



Appeal Decision

Site visit made on 2 July 2019

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2019

Appeal Ref: APP/A4520/W/19/3226421

1 Victoria Road East, Hebburn NE31 1XG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Gary Craig of Gary Craig Building Services Ltd against the decision of South Tyneside Metropolitan Borough Council.
 - The application Ref ST/0097/19/FUL, dated 4 February 2019, was refused by notice dated 22 March 2019.
 - The development proposed is described as "change of use of vacant shop to hot food takeaway (A5) with new roller shutter to rear."
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the health and well-being of the local community.

Reasons

3. The appeal site is located within the defined boundaries of Hebburn Town Centre with the area surrounding the site characterised by a mixture of residential and commercial properties. The site is also located within the Hebburn South Ward.
4. Paragraph 91 of the National Planning Policy Framework (the Framework) states that planning decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.
5. HFT1 of the South Tyneside Local Plan Supplementary Planning Document 22: Hot Food Takeaways and Health 2017 (SPD) states that planning permission will not be granted for A5 uses in areas where the levels of obesity in Year 6 pupils is over 10%. Proposals for A5 uses should be assessed against the most up to date annual National Child Measurement Programme (NCMP) data.
6. The Council Officer Report states that the most up to date NCMP data for the area is 2016/2017 data which indicates that 25% of Year 6 children in the Hebburn South Ward are classed as over weight or obese. No evidence has been submitted to dispute this figure and I therefore consider that the proposal would be contrary to HFT1 of the SPD. I also note the Council's Public Health

Team have objected to the proposal and concerns have been raised from local councillors and residents with regards to obesity levels.

7. At my site visit, I observed a number of hot food takeaways within the surrounding area of the appeal site and the proposal would only add to this number, contributing towards unhealthy eating within the local community.
8. I have had regard to the appellants statement of case and that the premises would only serve healthy food options. The proposal is for an open Class A5 use and whilst there may be intentions to only sell healthy food, there would be no means to restrict this.
9. I therefore find that the proposal would have a harmful effect on the health and well-being of the local community. The proposal would not comply with the Framework and the SPD which seeks to enable and support healthy lifestyles.

Conclusion

10. I conclude that for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR