one unit in each village.

² Primary schools have been included because the childhood measurement programme has a vast amount of data for primary schools and the Council seeks to address the issue of obesity from a young age before it stems in to adolescence.

³ Wynyard has been excluded from the mapping exercise. There is no specific location for the local centre, as this has not yet been agreed. Until a location is specified it is not possible to determine whether or not the local centre would fall within the exclusion zone.

⁴ Appendix 5 sets out the statistics associated with A5 units in Hartlepool

⁵ The smallest A5 unit in Hartlepool is Romeo pizza which is 16.5 metres squared

- 2.9 The submitted thresholds approach would allow A5 uses in the Church Street late night uses area and Seaton Carew local centre, both of which are areas where the Council would expect to see a level of activity relating to A5 uses to assist in adding to the offer of the late night area and coastal leisure offer.
- 2.10 If the 400 metre buffer from schools, youth centres, leisure centres and parks, where additional A5 provision would not be permitted were applied then only four areas in the borough could increase the level of A5 floor space. Those areas would not include Seaton Carew and the Church Street late night uses area, where A5 uses would be complementary to the leisure offer. Additionally, such restrictions would not align with the Council's desire to allow some growth in the A5 market whilst tackling health problems across the borough, especially those with particularly high levels of childhood obesity.

Would it be justified and effective in a Hartlepool context?

- 2.11 A 400 metre buffer around the boroughs schools (primary⁶ and secondary) youth centres, leisure centres and parks, where additional A5 provision would not be permitted would not be justified and effective in a Hartlepool context and it would not align with the desires of the Council. The Council seeks to allow limited growth in the A5 sector, especially in areas where it adds to the leisure offer whilst addressing issues surrounding obesity and in particular childhood obesity where the issue is more prevalence.
- 2.12 Applying a 400 metre buffer bears no reference to the statistics relating to each school and therefore in the three areas where this suggested approach would allow and increase in A5 use, it is likely that such uses could exacerbate an already negative set of health statistics.⁷
- 2.13 It is appreciated that the Council could apply a standard buffer across the borough but could set bespoke thresholds for Church Street and Seaton Carew to ensure that those areas do benefit from A5 uses which are complementary to the leisure offer. However this does not negate the fact that it is not prudent to apply a buffer of any size. Pupils do not walk for set distances, pupils walk varying degrees of distances therefore it is not possible to set a buffer of a certain distance. The current threshold approach is bespoke to each area, a buffered approach would not be bespoke.

Would this allow for some provision in the villages as per the SOCG with Greatham?

- 2.14 The suggested approach would allow for A5 use within the northern area of the village.

⁶ Primary schools have included as the childhood measurement programme has a vast amount of data for primary school and the Council seeks to address the issue of obesity from a young age before it stems in to adolescence.

⁷ Brus Corner closest schools West View (3/4) and St John Vianney (1/4), The Former Saxon closest schools are Barnard Grove (3/4) and Clavering (4/4) and Wiltshire Way closest schools are Throston (3/4) , Springwell (0/4) Jesmond Gardens (2/4) and Secret Heart (2/4).

(3) Is the Council's proposed approach for additional A5 provision, a maximum of 1 hot food takeaway in each village (EX/HBC/91), consistent with the approach/evidence in Policy RC18 and EX/HBC/72? Greatham Primary school for example is 4/4 on the national stats measure.

3.1 The Council's proposed approach, (via main modification MM/CHP13/04) for the addition of a maximum of one hot food takeaway in each village does deviate from the standard approach taken to all other areas. This is particularly evident for Greatham and Elwick.

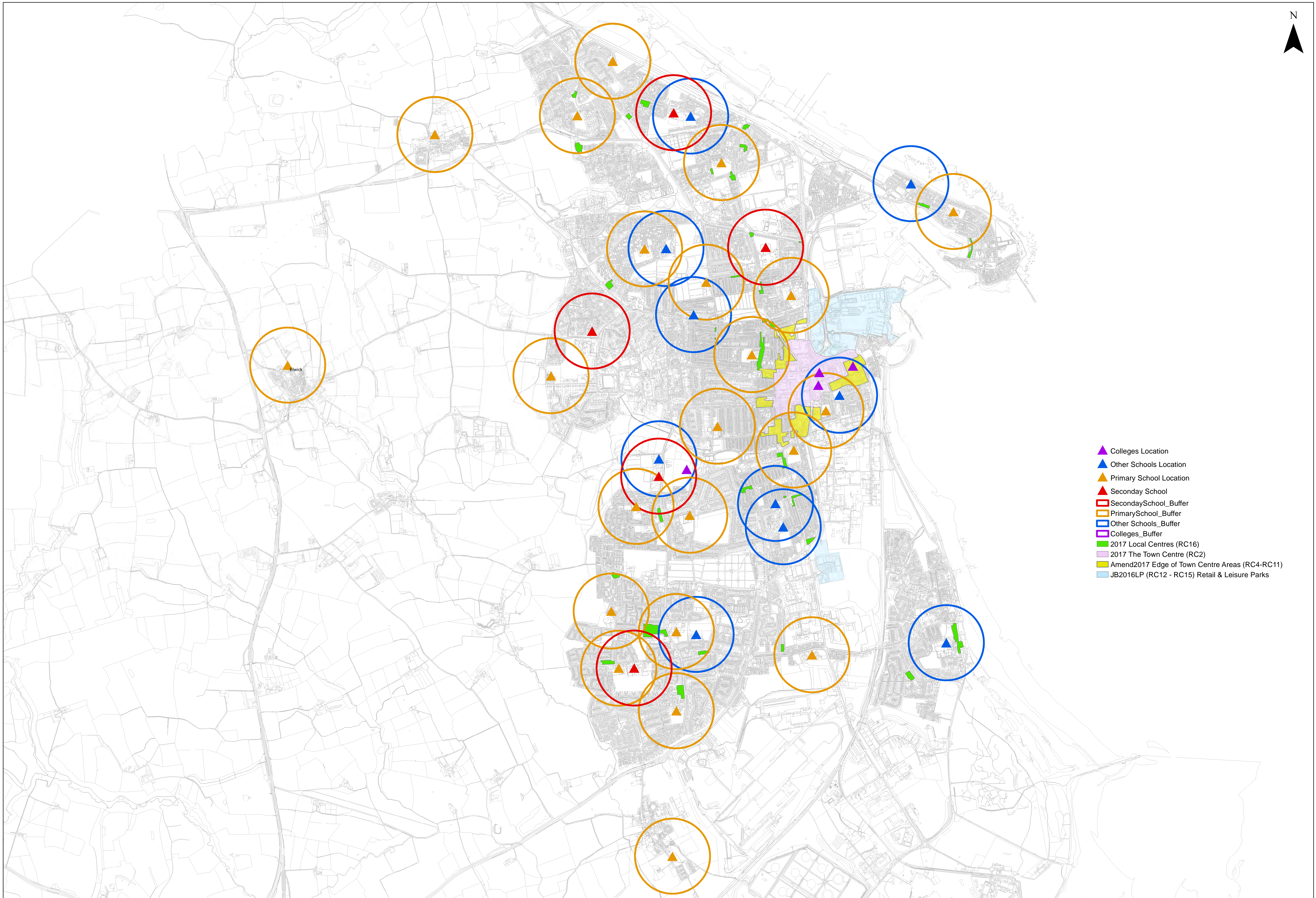
3.2 When considering the health statistics for the school in Greatham and Elwick it is recognised that the health statistics are rated 4/4 and 2/4 respectively and thus if applying the standard approach across the board, the health statistics would indicate that no A5 uses should be permitted in those villages.

3.3 The Council considers that the policy needed to be more flexible by balancing the aims of the policy i.e to protect vitality and viability and to address health issues with the need to support rural services. The Council considers that the change (via main modification MM/CHP13/04) is better aligned with the intentions of the NPPF as a whole.

(4) If Policy RC18 is found sound (with amendment) then the text at 13.140-13.146 would need expanding to reflect content in EX/HBC/72.

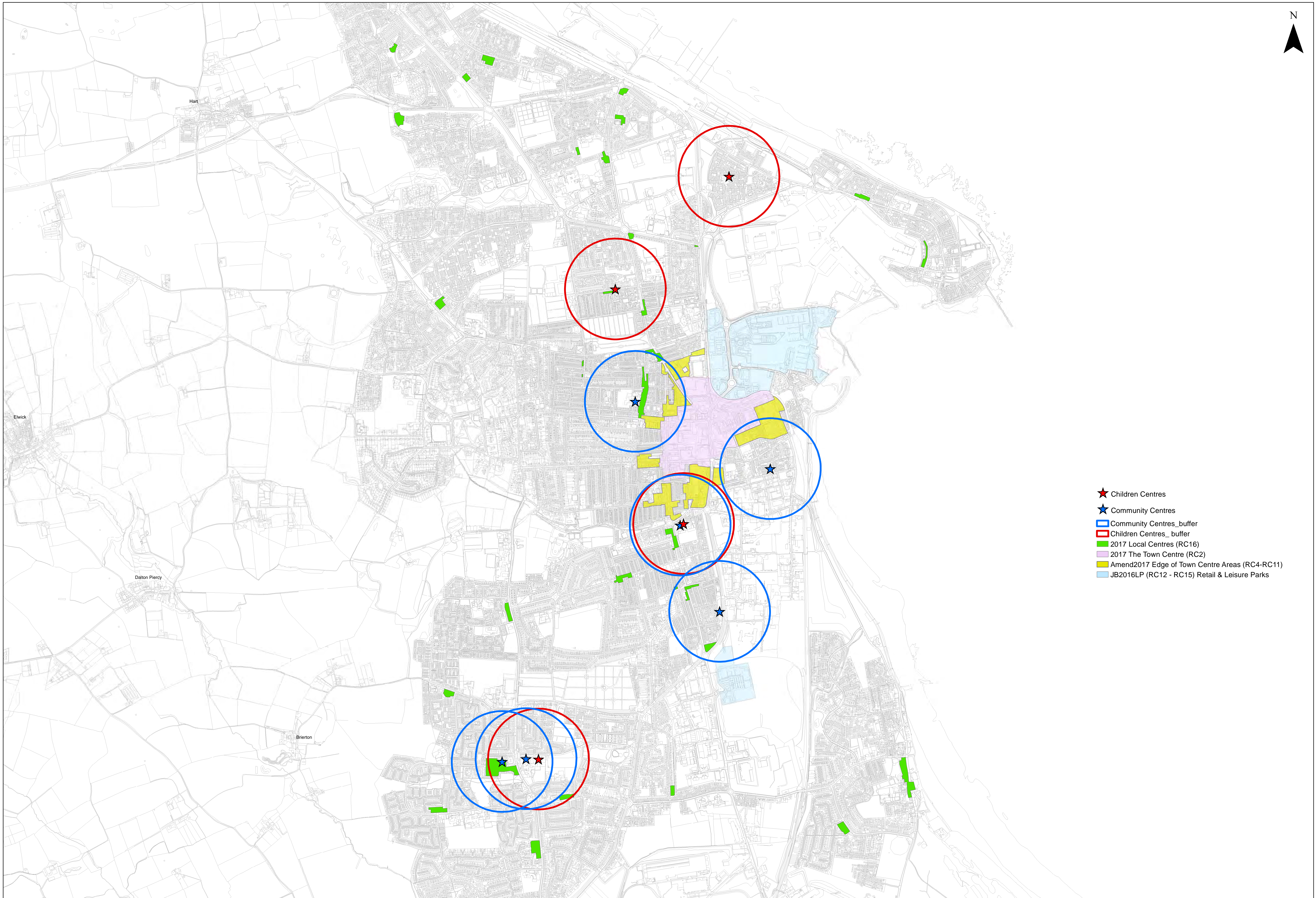
4.1 Noted and agree.

Hartlepool Local Plan Proposed Public Health Policy: 400m buffer around schools

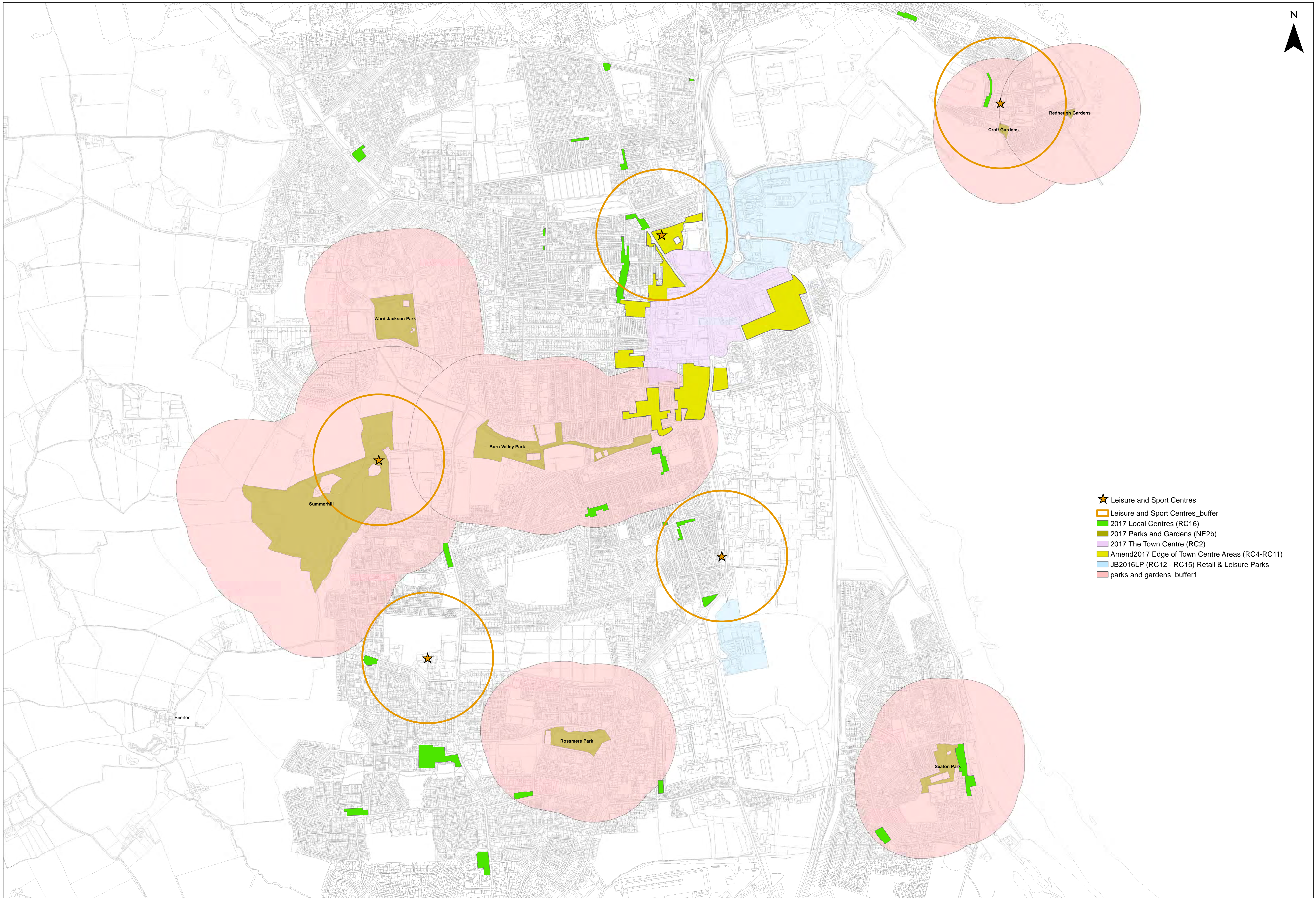


Hartlepool Local Plan Proposed Public Health Policy: 400m buffer around youth centres

N

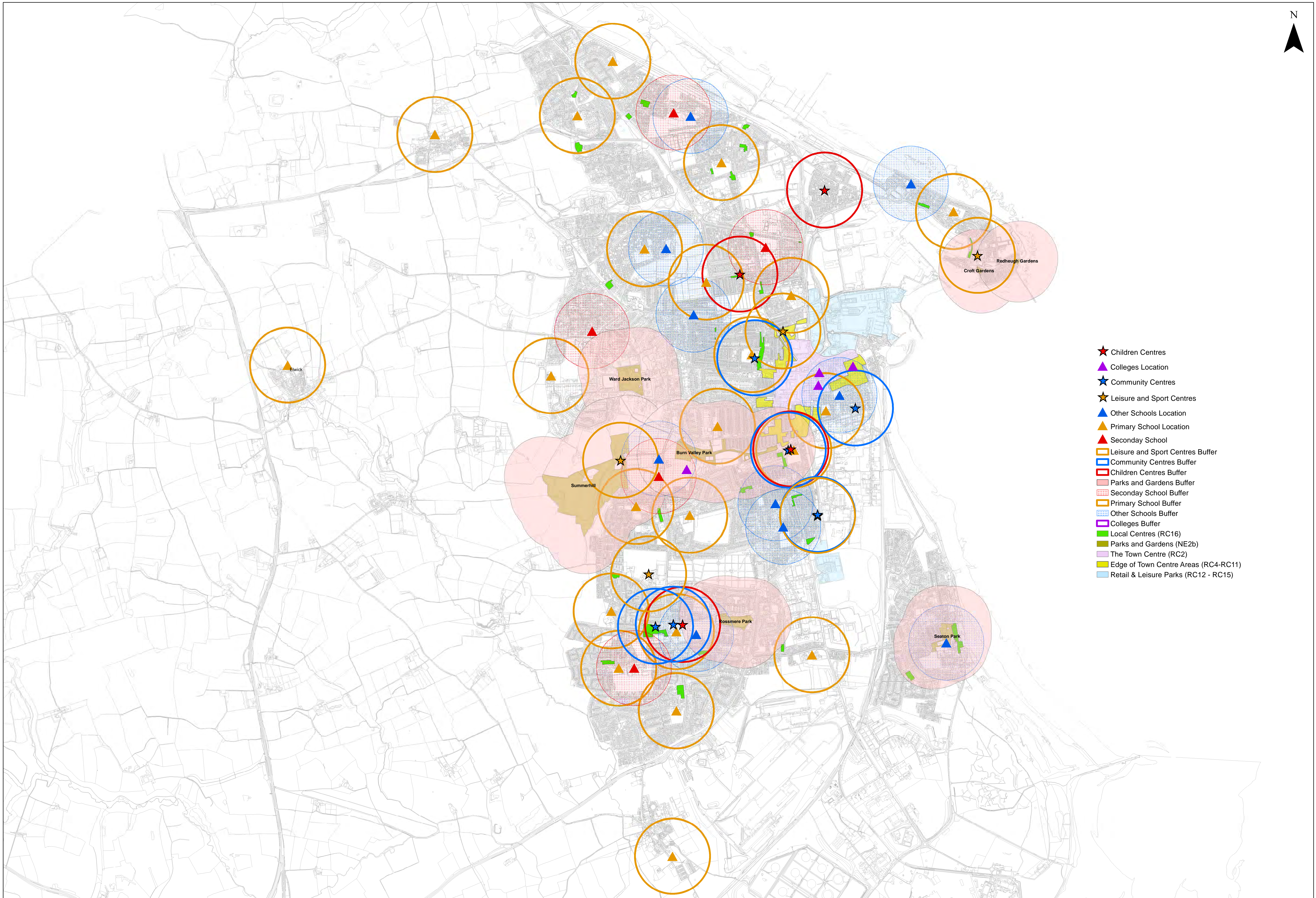
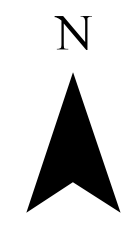


Hartlepool Local Plan Proposed Public Health Policy: 400m buffer around leisure centres, parks & gardens



- ★ Leisure and Sport Centres
- Leisure and Sport Centres_buffer
- 2017 Local Centres (RC16)
- 2017 Parks and Gardens (NE2b)
- 2017 The Town Centre (RC2)
- Amend2017 Edge of Town Centre Areas (RC4-RC11)
- JB2016LP (RC12 - RC15) Retail & Leisure Parks
- parks and gardens_buffer1

Emerging Hartlepool Local Plan (2018) Proposed Public Health Policy: 400m buffer



- ★ Children Centres
- ▲ Colleges Location
- ★ Community Centres
- ★ Leisure and Sport Centres
- ▲ Other Schools Location
- ▲ Primary School Location
- ▲ Secondary School
- Leisure and Sport Centres Buffer
- Community Centres Buffer
- Children Centres Buffer
- Parks and Gardens Buffer
- Secondary School Buffer
- Primary School Buffer
- Other Schools Buffer
- Colleges Buffer
- Local Centres (RC16)
- Parks and Gardens (NE2b)
- The Town Centre (RC2)
- Edge of Town Centre Areas (RC4-RC11)
- Retail & Leisure Parks (RC12 - RC15)

Appendix 5 retail and commercial areas with a higher threshold % than existing A5 floor space %.

Location	Total floor space M ²	Existing A5 %	RC18 Allowable A5 %	% difference	% difference in M ²	Potential for average size A5 unit Y/N	Potential for small size A5 unit Y/N
Church Street East	8182.85	12.74	13	0.26	21.28	N	Y
Church Street West	11039.44	2.43	5	2.57	283.71	Y	Y
Park Road	3476.65	7.8	8	0.2	7	N	N
Victoria Road	10417.78	1.7	2	0.3	31.25	N	Y
York Road North	9388.70	2.4	3	0.6	56.33	N	Y
York Road South TC sub area	12259.77	2.23	3	0.77	94.40	Y	Y
Avenue Road/Raby Road	14249	1.8	2	0.2	28.5	N	Y
York Road South edge of centre	12542	6.28	7	0.72	90.30	Y	Y
The Marina	29679	1	5	4	1187.16	Y	Y
Belle View Way	1770.40	16.17	17	0.83	14.70	N	N
Brierton Lane	529.62	14.17	15	0.83	4.40	N	N
Brus Corner	993.55	9.96	10	0.04	0.4	N	N
Brenda Road/Sydenham Road	2002.84	3.10	4	0.90	18.03	N	Y
Catcote Road	2424.67	8.95	9	0.05	1.21	N	N
Clavering	769.59	9.80	10	0.20	1.54	N	N
Elizabeth Way	1369.65	9.47	10	0.53	7.26	N	N
Fens Shops	2660.57	12.28	13	0.73	19.42	N	Y
High Tunstall	750	0	10	10	75.0	Y	Y
Jutland Road	724.71	23.65	24	0.35	2.54	N	N
King Oswy	2589.11	8.13	9	0.27	7	N	N
Miers Avenue	822.9	19.5	20	0.50	4.11	N	N

Northgate/ Durham Street	1734.76	9.32	10	0.78	13.53	N	N
Owton Manor East	892.28	12.84	13	0.26	2.32	N	N
Oxford Road	1673.79	8.96	9	0.04	0.67	N	N
Raby Road/ Brougham Terrace	1685.77	15.97	16	0.03	0.51	N	N
Raby Road/Hart Lane	3135.23	3.95	4	0.05	1.27	N	N
Former Saxon Pub	499	14.03	15	0.97	4.85	N	N
Seaton Front	5693	4	10	6	341.59	Y	Y
Stockton Road/ Cornwall Street	2332.2	15.4	16	0.6	14	N	N
Warren Road	771.5	12.6	13	0.4	3.10	N	N
Wiltshire Way	1340.23	12.91	13	0.09	1.2	N	N
Wynyard Road	9523.19	3.31	4	0.69	65.7	N	Y

Appendix 6

Unit	Size M ²
silver star	93.3
tony's parmesan house	96.9
fatso's grill and takeaway	87.6
joanna's fish bar	105.7
jerry's fish bar	78.1
secant garden	82.5
pizza time	62.0
panda	57.9
manta indian take away	123.4
bianco's deli	102.97
fatso sandwich bar & icecream	59.70
hot roast	32.15
marina pizza	29.52
tandori night take away	114.46
pizza hart	163.03
mama mia	89.83
golden gate (balti house)	110.61
sheara's fast food	110.45
sorrento pizzeria	118.17
vacant	121.56
Sheras	214.73
the coble fish and chips	104.40
gourmet burgers & milk shakes	82.68
Donatello`s pizza	81.62
pizza guys	137.12
basarro's kitchen (chinese)	135.45
dixy chicken	175.73
pizza centrals	116.62
vito's pizzeria	108.17
dominos pizzeria	89.05
tasty bites	102.89
Davinchis pizza shop	88.14
sub way	112.27
chip-pizza	112.23
the pizza place	62.07
brierton pizzeria	75.04
chinoz pizza	61.20
west view fish shop	37.79
capri pizzeria	134.01
chicago's pizzeria	76.34
chicago's pizzeria	76.31
fish shop/pizzeria	64.35
princess pizzeria	80.5

New Wok	68.1
Chinos Pizzeria	75.39
blossom garden	40.6
the odd cod	60.0
valentinos pizzeria	78.02
redz fish and chip shop	51.73
fens fish and grill	86.77
mando's pizzeria	102.16
None specified unit	70
sunny house	82.23
fish in	89.16
four seasons chop suey house	138.77
ocean garden chinese takeaway	33.98
pronto pizzas	37.66
dominos pizza	249.70
crystal chinese takeaway	87.1
fish and chips	73.5
guan can cook	58.00
chow kee chop suey house	66.77
chilli and spice take away	64.88
dine at home indian takeaway	44.85
elcho fish and chips	77.30
the balti	51.97
canton chef	55.85
milano pizza	147.21
thai tanic	57.24
Papa Chillis	80.73
Masala House	80.95
northgate fish bar	69.82
express pizza	42.13
bambino's pizzeria	50.80
fleetham's fish & chips	63.76
gill's fast food	97.52
pizza oven	135.82
cantonese house	80.95
golden dragon chinese	62.86
venezia pizza	38.22
food flavour	48.97
top chef chinese	53.6
Romeo Pizza	16.5
tuck into hot and cold food	50.46
la nouvo pizzeria	85.84
lotus house	73.10
Marinos	59.89
donatellos pizzeria	57.85
olivitos take away	65.99

goodfillers pizza and cafe	60.94
Golden River Chinese Takeaway	79.0
Kathrine's Kitchen	48.2
Almighty Cod Takeaway	50.6
Matteos	67.6
hungry tums	86.3
lotus express	75.7
a.f.c pizzeria	81.2
new chow kee	116.5
Warren Fisheries	97.3
the oriental palace	87.91
verona pizzeria	85.06
golden wood chinese	78.52
primo	59.77
greg's fish and chips	62.13
full house chinese takeaway	115.05
Total units	105.0
total floorspace	8785.0
average unit size	84m2