

<b>Item No:</b> 7.	<b>Classification:</b> Open	<b>Date:</b> 28 November 2016	<b>Meeting Name:</b> Planning Sub-Committee A
<b>Report title:</b>		<b>Addendum</b> Late observations, consultation responses, and further information.	
<b>Ward(s) or groups affected:</b>		The Lane, Peckham Rye, Grange, Faraday	
<b>From:</b>		Director of Planning	

## PURPOSE

1. To advise members of observations, consultation responses and further information received in respect of the following planning applications on the main agenda. These were received after the preparation of the report and the matters raised may not therefore have been taken in to account in reaching the recommendation stated.

## RECOMMENDATION

2. That members note and consider the late observations, consultation responses and information received in respect of each item in reaching their decision.

## FACTORS FOR CONSIDERATION

3. Late observations, consultation responses, information and revisions have been received in respect of the following planning applications on the main agenda:

### **Item 7.1 – Application 15/AP/4857 for: Full Planning Permission – 190 RYE LANE, LONDON, SE15 4NF**

- 3.1. The applicant has submitted a further document in support of their application in which they set out what they see as the key benefits of their proposal;
  - Redevelopment of an underutilised site
  - Delivery of much needed new homes including affordable
  - Retention of building facade and improved streetscape
  - New restaurant at basement and ground level
  - Respecting out neighbours
- 3.2. A further letter has been received from the resident of 7 Sternhall Lane querying the boundary of the application site and their garden and raising further issues around privacy between their property and the proposed new buildings.
- 3.3. The application has clarified the boundary and a condition is added requiring the balconies with an aspect onto Sternhall Lane to be screened.
- 3.4. The following alterations additions are suggested to the conditions contained within the officer recommendation.

3.5. The Plan nos. are updated to take account of the neighbours garden at no. 7 Sternhall Lane.

- 14042-E1-100 Rev:P2 Existing site plan
- 14042-P0-001 Rev: P3 Red line site plan
- 14042-P0-003 Rev: P2 Demolition plan
- 14042-P1-099 Rev: P3 Proposed Basement Plan
- 14042-P1-100 Rev: P3 Proposed Ground Floor Plan
- 14042-P1-101 Rev: P4 Proposed First Floor Plan
- 14042-P1-102 Rev: P4 Proposed Second Floor Plan
- 14042-P1-104 Rev: P4 Proposed Third Floor Plan
- 14042-P1-104 Rev: P5 Roof Plan
- 14042-P1-500 Rev: P1 Ground Floor Wheelchair Units

The elevations and sections remain as listed within the officer report

Condition 1 - The approved plan nos.

- 14042-P1-099 Rev: P3 Proposed Basement Plan
- 14042-P1-100 Rev: P3 Proposed Ground Floor Plan
- 14042-P1-101 Rev: P4 Proposed First Floor Plan
- 14042-P1-102 Rev: P4 Proposed Second Floor Plan
- 14042-P1-104 Rev: P4 Proposed Third Floor Plan
- 14042-P1-104 Rev: P5 Roof Plan
- 14042-P1-500 Rev: P1 Ground Floor Wheelchair Units

Condition 9

3.6. Prior to the commencement of the block containing the commercial premises full particulars and details of a scheme of ventilation of the commercial premises to an appropriate outlet level, including details of sound attenuation for any necessary plant and the standard of dilution expected, has been submitted to and approved by the local planning authority and the development shall not be carried out otherwise than in accordance with any approval given.

Condition 12

3.7. Before the first occupation of the relevant building the cycle storage facilities as shown on drawing PL500 Rev. P1 shall be provided and thereafter such facilities shall be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.

Condition 13

3.8. Before the first occupation of the relevant building hereby permitted, the refuse storage arrangements shown on the approved drawing referenced PL500 Rev. P1 shall be provided and made available for use by the occupiers of the dwellings and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose.

Condition 14

3.9. The commercial use hereby permitted shall not be open to customers outside the hours of 7.30 am and 11.30 pm. *These are the hours now requested by the applicant, officers do not raise any objections.*

In addition the following additional conditions are suggested;

The dwellings hereby permitted shall be designed to ensure that the following internal noise levels are not exceeded due to environmental noise:

Bedrooms - 30dB LAeq, T \* and 45dB LAFmax  
Living rooms - 30dB LAeq, T \*\*

\* - Night-time 8 hours between 23:00-07:00

\*\* - Daytime 16 hours between 07:00-23:00.

Reason:

To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with strategic policy 13 'High environmental standards' of the Core Strategy (2011) saved policies 3.2 'Protection of amenity' and 4.2 'Quality of residential accommodation' of the Southwark Plan (2007), and the National Planning Policy Framework 2012.

- 3.10. The corner balconies, (levels 1-3) within the west elevation of Block B shall be screened up to 1.7 m from the finished floor level on the southern elevation facing Sternhall Lane. The screening shall be installed prior to the occupation of the affected units and retained for the duration of the use.

Reason:

In order to protect the privacy and amenity of the occupiers of the adjoining premises at Sternhall Lane from undue overlooking in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 - High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.

- 3.11. It is also suggested that the following note be added.
- 3.12. The construction and management plan submitted with the application shall be carried out in accordance to the details provided. The applicant should ensure that the clearance and demolition of the site is in accordance with Southwark council's technical guidance on demolition and construction at <http://beta.southwark.gov.uk/air-quality/the-main-causes-of-air-pollution>
- 3.13. The applicant is advised that at least 35 days prior to site clearance a comprehensive program of test baiting takes place to ensure that any rodent population on the site is destroyed.
- 3.14. The proposal would be subject to both Mayoral and Southwark CIL.

The Mayoral and Southwark CIL calculations for this application are as follows;

MCIL = 2345sqm x £35x275/223 = **£101,214**

SCIL Resi Chargeable Area = Gr - Kr - (Gr x E/G) = 1987- 0 - (1987 x 250/ 2595) = 1795.574181117534sqm

SCIL (Resi. Zone 3) = 1795.574181117534sqm x £50x275/260 = **£94,958**

SCIL Retail Chargeable Area = Gr - Kr - (Gr x E/G) = 608- 0 - (608 x 250/ 2595) = 549.4258188824663sqm

SCIL (Retail Zone 3) = 549.4258188824663 sqm x £125x275/260 = **£72,640**

**TOTAL SCIL = £167,598**

3.15. A member briefing note from the applicant is attached in Appendix A.

**Item 7.2 – 16/AP/2259 for: Full Planning Permission – CABRINI HOUSE, 2 HONOR OAK RISE, LONDON SE23**

**Amendments to officer report**

3.16. Members should note the following minor corrections and/or points of clarification arising from the report.

<u>Paragraph</u>	<u>Amendment</u>
3	It is proposed to convert the basement of Cabrini House into 3 flats. This area is designated to be used as storage space by occupiers of the flats within Cabrini House. This has however never been implemented as storage to residents. The applicant advised that on the advice of their solicitors and insurers, the originally intended communal storage area was strongly advised against. A storage area where potentially hazardous materials could be stored by individuals in an unsecure communal area beneath private residential properties was not provided and deemed a fire hazard. This area was never conveyed to any leaseholder in their purchase of individual units.
6	The revised plan shows one lightwell and not two lightwells to the south eastern elevation.
12	The existing terrace is to the north elevation and not to the to the south elevation as stated in error.
37	The one bedroom flat, Unit 2, measures 67.97m <sup>2</sup> and exceeds the minimum requirement of 50m <sup>2</sup> . Unit 1 is a two bedroom flat and at 69.85m <sup>2</sup> is marginally below the required 70m <sup>2</sup> . This flat however now has an improved and functional layout and this slight shortfall on overall internal space is accepted in this case as it would not substantiate a reason for refusal. Unit 3 is also a two bedroom flat and at 131.75m <sup>2</sup> would be a generous size well in excess of the required 70m <sup>2</sup> .

Revised plan

3.17. A further revised basement layout, drawing number 16/000 rev E, has been submitted showing an open plan kitchen / dining / living area in Unit 1. The kitchen door has been removed and the kitchen worktop area has been increased. The open plan area is 31m<sup>2</sup> which exceeds the minimum room area requirement of 27m<sup>2</sup>. This plan also includes the total gross internal area of each of the 3 flats.

3.18.

**Item 7.3 – Application 16/AP/1758 for: Full Planning Permission – 75 SOUTHWARK PARK ROAD, LONDON, SE16 3TY**

## Errata

- 3.19. At paragraph 8 of the main report the application reference number for the refused application at No.65 has been omitted. It is 13/AP/0277. It should also be noted that the date of refusal should state 12/07/2013, and not 09/07/2013 as reported.

### Late comments from neighbours

- 3.20. Members are asked to note that a further two consultation responses have been received since the agenda was published, both of which are objections.
- 3.21. The updated public consultation profile is set out in the table below and the late comments are reported in full after:

Total number of representations:	17				
In favour:	4	Against:	13	Neutral:	0
Petitions in favour:	0		Petitions against:	0	

Harris Academy Bermondsey

- 3.22. Harris Academy Bermondsey (HAB) objects to the granting of planning permission for a change of use for 75 Southwark Park Road from a shop to a hot food take-away. Paragraph 40 of the planning officer's recommendation states:

"It is accepted that such uses provide an attractive draw for secondary school pupils when available so close, but there is also an onus on the educational sector to assist in addressing this issue."

- 3.23. Having not invited a response from us to the application (despite HAB being closer to the property in question than some of those residents who were invited to do so), the planning officer may not have been aware of all that we do to address the issue of healthy eating and to prevent our girls from using the existing take-away shops that adjoin both entrances to the school, despite less onus on this area of schools' activities by the Department for Education and Ofsted in recent years.
- 3.24. In addition to the promotion of healthy living through our curriculum and the extensive work by our safeguarding team with individual families where there are particular concerns about girls' eating habits, the combination of a simple home cooked menu and our insistence that all girls sit and eat together every day means that HAB now serves more hot main meals than any secondary school of comparable size in Southwark or the Harris Federation. For those not choosing a hot main meal, we offer only healthy and nutritious alternatives, while insisting that packed lunches be of the same standard.
- 3.25. Our commitment to our girls' wellbeing does not stop at our gates, though, hence our work with particular families and the high levels of staff presence outside HAB at the start and end of each school day. One of the main duties of these staff is to prevent the girls from patronising the existing take-away shops and to use this as a means to reinforce their learning about healthy living, i.e. to join up what they have learned in school with how they live the rest of their lives.
- 3.26. It should be clear from the brief outline above that HAB already does more than "assist" in promoting a healthy lifestyle and in preventing our girls from making unhealthy choices. Yet few of the steps mentioned above are required statutorily and each comes at significant cost to HAB in a time of unprecedented financial pressure on

schools. Despite that, we will not compromise on what Ofsted has twice recognised as our outstanding commitment to HAB girls' wellbeing, nor would we expect Southwark Council to do so.

#### Local Public Health Authority (Southwark)

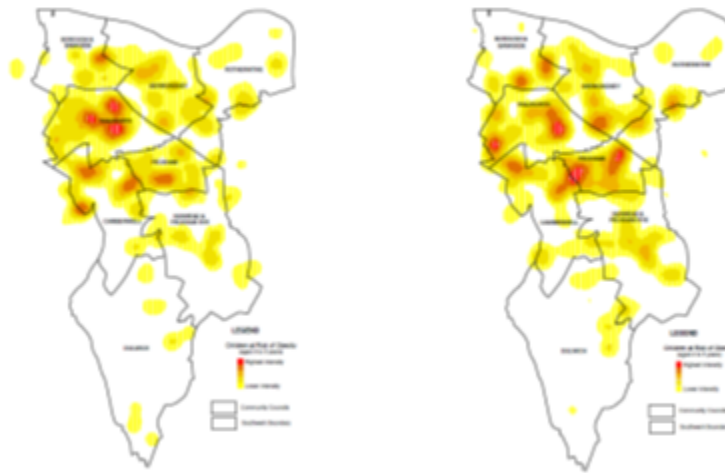
- 3.27. Southwark Council is now the responsible authority for public health and has a duty to promote and protect the health and wellbeing of the local community.
- 3.28. Obesity impacts on health and quality of life. It is a major cause of long term ill health leading to early death. It increases the risk of type 2 diabetes (fivefold in men and twelvefold in women), high blood pressure (two and four times respectively) and bowel cancer (three and two times respectively) [1].
- 3.29. Two-thirds of adults are obese or overweight and over 40% of Southwark 10 and 11 year olds are obese or overweight [1, 2]. Obesity tends to track into adulthood, so obese children are more likely to become obese adults [3].
- 3.30. Obesity is a complex problem that requires action across the social, economic and physical environments and individual factors. An important action is to change the environment so that it promotes active and reduces inactive behaviour and promotes healthier eating and reduces easy access to energy-dense food [4, 6, 7]. The aim is to make the healthy choice the easy choice via environmental change and action at population and individual levels. There is now a recognised research consensus that a ban on new fast food outlets being located close to schools and colleges can play an important role in stemming the increase in obesity and helping children to a healthier start in life [5, 6, 7]
- 3.31. Southwark's "Healthy Weight Strategy Everybody's Business" sets out the case for multi-factorial action and an agreed local priority is to support the creation of a healthier environment and to tackle the obesogenic environment which includes the proliferation of A5 outlets [7].
- 3.32. Local qualitative surveys [7] and recent workshops [8] have highlighted concerns from local residents, community groups and a range of professionals regarding the proliferation of hot food takeaways in some parts of the borough.
- 3.33. Specifically in relation to this application:
  - The proposed change of use class is along a stretch of neighbourhood street (Grange Road, Southwark Park Road to the 'Blue') where there are already numerous hot food takeaways. There are already 2 hot food takeaways on this particular small parade of 10 shops.
  - The opening times for this application means that it is likely to attract pupils from the Harris Academy at both lunch times and after schools, undermining the healthy eating work taking place at the school (Healthy Schools Programme, Healthy School Meals and 'Good HABits')
  - Previous hot spot maps of local data highlight this neighbourhood as one of the unhealthier weight hotspots (Fig 1 below).
  - Unhealthy eating and hot food takeaways have been identified by Southwark residents, community groups and a range of local health and other local professionals including GPs, school nurses and health visitors as being of concern [7, 8].

- The local objections from neighbours have been cogent and clear. Their concerns regard:
  - A. Impact on the obesogenic environment and priorities in the Health and Wellbeing Strategy and related documents.
  - B. Contradicts various Council policies and documents including the emerging New Southwark Plan.
  - C. Loss of amenity and a reduced offer on this particular parade of shops.
  - D. Noise (operational noise and customers), smell, litter and discarded food, traffic.
  - E. Impact on residents of the flat upstairs and their use of outside balcony space and noise from customers and operational noise and smells through open windows; and the house next door (No. 77).

### 3.34. References

- [1] The Information Centre. Statistics on Obesity, Physical Activity and Diet. England 2013.
- [2] National Child Measurement Programme November 2016 data, Southwark Public Health Report
- [3] Maffeis C, Tato L. Long-term effects of childhood obesity on morbidity and mortality. *Horm Res. [Review]*. 2001;55 Suppl 1:42-5.
- [4] Lake A, Townshend T. Obesogenic environments: exploring the built and food environments. *J R Soc Promot Health. [Research Support, Non-U.S. Gov't Review]*. 2006 Nov;126(6):262-7.
- [5] Measuring Up: The Medical Profession's Prescription for the Nation's Obesity Crisis, Academy of Royal Medical Colleges. 2013
- [6] NICE Guidance (PH25) Prevention of cardiovascular disease
- [7] Harrison et al, 2011 Environmental correlates of adiposity in 9 - 10 year old children: Considering home and school neighbourhoods and routes to school
- [7] Southwark Healthy Weight Strategy Everybody's Business 2016
- [8] The Southwark Big Weight Debate, Cambridge House, November 2016

## Childhood obesity Reception (4 - 6 yrs)    Year 6 (10 – 11yrs)



3.35. A briefing note on Planning Policy Framework – Hot food take ways is attached in Appendix B.

### **Item 7.4 – Application 16/AP/3165 for: Council’s Own - REG3 – SOUTH WEST OF BURGESS PARK, ALBANY ROAD, SE5**

#### **Additional Statutory Consultation Responses**

Friends of Burgess Park

3.36. The FOBP are very concerned about the design and layout of the section of QW7 as well as an additional Quietway as yet unnumbered which are planned to go through Burgess Park West.

Officer Comments

3.37. Residents and groups were consulted throughout the pre-application process with responses that subsequently informed the design.

3.38. It is not possible to prevent cyclists from travelling through the park, however interventions have been designed in order to reduce conflict and increase safety.

3.39. Previous experience in both Southwark and other local authorities has shown that shared pathways are successful where sufficient space is provided. In this instance, the option exists to further widen the proposed 4m wide pathways in future if required.

3.40. Segregated pathways would need to be 7m wide. This would have an excessive impact on the park design and conflict with the pinch point at the Wells Way underpass, whilst also introducing additional costs.

3.41. The council’s Quietway team are currently consulting on Quietway (QW) routes and a design for the highway entrances points will be agreed to ensure it works with the design inside the park.



- 3.42. Neither of the QW routes transition onto Bowyer Place. The entrance to Rust Square on Bowyer Place will not have QWs signage as it is not on a QW route.
- 3.43. The QW route transitions the park via the dead ends of Addington Square (road), next to 83 New Church Road and to the north of this onto Addington Square. There is also a transition onto Albany Road. Further details are to be provided via the approval of reserved matters to show how the QW team's design for highway transitions will work in accordance with approval from TfL, as part of separate highway consent. It should be noted that QW1 is not a suitable compassion to Burgess Park as this was an entirely new route not accessible in places by those walking or cycling.
- 3.44. In addition, a behaviour change programme is to be developed that includes signage in Burgess Park to raise awareness of shared space where people walk and cycle. This will be based on an evidence based approach so that it works for both those cycling and walking to accommodate one another.

#### **REASON FOR URGENCY**

4. Applications are required by statute to be considered as speedily as possible. The application has been publicised as being on the agenda for consideration at this meeting of the planning sub-committee and applicants and objectors have been invited to attend the meeting to make their views known. Deferral would delay the processing of the applications and would inconvenience all those who attend the meeting

#### **REASON FOR LATENESS**

5. The new information, comments reported and corrections to the main report and recommendation have been noted and/or received since the committee agenda was printed. They all relate to an item on the agenda and members should be aware of the objections and comments made.

#### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Individual files	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403

#### **APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix A	Briefing note from the applicant is attached (item 7.1 – 190 Rye Lane, SE15)
Appendix B	Briefing note: Planning policy framework – hot food takeaways

## 190 Rye Lane, London, SE15 4NF

*Application reference: 15/AP/4857*

### Planning Committee – Member Briefing - November 2016

The Planning Committee will be considering this application at its meeting on Monday 28<sup>th</sup> November and we have prepared this note to provide a summary of the main elements of the application.

We are delighted with the officer's recommendation to **GRANT** planning permission and look forward to continuing to work closely with Southwark Council in the future on the delivery of these plans.

### Background

The site is privately owned and is predominantly used as a salvage yard containing piles of building materials and a number of steel storage sheds. At the front of the site is a 19<sup>th</sup> century traditional brick building which houses a small shop on the ground floor with flats above it. Next to this is a gap in the traditional brick frontage and a covered gateway for vehicles and pedestrians entering the salvage yard.

Neighbouring the site are low, traditional buildings with the exception of Robert Court which is a modern, four storey, primarily residential block to the rear of the site.

### The Plans

The proposals for 190 Rye Lane include:

- **22 new apartments** including a mixture of **affordable and private housing** across 2 four storey buildings
- **South east facing communal gardens** for new residents – there will be no windows facing the existing Canavan's pool club
- State of the art **ventilation system, double glazing and sound insulated wall** proposed adjacent to existing property
- Active frontage at ground level, in keeping with current use
- **New restaurant** at basement and ground level
- **Retention** of the original brick frontage in keeping with the nature of Peckham Rye Conservation Area

### Key benefits of the proposals

#### Redevelopment of an underutilised site

- This development provides an opportunity to regenerate a run-down, under-used site which has been identified for a mixed use residential / commercial scheme
- Bringing forward plans for a residential led development with new ground and basement restaurant is an opportunity for this site to make a meaningful contribution to this end of Rye Lane.

#### Delivery of much needed new homes including affordable

- Whilst the viability assessment confirms the proposals could support only 23% affordable housing, following discussions with officers we have agreed to deliver 28% on site.
- The site will therefore deliver 22 new apartments including 6 shared ownership affordable homes and two wheelchair adaptable units.

#### Retention building façade & improved streetscape

- The careful consideration of the building frontage has resulted in reinstating a more appropriate street frontage by filling in the gap which currently exists, enhancing the shop front and returning the existing building to its original brick finish.

#### New restaurant at basement and ground level

- A new restaurant included in the plans will support the improvement and regeneration of Rye Lane and the wider area. The new restaurant would provide 38 Full-time equivalent (FTE) jobs.

#### Respecting our neighbours

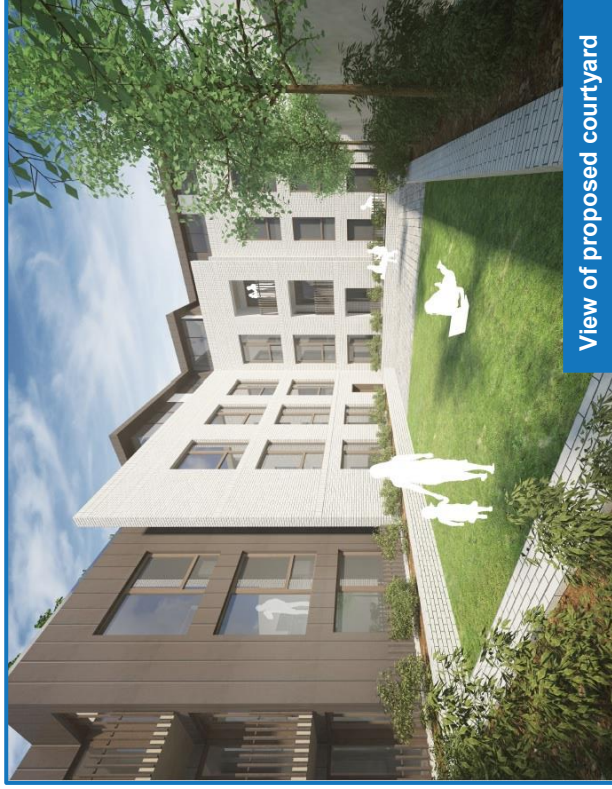
- The proposed buildings are not structurally connected to neighbouring buildings which will minimise noise impact from neighbouring properties and the walls will be insulated accordingly
- How our neighbours currently operate has been carefully considered and taken into account with adequate sound insulation between the proposed basement and residential units and the neighbouring buildings. Environmental protection has confirmed they are satisfied with our approach.
- South east facing communal gardens for all new residents – there will be no windows facing the existing Canavan's Pool Club.

# 190 Rye Lane

View of proposed development from Rye Lane



Photo of existing buildings



View of proposed courtyard



Overview of site looking north

# BRIEFING NOTE

## Planning Policy framework – Hot food takeaways

[www.southwark.gov.uk](http://www.southwark.gov.uk)

### Introduction

This note examines some of the key hot food takeaway appeals in Southwark and in other areas in the context of existing and emerging policies and requirement for strong evidence. An interim summary of the consultation responses received in relation to emerging Policy DM41 in the New Southwark Plan Preferred Option is also provided.

### Appeals and application of existing and emerging policy

#### Main issues

In many of the appeals the common main planning considerations are:

- The effect of the proposal on the health and well-being of local residents, having regard to the council's aims and objectives of promoting healthy eating and lifestyles expressed in national, regional and local guidance and initiatives
- The effect of the proposal on parking availability or highway safety
- The effect of the proposal on the living conditions of nearby residents

#### Key appeals in Southwark

##### 221 Rye Lane – Change of use from A1 (shop) to A5 (hot food takeaway)

The Inspector considered that the proposal would not have an adverse effect on the Council's strategic objective to promote healthy lifestyles. A particular planning consideration was that there was no clear development plan policy yet in place (the Peckham and Nunhead AAP was still in draft at this stage). The Inspector added that it does not necessarily follow that Class A5 automatically implies that unhealthy food would be provided.

The appeal was dismissed in any case due to reasons of noise and odour as the proposal was in very close proximity to a neighbouring property living accommodation and its associated external amenity space.

##### 65 Southwark Park Road (2016) – Change of use from A2 (financial and professional services) to A5

The Inspector acknowledged that the proposal was clearly at odds with adopted PNAAP Policy 4 as the proportion of A5 uses within the protected shopping frontage would, as a result of the proposal, increase to approximately 6%. However the Inspector was not convinced that this would result in any materially detrimental impact upon the vibrancy, vitality or viability of the protected shopping frontage, or the Peckham Major Town Centre as a whole (in the context of saved policies 1.7 and 1.9). The Inspector noted that he did not consider the proposal would result in an overconcentration of A5 uses.

The appeal was allowed.

#### Key appeals in other areas

##### 375 Cable Street (Tower Hamlets)

This council's decision to approve planning permission at this site was twice challenged by judicial review and planning permission was quashed. Whilst the High Court did not comment on the merits of the proposal, it was ruled that healthy eating and proximity to schools was capable of being a material planning consideration.

The council then refused planning permission and an appeal against the refusal was allowed. The Inspector found that the council lacked specific local policies to restrict hot food takeaways and evidence to demonstrate an overconcentration of takeaways and the link between proximity to a school and childhood obesity.

In 2013, the NHS London Healthy Urban Development Unit developed a [good practice guide](#) to using the planning system to control hot food takeaways which outlined a number of appeals and actions by local authorities. For example in Tower Hamlets, the response to the above appeal was to produce new evidence towards supporting its policy approach as part of its Healthy Borough programme called 'Tackling the Takeaways'. The Local Government Association have also [produced a report](#) examining case studies on the use of planning powers to limit hot food takeaways which makes a number of recommendations for collecting local evidence.

Several authorities have adopted hot food takeaway policies after public examination, demonstrating the general consistency of such policies with the NPPF. However, at some examinations and appeals an unusual burden of evidence has been demanded to justify this particular policy area. The example of the 221 Rye Lane appeal demonstrates this within Southwark, as PNAAP Policy 4 was fully adopted and the Inspector considered that further evidence would still be required to demonstrate why the proposal would be harmful to the vitality of the town centre.

### **NSP Preferred Options consultation responses on Policy DM41 (hot food takeaways)**

NPPF para 216 states that weight may be given to such policies according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The new Southwark Plan has undergone two stages of public consultation, the last on a preferred option of the plan policies. Consultation on a submission version of the policies and examination are still to follow. As such interested parties have not put forward the evidence they may wish the examiner to consider.

In response to policy DM41 at the Preferred Options consultation stage the council received a total of 8 comments specifically about this policy. 5 respondents support the policy, 1 respondent objected to the policy and 2 respondents just provided comments. The summary comments are below:

- Objection – given the amenity hot food takeaways provide to residents, the implications of the policy are contrary to its aims, planning and development control is not an appropriate way to control obesity
- Support – all schools should be included in the takeaway exclusion zones, both state and private schools should be included, and schools across the borough boundaries should also be included
- Does the policy take account of A5 premises on the other side of the road
- The policy could be strengthened to only allow delivery service in locations where delivery vehicles can be parked on-site
- Thames Water considers that Policy DM41 should be amended to require that grease traps are installed for all new catering establishments.

The Southwark Healthy Weight Strategy indicates that year 6 excess weight prevalence is the highest in the country at 42.7%. Anecdotally several secondary schools have reported to public health officers that hot food takeaways near schools are undermining healthy eating initiatives. The Healthy Weight Strategy indicates that a variety of measures including planning controls are required in concert to tackle the

issue. As such, the restriction in proximity to secondary schools is proportionate and the objection does not stand unresolved.

### **Future evidence base**

Officers are working closely with colleagues in public health to develop a strong evidence base to help support emerging Policy DM41 and to raise awareness of the linkages between hot food takeaways and adverse health impacts, particularly for school children.

However given the cautious approach taken by Inspectors to this relatively new policy area and as interested parties may still submit evidence before examination, limited weight should be granted to emerging policy DM41 at the current time unless further evidence of the health impact of a proposed takeaway is provided.