

Kirklees Council

Draft Hot Food Takeaway Supplementary Planning Document (SPD)

Consultation Statement – November 2021

1. Introduction

1.1 This consultation statement sets out the early engagement and consultation that the council has undertaken in the preparation of the Kirklees Draft Hot Food Takeaway Supplementary Planning Document (SPD). The statement has been prepared in accordance with Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012 which requires the following to be set out as part of the SPD process:

- who was consulted during the preparation of the SPD;
- a summary of the main issues raised;
- how those issues have been taken into account in the SPD.

1.2 The draft Hot Food Takeaway SPD is subject to 6 weeks formal consultation from 9th November to 21st December 2021. Following the consultation, this statement will be updated to reflect the responses received and a further council response to the issues raised. The updated consultation statement will be published alongside a revised SPD as part of its formal adoption.

2. Background

2.1 The Hot Food Takeaway SPD will provide detailed guidance to businesses and the local community on how Kirklees Council will assess applications for new hot food takeaways in partnership with Public Health and Environmental Health. Once adopted, this SPD will be a material consideration in the determination of a planning application and provides information and appropriate guidance to those involved in planning applications covering hot food takeaways. The SPD is in line with the National Planning Policy Framework and supports Kirklees Local Plan policies LP13 (Town centre uses), LP16 (Food and drink uses and the evening economy), LP47 (Healthy, active and safe lifestyles).

2.2 The SPD explains the overall approach to the location of hot food takeaway proposals across Kirklees, including:

- Recognising the role of hot food takeaways on the vitality of town and other centres;
- The over concentration and appropriate level of clustering of hot food takeaways in centres;
- Limiting opening hours of hot food takeaways within 400m of primary and secondary schools;
- Limiting the impacts of takeaways in relation to environmental health, highways issues and general residential amenity; and

- Using local health intelligence to inform decision making via a health toolkit.

2.3 The council is committed to improving the health and wellbeing of its residents, workers and visitors. This commitment is established through the Kirklees Council Plan 2021/23, the Kirklees Health and Wellbeing Plan 2018-2023 and the Kirklees Healthy Weight Declaration. The commitment is further articulated within the draft Hot Food Takeaway SPD, which aims to reduce the trends towards increasing levels of obesity and poor diet in Kirklees by tackling issues of over concentration of hot food takeaways and the exposure of particularly vulnerable groups, such as school children to hot food takeaways.

3. Early engagement/Consultation

3.1 The draft SPD has been prepared by a project team lead by the council’s Planning Policy team and involving other internal specialisms including: Public Health, Environmental Health and Development Management. It has also involved meetings (March – April 2019) with colleagues from the council’s Waste Management and Safer Kirklees teams and the Architectural Liaison Officer which have shaped the content of the policies. A discussion has also been held with Public Health England (November 2019).

3.2 Throughout the preparation of the SPD there has been involvement of elected members through Portfolio holder briefings including Cllr McBride, Cllr Mather and Cllr Khan, as follows:

- 4th March 2019
- 15th April 2019
- 25th November 2019
- 2nd December 2019
- 4th December 2019

3.3 The early engagement with the project team, wider internal specialisms and members identified several issues which are set out in Table 1 below together with the council’s response on how the draft SPD has dealt with this issue.

Table 1: Issues arising from Internal consultation

| Main issue raised | How it is dealt with in the SPD |
|---|--|
| Public health intelligence indicated increased levels of adult and child obesity with links to deprivation and hot food takeaways. Evidence is set out in the Draft Hot Food Takeaway SPD. In response to the evidence, Public Health considered that health issues needed to have a greater weight in decision making. | The draft SPD includes a Public Health Toolkit policy based on local evidence to determine the health impacts of a proposed hot food takeaway. It allows for flexibility in the application of the policy through reference to other material considerations which allows for consideration of other factors such as the vitality and viability of a centre (see below). |

| Main issue raised | How it is dealt with in the SPD |
|--|--|
| | <p>The toolkit was developed in consultation with Public Health, Development Management and the Policy team.</p> |
| <p>Impact on businesses and centres - concerns about the impact of restricting planning permission for hot food takeaways might have on the economy of an area particularly in areas where there may be high levels of vacant units in a centre.</p> | <p>The draft SPD contains guidance on town centre vitality and viability which recognises the role that hot food takeaways can play in the economy but also the need to balance this against the vitality and viability of the centre.</p> <p>Subject to consideration of the proposed Public Health Toolkit, the SPD does not promote a blanket approach to the refusal of hot food takeaways but looks to consider a flexible, proportionate approach based on local evidence and material considerations.</p> <p>The SPD considers proximity to schools as part of the decision-making process on hot food takeaway applications. The guidance outlines the council's approach at limiting the impact of takeaways on child health in locations in proximity of schools by restricting opening times.</p> |
| <p>The impact of further hot food takeaways on residential amenity.</p> | <p>The draft SPD guidance on:</p> <ul style="list-style-type: none"> • Noise abatement and extraction of odours • Waste Disposal • Takeaway design and community safety • Highway safety <p>This guidance has been developed in consultation with Environmental Health, Waste Management, Community Safety, Highway Management and Development Management. It adds further detail to guidance set out in the Kirklees Local Plan.</p> |
| <p>Additional information required on support for businesses to provide healthy food.</p> | <p>Reference is made under other council strategies and policies to further support for businesses. This includes:</p> <ul style="list-style-type: none"> • Kirklees Food Initiatives and Nutrition Education (FINE) Project • Getting it Right First Time (GIRFT) – this programme is about educating and supporting food businesses and is |

| Main issue raised | How it is dealt with in the SPD |
|-------------------|---|
| | <p>focussed on how to comply with regulations.</p> <p>Reference is also made under other considerations and legislation affecting hot food takeaways. This includes:</p> <ul style="list-style-type: none"> • Licensing • Food Safety • Environmental Health |

3.4 In response to Covid-19, the Government introduced measures through the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2020 to allow pubs, restaurants, and cafes to operate temporarily as hot food takeaways. Usually, planning permission would be required for this. In the light of the temporary changes, early engagement on the SPD was put on hold. Early engagement on the SPD restarted in May 2021 with a review by the internal project group of the document and the previous issues raised as outlined in Table 1. A review of updated local health intelligence data by Public Health was undertaken to inform the SPD guidance and to update the public health toolkit.

- 3.6 Further member and officer engagement was undertaken which included:
- 8th September 2021 - Senior Leadership Team
 - 14th September 2021 - Executive Team
 - 20th September 2021 - Portfolio Holder Briefing (Cllr Mc Bride, Cllr Firth and Cllr Khan)
 - 23rd September 2021 - Briefing note and briefings offered to leaders of each political party and Planning Committee Chairs
 - 7th October 2021 - Planning Committee Chairs briefed
 - 11th October 2021 - Leadership Management Team
 - 19th October 2021 - Economy and Neighbourhoods Scrutiny Panel
 - 21st October 2021 - Green Party briefing

4. Formal Public Consultation

- 4.1 Formal consultation on the draft Hot Food Takeaway SPD will take place for a 6-week period from 9th November to 21st December 2021.
- 4.2 The draft Hot Food Takeaway SPD will be consulted on in line with the council's Statement on Community Involvement (SCI) December 2019. A copy of the SCI can be viewed via the following link: <https://www.kirklees.gov.uk/beta/planning-policy/statement-community-involvement.aspx>
- 4.3 A communications plan is set out at Appendix 1 which sets out how and where the council will publicity on the consultation event on the Hot Food Takeaway SPD will be undertaken.

- 4.4 Some of the key elements of the communications plan include:
- all relevant documents relating to the preparation of the draft Hot Food Takeaway SPD will be placed on the council's website:
<https://www.kirklees.gov.uk/beta/planning-and-development.aspx#planning-policy>
These will include a copy of the draft Hot Food Takeaway SPD and supporting documents;
 - a copy of the above documents will be placed in the council's service centres at: Huddersfield Customer Service Centre, Civic Centre 3, Huddersfield HD1 2TG and Dewsbury Customer Service Centre, The Walsh Building, Town Hall Way, Dewsbury WF12 8EE (subject to council Covid-19 measures regarding the opening of public buildings);
 - Press releases will be published at the start of the consultation and a public notice will be placed in the local media during the consultation period.
- 4.5 All individuals/organisations/groups listed at Appendix 2 will be notified of the draft SPD and consultation details.

5. Next Steps

- 5.1 Following the close of the SPD consultation, all responses will be considered and a council response set out in a revised statement of consultation. Where required, amendments to the SPD will be made and a revised draft will be considered for adoption by the council. Once adopted the SPD will form a material consideration in the determination of planning applications and will provide guidance/signposts to developers and applicants on healthy eating within Kirklees.

Hot Food Takeaway Supplementary Planning Document (SPD) Consultation Communication Plan November 2021

The purpose of the Consultation Communication Plan is to set out the activities in relation to consultation on the Hot Food Takeaway SPD. It has been informed by statutory requirements and the Kirklees Statement of Community Involvement.

The consultation will start on 9th November 2021 and run until 21st December 2021.

Following the close of the consultation, the council will compile a schedule of all responses made on the Hot Food Takeaway SPD and review its contents in the light of the comments made.

A final draft Hot Food Takeaway SPD will be presented to Cabinet for endorsement in the new year.

Subject to Cabinet adopting the SPD, this will be used in planning decisions alongside National Planning Policy Framework (NPPF) and the Kirklees Local Plan.

| Activity | Detail |
|--|--|
| GDPR | |
| Check all contact details are provided in accordance with GDPR/Privacy Statement and Data Impact Assessment | <p>Planning policy contact details have been collected and stored in accordance with GDPR/Privacy statement.</p> <p>All contacts provided from other council departments to be checked in accordance with Public Health and Environmental Protection GDPR/Privacy Statements.</p> <p>Details of consultees are outlined at Appendix 2</p> |
| Consultation primary documents | |
| <p>The following document will be available to comment on:</p> <ul style="list-style-type: none"> • Draft Hot Food Takeaway SPD <p>The following documents will be available to view as supporting documents but not available for comment.</p> | <p>The documents will be available to view on the council’s website and through the council’s online Consultation portal (Objective)</p> <p>Subject to the council’s Covid-19 measures about the opening of public buildings, printed copies each of the documents will be available at:</p> <ul style="list-style-type: none"> • Huddersfield Civic Centre |

| Activity | Detail |
|---|---|
| <ul style="list-style-type: none"> Hot Food Takeaway SPD Strategic Environmental Assessment (SEA) Hot Food Takeaway SPD Determination Statement Hot Food Takeaway SPD Consultation Statement | <ul style="list-style-type: none"> Dewsbury Customer Services Huddersfield Library Dewsbury Library |
| Posters | |
| Poster - Details of the consultation and details of how to obtain hard copies of the documents | <p>The posters will be available at:</p> <ul style="list-style-type: none"> Huddersfield Civic Centre Dewsbury Customer Services All libraries |
| Web | |
| New consultation page to be uploaded to Local Plan webpages detailing consultation purpose, dates and documents. | Update website to provide details on consultation purpose, dates and documents. |
| OBJECTIVE Consultation System | |
| Consultation event to be set up on Planning Policy On-line Consultation Portal | This will be the main point for the submission of comments. Consultation event to be set up with consultation purpose, dates and documents. |
| Press and Comms Activity | |
| Statutory notice | Statutory press notice be published in Huddersfield Examiner and Dewsbury Reporter |
| Promote the consultation via various channels | <ul style="list-style-type: none"> Press release to announce start of consultation period and key messages on healthy eating, balanced against maintaining vitality of centres – Kirklees Together and Council’s social media platforms Social Media posts signposting to consultation pages on website 2-week web homepage campaign linking to consultation pages on website Coverage in Kirklees Together for residents |
| Consultees | |
| Database of Interested Parties | |
| Direct email/letter - details about the consultation, where to view the document, how to obtain hard copies and how to comment. | <p>Email to all those listed on the database advising of consultation, containing link to OBJECTIVE for comment includes:</p> <ul style="list-style-type: none"> Statutory consultees Individuals/organisations who have an interest in planning policy and future publication of SPDs |

| Activity | Detail |
|--|--|
| | <ul style="list-style-type: none"> • Neighbourhood planning groups |
| Residents | |
| Email/letter | Email/letter to include: <ul style="list-style-type: none"> • Approximately, 580 individuals who expressed an interest in being consulted. |
| Schools | |
| Schools Weekly Newsletter (Tuesday & Friday) – ‘Headsup’ | Article in school’s newsletter – ‘Heads Up’ and direct email seeking views in particular on restrictions around schools Schools’ communication Platform – Kirklees Business Solutions |
| Agents | |
| Direct email/letter | Email to all those listed on the agent’s forum - see Appendix 2 for list |
| Presentation - to raise awareness of the SPDs and the consultation process | Agents Forum |
| Businesses/Local businesses | |
| Direct email/letter | See Appendix 2 for list of local businesses consulted. |
| Multinationals/chains | |
| Email/letter | See Appendix 2 for list of multi nationals consulted. |
| Public Health | |
| Email/letter | As per contacts on database to include: <ul style="list-style-type: none"> • Public Health • GP practices • CCGs • Healthy Weight Declaration Steering Group • Local health related groups • Other relevant public health consultees/networks – see Appendix 2 |
| Environmental Protection | |
| Email/letter | See Appendix 2 |
| Elected Members | |
| Briefing notes/briefings | Portfolio holders SLT ET |

| Activity | Detail |
|----------|--|
| | LMT Scrutiny Leader of the Council Leading members Planning Committee Chairs |
| Email | To all Councillor's, MPs, Parish and Town Councils to inform about the start of the consultation |

Consultees on the Hot Food Takeaway SPD

Adjoining Authorities (Statutory Consultees)

Barnsley Metropolitan Council
Bradford Metropolitan District Council
Calderdale Council
City of York Council
High Peak Borough Council
Leeds City Council
Oldham Council
Peak District National Park Authority
Wakefield Council

Town & Parish Councils (Statutory Consultees)

Cawthorne Parish Council
Denby Dale Parish Council
Dunford Parish Council
Gunthwaite and Ingbirchworth Parish Council
High Hoyland Parish Council
Holme Valley Parish Council
Kirkburton Parish Council
Meltham Town Council
Mirfield Tow Council
Morley Town Council
Ripponden Parish Council
Saddleworth Parish Council
Sitlington Parish Council
Tintwistle Parish Council
West Bretton Parish Council

Neighbourhood Planning Groups

Holme Valley
Kirkheaton
Lepton
Mirfield
Netherton & South Crosland

Statutory Consultees

Calderdale and Huddersfield NHS
Mid Yorkshire Hospitals NHS Trust
South West Yorkshire Foundation Trust

NHS Property Services
Northern Gas Networks
Highways England
West Yorkshire Combined Authority
West Yorkshire Police Authority
The Coal Authority
Local Enterprise Partnership Leeds City Region
Environment Agency
Yorkshire Water Services Ltd
British Telecom
NTL Group Ltd
Network Rail
Natural England
Sport England
Network Rail
NHS Greater Huddersfield Clinical Commissioning Group
Locala
West Yorkshire Combined Authority
Historic England
National Grid

Kirklees Schools

All nursery, infant, primary and secondary schools
Heads Up - Twice weekly Newsletter (Tuesday & Friday)

Children's groups

Huddersfield Town Foundation Ltd
Kirklees Family Information Service
Kirklees Youth Alliance
Thriving Kirklees

Health related organisations

Kirklees Healthy Weight Declaration Strategic Steering Group
CCG Clinical Diabetes Chair
NHS Greater Huddersfield CCG Clinical lead for diabetes
CCG Clinical lead for cancer

CCG Clinical lead for Covid
CCG programme lead diabetes & Covid
NHS Kirklees Clinical Commissioning
Group
Head of Public Health - Kirklees
Public Health England
Diabetes UK

Kirklees Employee Networks

Black Minority Ethnic Network (BAME)
Lesbian, Gay, Bisexual, Trans Network
(LGBT)
Young Employee Network (YEN)
Working Carers Support Network (WCSN)
Green Employee Network (GEN)
Disabled Employee Network (DEN)
Well-Being User Group (Well-BUG)
Kirklees Youth Council

Community organisations

Community Hubs
Community Plus

Local Groups

Safer Kirklees - Community Safety
Partnership
Worth Unlimited Huddersfield
The FINE (food initiatives nutrition
education) Team
Shape up together – healthy living and
eating group
Honeyzz Diabetic Support Group
(Huddersfield)
Auntie Pam's
Third Sector Leaders
Mutual Aid Groups
Food Network
Local Workplace Health Group
Healthwatch Kirklees
Kirklees Wellness Service

Businesses

Mid Yorkshire Chamber of Commerce
Huddersfield BID
Federation of Small Businesses
Around Town
Network B2B Huddersfield

The Yorkshire Mafia
Revell Ward - First Friday Club
Perfect People Group Ltd
Switalskis Solicitors Business Networking
in Batley
The Yorkshire Asian Business Association

Kirklees fast food chains

Chickanos (Huddersfield, Batley &
Dewsbury)
Mother Hubbard's
Mr Ts
UK Fried Chicken

5% random sample of Kirklees takeaways

Super Wok
Burger King
The Netherton Chippy
Peking House
Amirs Indian Spice
Elite Fastfood
Pizza Al Taglio
Pizza Village
Tsuen Wan
Golden Pizza
Foodies Express
Gravy's Caribbean Flavours
Shell's Kitchen
Bello Pizza
Harrys Takeaway
Salam Fried Chicken
Cheeky Chicken
Shakas
Al Faisal Asian Takeaway
Pizza Republic
Grange Moor Fisheries
Mamuz Sandwich Bar
Hill Side Kitchen
Scholes Fisheries & Scholes on Tour
Newsome Fisheries
Tarantino +
Icon - The Burger Boss
Honley Fish and Chips
Istanbul Shawarma
Chopsticks
Pizza Beach

Fast Food related bodies

Food and Drink Federation
The Pizza Pasta and Italian Food Association
Chinese Catering Association
National Takeaway Association
British Curry Award body
National Federation of Fish Fryers

Multi Nationals

KFC
MacDonald's
Burger King
Dominoes
Papa John's
Pizza Hut
German Doner Kebab

Kirklees GP Surgeries

All GP surgeries

Agents Forum

AR Wilson Ltd
Robert Halstead - Chartered Surveyors & Town Planners
Emerson
J A Oldroyd & Sons
Assent Planning Consultancy
Bamford Architectural Ltd
AN Designs
Barry Summers Chartered Surveyor
AHJ Architects
Chris West Architect
Farrar Bamforth Associates Ltd
Acumen Architects
Heppenstalls
Huddersfield Architects Society
DK Architects (UK) Ltd
Michael Denton Associates Ltd
John Elliott Surveyors
Derrie O'Sullivan Architect
B K Designs
Kevin Drayon
Dencroft Garages
David Storrie Planning
Langtry Langton Architects

DB Architects
Malcolm Sizer Planning Ltd
Martin Walsh Architectural
Haigh Huddleston & Associates
Jade 3 Architecture
Michael Clynych Architect
Michael Hart
FCS Consultants Ltd
Paul Fletcher
Paul Matthews Architectural
Hallam Design Associates
Hawdon Russell Architects
Raja F Riaz
ADP Architects
Design Line Architectural
S.A.R. Architects Ltd
SB Homes Ltd
Wake Architects Ltd

Other agents who have expressed an interest in being consulted.**Internal Consultees**

Public Health
Community Safety
Learning and early support
Homes and Neighbourhoods
Community Cohesion
Head of Communities

Private individuals

Approximately, 580 individuals who expressed an interest in being consulted.