

Subject:	Revised Interim Hot Food Takeaway Policy	Status:	For Publication
Report to:	Corporate Scrutiny Committee	Date:	9 th March 2015
Report of:	Planning Manager	Portfolio Holder:	Operational Services and Development Control
Key Decision:	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required:	No	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: No
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1.	RECOMMENDATION(S)
1.1	That members note the report setting out a revised timescale for the preparation of the revised Interim Hot Food Takeaway (IHFTA) policy.

2. PURPOSE OF REPORT

- 2.1 To update members of the Corporate Overview & Scrutiny committee on updating of the Hot Food Takeaway Policy.

3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
- **Regenerating Rossendale:** This priority focuses on regeneration in its broadest sense, so it means supporting communities that get on well together, attracting sustainable investment, promoting Rossendale, as well as working as an enabler to promote the physical regeneration of Rossendale.
 - **Responsive Value for Money Services:** This priority is about the Council working collaboratively, being a provider, procurer and a commissioner of services that are efficient and that meet the needs of local people.
 - **Clean Green Rossendale:** This priority focuses on clean streets and town centres and well managed open spaces, whilst recognising that the Council has to work with communities and as a partner to deliver this ambition.

4. RISK ASSESSMENT IMPLICATIONS

- 4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as follows:
- Delays in revising the IHFTA policy could in theory mean the Planning Service not applying the most up to date good practice on public health matters during 2015 and that the passage of time means the current HFTA loses relevance and therefore weight in relation to the determination of planning applications. However;
 - To have prioritised the preparation of the document by March 2015 ahead of other planning policy documents would have put at risk progress on the Site Allocations and Development Management DPD – a document of the upmost significance. It would have also detrimentally affected other important policy work including input on significant planning applications which should be determined within nationally set timescales.
 - Its progress would also have been contrary to the evidence referenced in this report that the timescales should be revised.

5. BACKGROUND AND OPTIONS

5.1 The Council has an Interim Hot Food Takeaway (IHFTA) policy which was adopted in June 2011. Although the policy does not have the weight of a statutory document or of Supplementary Planning Documents (SPDs) which are based on statutory documents, it has proven to be a useful tool in setting out criteria based policies in the determination of planning applications for Hot Food Takeaways. It has also been given weight by planning inspectors on planning appeal.

In July 2014, the Planning Manager attended Corporate Overview & Scrutiny in response to an invite from the chair.

5.2 The catalyst for the invite had been an increase in concern from some councillors that Hot Food Takeaways were being set up without the need for planning permission due to a change in government regulations. They wanted to know what could be done.

5.3 Separately, public health guidance practice noted elsewhere and the appointment of a Public Health officer – Wayne Gibson who partly works in RBC offices resulted in momentum gaining during 2014 for revisions to be undertaken to existing policy documents and new documents related to public health in Rossendale.

5.4 The resolution of the Corporate Overview & Scrutiny meeting was:

- 1) That Corporate Overview & Scrutiny support the preparation of a refreshed Interim Hot Food Takeaway policy by March 2015 and
- 2) In the longer term a Hot Food Takeaway Policy is included in the Site Allocations and Development Management DPD and a Hot Food Takeaway Supplementary Planning Document (SPD)

Considerations

Due to the need for the Forward Planning team to prioritise progress on the Site Allocations and Development Management DPD including a re-consultation on proposed changes on Green Belt boundaries, and input into major planning applications and applications with significant policy considerations, the Planning Manager has reviewed the necessity for the Interim Hot Food Takeaway policy to be revised by March 2015.

This review indicated that preparation during 2014 /15 of a revised HFTA policy would not have been a good use of staff resources having regard to clear evidence that only a small number of HFTA applications have been submitted, (4 applications within 2014/15), most of which were refused having regard to the existing planning policy context (3 of the 4 submitted) and where necessary the decisions been successfully defended at appeal.

That the review confirmed officer's view indicated at the meeting in July 2014 that revision of the existing HFTA policy could not address the main concern of members highlighted in July 2014 which was due to concerns over national regulation changes in the General Permitted Development Order regarding the Use Classes Order Section. This permits certain existing land uses to change to restaurant use (potentially with ancillary use including takeaway) for a limited period of up to 2 years without the need for planning permission.

In addition, it would be appropriate to give consideration to LCC who are undertaking work in respect of the public health agenda given its new duties. Therefore, it would be sensible for Lancashire County Council's (LCC) work to inform revision of the HFTA. Rossendale Borough

Council's Health and Housing Manager also intends to take forward related work in 2015/16, and this should also inform preparation of the revised IHFTA policy.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 There are no immediate financial implications arising from the report.

7. MONITORING OFFICER

7.1 All legal implications are commented upon in the body of the report.

8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

8.1 As indicated in the Risks section and Background sections of the report, it has been necessary to delay the revision of the Interim hot Food Takeaway policy in order to prioritise other planning service work for the reasons set out in this report.

8.2 Consultations have been undertaken with the relevant cabinet portfolio holder, with the Health Housing and Regeneration Manager. A request has also been made to the officer responsible for Public Health matters at LCC for us to be kept informed of their work so that work on revising the IHFTA is properly informed and coordinated.

9. CONCLUSION

9.1 Having regard to the need to prioritise progress of the Site Allocations and Development Management DPD and determine planning applications appropriately ahead of revision of the existing IHFTA for the reasons set out in this report and to take the opportunity to coincide any revision with other work being done elsewhere by the Borough Council and LCC, it has been necessary for the timetable for the preparation of a revised HFTA to be moved to March 2016.