

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 10 January 2024 at 2.15 pm

Present

Councillors

L J Cruwys (Chairman)
S J Clist, G Cochran (Vice Chairman),
F J Colthorpe, G Duchesne, B Holdman,
M Jenkins, S Robinson and J Lock

Apologies

Councillor(s)

M Farrell, R Gilmour, F W Letch and N Letch

Also Present

Councillor(s)

D Broom, J Cairney, S Keable, H Tuffin and G Westcott

Also Present

Officer(s):

Philip Langdon (Solicitor), Angharad Williams (Development Management Manager), Brian Hensley (Devon County Council Highway Authority), Adrian Devereaux (Area Team Leader), Angie Howell (Democratic Services Officer) and David Parker (Democratic Services & Policy Research Officer)

Councillors

Online

J Buczkowski and L Knight

Officers Online

Richard Marsh and Jake Choules

63 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from the following:-

- Cllr F Letch with Cllr S Robinson substituting.
- Cllr N Letch with Cllr J Lock substituting.
- Cllr M Farrell
- Cllr R Gilmour

64 PUBLIC QUESTION TIME

Gerald Conyngham referred to Application 23/00924/FULL

On the 22nd of September 2022 88% of voters voted in favour of the Crediton Neighbourhood Plan at a referendum which means it carries full weight for guiding planning applications submitted to the council and forms part of the statutory development plan for the Crediton area.

The plan has a key objective on sustainability 'To reduce environmental degradation and mitigate the effects of climate change'. McDonalds promotes the consumption of beef which is responsible for 14% of carbon emissions. Also despite what McDonalds say, independent research shows that some beef supplied to them comes from illegally cleared Amazon rain forests, so they are colluding in rainforest clearance. Another objective is 'to improve the quality and quantity of sustainable transport'. By making it a drive in facility McDonalds will be encouraging the use of cars thus increasing carbon emissions in the area. On Design, the NP says: 'New developments should be locally distinctive'. In no way will this happen since McDonalds have a standard approach with the use of the Big M to all new developments. Another objective is 'to buy food that is grown locally'. McDonalds source their food centrally.

Given all these ways in which this application goes against the statutory development plan for Cridton, will the committee please reject it?

Giles Fawsett referred to Application 23/00924/FULL

McDonalds, with two drive throughs and located right on the very edge of our town, would be an environmental disaster. Firstly, our government, secondly our county council, thirdly our district council and fourthly our town council have all declared a climate emergency.

These food outlets ought to be in the centre of town where people can and should walk.

Allow me to quote you from your Cridton Masterplan that your council has just completed. Page 23 "In recent years Government policy has strengthened its position on the importance of walking and cycling in positively addressing health and wellbeing, congestion, air quality and climate change."

So how is this drive through McDonalds compatible with this government policy?

Secondly, what does our Devon County Council say? Its draft vision was issued in August 2023. Again it's about reducing the need to travel, enhancing and protecting our health and wellbeing and "Promoting the '20-minute neighbourhood'"

So how is this drive through McDonalds compatible with this county council policy?

So thirdly Mid Devon District Council. Your first masterplan objective, yes top of the list. Page 34 "1. Support redevelopment that maximises economic benefit within the town centre." So why will you allow a Drive through McDonalds that isn't in the town centre?

The Cridton Masterplan page 39 refers to "the need to tackle the climate crisis by changing the ways in which we travel." Top of the transport hierarchy is walking. So why are you allowing a drive through McDonald's that is going to be driven to? In addition, Mid Devon District Council Air Quality Action Plan concluded "that there were unacceptable levels of air pollution in parts of Cridton town centre and designated it as an Air Quality Management Area (AQMA), in which a reduction in NOx emissions is required to meet national standards".

So how can this committee justify this McDonalds knowing that almost everyone will be driving up and down Exeter Road right pass its air pollution monitor?

Fourthly, Crediton Town Council has objected to the proposal. Say no more!

McDonalds, like mainstream politicians, advocate economic growth. This model is noisy, polluting and wasteful. Its commercial priorities have forced people to gear everything to jobseeking and career development, but still leave many people facing chronically unfulfilling and precarious jobs and lives.

Finally, do you recognise the hypocrisy in allowing McDonald's given these policies in your Masterplan for Crediton?

David Harris referred to Application 23/00924/FULL

We are already dealing with the consequences of not taking appropriate action to mitigate the continuing impacts of greenhouse gas emissions on our home. From wildfires to flooding, sea level rise to droughts, heatwaves to more frequent and intense storms, we have experienced it all in this country and within this region. The impacts are not only at the time of the weather-related event but also in subsequent months and years, making it harder for our farmers to produce our food and make a sustainable living.

When we think of greenhouse gas emissions, we tend to focus on CO2 which mostly comes from the continued burning of fossil fuels. However, what is often forgotten or overlooked is the impact of methane of which a large proportion is emitted by ruminants, sheep and particularly cattle. Methane has a much greater impact on the heating of our climate than CO2, 30 times as much to be precise. There is another fact about methane that is often not considered and that is its much shorter lifespan, 10 years or so as compared to CO2 which remains in the atmosphere for hundreds of years.

So, methane, mostly emitted by cattle, poses a much greater threat to the overheating of our climate but also provides a great opportunity to reduce greenhouse gases in a much shorter period of time than CO2. And to reduce the global heating driven by methane all we need to do is to reduce the number of cattle we farm, rather than relying on unproven technology, as is the case with CO2.

Now, it shouldn't fall on ourselves to be having to do this, we have national leadership that should have been moving this forward at the required pace. However, they have not. And so it has fallen upon us within this room to make the necessary decisions. The question for you to answer in the years to come is what do I want to say to my children, grandchildren or someone else's children? Is it I was only doing my job or perhaps they might not even ask you because they know that you were brave enough to do everything you could.

Caroline Romijn referred to Application 23/00924/FULL

I note that the recommendation in the agenda is that permission be granted for this application. This is very disappointing in the light of Mid-Devon's supposed commitment to climate action, and I hope the committee may still decide to refuse permission.

It is clear that a McDonalds drive through would be detrimental to Crediton, as other objectors make clear, with significant negative impacts on the environment and the town's carbon footprint, on efforts to promote active travel, as well as on people's health, and on local food businesses and food producers.

If, in spite of this, the committee is minded to approve the restaurant, we need you, please, to apply the strictest conditions and limitations possible:

Could you approve the 'static' restaurant but refuse or restrict the drive-thru element? Refuse it outright or limit it to specific times and days?

Could you apply conditions limiting the hours and the brightness of their illuminated signs, which will otherwise add significant extra light pollution, affecting both human well-being and biodiversity?

Could you apply strict conditions to the packaging that will be used? Requiring it to be non-plastic and easily recyclable? Could you stipulate that MacDonalDs take full responsibility for litter-picking and recycling?

Tiffany Gaston referred to Application 23/00924/FULL

I am a teacher at Queen Elizabeth's School in Crediton and our school community will be greatly affected by the proposed McDonald's. I would be grateful if you could take the following information into account at your planning meeting on Jan 10th. Unfortunately, I cannot be there in person as I will be teaching.

On Monday 13th November QE students debated whether a Drive Through McDonald's restaurant would be good for the people of Crediton. The event was well attended by both students and members of the local community. Both sides argued their case expertly. Arguments put forward to support the motion included the need for more jobs and a greater choice of affordable food outlets in Crediton as well as the idea that the restaurant would provide a safer place for young people to meet in the evening. However, views against the development highlighted the impact of fast food on the environment and the potential job losses if local businesses were forced to close due to lack of business. The likelihood of increased litter in the area and the link between fast food and obesity were also given as compelling arguments. The issue of light pollution was also a concern. The judging panel, comprising of the mayor of Crediton, a local GP and a local shopkeeper, adjudged the debate a tie. However, when put to a vote the audience voted overwhelmingly against the motion that Mcdonalds would be good for Crediton.

Given that the debate showed that people, especially young people, (who many may assume would be in favour of the development) do not think that McDonald's would be good for the people of Crediton, how can MDDC decide to approve the application?

Alan Murray referred to Application 23/00924/FULL

Can the planning officer confirm what measures are part of this planning application to prevent pollution from surface waters from buildings, traffic and car parking, and from construction activities, reaching the River Yeo potentially affecting flora and fauna and in particular the endangered native White-clawed Crayfish? The River Yeo adjacent to the site is one of only two locations in Devon where they still survive.

With consideration to the site being located on a flood plain and the increasing likelihood of flooding events due to climate change, the current measures proposed do not appear adequate to prevent polluting run-off entering the Yeo as they rely on poorly designed rain gardens and infiltration from swales on wet grassland.

David Horton referred to Application 23/00924/FULL

At present the A377 roundabout services a vehicle every five seconds at traditional mealtimes. The impact of the additional vehicle demand from a McDonalds drive through restaurant would be expediential to this number.

Unlike the current businesses which have capacity for their visitors, the high-density design of the McDonald's site would mean that any delay would quickly feed back to the arterial road, preventing all vehicle movements, and cause blockages on the A377. The recommendation of approval currently feels like a gamble as opposed to a fact based decision.

Why has the application not been designed to access directly off the roundabout, giving clear accountability in the future for authorities to police these inevitable disruptions to the highway?

65 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

Members were reminded of the need to declare any personal or pecuniary interests where appropriate. The following Declarations of Interest were made:-

- Cllr M Jenkins referred to Application 23/00924/FULL – he had received numerous amounts of correspondence and had started a campaign long before he was a Member of the Council. He confirmed that this had no impact on his outlook today and would listen to all relevant sides and vote accordingly.
- Cllr S Clist referred to Application 23/01532/FULL and confirmed that he had an Interest as it was his portfolio area but had not had any discussions with officers.
- Cllr S Clist referred to Application 23/00924/FULL and confirmed that he had received correspondence.
- Cllr G Cochran referred to Application 23/00924/FULL and explained that he was a member of the Town Planning Committee.
- Cllr B Holdman referred to Application 23/00924/FULL and confirmed that he had received correspondence.
- Gllr G Duchesne referred to Application 23/00924/FULL and confirmed that she had received emails and a telephone call.

66 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting held on 22 November 2023 were agreed as a true record and duly signed by the Chairman.

67 **CHAIRMAN'S ANNOUNCEMENTS**

The Chair announced the following:-

- He reminded all Members of the Committee and Officers to address the Chair when they wished to speak.
- He reminded Members of the meetings taking place on:-

18th January briefing for the Culm Garden Village/Cullompton Infrastructure.
7th February informal Planning Committee

68 WITHDRAWALS FROM THE AGENDA

Application 23/01533/FULL - Erection of first floor infill extension to provide 1 flat at Dwelling Block, 1 - 11 Wingfield Close, Tiverton was withdrawn from the Agenda.

69 THE PLANS LIST

The Committee considered the applications on the *Plans List.

Note: *List previously circulated and attached to the minutes

- a. 23/01532/FULL - Erection of 2 dwellings at 1 Honiton Road, Cullompton, Devon.

There being no discussion on this item it was **RESOLVED** that planning permission be granted subject to conditions.

(Moved by the Chairman)

Reason for the Decision – as set out in the report.

- b. 23/00924/FULL - Erection of restaurant with drive-thru facility, car parking, landscaping and associated works at Land at NGR 284600 099535, Joseph Locke Way, Crediton.

The Area Team Leader outlined the contents of the report by way of a presentation and highlighted the following:-

- The proposal was for a McDonald's restaurant and drive thru with landscaping and parking.
- The site was allocated under Policy CRE10 which was an allocation for commercial development.
- The site was accessed from a shared access road with Mole Avon Country Stores to the south.
- Main issues raised included impact on the town centre, climate change, transport, flooding, ecology and living conditions of nearby residents.
- This application would bring a vacant site into active use and would create up to 120 jobs for local people.
- S106 monies would be put back into the town centre with contributions of £15,000 towards the Shopfront Enhancement Scheme.
- A financial contribution of £35,281 would be allocated and spent towards measures necessary to assist with the flow of traffic through

the Western Gateway, St Lawrence Green and the High Street in Crediton. This would include for the provision of two additional electric vehicle charging points above the two required by Policy making four in total to address air quality within Crediton Air Quality Management Area.

- Funding of £5,000 was proposed to provide a cycle/footway to the junction.
- Concerns raised initially by the Lead Local Flood Authority had been addressed with final details being worked upon.
- A condition was recommended to approve the final brick detail, in order that it would not detract from the red brick used at Wellparks or the Red Deer Public House nearby.
- The Public Health Department had viewed reports and plans for noise and lighting and had agreed to the conditions recommended.
- Devon Garden Trust had raised no objections and further comments made by the Council's Conservation Officer, a 12m high totem pole sign originally proposed, had been reduced to 6m in height.

In response to public questions the Area Team Leader answered as follows:-

Gerald Conyngham

Q. Given all these ways in which this application goes against the statutory development plan for Crediton, will the committee please reject it?

A. The question enquires how the development would comply with policies within the Crediton Neighbourhood Plan (NP). The relevant policies in the NP have been noted within the report and the case made as to why the development is considered to accord with these. In terms of 'new developments should be locally distinctive', it was noted in the presentation that the design was amended in light of concerns with more red brick brought into the design and appearance which would be more in line with the materials at the Red Deer Public House close by and Wellparks. The sourcing of food for a restaurant would not be a planning consideration but it is noted that the applicant is here today and may wish to address this matter.

Giles Fawssett

Q. So how is this drive though McDonalds compatible with this government policy?

A. Crediton Masterplan has been referred to which is currently going through consultation but it should be noted that this is an allocated site for commercial development within the adopted local plan, it is close to a number of bus stops and within walking distance of the train station. It is also to be located close to the biggest supermarket for the town, near to Redlands Care which is the only doctor's surgery for Crediton and a number of other facilities/services so it is considered that this development would be in accordance with policy. It is also within walking distance of the Wellparks development whereby Members may recall the recent decision to approve a further 31 residential units.

Over the last 13 years, there have been over 200 houses built in and around Wellparks, with all these residents being within walking distance of the proposed development.

Q. So how is this drive through McDonalds compatible with this county council policy?

A. The second question relates to Devon County Council policy and the promotion of 20 minute neighbourhoods. Again I would note this is an allocated site and given the accessibility of the site to a large number of residences on foot and public transport services. I would note that the Tiverton McDonalds which has been operating successfully for a number of years would be comparable being out of centre, adjacent to other commercial development and within walking distance of a number of residences.

Q. So why will you allow a Drive through McDonalds that isn't in the town centre?

A. I can confirm that the required sequential test was carried out in line with policy and there were no available sites which could achieve a comparable development. As such a refusal based on this proposal not locating within the town centre would be contrary to National guidance and adopted policy.

Q. So how can this committee justify this McDonalds knowing that almost everyone will be driving up and down Exeter Road right pass its air pollution monitor?

A. The issue of air quality has been assessed with this development with planning obligations to be secured from the development. Again, this is an allocated site whereby any commercial development allowed would result in an increase in traffic generation. This development would provide electric vehicle charging points and can be visited by public transport and walking by a number of residents.

Q. Do you recognise the hypocrisy in allowing McDonald's given these policies in your Masterplan for Crediton?

A. The reason the development is considered to comply with Planning Policy is set out in detail within the officer report.

David Harris

Q. The question for you to answer in the years to come is what do I want to say to my children, grandchildren or someone else's children?

A. The question relates to the impact of methane of which a large proportion is emitted by sheep and cattle. With this planning application, the consideration is to the proposed use class of the development which is a drive thru restaurant which is considered to be acceptable on this allocated site. The general rearing of animals for food production would not be a planning consideration.

Caroline Romijn

Q. Please would you confirm what conditions you are prepared to apply?

A. With respect to the planning conditions, these were on page 67 and included conditions are recommended by the Public Health Team who viewed the proposal, assessing times for deliveries, lighting, noise etc. The proposed development has been submitted as a drive thru restaurant so a condition preventing the drive thru element would be unreasonable. With the planning submission, lighting plans and report were submitted with the Public Health Team advising that a report has been submitted by Signify dated May 2023 whereby the applicant proposes 6m high lighting columns with highly directional downward facing lights designed to prevent backwards and upwards light overspill. In view of the proposal for 24 hour opening we do not anticipate any concerns regarding this selection of lighting units. We would not be able to condition packaging as this would fail to meet the necessary tests and where other legislation is likely to cover packaging for food. Litter bins would be provided on site and the plans include enclosure for a main bin storage on site, labelled as a 'corral' on plans.

Tiffany Gaston

Q. Given that the debate showed that people, especially young people, (who many may assume would be in favour of the development) do not think that McDonald's would be good for the people of Crediton, how can MDCC decide to approve the application?

A. Having viewed the Queen Elizabeth School facebook report on this event, it was noted that total number of participants in this debate at QE school was 30, of which two thirds were stated as being students. The breakdown of the vote being 4 in favour with 26 against. The Ofsted report notes that the number of pupils on the school roll is 1291 so it could not be reasonably argued that the result of the debate would represent the majority of views/thoughts of the young people at the school or the wider area of Crediton. On a point of fairness, I would note as reported within the officer report on page 48 and through the update with the additional two representations received, the number of people having written in support of the development is 66 whereas 46 were in opposition. Therefore it could be viewed that there is support for the development in the wider community.

Alan Robert Murray

Q. Can the planning officer confirm what measures are part of this planning application to prevent pollution from surface waters from buildings, traffic and car parking, and from construction activities, reaching the River Yeo potentially affecting flora and fauna and in particular the endangered native white-clawed Crayfish?

A. As noted within the conditions on Page 67 and 68, there were conditions requiring the development to be carried out in accordance with the Construction Environmental Management Plan (CEMP) which has been agreed with the Public Health Team and Devon County Council Highways

(condition 3), Condition 9 requires provision to be made within the site for the disposal of surface water so that none drains on to any County Highway. The additional condition (14) from the LLFA also requires the approval of the final drainage design.

David Horton

Q. Why has the application not been designed to access directly off the roundabout, giving clear accountability in the future for authorities to police these inevitable disruptions to the highway?

A. The application before Members is for the access off Joseph Locke Way which also serves Mole Avon so it is this proposal which needs to be considered. As noted in the presentation, following concerns received, the access was moved clear of the service yard gates. A Travel Plan and Assessment were submitted as part of this application with the Local Highway Authority raising no objection to the access arrangements. I would also note that parking accords with policy requirements.

Consideration was given to:-

- Section 106 monies and whether MDDC would ask for more.
- The proximity of local residential properties to the restaurant.
- The opening hours and whether the hours would be reduced.
- The effects of lighting and signage for the restaurant on nearby residents.
- Whether staff car parking would be provided.
- Traffic and congestion that would be caused by the shared access way.

It was therefore **RESOLVED** that planning permission be granted subject to conditions, which include amendments advised in the update sheet and the additional condition (14) from the LLFA.

(Proposed by the Chairman)

Reason for the Decision – as set out in the report.

Notes:-

- (i) David Shawyer spoke as the Applicant.
- (ii) Cllr L Brookes-Hocking spoke on behalf of Crediton Town Council.
- (iii) Cllr J Cairney spoke as the Ward Member.
- (iv) Cllr F J Colthorpe declared she had received correspondence.
- (v) Cllr J Jenkins abstained from voting and wished this to be noted.

70 MAJOR APPLICATIONS WITH NO DECISION

The Committee had before it and **NOTED** a list* of major applications with no decision.

The Committee agreed that:-

- (i) Application 23/01796/MARM, Reserved matters for the erection of commercial units on Plots 7 and 8 following Outline approval 20/01409/MOUT to remain as delegated.
- (ii) Application 23/00129/MFUL, Erection of 13 affordable dwellings following demolition of 4 existing dwellings and garage blocks with associated parking, landscaping and works to remain as determined by Committee.
- (iii) Application 23/01870/MOUT, Hybrid application for a change of use of land to allow the siting of up to 25 safari tents and cabins; conversion of existing barns to provide space for administration, grounds keeping, housekeeping facilities and visitors reception; demolition of existing barn and construction of wellness centre; improvements to existing vehicular accesses and the provision of car parking, the creation of track ways and associated access and landscaping works (outline, all matters reserved) and Full application for change of use of land to allow the siting of 10 safari tents, extension to existing marquee, creation of vehicular access ways, the construction of 24 car parking spaces and natural swimming pool and associated landscaping to be determined by Committee.
- (iv) Application 23/01838/MFUL, Installation of ground mounted solar PV panels to generate up to 5MW, comprising photovoltaic panels and associated infrastructure and works (Site Area 6.30ha) to remain as delegated.

Note *List previously circulated and attached to the minutes.

71 APPEAL DECISIONS

The Committee had before it, and **NOTED**, a *list of appeal decisions.

Note: *List previously circulated and attached to the minutes.

(The meeting ended at 4.27 pm)

CHAIRMAN