

FAKENHAM – PF/24/1079 - Erection of a drive-thru restaurant, car parking, landscaping and associated works, including Customer Order Displays at land to the rear of Lidl, Fakenham, NR21 8JG

ADDENDUM REPORT

REASON FOR ADDENDUM REPORT

Planning application PF/24/1079 proposes a new McDonald's restaurant with drive-through facility. The restaurant would comprise a single storey building with drive-through lanes, customer parking, landscaping and associated works including customer order displays. The site is located to the rear of the Lidl supermarket car park off Holt Road in Fakenham. The site is currently fenced off and unused, albeit with an extant 2007 planning permission covering the site. Industrial and commercial land uses are present immediately adjacent to the eastern and western boundaries of the site, and further south.

The application was considered at the Council's Development Management Committee on 06 March 2025 where it was resolved by 10 votes for, 1 against and 2 abstentions that the application be APPROVED in accordance with the Officers Recommendation which included the imposition of planning conditions and the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution towards the provision of offsite litter bins including the maintenance / emptying for 15 years.

The planning permission has yet to be issued and the matter is being reported back to Committee at the request of the Assistant Director - Planning.

This Addendum Report is to advise members of an additional representation received following the Development Committee decision of the 06 March 2025 relating to the lack of explicit consideration regarding National Planning Policy Framework (NPPF) paragraph 97 within both the Officers report and during the Development Committee meeting debate.

This report should be read in conjunction with the Committee Report and the Development Committee Minutes from the meeting of 06 March 2025 and these are included at **Appendix 1 and 2** of this report.

This Addendum Report will set out Officer opinion in relation to assessment of the proposal against NPPF paragraph 97.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) (Dec 2024)

The NPPF is a material consideration that should be taken into account when applications are determined.

Paragraph 97 sets out that:

"Local planning authorities should refuse applications for hot food takeaways and fast food outlets:

a) within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or

b) in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social-behaviour”.

While the original Committee report referred to the Chapter (8) of the NPPF within which paragraph 97 sits, it did not refer explicitly to paragraph 97.

OFFICER ASSESSMENT

Proximity to schools and other places where children and young people congregate

In consideration of NPPF para 97 (a), the application site is located outside of the designated town centre of Fakenham. The nearest schools are the following approximate walking distances away from the application site:

- Fakenham Infant & Nursery School (approx. 1,125 metres)
- Fakenham Junior School (approx. 1,285 metres)
- Duke of Lancaster Academy Special Education School (approx. 1,285 metres)
- Fakenham Academy Secondary School and Sixth Form (approx. 1,770 metres)

At present there is no definition or further detail within the NPPF glossary or Planning Practice Guidance to determine the definition of “walking distance” in the context of paragraph 97. The National Design Guide (MHCLG 2021) suggests a walkable distance to be no more than 10 minutes/800 metres. Manual for Streets (DfT 2007) identifies walkable neighbourhoods as typically characterised by facilities within 10 minutes (up to about 800 metres).

In 2020, Public Health England published “Using the planning system to promote healthy weight environments - Guidance and supplementary planning document template for local authority public health and planning teams”. In the context of planning restrictions on fast food takeaways, this also refers not only to an 800m walking distance but also to 400m as being the preferred distance for identifying applicable walking distance from hot food takeaways and fast-food outlets.

Whether applying the 400m or 800m walking distance threshold in relation to NPPF paragraph 97, Officers consider that it is evident that all of the closest schools within Fakenham lie well outside of the understood definition of “walking distance” from/to the proposed development.

In terms of distance from/to “other places where children and young people congregate”, whilst there are some residential properties within 400m / 800m walking distance of the application site, there are also a number of employment generating uses and a food retailer, none of which are specifically designed to be places for children and young people to congregate. The types of uses designed to be places for children and young people to congregate are located closer to the town centre including the recreation ground and areas designed to provide for a leisure offer such as indoor / soft play facility, cinema or bowling alley.

Officers therefore conclude that, whilst located outside of the designated town centre, the proposal is not within walking distance of schools and other places where children and young people congregate. As such, the proposal would accord with NPPF paragraph 97 (a).

Concentration of Uses

In relation to NPPF paragraph 97 (b), a review of the surrounding area has indicated that hot food takeaways are predominantly concentrated in the town centre of Fakenham. There is no evidence that there is a concentration of such uses in the area surrounding the application

site. Accordingly, Officers consider that the addition of a drive-thru restaurant would not be adding to an existing concentration of the uses identified in paragraph 97 (b) and there has been no public health objection to the proposal.

Officers consider that there is no evidence to demonstrate that the proposal would have an adverse impact on local health, pollution or anti-social behaviour. Issues of pollution were considered in detail within Section 6 of the Development Committee report of the 06 March 2025 (see **Appendix 1**) with conditions and a S106 Obligation recommended.

Summary on NPPF paragraph 97 as a new material consideration

Officers recognise that the proposed drive-thru restaurant is the type of fast-food outlet that NPPF paragraph 97 seeks to control. However, for the reasons outlined above, the proposals accord with **BOTH** NPPF paragraphs 97 (a) and 97 (b) and, as such, there can be no justified grounds for refusal under NPPF paragraph 97.

CONCLUSION AND PLANNING BALANCE

Reading this report in conjunction with the conclusions set out in the Committee Report of 06 March 2025, Officers conclude that In undertaking an overall balance of the competing aspects of the proposal, it is considered that the identified policy conflict would be outweighed by the economic benefits and other material considerations in favour of the development.

The site forms part of a designated Employment Area. Policy SS 5 seeks to retain land in such an area for Class B1, B2 and B8 uses. The proposal is therefore a departure from the Development Plan. Notwithstanding this, the site has an extant permission for retail units, and it has been demonstrated that sequentially there are no suitable alternative sites within Fakenham that could accommodate the proposed scheme.

Furthermore, the proposed application would create more than 120 additional full and part time jobs and that this could potentially be more than or equal to B Class uses and also offer linked-trips and benefits to nearby businesses. These consist of staff within the restaurant, supply chain and jobs within the wider area. There are therefore clear economic benefits that would be delivered by the scheme proposed.

The Highway Authority raise no objection in terms of parking, nor wider highways issues.

The Environmental Health Officer raises no objections regarding impacts upon light and odour. The operating hours have also been restricted to alleviate concern regarding the impact of noise on nearby residential properties.

The proposal has demonstrated compliance with NPPF paragraph 97.

RECOMMENDATION

APPROVAL subject to:

- **The completion of an agreement under section 106 of the Town and Country Planning Act 1990 to secure the addition of litter bins and a financial contribution towards the cost of maintenance / emptying the off-site bins for 15 years*.**

- **The imposition of appropriate conditions including those summarised below (plus any amendments to these or other conditions considered to be necessary by the Assistant Director of Planning); and**
- **If the Section 106 Obligation is not completed and the permission is not issued within 3 months of the date of this Committee meeting, then the Director for Planning and Climate Change will consider whether the application resolution Section 106 being completed, and permission issued in the near future (i.e. within another month) and will consider whether there are any potential / defensible reasons for refusal at that time. If he reaches that view – i.e. that the application should potentially be refused - then the application would be reported back to Committee.**

*Officers can confirm that the wording of the Section 106 Obligation has been agreed and is awaiting signature(s). A financial contribution has been agreed for the maintenance / emptying the 6 off-site bins for 15 years.

Suggested Conditions:

1. Time limit to three years
2. To accord with the approved plans
3. Extenal materials
4. In accordance with the hard and soft landscaping plan
5. In accordance with the landscape management plan
6. On site car parking etc.
7. Offsite improvement works
8. Accord with the Arboricultural Impact Assessment
9. Retain eastern hedgerow at a minimum 3 m.
10. Submission of a CEMP (Biodiversity)
11. In accordance with Biodiversity Enhancement Plan
12. Method statement to control *Cotoneaster horizontalis* and *Buddleia davidii*.
13. BNG
14. Kitchen Extract Systems
15. Noise/ dust/ odour control
16. Contamination
17. Opening hours for the public
18. Hours of Servicing
19. Construction hours
20. Litter Management Plan
21. Solar panels
22. External lighting
23. In accordance with Drainage Strategy
24. In accordance with the Construction Management Plan
25. Provision of a fire hydrant