

PLANNING COMMITTEE AGENDA - 10th January 2024

Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	23/01533/FULL - Erection of first floor infill extension to provide 1 flat at Dwelling Block, 1 - 11 Wingfield Close, Tiverton. RECOMMENDATION Refuse permission.
02.	23/01532/FULL - Erection of 2 dwellings at 1 Honiton Road, Cullompton, Devon. RECOMMENDATION Grant permission subject to conditions.
03.	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. RECOMMENDATION Grant permission subject to conditions.

Application No. 23/01533/FULL

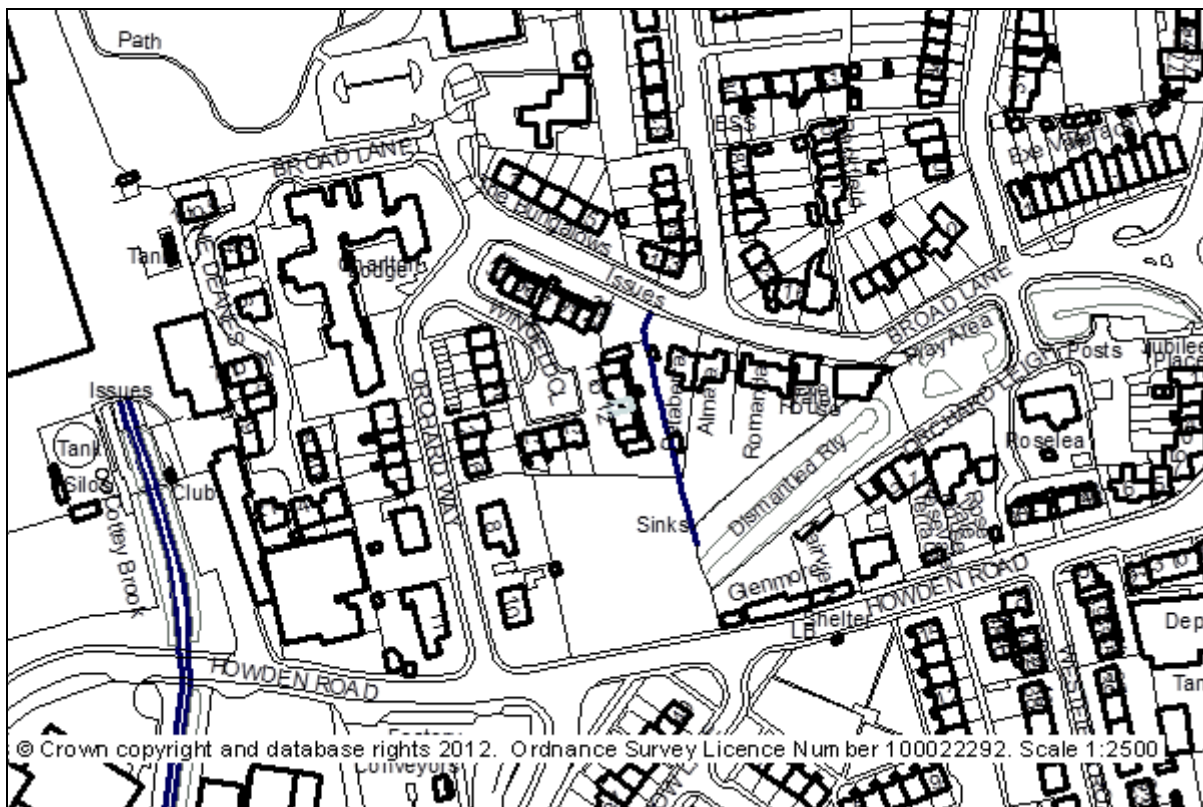
Grid Ref: 295047 : 112176

Applicant: Mr Mitchell Frost, Mid Devon District Council

Location: Dwelling Block
1 - 11 Wingfield Close
Tiverton
Devon

Proposal: Erection of first floor infill extension to provide 1 flat

Date Valid: 28th September 2023



APPLICATION NO: 23/01533/FULL

Site Visit: Yes

Date of Site Visit: 10.10.2023

Decision Delayed Reason:

To allow the application to go before Committee.

MEMBER CALL-IN

The application is before Committee because Mid Devon District Council are the applicants. It was not called in by the ward member.

RECOMMENDATION

Refuse planning permission for the following reason:

1. The application proposes one new dwelling within Flood Zone 3. Paragraph 167 of the National Planning Policy Framework therefore requires the LPA to apply the Sequential Test. In the opinion of the Local Planning Authority, the Sequential Test has failed to be addressed given the submitted information only refers to Council owned sites in Tiverton and acknowledges that some of these sites, which are outside of the flood zone, could accommodate a one bedroom dwelling. The proposal would therefore result in highly vulnerable development being allowed in Flood Zone 3 rather than being directed to less vulnerable sites contrary to S9 of the Mid Devon Local Plan (2013-2033) and paragraphs 162 and 167 of the National Planning Policy Framework.

PROPOSED DEVELOPMENT

The proposed development is for a first floor infill extension to provide 1 flat at 1-11 Wingfield Close, Tiverton, Devon. The 1 bedroom flat is proposed on top of an existing flat roof area of the building and would add to the Council's affordable housing stock. The site is within the Tiverton settlement limit but does fall totally within Flood Zone 3.

The site is not within a Conservation Area and there are no nearby listed buildings.

APPLICANT'S SUPPORTING INFORMATION

Ecology surveys, design and access statement, flood risk assessment, sequential test document, site location plan, existing and proposed plans.

RELEVANT PLANNING HISTORY

None relevant.

DEVELOPMENT PLAN POLICIES AND GUIDANCE

Mid Devon Local Plan Review 2013 – 2033

S1 – Sustainable Development

S2 – Amount and distribution of development

S3 – Meeting housing needs

S9 – Environment

S10 – Tiverton

DM1 – High quality design

DM5 – Parking

Tiverton Neighbourhood Plan 2020 to 2033

T1 – Location and scale of development

T4 – Character of development
T5 – Design of development
T7 – Minimising the risk of flooding

National Planning Policy Framework

National Planning Practice Guidance

CONSULTATIONS

Environment Agency, 19th October 2023:

We have no objection to the proposed development subject to the inclusion of a condition on any decision notice which relates to securing the implementation of the recommendations of the submitted Flood Risk Assessment (FRA). Suggested wording for this condition and the reason for this position is provided below.

Before you determine the application, your Authority will also need to be content that the flood risk Sequential Test has been satisfied in accordance with the National Planning Policy Framework (NPPF) if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

Condition - Implementation of the Flood Risk Assessment

The development shall be carried out in accordance with the submitted flood risk assessment (no ref, by Dennis Gedge Consulting Engineer dated March 2023) and the following mitigation measure it details:

- Finished Floor Levels at 62.97mAOD.

This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason - To minimise the effects of flooding to future occupants.

Reason for position

The application site is located wholly within flood zones 2 and 3 which Environment Agency flood maps indicate to have a medium to high probability of flooding respectively. However, the site is protected to a high standard from flooding from the River Exe. We are satisfied with the findings of the submitted flood risk assessment regarding the risks associated with the Cottey Brook and deem that in overall terms the proposal satisfies the requirements of the National Planning Policy Framework.

Environment Agency, 25th October 2023:

We note that the Flood Risk Assessment (FRA) has been revised, with an additional note relating to the Flood Risk Sequential Test. Notwithstanding this, our position remains unchanged and we have provided a revised condition to reflect the revised FRA:

We have no objection to the proposed development subject to the inclusion of a condition on any decision notice which relates to securing the implementation of the recommendations of the submitted Flood Risk Assessment (FRA). Suggested wording for this condition and the reason for this position is provided below.

Before you determine the application, your Authority will also need to be content that the flood risk Sequential Test has been satisfied in accordance with the National Planning Policy Framework

(NPPF) if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

Condition - Implementation of the Flood Risk Assessment

The development shall be carried out in accordance with the submitted flood risk assessment (no ref, by Dennis Gedge Consulting Engineer dated 18th October 2023) and the following mitigation measure it details:

- Finished Floor Levels at 62.97mAOD.

This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason - To minimise the effects of flooding to future occupants.

Reason for position

The application site is located wholly within flood zones 2 and 3 which Environment Agency flood maps indicate to have a medium to high probability of flooding respectively. However, the site is protected to a high standard from flooding from the River Exe. We are satisfied with the findings of the submitted flood risk assessment regarding the risks associated with the Cottey Brook and deem that in overall terms the proposal satisfies the requirements of the National Planning Policy Framework.

Highway Authority, 9th October 2023:

The County Highway Authority have no comments to make on this application.

Tiverton Town Council, 17th October 2023:

No objections.

Public Health, 19th October 2023:

We have considered the application and do not anticipate any environmental health concerns.

Natural England:

No comments.

Emergency Planner, 13th December 2023:

The risk assessment looks fine to me. I am wondering if it would be worth/needed to produce an evacuation plan as detailed in the sequential test "e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan".

REPRESENTATIONS

This planning application has been advertised by means of a site notice erected by the case officer, by notifying immediately adjoining neighbours in writing and by advertising in a local newspaper in accordance with the legal requirements for publicity on planning applications, and the Council's Adopted Statement of Community Involvement July 2020.

The following properties were written to:

27A Broad Lane Tiverton Devon EX16 5HG

39 Broad Lane Tiverton Devon EX16 5HG

45 Broad Lane Tiverton Devon EX16 5HG

43 Broad Lane Tiverton Devon EX16 5HG

29 Broad Lane Tiverton Devon EX16 5HG

27 Broad Lane Tiverton Devon EX16 5HG

25 Broad Lane Tiverton Devon EX16 5HG

41 Broad Lane Tiverton Devon EX16 5HG
37 Broad Lane Tiverton Devon EX16 5HG
31 Broad Lane Tiverton Devon EX16 5HG
14 Wingfield Close Tiverton Devon EX16 5HD
13 Wingfield Close Tiverton Devon EX16 5HD
15 Wingfield Close Tiverton Devon EX16 5HD
11 Wingfield Close Tiverton Devon EX16 5HD
10 Wingfield Close Tiverton Devon EX16 5HD
9 Wingfield Close Tiverton Devon EX16 5HD
8 Wingfield Close Tiverton Devon EX16 5HD
7 Wingfield Close Tiverton Devon EX16 5HD
5 Wingfield Close Tiverton Devon EX16 5HD
4 Wingfield Close Tiverton Devon EX16 5HD
3 Wingfield Close Tiverton Devon EX16 5HD
2 Wingfield Close Tiverton Devon EX16 5HD
1 Wingfield Close Tiverton Devon EX16 5HD

One letter of objection has been received at the time of writing this report with the concerns raised summarised as follows:

- Emergency access
- Car parking
- Suitability of site

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Policy and procedure
2. Flood risk
3. Highways and parking
4. Ecology
5. Design and amenity
6. Planning balance

1. Policy and procedure

- 1.1. The application site falls within the Tiverton settlement limit whereby policies S10 of the Local Plan and T1 of the Neighbourhood Plan permit residential development in order to maintain the town's position as one of the main towns in the District. Policies S1 and S2 of the Local Plan further establish this by directing development to the District's main towns including Tiverton.
- 1.2. The proposal is for one additional one bedroom flat to add to the Council's affordable housing stock and therefore meets the requirements of the above strategic policies. There are no objections from the Town Council or ward members and the application is only before Committee due to MDDC being the applicants.

2. Flood risk

- 2.1. The site falls entirely within Flood Zone 3 which, as per the Environment Agency's comments, represents a higher probability of flooding. Paragraph 167 of the NPPF

states:

“When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”*

- 2.2. In their comments, the EA do go on to state that the site is protected to a high standard from flooding from the River Exe and they are satisfied with the findings of the submitted Flood Risk Assessment (FRA), particularly regarding the risks associated with the Cottey Brook and overall raise no objection subject to a condition ensuring the development proceeds in accordance with the FRA and that the LPA are satisfied that the Sequential and Exception tests are passed.
- 2.3. Paragraph 162 of the NPPF explains that the aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding from any source. It goes on to state that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 2.4. Initially, the submitted FRA indicated that the proposal was minor development and the Sequential Test is not required. However, in flood risk terms the development is classified as non-major development and the Planning Practice Guidance therefore indicates that the LPA are indeed required to carry out the Sequential and Exception tests. As per paragraph 162 of the NPPF, the sequential test asks:

“Are there, or are there not, any reasonably available sites in areas with a lower probability of flooding that would be appropriate to accommodate the type of development or land use proposed?”
- 2.5. It is for the LPA to decide the extent of the search for alternative sites albeit a recent appeal decision (PINS reference: 3324224) in Dartmouth found that focusing only on a town centre is unlikely to go far enough and it may be reasonable for searches to include the whole District.
- 2.6. Whilst it is for the LPA to undertake the Sequential Test, the PPG recommends that it is in the best interest of applicants to provide information to the LPA to demonstrate that the Sequential Test can be passed. Given that there are a number of sites not within a flood risk area in Tiverton that could accommodate a 1 bedroom unit, officers raised concerns that the Sequential Test would not be passed.

2.7. The applicants sought to address these concerns, firstly in emails dated the 23rd and 24th November set out sites in Tiverton that are in the Council's (i.e. applicant's) ownership. The emails explained that the Council are exploring all of these sites for additional affordable housing and are either at pre-planning or planning stage. However, officers took the view that this was not detailed enough given it only looked at sites in Council ownership. As a result, a further Sequential Test document was submitted. This document goes into greater detail about sites within the applicant's ownership but crucially, does not go beyond this, or acknowledge that some of these sites that are not in the flood zone could accommodate a one bedroom unit. In addition and owing to appeal decision reference: 3324224, it is argued that the search should have included sites outside of the Council's ownership which would almost definitely include sites outside of the flood risk areas and that could accommodate a one bedroom unit. It may be that purchasing these sites is not feasible within Council budgets but no information has been submitted to back this up. In any event, this does not overcome the crucial issue that there are other sites in Tiverton in the applicant's ownership which could accommodate the development of a one bedroom affordable dwelling. Whilst there are of course benefits of an additional affordable housing unit, officers do not consider the Sequential Test which seeks to direct development away from flood risk areas has been passed. As such, officers recommend refusal. Given that the Sequential Test is not considered to be passed, the Exception Test is not required to be undertaken.

2.8. If at Planning Committee members come to a different view, it will be important to condition that the FRA is secured as per the EA's comments. In addition, the Emergency Planner has been consulted on the application noting that there should be an evacuation/emergency plan. If members are minded to approve the application then it is considered that this should also be conditioned as a pre-commencement condition subject to the agreement of the applicants.

3. Highways and parking

3.1. DM3 of the Local Plan requires development to have a safe access whilst DM5 sets out the required levels of car parking for development. The objection referring to emergency vehicle access and car parking has been carefully considered. The Highway Authority have reviewed the application and offered no comments in this case. The access to the building is not altered as a result of the proposed development and therefore this is considered to be acceptable with the impact on emergency vehicle access also unchanged. Currently, car parking in the area is largely on the street but the proposed plans identify that one additional off road parking space to be brought forward. DM5 requires 1.7 parking spaces per residential dwelling which would ordinarily be rounded up to 2 but given the proposal is for a modest 1 bedroom flat in a central location, 1 additional car parking space is considered to be sufficient in this specific case. If members were to approve the application, a condition should be used to ensure the car parking space does indeed come forwards and is constructed of permeable material.

4. Ecology

4.1. Given the extent of the works, preliminary and emergence ecology surveys have been submitted with the application. No evidence of statutorily protected species were found but recommendations have been set out in case any are encountered during the building phase. As refusal is recommended there is no need to condition these

recommendations unless members come to a different view.

5. Design and amenity

- 5.1. Policy DM1 of the Local Plan seeks to ensure high quality design according to a number of principles including avoiding adverse amenity impacts, creating visually attractive places and meeting nationally described space standards. The proposed dwelling does meet nationally described space standards and the floor plan indicates that there will be sufficient levels of natural light entering the dwelling. A balcony is proposed for the benefit of prospective occupants and due its inset nature, there are no concerns relating to overlooking or overbearing impacts. The scale and materials proposed are in-keeping with the existing building and overall the design is acceptable in accordance with DM1.

6. Planning balance

- 6.1. The proposed development is for one, one bedroom flat which will add to the Council's housing stock. It is within the Tiverton settlement limit which supports residential development and there are no concerns in relation to design or ecology. An off street parking space is provided and the existing access is not impacted. Whilst the site is within Flood Zone 3 and there is no in-principle objection from the EA, it is not considered that the Sequential Test has been passed. The Sequential Test seeks to direct development away from areas of high risk of flooding and not complying with the Test warrants a refusal. There are other available sites within Tiverton that are not in a flood risk area that could accommodate a one bedroom dwelling. Officers therefore recommend refusal.

REASON FOR REFUSAL

1. The application proposes one new dwelling within Flood Zone 3. Paragraph 167 of the National Planning Policy Framework therefore requires the LPA to apply the Sequential Test. In the opinion of the Local Planning Authority, the Sequential Test has failed to be addressed given the submitted information only refers to Council owned sites in Tiverton and acknowledges that some of these sites, which are outside of the flood zone, could accommodate a one bedroom dwelling. The proposal would therefore result in highly vulnerable development being allowed in Flood Zone 3 rather than being directed to less vulnerable sites contrary to S9 of the Mid Devon Local Plan (2013-2033) and paragraphs 162 and 167 of the National Planning Policy Framework.

INFORMATIVES

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has looked for solutions to enable the grant of planning permission. However the proposal remains contrary to the planning policies set out in the reasons for refusal and was not therefore considered to be sustainable development.

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". No persons that could be affected by the development have been identified as sharing any protected characteristic.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

Application No. 23/01532/FULL

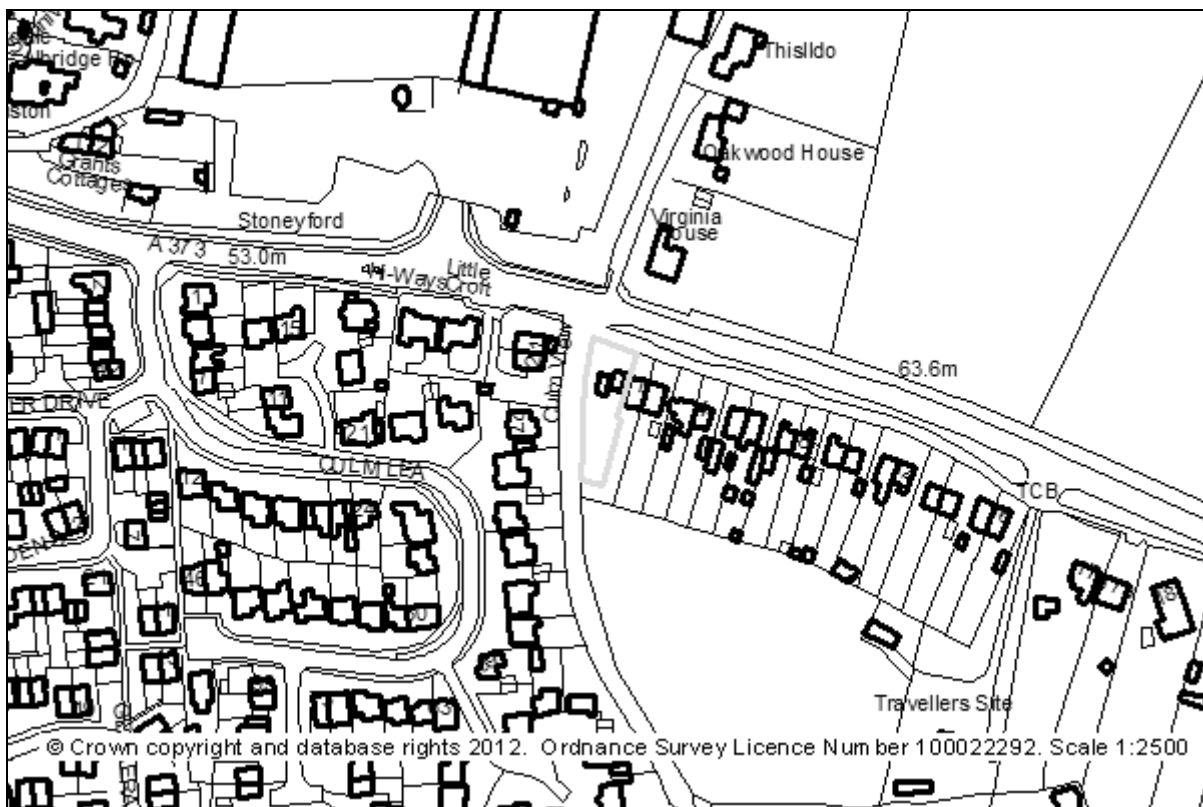
Grid Ref: 303161: 107379

Applicant: Mr M Frost, Mid Devon District Council

Location: 1 Honiton Road
Cullompton
Devon
EX15 1NZ

Proposal: Erection of 2 dwellings

Date Valid: 15th November 2023



APPLICATION NO: 23/01532/FULL

Site Visit: Yes

Date of Site Visit: 22.11.2023

Decision Delayed Reason:

N/A

MEMBER CALL-IN

The application was not called in by the ward member. It is before Committee due to MDDC being the applicant.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

The proposed development is for the erection of 2 dwellings at 1 Honiton Road, Cullompton. The site is in the Cullompton settlement limit but outside of the Conservation Area. It is not within a flood risk area and there are no nearby listed buildings. The proposal itself seeks to erect two dwellings to the side of 1 Honiton Road which will make up part of the Council's housing stock providing social rented housing plots. There is an extant approval for 1 dwelling on the same plot but this scheme seeks to make a more efficient use of the site.

APPLICANT'S SUPPORTING INFORMATION

Design and access statement, air quality assessment, climate change statement, site location plan, block plan, swept path analysis and proposed plans.

RELEVANT PLANNING HISTORY

19/01201/OUT - PERCON date 17th April 2020 Outline for the erection of 1 dwelling
21/00674/ARM - PERMIT date 21st June 2021 Reserved Matters for the erection of 1 dwelling following outline permission 19/01201/OUT

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Review 2013 – 2033

- S1 Sustainable development priorities
- S2 Amount and distribution of development
- S3 Meeting housing needs
- S11 Cullompton
- DM1 High quality design
- DM3 Transport and air quality
- DM4 Pollution
- DM5 Parking

Cullompton Neighbourhood Plan 2020 to 2033

- SD04 Solar Design in Housing Schemes
- HS04 Parking on Housing Schemes
- TC02 Character of the Built Environment

CONSULTATIONS

Highway Authority, 4th December 2023:

The site is accessed off the A373 a Primary County Route which is restricted to 30 MPH

The number of personal injury collisions which have been reported to the Police in this area between 01/01/2018 and 31/12/2022 is none.

It is considered that an access can be achieved with suitable visibility, taking into account estimated speeds at this location, it is not considered that the impact will be severe or that there will be a safety concern with the proposal.

Therefore the County Highway Authority has no objections to this application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc. 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

Environment Agency:

Operational development less than 1 ha within Flood Zone 1 - no EA consultation required - see surface water management good practice advice - see standard comment

Cullompton Town Council:

No comments received.

Public Health, 11th December 2023:

We have considered the application which includes an air quality assessment. This is required as the site is within the Cullompton air quality management area. The assessment concludes that

impacts during construction will be dealt with in a CMP and for the operational phase the applicant proposes an air source heat pump, solar panels and electric charging points. We have no concerns regarding this recommendation. The air quality report should form part of the approved documents should the application be approved.

We recommend that the standard CMP condition is included on any approval.

South West Water, 18th December 2023:

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)
2. Discharge into the ground (infiltration); or where not reasonably practicable,
3. Discharge to a surface waterbody; or where not reasonably practicable,
4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.

I trust this provides confirmation of our requirements, however should you have any questions or queries, please contact the Planning Team

REPRESENTATIONS

This planning application has been advertised by means of a site notice erected by the applicant, by notifying immediately adjoining neighbours in writing and by advertising in a local newspaper in accordance with the legal requirements for publicity on planning applications, and the Council's Adopted Statement of Community Involvement July 2020.

The following properties were written to:

- 2 Honiton Road Cullompton Devon EX15 1NZ
- 1 Culm View Cullompton Devon EX15 1NX
- 2 Culm View Cullompton Devon EX15 1NX
- 29 Culm Lea Cullompton Devon EX15 1NJ
- 27 Culm Lea Cullompton Devon EX15 1NJ
- Virginia House Honiton Road Cullompton Devon EX15 1NX

No letters of representation have been received at the time of writing this report.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Policy and procedure
 2. Design and amenity
 3. Highways and parking
 4. Air quality
 5. Planning balance/summary
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1. Policy and procedure
 - 1.1. Policies S1 and S2 of the Local Plan support sustainable development and seeks to direct development to defined towns and settlements such as Cullompton. More specifically, S11 supports residential development within the settlement boundary of Cullompton. Similarly, S3 sets out the affordable housing requirements of the District and generally supports affordable housing development along with HS03 of the Neighbourhood Plan.
 - 1.2. The proposal is for two affordable units within the settlement boundary and is therefore acceptable in principle. The application was not called in by the ward member and is only before Committee due to MDDC being the applicant.
 - 1.3. There is an extant permission for one dwelling on the same site footprint but this proposal seeks to make a more efficient use of the site.
 2. Design and amenity
 - 2.1. Policy DM1 of the local plan seeks to ensure high quality design according to a number of principles including making an efficient use of sites, creating visually attractive plans and avoiding adverse amenity impacts. Similarly, TC02 of the Neighbourhood Plan seeks to ensure development makes a positive contribution to the built environment.
 - 2.2. In terms of amenity, the dwellings accord with nationally described space standards and garden areas are provided to the rear of the plots. 1 Honiton Road will also retain rear garden area and whilst it is narrowed as a result of the development, it is still considered to be suitably sized. The dwellings will be orientated along the building line of Honiton Road and therefore are not expected to result in overbearing impacts or create unacceptable losses of light for neighbours. There are rear bedroom windows on the first floor but any overlooking is not considered unacceptable as there is a typical relationship with the rest of the street. It should also be noted that the extant permission on the same plot will have similar relationships with neighbouring dwellings.
 - 2.3. The building is a pitched roof design with a balanced form and materials typical of the locality. These include slate roofing, rendered walls with some cladded elements to add interest as well as uPVC windows and doors. The south elevation also includes solar panels as supported by SD04 of the Neighbourhood Plan.
 - 2.4. Overall, the design and appearance is considered acceptable in accordance with DM1 of the Local Plan and TC02 and SD04 of the Neighbourhood Plan.

3. Highways and parking

- 3.1. DM3 of the Local Plan requires development to have a safe access onto the highway network. The application has been supported with a swept path analysis to demonstrate this and Highways raise no objection subject to a Construction Management Plan condition. It is not considered that there will be a significant increase in vehicle movements as a result of two new dwellings in this location, particularly given there is already an extant permission for one dwelling. Overall, the local road network is considered to be protected.
- 3.2. DM5 of the Local Plan requires 1.7 spaces per residential dwelling whilst the Neighbourhood Plan requires 2 spaces for 2 bedroom units. The submitted plans clearly show that these requirements are adhered to.

4. Air quality

- 4.1. An air quality assessment has been submitted with the application owing to the fact the site is within the Cullompton Air Quality Management Area. It concludes that there will be some limited air quality impacts, particularly during the construction phase but its main recommendation is the inclusion of an EV charging point which will more than exceed any damage cost. Public Health raise no objections and are satisfied with the submitted assessment subject to its recommendations (namely the EV charging point) being secured by condition. This condition has been included as well as a CMP condition as previously referenced above.

5. Planning balance/summary

- 5.1. In summary, the site is in the defined settlement area so residential development is supported in principle. The proposal will make an efficient use of the site by providing 2 affordable housing units whilst protecting neighbourhood amenity. The design and parking arrangements are considered acceptable, as are transport and air quality impacts owing to the use of conditions.

REASON FOR APPROVAL

The proposed erection of 2 dwellings at 1 Honiton Road, Cullompton. The site is within the Cullompton settlement limit where residential development is supported. The proposal will make an efficient use of the site by creating two affordable units with the design being acceptable. There will be no significant adverse impacts upon neighbourhood amenity, air quality or the local highway network. As such, the development is considered to comply with policies S1, S2, S3, S9, S11, DM1, DM3 DM4 and DM5 of the Mid Devon Local Plan (2013-2033), SD04, HS04, TC02 of the Cullompton Neighbourhood Plan and guidance in the National Planning Policy Framework.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;

- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works; and
 - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (k) details of wheel washing facilities and obligations
 - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (m) Details of the amount and location of construction worker parking.
 - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;
4. The development shall be carried out in accordance with the requirements and mitigation set out in the Air Quality Assessment undertaken by Kairus Ltd. dated November 2023.

REASONS FOR CONDITIONS

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt in the interests of proper planning.
3. In the interests of highway safety and neighbourhood amenity in accordance with DM1 of the Local Plan. Required prior to commencement to ensure that appropriate measures are put in place to protect the amenity of residents.
4. In the interests of air quality.

INFORMATIVES

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". No persons that could be affected by the development have been identified as sharing any protected characteristic.

Application No. 23/00924/FULL

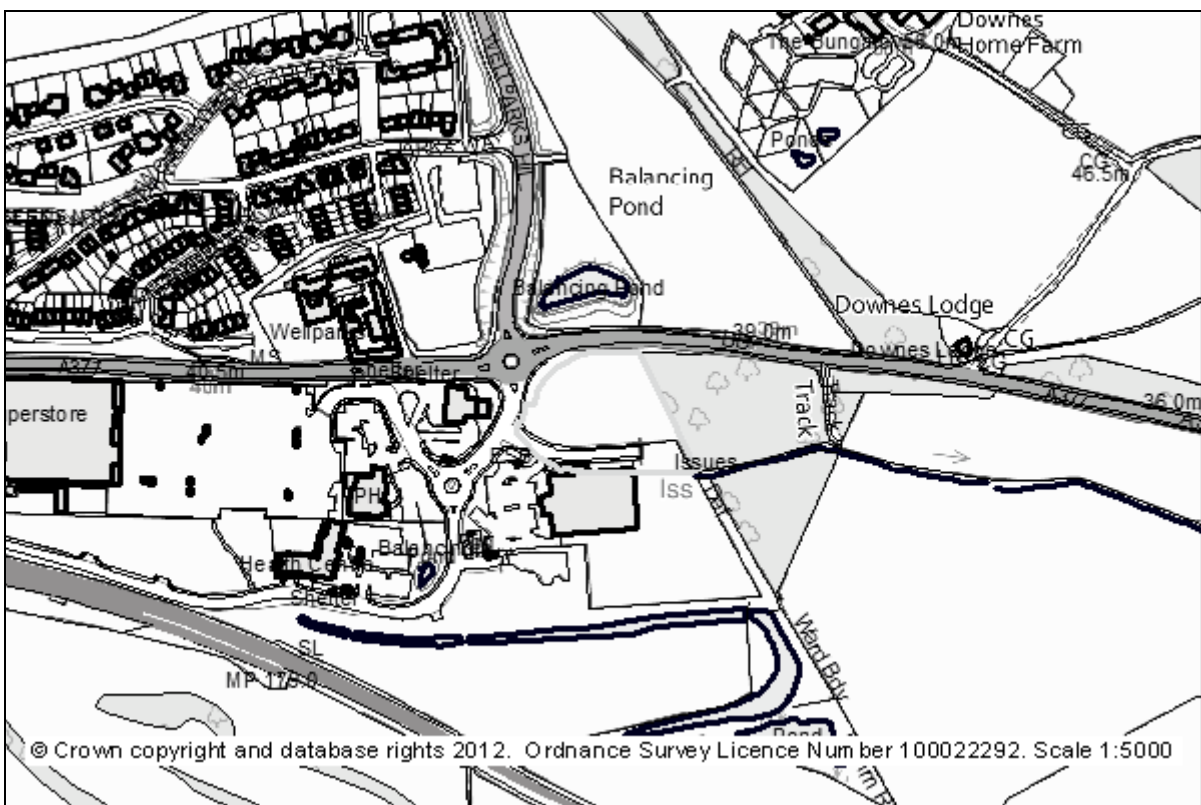
Grid Ref: 284599 : 99472

Applicant: McDonald's Restaurants Ltd

Location: Land at NGR 284600 099535
Joseph Locke Way
Crediton
Devon

Proposal: Erection of restaurant with drive-thru facility, car parking, landscaping and associated works

Date Valid: 14th June 2023



APPLICATION NO: 23/00924/FULL

MEMBER CALL-IN

This application has been called in by Cllr Jim Cairney in order for Members to consider the following:

1. Not in line with the local plan which identifies land to be used for light industrial or small business.
2. Effect on amenity of the area as this site has been identified as one of the gateways to Crediton.
3. Increased traffic.
4. Light pollution.
5. Not in line with the vernacular appearance as outlined in the Crediton Neighbourhood plan.

RECOMMENDATION

Pending confirmation from LLFA to final drainage arrangement details, grant permission subject to conditions and the signing of a S106 agreement to secure the following:

- 1) A financial contribution of £35,281 to 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 and 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 the Crediton Air Quality Management Area.
- 2) A financial contribution of £15,000 toward the Shop front enhancement scheme. The shop front/ business enhancement scheme is specifically targeted at SME businesses preparing and serving food: (Use classes E(a), E(b) and sui generis) that are situated within the Crediton Town centre boundary.
- 3) To secure the funding of £5,000 for Devon County Council for double yellow lines through the TRO process and to secure the land on the Eastern Side of Joseph Locke Way, North of the junction to the proposed entrance to provide for a cycle/footway to the junction.

PROPOSED DEVELOPMENT

The application seeks planning permission for the erection of a restaurant with drive-thru facility, car parking, landscaping and associated works on land at NGR 284600 099535 Joseph Locke Way, Crediton. This application is being considered in conjunction with three separate advertisement applications for the various signage proposed in and around the site. The site is located to the south east of Crediton being within the settlement limits of Crediton, being on a site allocated under Policy CRE10 which states '*Land south of A377 - A site of 2.6 hectares south of the A377 in Crediton is allocated for commercial development subject to the following: a) 7,600 square metres of B1, B2 or B8 floorspace or other suitable commercial uses.*'

The site is accessed from Joseph Locke Way, from a shared access road with Mole Avon Country Stores to the south. The site is well contained, with existing mature trees to the east and a levels difference to the north. The site is located adjacent to a range of retail uses, such as Tesco, the Petrol Filling Station, Mole Avon Country Stores and the Red Deer pub/restaurant. There is also Redlands Primary Care, which is a strategic and integrated Primary Care Facility, designed to provide a

sustainable primary care service for the next 30 years within Crediton. Further to the north are residential properties as part of the Wellparks Development where further housing is proposed.

The proposal represents a Class E/ Sui Generis use, comprising a modern freestanding single storey McDonald's restaurant with drive-thru, car parking, landscaping and associated works, including customer order displays (COD) and a play frame. Provision is made for takeaway customers, both from the counter and from the drive-thru lane. The restaurant would have a gross external area (GEA) (including the corral and freezer chiller) of 377.3 sqm, and the gross internal area (GIA) is 350 sqm, whereby the dining area would amount to 78sqm. The customer seating area comprises 76 covers for visitors to eat their meals so the maximum amount of people who could sit down for a meal at the restaurant would be 76.

The proposal includes 36 car parking spaces, inclusive of provision for 2 accessible bays, 2 grill bays and 4 electric vehicle charging bays (one being an accessible bay). Furthermore, there will be 5 Sheffield customer bike stands, for an overall provision of 10 cycle spaces. The supporting statement outlines that this proposal represents a multi-million-pound investment by a national operator in Crediton and the restaurant is expected to employ more than 120 full and part time staff, which McDonald's seeks to recruit from the local area.

APPLICANT'S SUPPORTING INFORMATION

Application Form, Plans, Supporting Statement, Noise Impact Assessment, Travel Plan, Delivery Management Plan, Travel Assessment, Adopted Highway Extent Plan, Preliminary Ecological Appraisal, Ground Investigation Report, Air Quality Impact Assessment, Flood Risk Assessment, Sequential Test, Archaeological and Heritage Assessment, Construction Environment Management Plan, Drainage Maintenance Plan, Flood Risk Calculations

RELEVANT PLANNING HISTORY

06/02670/OUT – PERMIT 19th September 2008

Mixed use development comprising full details relating to foodstore, petrol filling station and change of use/refurbishment of redundant Class B8 building to provide 4 residential units; and outline proposals for family pub/restaurant, residential development (36 units), class B1a office use; Class B1c light industrial use, drainage works, highway works and landscaping on land to South Of Exeter Road Wellparks, Crediton

09/00244/MOUT – PERMIT 1st October 2010

Mixed use development comprising full details relating to foodstore, petrol filling station and change of use/refurbishment of redundant Class B8 building to provide 4 residential units; and Outline proposals for family pub/restaurant, residential development (36 units), class B1a office use; Class B1c light industrial use, drainage works, highway works and landscaping (revised foodstore design and minor changes to car park) on land South of Exeter Road Wellparks, Crediton

14/02044/MFUL - PERMIT date 11th March 2015

Erection of new head office comprising offices, warehouse, country store, external storage area, parking, new access and associated works - Non Material Amendment granted 16.07.18

16/00822/FULL - PERMIT date 21st July 2016

Reconfiguration of access and associated works

16/00876/ADVERT - PERMIT date 26th July 2016 Advertisement consent to display 1 non-illuminated pole mounted sign

18/00780/ADVERT - PERMIT date 12th July 2018 Advertisement consent to display 1 totem sign (non- illuminated), poster light box, 5 fascia signs of various sizes all non-illuminated, 1 Brand sign, 2 menu signs 4 direction signs, 1 window sign and 1 banner sign all non-illuminated.

18/00949/NMA - PERMIT date 16th July 2018 Non-Material Amendment for 14/02044/MFUL to allow alterations to fenestration across all elevations, reconfiguration of car parking layout and alterations to landscaping

22/00219/MOUT - PERCON date 22nd April 2022 Removal of condition 9 of planning approval 09/00244/MOUT relating to combined heat and power unit

23/00924/FULL - PCO date Erection of restaurant with drive-thru facility, car parking, landscaping and associated works

23/00929/ADVERT - PCO date Advertisement Consent to display 1 illuminated totem sign

23/00932/ADVERT - PCO date Advertisement Consent to display 2 fascia signs, 3 booth lettering signs and 1 digital booth screen, all illuminated

23/00933/ADVERT - PCO date Advertisement Consent to display site signage including, 4 illuminated freestanding signs, 2 illuminated banner units and 20 DOT signs

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan 2013 – 2033

S1 - Sustainable development priorities
S2 - Amount and distribution of development
S6 - Employment
S7 - Town centres
S8 - Infrastructure
S9 - Environment
S12 - Crediton
CRE10 - Land south of A377
CRE11 - Crediton Infrastructure
DM1 - High quality design
DM2 - Renewable and low carbon energy
DM3 - Transport and air quality
DM4 - Pollution
DM5 - Parking
DM14 - Town centre development
DM15 - Development outside town centres
DM19 - Protection of employment land
DM25 - Development affecting heritage assets

Crediton Neighbourhood Plan 2018 to 2033

D1 - Development principles
D2 - Sites allocated in the Mid Devon Local Plan as shown on the Adopted Policies Map for Crediton
D5 - Design
TC5 - Shop fronts
T1 - Footpaths and cycle routes
T2 - Crediton to Exeter Cycle path
T3 - Development on principal routes
S2 - Energy diversification
E2 - Change of use of allocated employment land
H1 - Historic character
H2 - Historic landscape character
EN2 - Trees
EN3 - Flood plains
EN4 - Green infrastructure

National Planning Policy Framework

National Planning Practice Guidance

CONSULTATIONS

Crediton Town Council – 3rd November 2023

Design

- The modern design in the most recent proposal, with plate glass and flat roofs is inappropriate for the location opposite listed buildings and contravenes Policy D5, CNP. The latest proposal uses some red brick to fit in with surrounding buildings but there is an equal amount of timber-effect cladding, which doesn't fit the vernacular style, and a whole section of the building in a prominent position which is grey panel cladding on three sides. The building has a very industrial appearance, unsympathetic with the surroundings and not desirable at such a prominent gateway site.

Environment

- The most recent landscape and planting proposal shows no planted screening on the north/west boundary will have a visual impact on the heritage buildings and orchard opposite
- CNP policy EN3 states that flood plain landscape is vulnerable to unsympathetic development and requires an appropriate landscape treatment that will help to blend the development into the existing landscape. Viewed from the North West, the development will be intrusive in design, lighting and signage. There should be further planting at the boundary facing the roundabout to help the development blend.
- A previous site plan showed 4 EV charging points. Councillors expressed concerns about plans for only two electric car charging points.

Traffic

- The access plans for the development give rise to concerns about congestion on the roundabout, and disruption of HGV access to Mole Avon
- The development still relies on generating car trips with excess traffic affecting climate change.

Health

- Drive-thru business model for the development encourages short car journeys in contravention of Policy D1, CNP, Development Principles for sustainability.
- Encouraging fast-food consumption is becoming a public health issue with this kind of diet contributing to obesity and other health issues.

Economy

- High street trade will be affected, as more cars will pass through the High Street, increasing traffic along the main road and making the environment less attractive for pedestrians and shoppers in the town centre. At the same time, the new drive through outlet will encourage consumers away from the town centre to the out of town location
- Section 106 contribution of £15,000.00 to mitigate the economic loss to the High Street is insufficient from a global company
- The development will create a number of part-time jobs which will be helpful to some workers but contributes to the Mid-Devon profile of low-skill, low-wage employment.

It was agreed that should the application be permitted:

- Moisture-loving trees should be planted along the North West boundary
- Double yellow lines to discourage roadside car parking in the vicinity
- MacDonaldis should make a greater financial contribution to high street mitigation
- The A377 totem pole signage should be reduced from 12 metres to 7 metres
- A left turn from the Drive-thru exit should be considered to keep traffic flow and reduce congestion.

Crediton Town Council – 14th July 2023

Inappropriate location for the proposed use in contravention of Policy D1 of Crediton Neighbourhood Plan:

- The location of the development is a gateway site, diagonally opposite listed buildings at Well Parks Farm. The grade 2 listed buildings at Well Parks were carefully considered in the planning application 23/00067/FUL. The new housing to the east of the listed buildings has been designed to enhance the heritage assets, including a new orchard facing the A377. The proposed Macdonald's building on the south east corner is of a completely contrasting character and will not protect or enhance the historic environment on the North West corner in contravention of Policy D1.
- The development will have a negative impact on the rural approach to the town and will contribute significantly to the urbanisation of the Yeo Valley, which is an important part of the town's rural setting.

Inappropriate design for the location in contravention of Policy D5, Crediton Neighbourhood Plan

- The Red Deer restaurant on the south west corner of the gateway site was successfully designed to complement the local vernacular and to merge into the landscape. The proposal in this application is a utilitarian, branded style which makes no attempt to use materials, lighting, landscaping or any other design feature that would complement the surroundings of what is a sensitive site, visible across the Yeo valley, adjacent to the Downes Estate and yards from Downes Lodge.

Environmental concerns:

- The drive-through business model for the development relies on car journeys being generated in contravention of Policy D1, CNP, Development Principles for sustainability.
- 24-hour opening, with extra lighting, vehicle movements and energy consumption, will have a carbon footprint that should be avoided to achieve sustainable development.
- It is not clear from the application that the hedge will be allowed to grow to its full height. The maximum opportunity for wildlife should be provided in the planting scheme and additional trees could be planted on the northern boundary in accordance with Policy EN2, Crediton Neighbourhood Plan.

Economic implications:

- The drive-through model will have a negative impact on the economy of the market town, High Street, and existing local businesses as it will attract traffic away from the town centre.
- The proposed development will not provide well-paid skilled employment opportunities that the town needs and the original purpose of the land was for employment through small businesses and workshops.
- Retail = employment is not a skills development policy. Using employment land for the business model proposed does nothing to promote opportunities for careers for local young people.

Recommend objection, but members agreed on the following conditions, if the application is permitted:

- Opening hours should be comparable with those of existing businesses.
- The developer could be approached about s 106 funding for a new skatepark if not already funded.
- Traffic exiting the new development should be directed left to turn 360 degrees at the service road roundabout and should not be able to turn directly right onto Joseph Locke Way in order to access the A377.

Crediton Town Council - 14th July 2023

Recommend objection, but members agreed on the following conditions, if the application is permitted:

- Opening hours should be comparable with those of existing businesses.
- The developer could be approached about s 106 funding for a new skatepark if not already funded.
- Traffic exiting the new development should be directed left to turn 360 degrees at the service road roundabout and should not be able to turn directly right onto Joseph Locke Way in order to access the A377.

Crediton Hamlets Parish Council – 8th December 2023

Crediton Hamlets Parish Council notes that the applicant has submitted amended plans which shorten the access road to the proposed development from Joseph Locke Way. Councillors are concerned about the effect this development will have on local traffic. Moving the access closer to Joseph Locke Way will only increase the risk of traffic backing up, perhaps as far as the A377. Councillors note that DCC Highways have expressed the same concerns. Councillors request that, if the Planning Officer is minded to grant consent, the applicant be first required to submit an updated Traffic Management Plan which is satisfactory to DCC Highways. Paragraphs 2) and 3) in the comment the Council submitted on 5th October 2023 stand.

Crediton Hamlets Parish Council – 5th October 2023

Having considered the revised application and heard further information about traffic flow around the site, Crediton Hamlets Parish Council has changed its stance from support to neutral in respect of this application. The Council's comments are as follows:

1) The development will considerably increase the traffic flow on the A377 and Joseph Locke Way. These roads are already busy with public use to access Tesco, Redlands Surgery and other destinations. In addition, large delivery vehicles make frequent deliveries to Tesco and other destinations in the area. There is a danger of stacking of cars waiting to use the drive-thru facility on the road accessing MacDonalds, Joseph Lock Way and on the A377. This has the potential to seriously affect journey times of local residents. The Parish Council therefore asks that, if the

Planning Officer is minded to approve, the applicant be first required to submit an improved traffic management scheme.

2) To help avoid the inevitable increase in litter in the vicinity the applicant should be required to pay local charitable organisations such as Turning Tides to pick up.

3) Although the biodiversity net gain offer in the revised application has been improved, the applicant should offer more. The actual site is small and therefore a little limited in scope but the application could fund biodiversity improvements in off-site areas in and around Crediton.

Crediton Hamlets Parish Council – 5th July 2023

After consideration of the advantages and disadvantages of this application Crediton Hamlets Parish Council resolved to support. Councillors asked that, if consent is granted, the Planning Officer should consider including the following conditions to address some of the concerns raised:

1. To help avoid traffic congestion, traffic joining Joseph Locke Way from McDonalds and Mole Avon should be obliged to turn left to the mini-roundabout before re-joining the A377.

2. To help avoid the inevitable increase in litter, McDonalds should commit to paying local charitable organisations such as Turning Tides to pick up.

3. The biodiversity net gain provision in the application is inadequate. A business of the nature and size of McDonalds should offer much more and the provision must be substantially improved.

Economic Development – 16th November 2023

Economic Development have no further comments to make.

Economic Development – 3rd August 2023

Comments:

- It is noted that the proposed development site is within the defined settlement limit boundary for Crediton, however, it is outside of the Town Centre Boundary.
- This site is within employment land allocation CRE10 which may include B1-B8 uses such as offices, light industry or storage and distribution, or alternatively a suitable 'sui generis' use if appropriate.
- Proposes employment for 30 employees, 62:00 Full Time Equivalent (FTE).

Whilst Economic Development accept that the proposed development is an appropriate use for this site, footfall will be taken away from the town centre and have a direct impact, particularly upon eateries and takeaway businesses in the town centre. On this basis and in accordance with the Mid Devon District Council's Infrastructure Funding Policy (Positive measures for enhancement and regeneration of the town centre) we consider the following S106 contribution is necessary to make the development acceptable in planning terms:

Contribution (£)	Infrastructure	Calculation
£15,000	Shop front/ business enhancement scheme that will be specifically targeted at SME businesses preparing and serving food: (Use classes E(a), E(b) and sui generis) that are situated within the Crediton Town centre boundary.	This figure is based on an existing shop front enhancement scheme.
Total Contribution £15,000		

Historic Environment Team – 14th November 2023

Thank you for the re-consultation on this planning application. The Historic Environment Team has no comments to make on this planning application.

Historic Environment Team – 20th September 2023

HET ref: ARCH/DM/MD/38810a

Archaeological investigations previously undertaken here have demonstrated that the proposed development site has a low potential for containing archaeological deposits. As such, the Historic Environment Team has no comments to make on this planning application.

Historic Environment Team – 23rd June 2023

The Historic Environment Team has no comments to make on this planning application.

Public Health – 3rd October 2023

No additional comments - conditions were recommended in the original PH comments in July 2023.

Public Health – 7th July 2023

We have considered the application and also representations made by a number of local residents, and have the following comments with recommended conditions:

1. Potentially contaminated land. A report has been submitted by DTS Raeburn dated May 2023. The conclusion is that there are unlikely to be any contaminants of concern on this site which might impact on a commercial development. We do not anticipate any concerns with this conclusion and therefore have no recommendations to make.
2. CEMP. An initial construction and environment management plan has been submitted by Glanville dated May 2023. We have no concerns regarding the proposed hours, or with noise and dust mitigation measures. However it is intended to bring a crusher onto the site and this must have an environmental permit issued by its home authority. The writer mentions piling and the piling method must be agreed with the Environmental Health officer prior to work commencing. Low noise impact piling should be selected as the preferred method.

3. Lighting. A report has been submitted by Signify dated May 2023. They propose 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.

4. Air Quality. A report submitted by Isopleth dated February 2023 has considered the potential impact on nitrogen oxides and particulate levels and the location of the site within the Crediton air quality management area. The conclusion is that the traffic associated with this development is likely to have a negligible impact on existing levels of air quality. A damage cost assessment required by the MDDC SPD on air quality and development, has been included because of the location within the AQMA. The damage cost is calculated as £35,281 and the author suggests mitigation including low emission strategies. We recommend that the following condition is included in any approval: "Measures with a cost equivalent to the calculated exposure value shall be incorporated within the final scheme for the mitigation of air quality impacts. This scheme shall be submitted for approval by the LPA prior to any works starting on the site. Reason: to ensure that the development and future use of the site do not impact unacceptably on the air quality in Crediton, in accordance with the requirements of policy Policy DM3 (Transport and air quality).

5. Noise. A report has been submitted by Acoustics Associates SW Ltd dated May 2023. The report concludes that noise from the use of this restaurant and take away will not impact on any residents, the nearest of which is around 140m away. The report states that delivery and refuse vehicles are required to use white noise reversing alarms, thereby addressing the most common cause of noise disturbance from these types of use. The writer suggests that deliveries could occur between 5am and 10pm, but the applicant states that only 3 deliveries per week are required, and these would occur during a regular time slot. This being the case we do not consider that deliveries before 8am would be required. We therefore recommend the following condition regarding deliveries:

"No deliveries shall be accepted or despatched to or from the site except between the hours of 8am and 9pm Monday to Saturday, and not at all on Sundays or Bank Holidays.

Reason: To protect the amenities of local residents from noise."

There will inevitably be air conditioning and extraction equipment installed in association with this use. We therefore suggest that the following condition is included on any approval in order to ensure that any residual noise does not unreasonably impact on residents:

"Noise emitted from any refrigeration unit, cooling system, extract ventilation system or any other specific noise source shall be inaudible at the boundary of the nearest residential premises. Within one month of the installation of such equipment, details of any acoustic mitigation required to achieve this noise level shall be submitted to and agreed in writing by the Local Planning Authority and the equipment shall not be used until and unless the mitigation has been installed as agreed.

For these purposes, "inaudibility" shall be determined as the specific noise level (after correction factors have been applied) being at least 5dB less than the lowest background noise level measured at the time of the assessment, all measured in accordance with BS4142:2014.

Reason: To protect nearby residents from excessive noise."

Environment Agency – 5th December 2023

Thank you for your email. Our mapping shows this location to be in flood zone 2, therefore flood risk standing advice would apply to this application. I cannot see any other constraints that we would comment on.

Local Highway Authority – 4th December 2023

As these changes do not affect the drive thru, then the County Highway Authority has no objection to the new access proposal.

Local Highway Authority – 23rd November 2023

The applicant has changed the layout plan numbered 8352-SA-1801-P002 F showing the access to be nearer the junction and this will shorten the lane for the drive through.

The Highway concerns are how will this affect the queuing for drive through as we do not want this to spill over on to the highway as this could cause highway issues in this already busy area.

Therefore we would require an up dated Transport Assessment.

Local Highway Authority – 28th September 2023

Observations:

The site is accessed off an un adopted highway, although part is secured in a Section 38 Agreement with Tesco's Ltd.

The number of personal injury collisions which have been reported to the Police in this area between 01/01/2018 and 31/12/2022 is none.

The number of trips this proposal could create has been taken from TRICs which is a national excepted database and they have used other sites to compare these trips rates, which shows this would not have a severe impact on the highway network.

The number of parking spaces that will be provided is 50 which is less that the requirement within the Mid Devon Local Plan Policy DM5.

Although the Applicant has agreed to secure monies for Devon County Council to provide double yellow lines through the TRO process. Along the carriageway in the area to ensure vehicles do not park on the highway of the access which could cause a safety concern. Devon County Council could also include in the TRO the removal of right hand turning from the junction to make all traffic leaving the junction to turn left and negotiate the roundabout and then head back to the A377.

The County Highway Authority would require the Planning Authority to secure a Travel Plan through a condition if the PA are minded to approve this application.

The County Highway would also like to secure the land on the Eastern Side of Joseph Locke Way, North of the junction to the proposed entrance to provide at a later date a cycle/footway to the junction. This would need to be secure through a S106 Agreement.

Additional Information 28/9/2023

The Applicant has provided a drawing numbered 5521-SK-05 which shows the land secured for the 3 meter cycleway in the future. They have also agreed to deliver a uncontrolled crossing point shown on the plan.

The number of parking spaces has been addressed.

They agreed to secure the secure funds through a section 106 for the TRO for double yellow.

Therefore the County Highway has no objection to this proposal

Recommendation:

The Head of Planning, Transportation and Environment, on behalf of Devon County Council, as Local Highway Authority, has no objection to the proposed development.

Highway Authority – 10th July 2023

Observations:

The site is accessed off an un adopted highway, although is secured in a Section 38 Agreement with Tesco's Ltd.

The number of personal injury collisions which have been reported to the Police in this area between 01/01/2018 and 31/12/2022 is none.

The number of trips this proposal could create has been taken from TRICs which is a national excepted database and they have used other sites to compare these trips rates, which shows this would not have a severe impact on the highway network.

The number of parking spaces that will be provided is 50 which is less than the requirement within the Mid Devon Local Plan Policy DM5. Although the Applicant has agreed to secure monies for Devon County Council to provide double yellow lines through the TRO process. Along the carriageway in the area to ensure vehicles do not park on the highway of the access which could cause a safety concern. Devon County Council could also include in the TRO the removal of right hand turning from the junction to make all traffic leaving the junction to turn left and negotiate the roundabout and then head back to the A377.

The County Highway Authority would require the Planning Authority to secure a Travel Plan through a condition if the PA are minded to approve this application.

The County Highway would also like to secure the land on the Eastern Side of Joseph Locke Way, North of the junction to the proposed entrance to provide at a later date a cycle/footway to the junction. This would need to be secured through a S106 Agreement.

Recommendation:

The Head of Planning, Transportation and Environment, on behalf of Devon County Council, as Local Highway Authority, recommends that the following conditions shall be incorporated in any grant of permission.

Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway

REASON: In the interest of public safety and to prevent damage to the highway

DCC Flood and Coastal Risk Management Team – 30th June 2023

Recommendation:

At this stage, we object to the above planning application because the applicant has not submitted sufficient information in order to demonstrate that all aspects of the surface water drainage management plan have been considered. In order to overcome our objection, the applicant will be required to submit some additional information

Observations:

Within the Flood Risk Assessment (Ref. MD4220576/HG/002, Issue 2, Date:19 May 2023) the applicant has proposed to manage surface water within an attenuation tank before discharging into the site-wide drainage system.

The applicant has noted that they have permission to discharge surface water into the existing system within the access road. The applicant should provide evidence (e.g. title deeds) to confirm this. The applicant should also confirm who is responsible for maintaining this pipework.

The Ground Investigation encountered shallow groundwater. The applicant should ensure that groundwater will not impact the surface water drainage system (e.g. floatation).

Micro Drainage model outputs have been submitted. However, as this is a new planning application, this model should be designed up to the 1 in 100 year (+ 45% allowance for climate change) rainfall event (in accordance with the figures produced by the Environment Agency in 2022).

The applicant should clarify how pipe number 6.002 has been represented in the model.

We only accept FEH rainfall for new applications in line with best practice. The FSR is based on a dataset from 1970s and is out-of-date.

Above-ground features could be included throughout the site to provide a SuDS Management Train. The applicant should confirm where the data in Table 7 (within the Flood Risk Assessment) has been sourced.

The applicant has submitted a maintenance plan. However, this plan does not describe the various activities (and their frequencies) required to maintain an attenuation tank. The applicant should also confirm who shall be responsible for maintaining the entire surface water drainage system.

Council's Arboriculture Officer – 7th December 2023

Happy with the proposed changes. Will still like to see some further tree planting along the northwest embankment.

The new plan records two *Sorbus aria* along the northeast boundary. In the previous plans these were *Alder glutinosa*. This needs to be clarified? Possible next time I am passing I can take a look.

As previous, where planning is given the current trees onsite as well as any possible trees offsite that may be impacted by the proposal will need to be afforded protection. A Tree Contains Plan, Arboriculture Impact Assessment and Tree Protection Plan would be required. And should be made a condition.

Council's Arboriculture Officer – 19th October 2023

In reviewing the plan I have a number of comments:

- The tree selection for planting are predominantly Grey alder 'Aurer' (*Alnus incana* 'Aurea'), F. maple 'Elsrijk' (*Acer campestre* 'Elsrijk'), Wild cherry (*Prunus avium*) and Crab apple (*Malus sylvestris*). These trees are capable of becoming medium sized trees at maturity.
- A single Common alder (*Alnus glutinosa*) is also noted for planting along the southwest aspect of the site. This may need clarifying as this is a potentially large tree compared to the other trees and it may have been intended to be a Grey alder.
- Due to leaf, twig and fruit fall all trees can pose a minor nuisance that is acceptable. However, the selection and location of the Crab apples should be reviewed. The fall of fruit from Apple trees does pose increased issues/complaints, particularly when affecting parking spaces and parked cars. This can often result in the trees coming under significant pressure that can result in their removal of significant pruning, that impacts the amenity value provided and broader benefits too.
- The apple tree should be considered for relocation to the upper embankment along the northwest aspect of the site. Fruit fall in this location will not cause an impact. This location is viewed as sparse currently with only low level planting proposed.
- Callery pears (*Pyrus calleryana*) would be a suitable replacement alternative of the Apple trees.
- Common alder is a vigorous growing tree that can cause lifting of hard surfaces. The drive (hard surfaces) shall need to be engineered to accommodate root growth of the two current Common alders and the potentially proposed Common alder.
- The proposed tree pit design for tree planting along with sundries is good along with the aftercare if fully undertaken. These should form part of the conditions if planning is given.
- Where planning is given the current trees onsite as well as any possible trees offsite that may be impacted by the proposal will need to be afforded protection. A Tree Contains Plan, Arboriculture Impact Assessment and Tree Protection Plan would be required.

REPRESENTATIONS

This planning application has been advertised by means of a site notice, neighbour notification letters and by advertising in a local newspaper in accordance with the legal requirements for

publicity on planning applications, and the Council's Adopted Statement of Community Involvement October 2016.

At the time of writing, 111 letters of representation have been received, 45 letters of which are of objection, 1 letter of general comment and 65 were letters of support. Letters of representation can be viewed in full on the council's website. The grounds of objection have been summarised as follows:

- Proposed additional jobs created must be balanced against the probable loss of jobs in a variety of local restaurants/take-aways/coffee shops in what is currently a thriving High Street.
- Closure of businesses in the High Street could lead to a run-down centre, which would in turn detrimentally impact on local non-food businesses and the long-term viability and unique character of Crediton town centre.
- There will be an increase in litter in the vicinity
- Will have a significant impact on the gateway to the town.
- Lead to traffic congestion in the area and safety risks
- The drive-through traffic could cause substantial tailbacks on the A377 and affect the access to Tesco's during peak hours
- There will be environmental concerns and impact on air quality.
- The proposal is inconsistency with Local Development Plans, a key element of this plan being the commitment to achieve a carbon-neutral status for Crediton by 2030.
- Drainage will be via Tesco outflow to ditch and then to the Yeo. That means that the whole site, instead of being a water meadow/ wetland will become an extra source of flood water to the river Yeo which is not eco friendly.
- Object to the illuminated signs and totem pole.
- This is not a suitable facility for a market town like Crediton and will be an eyesore as the first large building as visitors enter the town.
- The type of food sold is not conducive to healthy-eating which is ironic if situated next to the only GP surgery and health Centre. Redlands Primary Care also object to the planning application for a drive through fast food restaurant.
- Fast food is linked to obesity and other health conditions which in turn will add more pressures on the NHS.
- A large amount of litter from food-packaging will be generated and disposed of away from the point of purchase and more rubbish will be produced from the restaurant.
- A multinational firm such as MacDonal'd's will not be purchasing from local farmers and growers.
- Concerns with operating practices given recent news of the franchising of staff recruitment and management to external companies.
- Many of the employees may be on zero-hour contracts with no clearly defined career progression routes
- There are staff shortages already in many businesses in Crediton
- There will be a detrimental impact on wildlife
- There are enough fast food outlets in Crediton, and in the centre where they should be
- There will be an increase in light pollution
- It would be much better to fund and support smaller independent local businesses
- There are other reasonable priced food outlets in Crediton so no need for another one.
- High use of chemicals, preservatives and artificial colourings in the food
- It will encourage people to drive to the area.
- The construction of a food outlet which is responsible for deforestation of the rain forests
- There was no public consultation on the proposal
- There will be an increase in noise pollution and smells across the site.

- It will lead to more anti-social behaviour in the area.
- It will devalue nearby residential properties
- There will be an environmental impact with the location near a flood plain.
- The development is contrary to Policies in the Neighbourhood Plan and development principles for sustainability.
- McDonalds is promoting use of cars by making it a 'drive in' facility which will increase carbon emissions and traffic jams in the area and 24-hour opening, with extra lighting, vehicle movements and energy consumption, will have a carbon footprint that should be avoided to achieve sustainable development.
- The application does not enhance the character of the existing town or make any effort to design the outlet to blend in with local architecture.
- The applicant is not a youth club or a social service. How will the young people from outlying villages get to it and get back from it?
- The access proposed as the main thoroughfare for all McDonalds restaurant guests is the Heavy Goods Vehicle access to Mole Avon Stores, along with large agricultural vehicle access, and other associated commercial traffic. It is in addition a controlled access point, to enable on site security, so there is a degree of hold up on vehicles gaining access. In real terms this would present a number of hazards, and compromise access.
- The access to the restaurant will be regularly blocked by vehicles seeking to gain access to the Mole Avon Site.
- Restaurant customers would be pulling out directly into the flow of two way HGV traffic, outbound delivery vehicles and large agricultural vehicles, along with staff vehicles.
- Restaurant guests, specifically young people will have to navigate traffic advancing in three directions, flowing simultaneously through a junction serving approximately 7000 cars per day, the Mole Avon customer car park entry/exit, and the commercial access referenced above. This is of particular concern for pedestrians as these vehicle types by their very nature have compromised visibility
- The proposed mitigation of all vehicles being enforced to exit left does not lend itself to the commercial vehicle types leaving site as the roundabout is not suitable.
- The limited number of car parking spaces, as the natural overflow would be the Mole Avon car park which would impact the existing business.
- Profits generated taken out of the community.
- Ask for comment from South west water, The Exe Rivers project and a detailed report on the impact on traffic from this development from Highways.
- The proposal to build a drive through fast food outlet which relies upon beef products is not sustainable in any way at all.
- The site will be adding development to an otherwise green vegetated area, which may affect surrounding drainage to roads and to the east - running to protected areas (construction pollution aside as addressed by the CEMP).
- The site is already in a zone 2 flood zone, but what of the 'cumulative' non-direct effect.
- Pedestrian usage of the site. This pedestrian access is either along the main A377 which is a narrow path alongside a primary road or via the unadopted roads through the Tarka View development and onto the permissive path to Downeshead Lane. This latter route is unlit and a hoggin path unsuited for heavy pedestrian traffic.
- The potential increase in footfall along the permissive Downeshead Lane path would be detrimental to the residential amenity for properties along Downes Close, Yeo Crescent and Tarka Way.
- The location is too far for most people to consider walking and will encourage driving.
- Crediton is a town characterised by local and independent retailers and restaurants which be eroded by this development.

The grounds for support are as follows:

- Agree that the town has many independent cafes, but Crediton is like a ghost town in the evenings and Sundays.
- Those wanting to go to McDonalds have to travel to Exeter or Tiverton so this would reduce trips.
- The proposal will create jobs which will help the town grow and provide another location to eat now that Wetherspoons has recently closed.
- Whilst there are several cafes and eating venues in Crediton, it is not considered that a McDonalds drive through would impact negatively on them and it gives consumers more choice.
- This is purely about a person's choice and not about people's opinions on whether it will be healthy or not.
- Have read several points of view from a number of people who are against this application however the positives far outweigh any negatives.
- Just like when Costa opened a shop in town there were outcries and prophecies of doom as to the end of the high street. It made no difference and has definitely enhanced the town centre.
- McDonald's provides food on both ends of the food spectrum from 'bad for you' through to 'good for you'.
- McDonald's will have policies to deal with any extra litter which every takeaway has issues with including those in the high street.
- Change is not necessarily a bad thing.
- Do not believe this new restaurant will impact on the gate way to Crediton. There already has been a substantial new housing estate built along with two large stores.
- The new restaurant will not make any real difference to the local landscape being only single storey and set back away from the main road.
- Crediton is in desperate need of investment and economic development. There are very few other fast food options without travelling to Exeter.
- It will provide employment for some of the young people in the area, i.e. college students, who need to earn some money whilst studying.
- The town is lacking modernisation and affordability, housing is being added so expansion with bigger business is logical, and mainly for local large business employment opportunities for adults and younger people.
- Transport is costly, rejecting this business and this many jobs is not pro Crediton.
- Crediton is a dying town as certain people don't want it to move with the times. I as many use the big chain outlets as they are open at the time I need them to be. All this 9 to 5 opening is like being back in the 1970s.
- It will give the area a much needed boost of trade and bring people into Crediton.
- It will 'liven up' the area
- Provide healthy competition with other eateries
- Generate income for Mid Devon Council and result in increase in business rates
- Support a McDonald in Crediton as there is not much for young people to do or go and food is affordable for most families
- The site includes parking facilities, which can be in very short supply in the town, especially for families who have to walk from the main car park
- Other than the Costa in the High Street, there are not coffee/ soft drink facilities attractive to young people in town.

- Objections have been raised that the public should use the Farmers Market rather than this business, but the Market does not provide seating/ coffee/ hot meals/ celebration availability for birthdays etc., and is weather dependant and infrequent, rather than an warm, indoor/ drive-through facility not weather affected.
- The site is already occupied by a restaurant/ pub, a supermarket/ fuel station, GP Surgery and pharmacy, and a country store. Building would not be detrimental to the area in any respect.
- A new housing estate is situated very near to the proposed site, on the opposite side of the main road, together with a derelict farm being considered for re-development into housing. There is no environmental risk, visual or natural with this proposal.
- There is an existing road system in place which would be adequate to cope with the increased traffic the proposal would attract.
- The provision of a similar business in Tiverton has had no material effect on the town centre trade there, but has reduced travel to Exeter to visit this restaurant there
- Feel there is a need for more jobs that suit those that are attending college and not having to stay in Exeter to chase these jobs. Teenagers have experienced difficulties getting back from Exeter after they've finished work, having somewhere in Crediton that could provide jobs without the worry of getting back to the town would be beneficial.
- People will go to McDonalds whether in Crediton or not. It is ultimately better for the environment to have one within walking distance for the local people and it will also act as a draw for other businesses and provide other opportunities for local people e.g. delivery services.
- Crediton desperately needs to modernise and this can be done by embracing opportunities like this.
- The negative views on health are unfair considering the current food options in Crediton. Demonising McDonalds is founded on classism disguised as concerns about public health.
- As a former McDonald's employee, I fully support this application. It will give employment to all walks of life and ages. It will provide education and a full career opportunity. Flexibility to work part-time to study, or supplement other activities, or with a McDonald's passport, the opportunity to work anywhere in the world where there's a McDonald's.
- As for nutrition, go into any McDonald's and read the reverse side of a tray liner.
- Many of the Town Councils objections are not supported by the facts nor are they correct. This type of investment will bring jobs and trade.
- Employment opportunities for 90+ local people
- I have children who are excited about this proposal and will enjoy being able to have a treat close by.
- The applicant has a proven record of investing in the areas in which they trade, supporting children and young people in particular.
- Crediton is a unique and a great town because it's diverse in being able to cater to many different demographics. To have a new McDonald's will pull more people into Crediton and the surrounding areas, and a benefit of that will be that people will probably stay and shop more in the town, spending money in our fantastic independent shops.
- Growing up around the area, there were never any places for us to go and things for us to do or affordable places to eat. This will offer all of those opportunities including job prospects which Crediton lack.
- The jobs supporting local communities is just what Crediton needs. There are few and far between, resulting in having to travel afar for work, creating more traffic or suffering for those who cannot travel far.
- Not only would it create hundreds of jobs for the community, but it could also save time, petrol, carbon emissions, and money rather than driving to Exeter or Tiverton.
- Noise pollution should be expected when you live in/near an industrial area such as Joseph Locke Way.

- Tarka view residents chose to buy houses overlooking an industrial area so shouldn't complain when it naturally expands and develops onto land already allocated for industrial use.
- As a shift worker, having access to food outside normal business hours will be much appreciated.
- Hardly think the store will be any more of an eyesore than existing buildings in the area, it's not like Tesco's and Mole Avon are architectural gems.
- Environment friendly by installing solar panels.
- For decades a very small number of people have held Crediton back with their "Market Town" thinking which has done nothing to help Crediton move forward or have had any positive impact on the town or the people living in it. This needs to stop and it needs to stop now as it is holding Crediton back.
- Having read a lot of the objections to this application which seem to come from people that don't even live in Crediton, there is a lot of outdated and misinformation regarding McDonald's
- Regarding their food being over processed, this may have been true in the 70's and 80's but if you take the time to look into this you will see that this has stopped, and their products are sourced locally where possible and environmentally friendly (can the same be said about the cafes in Crediton?)
- McDonald's is leading the way in reducing Single-use packaging with a massive recycling project and making their packaging environmentally friendly (which is not the case in Crediton)
- As for jobs again McDonald's is leading the way with regards to staff training and higher wages (which are far better than the pay in any Crediton café)
- Traffic will not be increased as some believe as the traffic is already there with people leaving Crediton to work outside of Crediton, where the wages are better.
- As regards to light pollution this is scraping the barrel of excuses with the light from Mole Valley and Tesco having a larger impact and the traffic light, plus the traffic traveling along the road. If anything, the extra light will be beneficial for people walking their dogs late at night or early in the morning due to the oversight by the Council to put any street lighting along the path on Well Park Road
- The location is not far from the main road, which is a major link between Exeter and Barnstaple so it should receive good custom.
- Living near Cowley Bridge, Exeter, and often get a bus or train to Crediton. Obviously, I will not require the predominant drive-thru element, but I will certainly visit the new restaurant on foot after a shopping visit to Crediton.
- It's a great idea to bring more choice into the local area and means that people don't have to travel further afield. With Crediton growing, more facilities are needed as nearby areas are becoming increasingly congested. It would be fantastic to bring more job opportunities to our area as well.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

This application seeks permission for the erection of restaurant with drive-thru facility, car parking, landscaping and associated works on Land at NGR 284600 099535, Joseph Locke Way, Crediton. The site is within the settlement limits, outside of any landscape designations and it is on a site allocated for commercial uses (CRE10).

The material considerations in assessing this application are:

- 1. Policy**
- 2. Implication of Policy Allocation CRE10 and loss of employment land**
- 3. Provision of restaurant unit on site and impact on the Town Centre**
- 4. Climate Change considerations**
- 5. Transport, access and parking issues**

- 6. Flooding and drainage**
- 7. Design and appearance of development and visual impact on the landscape**
- 8. Living conditions of the occupiers of nearby residential properties**
- 9. Ecology**
- 10. Impact on Heritage Assets**
- 11. S106 Obligations and local finance considerations**
- 12. Sustainable development balance**

1. Policy

- 1.1 S.38 [6] of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework is noted as one such material consideration. The National Planning Policy Framework outlines three dependant objectives of sustainable development; economic, social and environmental.
- 1.2 It is considered that this development should be assessed in terms of policies S1 (Sustainable development priorities), S2 (Amount and distribution of development), S6 (Employment), S7 (Town centres), S8 (Infrastructure), S9 (Environment), S12 (Crediton), CRE11 (Crediton Infrastructure) of the Mid Devon Local Plan 2013-2033.
- 1.3 Policy S1 stresses the need for development to meet sustainability objectives, Policy S6 outlines employment space requirements in Mid Devon and Policy S7 states that now town centre uses located out of town centres should contribute to the vitality and viability of Town Centres and should only be permitted outside of the town centre where there is a need and they meet the sequential test set out in national policy. Policy S8 aims to reduce the need to travel by car and increase public transport. Policy S9 seeks development which will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets. It also outlines the need to ensure that development does not increase flooding to properties elsewhere, Policy S2 states that development should be concentrated at Crediton where of an appropriate scale, and Policy S12 further deals with development within the settlement of Crediton.
- 1.4 Policy S12 relates to development in Crediton outlining that '*Crediton will continue to develop in its role as a small and vibrant market town, serving a rural hinterland in the western part of the district. The strategy aims to improve access to housing within the town, expand employment opportunities and improve the quantity and quality of the existing retail provision.*' The policy goes on to outline the need to support the town centre's viability and vitality and proposals which respect the setting provided by the open areas of hillside and the adjoining historic parklands of Creedy Park, Shobrooke Park and Downes.
- 1.5 With regard to the Development Management Policies, Policy DM1 requires design of new development to be high quality and demonstrate a clear understanding of the characteristics of the site, its wider context and surrounding area and create attractive places. Policy DM2 supports renewable energy such as the solar panels proposed on the retail unit. Policy DM3 relates to transport and air quality considerations for any development and Policy DM4 outlines the assessment required on pollution. Policy DM5 states the required parking levels for a proposal, Policy DM14 covers town centre developments and Policy DM15 on development outside of town centres. Policy DM19 outlines the requirements for the protection of employment land and Policy DM25 outlines the assessment required for development which affects heritage assets.

1.6 The Crediton Neighbourhood Plan 2018-2033 was adopted last year. Therefore there are a number of policies which would be relevant to the proposed developments. These are considered to be Policy D1 (Development Principles) which states that development that takes into account the effects of climate change will be supported and Policy D5 (Design) requires the use of materials which reflect and complement the development. There are other policies specific to climate change, green infrastructure, biodiversity etc. which are referred to directly within the relevant sections of this report below.

1.7 An assessment of the proposed development is carried out in line with the above policies through the rest of this report.

2. Implication of Policy Allocation CRE10 and loss of employment land

2.1 Outline planning permission 09/00244/MOUT approved the mixed use development comprising full details relating to foodstore (Tesco), petrol filling station and change of use/refurbishment of redundant Class B8 building to provide 4 residential units; and Outline proposals for family pub/restaurant, residential development (36 units), class B1a office use; Class B1c light industrial use, drainage works, highway works and landscaping (revised foodstore design and minor changes to car park) on land South of Exeter Road Wellparks, Crediton.

2.2 It was noted that the indicative plans for 09/00244/MOUT showed this part of the site subject application was allocated for light industrial units but with respect to the outline planning permission in terms of this application site, there was a requirement for the remainder of the development applied for in outline to be begun before the expiration of three years of the date of permission which would have been the 15th October 2013 and therefore this part of the permission has now lapsed.

2.3 A concern raised is that this development would lead to a loss of employment land which would be contrary to policies DM19 of the Mid Devon Local Plan 2013-2013 and Policy E2 of the Crediton Neighbourhood Plan 2018 to 2033. Policy DM19 outlines that non-employment use or development of employment land or buildings, including sites that are established, allocated or have planning permission, will be permitted where it can be demonstrated that there is no reasonable prospect of the site being used for employment purposes and there is a similar requirement under Policy E2.

2.4 As commented upon earlier in this report, this site is allocated under Policy CRE10 (Land south of A377) which covers a site of 2.6 hectares south of the A377 in Crediton being allocated for commercial development some 7,600 square metres of B1, B2 or B8 floorspace or **other suitable commercial uses**. The proposed use of a restaurant is considered complimentary to the existing commercial uses in the immediate surroundings and will bring a vacant site into an active use, in accordance with the aims of Policy S9 (Environment). The application submission outlines that the development will create up to 120 jobs for local people. As such, the proposal is considered to be an appropriate use for this location and is a form of employment use that will generate employment opportunities, in accordance with policies DM19, CRE10 and E2, therefore not impacting detrimentally on employment land. The Economic Development Team are also supportive of the proposals and it is noted that employment land is allocated nearby and a S106 contribution is to be secured towards shop fronts within the high street based on the existing 7 restaurants/takeaways located within the Town Centre.

3. Provision of restaurant unit on site and impact on the Town Centre

- 3.1 Policy DM15 states that the Council will apply a sequential approach to planning applications for main town centre uses with the descending order of preference being town centre, edge of town centre and then out of town centre. Edge of centre and other out of centre proposals must be well related to the town centre and accessible by public transport, walking or cycling. Proposals in these locations must also demonstrate that no suitable sites are available in a more sustainable location. As the gross floorspace does not exceed 500 square metres, no further impact assessment is required as outlined within the policy.
- 3.2 On the matter of the sequential test assessment which has been carried out, it was identified that a new freestanding McDonald's restaurant requires approximately 0.3ha of available space to viably support the proposed restaurant, drive-thru lane and associated parking. The application site is located approximately 1.25km southeast of Crediton Town Centre and is allocated as a commercial allocation, CRE10, within the Local Plan. Any assessment of alternative sites needs to consider the operation of the proposed restaurant and the space required to successfully operate including sufficient parking to meet the operational needs of the proposal. This assessment is therefore in accordance with the requirement of finding a site in which covers 0.3ha. Such an approach complies with case law regarding the suitability of alternative sites whereby for an alternative site to be considered preferable, it should be able to deliver a similar development if only in a slightly different format.
- 3.3 It has been outlined that the drive thru lane is an integral part of the proposed development attributing around 50% of the stores trade. The restaurant and drive-thru cannot be segregated and as such the search is therefore for a drive-thru restaurant with the ability to provide approximately 100 seats and parking. The majority of Crediton Town Centre is inherently inappropriate for a drive-thru business model by the very nature of its size and accessibility to the road network with limited space for a 0.3ha site for a new drive-thru restaurant, which impacts upon the overall viability of the scheme. The only sites of a suitable size for a drive-thru within and around the Town Centre are car parks which are considered essential for the overall viability of the Town Centre itself and as such are ruled out, especially as there is no evidence that these sites are available.
- 3.4 There were no suitably sized sites found within 300m of the Town Centre to sequentially assess for Edge of Centre which leaves out of town centre locations such as the one now considered. The conclusion of the sequential test is that no site has an allocation for a drive thru restaurant, there are no sites of suitable size to accommodate the proposed development and there are no available sites. It is considered that this site is the most suitable for the proposed use and also accords with Policy CRE10, insofar that the proposal is a suitable Use Class E/Sui Generis use in this location, whilst providing a high level of jobs.
- 3.5 The Economic Development Team have reviewed the submission and their thoughts are that this is a suitable location. It is out of the town centre and just off the relief road, being a natural stopping point for those on their way home from Exeter. However they do note that there is a risk of footfall being taken from the town centre and having a direct impact on restaurant and takeaway businesses in the town centre as it would detract residents going into the town centre, a concern raised by objectors. Therefore on this basis a request for S106 monies has been made to put back into the town centre. As such a contribution towards the Shopfront Enhancement Scheme within Crediton Town Centre would be secured.
- 3.6 The proposed development is therefore considered to meet the provisions of the sequential test as set out in the NPPF and policies DM15 and S7 of the development plan.

4. Climate Change considerations

4.1 The Government has enshrined in law, a commitment to achieving net-zero carbon emissions by 2050. Achieving sustainable development is also a clear priority of national planning policy and the Council. As noted by objectors, the Mid Devon District Council Interim Planning Policy Statement: Climate Emergency was published in February 2023, which outlines that Mid Devon District Council signed the Devon Climate Emergency Pledge on 26th June 2019 and aims to become carbon neutral by 2030 (Net Zero greenhouse gas emissions). As such, tackling climate change is a material consideration to the planning process, to which significant weight should be attached and that setting the climate emergency as a top priority connects to closely-related issues such as low-carbon design, energy efficiency, infrastructure resilience, living landscapes and ecological recovery.

4.2 Policy S1 requires development to meet the challenge of climate change by supporting a low carbon future, energy efficiency and including the use and supply of renewable and low carbon energy. As to whether the development would contribute towards achieving sustainable communities, together with the design build to reduce greenhouse emissions and provision of four electric vehicle charging points, it is considered that the application accords with sustainable development priorities and in particular Policy S2 of the Crediton Neighbourhood Plan.

4.3 Policy S2 (Energy diversification) states:

'Initiatives that would enable local businesses to develop renewable and low carbon energy will be supported where:

- *The primary function is to support their operations*
- *they are subordinate to the primary business*
- *The siting, scale and impact of the proposed development is appropriate to its setting and position in the wider landscape.'*

4.4 Policy DM2 (Renewable and low carbon energy) of the Mid Devon Local Plan 2013-2033 has similar aims. This policy states:

'The benefits of renewable and low carbon energy development will be weighed against its impact. Proposals will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area, including cumulative impacts of such developments within the parish or adjoining parishes. Proposals must demonstrate that impacts are or can be made acceptable in relation to:

- a) Landscape character and the character and setting of heritage assets;*
- b) Environmental amenity of nearby properties and the wider locality;*
- c) Quality and productivity of the best and most versatile agricultural land (grades 1, 2 and 3a);*
and
- d) Biodiversity (avoiding habitat fragmentation).*

4.5 It has been outlined within the supporting statement that 'the design of the new building has been directly influenced by sustainability and the standard practices to enable the reduction in their carbon footprint. Approximately, 90% of new restaurants are built using modular construction techniques, which use considerably less energy, inclusive of the reduction of the total number of deliveries to site during the build. The external shell is designed to prevent air leakage and achieve the U-value required by current building regulation standards. McDonald's utilise a sophisticated building management control system with specifically engineered energy reduction strategies to maximise operating efficiencies. McDonald's kitchen

appliances have standby reminders and a metering system has been introduced which measures the amount of electricity used in every half hour of the day. Restaurant Managers receive daily graphs to help them make energy saving adjustments.'

4.6 'All new restaurants are fitted with standard equipment and maintenance programmes, in line with Green Building Guidelines, which were introduced as a McDonald's Europe initiative and include:

- Lighting - LED lighting is also used, resulting in a 50% reduction in energy use compared to fluorescent lights.
- Water - Auto shut-off taps fitted to wash-hand basins in addition to flow control limited to 6l/min; replacement of urinals with waterless units and WC's fitted with dual flush of 4.5l and 3l flushes (unless external drainage requires greater volume). In addition, systems are leak checked with hot water temperatures reduced to a maximum of 60 degrees C. Pipes are checked for missing insulation.
- HVAC - Automatic closures fitted to all internal doors and draft-proofing fitted or repaired to all doors and windows, including the use of energy save reminder stickers in the back of house area. Variable speed control fans are installed so that they are not required to run when ventilation is not required and room sensors installed to monitor internal air temperatures.
- Cooking oil from restaurants is recycled into biodiesel using local collectors. The biodiesel is then used as fuel by McDonald's vehicles. Biodiesel is now being used in all delivery trucks and results in a carbon saving of 8,200 tonnes per annum.'

4.7 The view of objectors is that a restaurant with a drive thru fails to deliver on the statement to enable half of all journeys within urban areas to be walked or cycled by 2030 with more people likely to visit by car. In addition, the need to create integrated, zero emission public transport fleets and infrastructure is also pledged. They go further to focus on how the company operates and that beef farmed result in increased greenhouse gas emissions.

4.8 In response, it is considered that traffic movements could be viewed in two ways, either through increased car travel to the drive thru facility at Crediton or secondly by the reduction in traffic movements by residents in Crediton travelling to Tiverton or Exeter to access similar facilities. There is also the matter that off Joseph Locke Way is the main Tesco superstore and petrol station, the Redlands Primary Care facility containing the doctor surgery facilities for residents in Crediton and the surrounding area, the Red Deer Public House and Mole Avon store. Therefore the area experiences a number of traffic movements to the area and there are bus stops and the Train Station within walking distance. As such, with the exception of the High Street, this area of Crediton is more accessible than most other parts of the town and with the Wellparks residential development on the opposite side of the A337, the facility proposed would be within walking distance to a number of residents.

4.9 The supporting statement states that *'McDonald's was the first restaurant chain to set science-based greenhouse gas reduction targets at a global level. Working with all franchisees, their aim is to reduce greenhouse gas emissions related to all restaurants and offices by 36% by 2030. Additionally, McDonald's are committed to a 31% reduction in emissions intensity (per metric tonne of food and packaging) across the supply chain by 2030. To meet these targets, McDonald's buy 100% renewable electricity and have invested in long term partnership agreements to develop the renewable energy infrastructure in the UK. The absence of on-site fossil fuel use, together with McDonald's electricity procurement agreements, eliminates the production of greenhouse gases from on-site operations. In recognition of global warming*

potential (GWP) associated with refrigeration gases, McDonald's have moved to the latest reduced GWP air conditioning refrigerants ahead of any legislation in this regard.'

- 4.10 With respect to the carbon emissions through the development, it is considered that the proposals to introduce low carbon and renewable energy technology to address the climate emergency with electric vehicle charging points, sustainable design techniques etc. is acceptable in principle complying to the policies referred to above, subject to the development not resulting in a detrimental impact on the appearance of site setting and wider landscape a matter. This assessment on impact on the appearance of the site and surrounding area is considered further below.
- 4.11 The site has been vacant for a long period of time, with the site allocated for commercial uses. Therefore the same objection to sustainability and traffic movements could be associated with any other development proposed. Therefore any harm identified needs to be outweighed by the community benefits. Such benefits include employment generation and utilising vacant land within the settlement limits. Through this development, planning obligations would be secured to implement projects to address air quality, to secure land to improve footpath/cycleway connections between Exeter and Crediton. These measures are supported by policies within both the Mid Devon Local Plan and Crediton Neighbourhood Plan.

5. Transport, access and parking issues

- 5.1 Policy DM1 of the Mid Devon Local Plan states that new development should be safe and accessible based upon and demonstrating the principle of creation of safe and accessible places that also encourage and enable sustainable modes of travel such as walking and cycling; whereas Policy DM5 states that sufficient vehicle parking must be provided. In addition to these policies, any proposal must not adversely affect the safe functioning of the highway in line with policies S8 (Infrastructure) and DM3 (Transport and air quality) of the Mid Devon Local Plan 2013-2033.
- 5.2 It is noted that concerns were raised by the neighbouring business of Mole Avon as the access into the site was proposed directly adjacent to the gates of their delivery yard. Therefore the concerns were that cars would be blocked by delivery vehicles which would prevent cars entering and leaving the restaurant which would have a knock on impact with cars backing on to the roundabout. Following these concerns, revised plans were received moving the access for the restaurant further away from the delivery gates to a distance which would allow clearance of a delivery vehicle having to stop at the gates.
- 5.3 When the revised plans for the access point was submitted, there was some confusion which led the Local Highway Authority to request an updated Transport Statement as they were under the impression that the new position of the access would shorten the drive-thru and the stacking capacity. Having compared the original and revised plans, it is considered that this would not occur with the same stacking capacity and as such the Local Highway Authority has now confirmed that as these changes do not affect the drive thru, the County Highway Authority has no objection to the new access proposal.
- 5.4 The proposed revision for the access point provides an improved relationship with the neighbouring commercial premises of Mole Avon, being clear of delivery vehicles going to the service yard which stop at the gates. The change in access point also improves the access and parking layout within the site for McDonalds with the changes appearing to result in an improved delivery route within the site where the original tracking of swept paths indicated that

there would have previously required the parking spaces to be vacant for the delivery vehicle to manoeuvre into the site.

5.5 With regard to parking standards outlined within Policy DM5 for a restaurant facility, there is a requirement to provide one space per 5.5sqm of eating area. Based on the plans submitted, this would equate to a need to provide 23 spaces. The development proposes more than this providing 36 car parking spaces, inclusive of provision for 2 accessible bays, 2 grill bays and 4 electric vehicle charging bays (Policy DM5 would only require 2 electric vehicle charging points). Furthermore, there would be 5 Sheffield customer bike stands, for an overall provision of 10 cycle spaces, in accordance with the Council's standards, and further referenced within the Transport Statement. This should address concerns over overspill usage of neighbouring premises car parks although there would be the scope for linked up visits by customers.

5.6 The Local Highway Authority have requested a S106 agreement to secure the funding of £5,000 for Devon County Council for double yellow lines through the Traffic Regulation Order (TRO) process to enable the free flow of traffic along the road and to secure the land on the Eastern Side of Joseph Locke Way, North of the junction to the proposed entrance to provide for a cycle/footway to the junction.

5.7 In terms of justification for the pedestrian crossing facility and highway works, when considering development proposals, the NPPF outlines at para. 110 that:

'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

5.8 At Para 112 it is stated:

'Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards'

5.9 Therefore the access and parking arrangements are considered acceptable for this development with justification for securing land and monies for improved footpath/cycleway connections and the free flow of traffic. It is also considered that the location is sustainable with bus stops located within walking distance as is the train station.

6. Flooding and drainage

- 6.1 The application site is shown as being located within flood zone 2. The NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the lead local flood authority, have appropriate proposed minimum operational standards, have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits.
- 6.2 Policy S9 requires provision of measures to reduce the risk of flooding to life and property, requiring sustainable drainage systems including provisions for future maintenance, guiding development to locations of lowest flood risk and avoiding an increase in flood risk elsewhere. Policy DM1 requires appropriate drainage including sustainable drainage systems (SUDS), arrangements for future maintenance, and connection of foul drainage to a mains sewer where available.
- 6.3 The Environment Agency have raised no objections to the development advising flood risk standing advice would apply to this application. The standing advice in question is that this would be deemed to be a less vulnerable use and as such floor levels, extra flood resistance and resilience measures, access and escape and surface water management are key. Guidance is for finished floor levels to be a minimum of whichever is higher of 300mm above the average ground level of the site, adjacent road level to the building and estimated river or sea flood level and this would be the case with the finished floor levels of the development being higher than the existing ground levels.
- 6.4 The sequential Test ensures the development is sited on land that has the lowest risk of flooding within the local area, and it is concluded similar to the sequential test undertaken that there are no other available sites within Crediton having a lower risk of flooding with no other sites within policy allocations to meet a development such as this. Any vacant industrial/commercial sites have been ruled as being either too small or being further out of town. The sequential test is considered to have been passed.
- 6.5 With regard to surface water run-off, the Lead Local Flood Authority (LLFA) initially objected to this development because the applicant had not submitted sufficient information in order to demonstrate that all aspects of the surface water drainage management plan have been considered. In order to overcome the objection, they noted that the applicant would be required to submit additional information. As a result further information was supplied which has been considered by the LLFA.
- 6.6 The outstanding matters raised by the LLFA relate to the ability for the proposed drainage system to be upgraded beyond a period of 50 years and if this could be secured by way of a planning condition or legal agreement. The LLFA has commented that they fully appreciate the applicants proposed design life, but if there is nothing in the planning permission requiring demolition or additional drainage, then that site could continue beyond 50 years and the higher end climate change might be experienced. In addition, the proposed above-ground features aren't connected to the surface water drainage system, so treatment and interception losses are not being achieved and so a SuDS Management Train is not being achieved. The solution being that raised planters could be set into the ground, slightly increased in size and connections made into them.

6.7 It is considered that a review of long term drainage arrangements can be secured through either a planning condition or S106 agreement as can final the details for rainwater garden connections. As such, it is considered that the development can comply with Policies S9 and DM1 of the Mid Devon Local Plan 2013-2033 with Members to be updated at Planning Committee to further input from the Lead Local Flood Authority following further discussion with the applicant's drainage engineers.

7. Design and appearance of development and visual impact on the landscape

7.1 The proposed development comprises of a modern freestanding single storey McDonald's restaurant with drive-thru, car parking, landscaping and associated works, including customer order displays (COD) and a play frame. Provision is made for takeaway customers, both from the counter and from the drive-thru lane. The site is not located within a designated landscape but the development would be viewed from a number of public vantage points.

7.2 Policy DM1 (High quality design) outlines:

Designs of new development must be of high quality, based upon and demonstrating the following principles:

- a) Clear understanding of the characteristics of the site, its wider context and the surrounding area;*
- b) Efficient and effective use of the site, having regard to criterion (a);*
- c) Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets;*
- d) Creation of safe and accessible places that also encourage and enable sustainable modes of travel such as walking and cycling;*
- e) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses, taking account of:*
 - i) Architecture*
 - ii) Siting, layout, scale and massing*
 - iii) Orientation and fenestration*
 - iv) Materials, landscaping and green infrastructure*
- f) Appropriate drainage including sustainable drainage systems (SUDS), including arrangements for future maintenance, and connection of foul drainage to a mains sewer where available;*
- g) Adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows;*
- h) Suitably sized rooms and overall floorspace which allows for adequate storage and movement within the building together as set out in the Nationally Described Space Standard with external spaces for recycling, refuse and cycle storage; and*
- i) On sites of 10 houses or more the provision of 20% of dwellings built to Level 2 of Building Regulations Part M 'access to and use of dwellings'.*

7.3 Crediton Town Council objected to the original submission commenting that the development was not in line with the vernacular appearance as outlined in the Crediton Neighbourhood Plan. It was considered that the urbanising impact from this gateway site with an inappropriate design for the location would be detrimental, preferring a design approach undertaken by the Red Deer restaurant nearby. On other developments, the Town Council has previously noted the use of red brick/red stone as being the preferred material palette.

- 7.4 Following a review of the locality, revised plans were received for the proposed elevations to include a red brick finish, to provide a local appearance and complement the existing buildings. In addition, a 12m high totem pole sign has been reduced to 6m in height which is more in keeping with the height of the lighting columns.
- 7.5 As part of the development, an external play area is located on the new patio area, with facilities for younger customers to enjoy. The specification of the structure has been included as part of the supporting documentation. There is also to be an enclosed area at the southwest of the building, where all the rubbish is stored and managed for recycling in large containers. There is access via double doors for the delivery lorries and an internal door, which links the corral to the main restaurant for the crew members. The corral is configured to optimise waste management, with a refuse compactor on site, to minimise the journeys required to remove the waste. Therefore concerns over litter would be addressed.
- 7.6 Given the siting adjacent to Mole Avon and other businesses opposite and residential properties off the A377 and Wellparks, it is considered that the development would be viewed acceptably in this built up development context. Landscaping of the site is proposed as well as biodiversity enhancements. As such it is not considered that the proposal would have a significant detrimental impact on the landscape and on balance; it is considered that the design and layout of the commercial development would be acceptable in accordance with policies S9, DM1 and DM3 of the Mid Devon Local Plan 2013-2033.

8. Living conditions of the occupiers of nearby residential properties

8.1 Paragraph 130 of the NPPF outlines that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

8.2 This is reflected in policy DM1 of the Mid Devon Local Plan 2013 - 2033 which sets out that new development should respect the privacy and amenity of neighbouring residents. Policy DM1 states that development should be well integrated with surrounding buildings, streets and landscapes, and not have an unacceptably adverse effect on the privacy and amenity of neighbouring properties. Policy DM4 requires applications for development that risks negatively impacting on the quality of the environment through noise, odour, light, air, water,

land and other forms of pollution must be accompanied by assessments of the impacts and provide appropriate mitigation.

- 8.3 The NPPF indicates that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. A number of concerns have been raised from objectors on the grounds of concerns over lighting, noise and pollution from increased traffic movements. In terms of amenity levels, it is not considered that the introduction of a restaurant unit would result in any significant overlooking or overbearing impact given the overall heights, position of windows/doors and separation distances involved. The main consideration comes from the layout proposed and the location of service/parking areas and associated lighting.
- 8.4 The Public Health Department have viewed reports and plans for noise and lighting associated with the development and have confirmed that they agree to the recommendations. They confirm a report has been submitted by Signify dated May 2023 whereby they propose 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 they do not anticipate any concerns regarding this selection of lighting units.
- 8.5 With regard to noise, Public Health confirm that a report has been submitted by Acoustics Associates SW Ltd dated May 2023. The report concludes that noise from the use of this restaurant and take away will not impact on any residents, the nearest of which is around 140m away. The report states that delivery and refuse vehicles are required to use white noise reversing alarms, thereby addressing the most common cause of noise disturbance from these types of use. The writer suggests that deliveries could occur between 5am and 10pm, but the applicant states that only 3 deliveries per week are required, and these would occur during a regular time slot. This being the case Public Health do not consider that deliveries before 8am would be required. A condition is recommended in respect to deliveries and for air conditioning and extraction equipment installed in order to protect residential amenity.
- 8.6 No other concerns have been raised from the Public Health Department in terms of air pollution with a financial contribution sought to provide air quality mitigation within the AQMA area given the increase in traffic as a result of the development. A report submitted by Isopleth dated February 2023 has considered the potential impact on nitrogen oxides and particulate levels and the location of the site within the Crediton air quality management area. The conclusion is that the traffic associated with this development is likely to have a negligible impact on existing levels of air quality. A damage cost assessment required by the MDDC SPD on air quality and development, has been included because of the location within the AQMA. The damage cost is calculated as £35,281 and the author suggests mitigation including low emission strategies which has been conditioned. The proposal is considered to comply with policies DM1 and DM3 of the Mid Devon Local Plan 2013-2033.

9. Ecology

- 9.1 As part of this application, a Preliminary Ecological Appraisal (PEA) has been submitted to support the application, which recommends that various mitigation is included to enhance the biodiversity of the development, which includes bee hotels, bird and bat boxes. These are incorporated within the submitted enhancement plan.
- 9.2 The landscaping of the scheme has taken direction from the PEA and a full landscape plan has been submitted to support this application which aligns with the biodiversity enhancement

plan. It was noted that careful consideration has been given to avoid the existing trees to the east of the site, to ensure these can be retained.

9.3 The Council's Arboriculture Officer requested amendments and Crediton Town Council and other objectors requested increased planting on site. A revised landscape plan was submitted which picked up on these matters with certain fruit trees removed and replaced with a suitable alternative, another native flowering Cherry; removed larger species (*Alnus glutinosa*) and replaced with a more compact Maple (*Acer campestre elegant*) good for near paved areas and added additional hedgerow planting in accordance with the amended layout to border the car parking bays.

9.4 A condition is recommended for these mitigation/enhancement measures to be implemented as part of the development. Therefore subject to these conditions, the proposal would be in accordance with policies S1 and DM1 of the Mid Devon Local Plan 2013-2033.

10. Impact on Heritage Assets

10.1 The site is located to the south west of Downes House and Gardens which is recognised on the Local Register of Historic Parks and Gardens. To the north west of the site is the listed buildings at Wellparks. Therefore consideration is required as to whether the development on this site would impact upon the setting of this heritage assets. The Council have a statutory duty to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (section 66 of the LB Act).

10.2 Policy DM25 - Development affecting heritage assets states that Heritage assets and their settings are an irreplaceable resource. Accordingly the Council will:

- a) Apply a presumption in favour of preserving or enhancing all designated heritage assets and their settings;*
- b) Require development proposals likely to affect the significance of heritage assets, including new buildings, alterations, extensions, changes of use and demolitions, to consider their significance, character, setting (including views to or from), appearance, design, layout and local distinctiveness, and the opportunities to enhance them;*
- c) Only approve proposals that would lead to substantial harm or total loss of significance of a designated heritage asset where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss or the requirements of the National Planning Policy Framework are met;*
- d) Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use; and*
- e) Require developers to make a proportionate but systematic assessment of any impact on the setting and thereby the significance of heritage asset(s).*

10.3 The Council's Conservation Officer viewed the proposals and whilst no concerns were raised to the nature of the single storey building and its setting on an allocated site for commercial uses, concern was raised to the 12m high totem pole sign. The initial plans were for a 12m sign with clearance of 7.43m. It was noted that there are no other totem signs within this area above 6m in height which is the height of the lighting columns with the Red Deer Public House nearby having a totem sign approximately 5.6m high. Within the surrounding area of the town, there are no totem heights above 6m. As such it was considered that the totem sign would have a detrimental impact on the visual amenity of the area which in turn could impact upon the setting and significance of nearby heritage assets.

- 10.4 The totem pole was reduced down to 7m when concerns were raised, a reduction of 5m from the original design. The Council's Conservation Officer assessed this change to the signage and raised concern that the internally illumination sign at this height above the lighting columns would impact upon the setting of nearby heritage assets. The Archaeological and Heritage Statement submitted as part of the applications, whilst concluding the development will not impact upon the setting of heritage assets did not appear to consider/refer directly to the introduction of an internally illuminated totem pole which would have stood at 12m when this assessment was being taken. The report notes that the development could impact upon the settling to the Grade II listed Wellparks Farmhouse, buildings and planned farmyard located to the north-west of the site; the Crediton Conservation Area to the west; the Grade II listed Downes Home Farm and Grade II* listed Downes country mansion to the north-east; and the Downes Villa scheduled monument to the south-east.
- 10.5 Revised plans were received as a result showing a totem pole at 6m in height which is considered acceptable. Given the separation distances involved, viewpoints to heritage assets and the relationship to the existing site and surrounding commercial development, it is considered that the restaurant building would be of an acceptable scale and would result in less than significant harm to the heritage asset with the benefits of this development through employment generation considered to outweigh any harm. The development is therefore considered to be in accordance with DM25 and the guidance within the NPPF.

11. S106 Obligations and local finance considerations

- 11.1 As a result of this development, in the event that Members were minded to approve this application, a Section 106 agreement would be required to secure the following planning obligations:
- A financial contribution of £35,281 to 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 and 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 the Crediton Air Quality Management Area.
 - A financial contribution of £15,000 toward the Shop front enhancement scheme. The shop front/ business enhancement scheme is specifically targeted at SME businesses preparing and serving food: (Use classes E(a), E(b) and sui generis) that are situated within the Crediton Town centre boundary.
 - To secure the funding of £5,000 for Devon County Council for double yellow lines through the TRO process and to secure the land on the Eastern Side of Joseph Locke Way, North of the junction to the proposed entrance to provide for a cycle/footway to the junction.
- 11.2 Regulation 122(2) of the CIL Regulations 2010 (as amended) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- a) Necessary to make the development acceptable in planning terms;*
 - b) directly related to the development; and*
 - c) fairly and reasonably related in scale and kind to the development.*
- All of the draft 'heads' of agreement set out in detail within the Recommendation (a) to (c) meet these tests.*

- 11.3 Policies S12 (Crediton) and CRE11 (Crediton Infrastructure) outlines the requirements for the provision of an off-site financial contribution towards funding improvements which seek to address air quality within the Crediton Air Quality Management Area. The Supplementary Planning Document (SPD) sets out the relevant contributions levels arising from new development as is the case with this application. In accordance with these policies and the relevant guidance in the supporting SPD on the provision and funding of Air Quality mitigation, a financial contribution as outlined above would be required for the new restaurant unit created given the increase in traffic into the AQMP area as a result of the development.
- 11.4 As outlined within the Air Quality SPD, as it was identified that this development would fall within the classification of 'large potential impact development' additional pollutant exposure emissions cost (otherwise referred to as 'Damage Costs') have been calculated for the transport element of the development. 'Damage Costs' are values which are used to estimate the costs associated with changes in pollutant emissions. The process has been developed by DEFRA to enable a proportionate analysis when assessing impact on air quality. Damage Costs resulting from this development have been calculated as £35,281 which need to be invested into air quality mitigation measures.
- 11.5 There will be a contribution secured to provide improvements to shop fronts in the High Street based on the potential impact on existing restaurants/takeaways in the Town Centre. Shop front/ business enhancement scheme that will be specifically targeted at SME businesses preparing and serving food: (Use classes E(a), E(b) and sui generis) that are situated within the Crediton Town centre boundary. The calculation being based on an existing shop front enhancement scheme.
- 11.6 The TRO contribution and securing land for highway works to improve footpath/cycleway connections has been advised by the Local Highway Authority. The financial contribution and trigger points would be included within the S106 agreement with the proposal to improve pedestrian safety and connections.
- 11.7 It is the opinion of your officers that the above contributions would meet the 3 limbs of the CIL Regulation 122 as above.

12. Sustainable development balance

- 12.1 The NPPF sets a strong emphasis on the delivery of sustainable development. The development is considered to meet the tests required to prevent harm to the vitality and viability of the town centre with the site located within walking distance of public transport and other services. The development is not considered on balance to result in significant harm to the environment, resulting in employment opportunities and offering more choice to consumers, thereby meeting economic and social objectives.
- 12.2 Other matters put forward in favour of the development include an absence of harm to ecology, visual amenity, highway safety and a limited impact on the living conditions of the occupiers of nearby residential properties. Mitigation measures are to be implemented to address drainage and flood risk. Nonetheless, these are mitigating factors rather than benefits and the weight to be given to them is therefore limited. Whilst the site is allocated for commercial uses under Policy CRE10 of the Mid Devon Local Plan 2013-2033, the proposals would be acceptable. Therefore the recommendation is one of approval subject to conditions and the signing of a S106 agreement.

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". No persons that could be affected by the development have been identified as sharing any protected characteristic.

CONDITIONS

As a result of this development, pending final drainage approval by the LLFA, in the event that Members were minded to approve this application a section 106 agreement would be required to provide for the following:

- 1) A financial contribution of £35,281 to 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 and 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 the Crediton Air Quality Management Area.
- 2) A financial contribution of £15,000 toward the Shop front enhancement scheme. The shop front/ business enhancement scheme is specifically targeted at SME businesses preparing and serving food: (Use classes E(a), E(b) and sui generis) that are situated within the Crediton Town centre boundary.
- 3) To secure the funding of £5,000 for Devon County Council for double yellow lines through the TRO process and to secure the land on the Eastern Side of Joseph Locke Way, North of the junction to the proposed entrance to provide for a cycle/footway to the junction.

And subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The development hereby approved shall be carried out strictly in accordance with the approved Construction Environmental Management Plan (CEMP) Ref: MD4220576/GM/003, Issue 2: 19 May 2023, prepared by Glanville Consultants. For the avoidance of doubt, if it is intended to bring a crusher onto the site, this must have an environmental permit issued by its home authority, and any piling and associated piling method must be agreed with the Environmental Health officer prior to work commencing. Low noise impact piling should be selected as the preferred method.
4. Prior to first use of the development hereby approved, a Travel Plan shall be submitted to and approved in writing with the Local Planning Authority. The Travel Plan shall seek to minimise the number of single occupancy staff car journeys made to and from the site and to promote travel by sustainable modes of transport for staff and visitors. The approved travel plan shall be adhered to whilst this approved development is operated on site.
5. No deliveries shall be accepted or despatched to or from the site except between the hours of 8am and 9pm Monday to Saturday, and not at all on Sundays or Bank Holidays.

6. Noise emitted from any refrigeration unit, cooling system, extract ventilation system or any other specific noise source shall be inaudible at the boundary of the nearest residential premises. Within one month of the installation of such equipment, details of any acoustic mitigation required to achieve this noise level shall be submitted to and agreed in writing by the Local Planning Authority and the equipment shall not be used until and unless the mitigation has been installed as agreed. For these purposes, "inaudibility" shall be determined as the specific noise level (after correction factors have been applied) being at least 5dB less than the lowest background noise level measured at the time of the assessment, all measured in accordance with BS4142:2014.

7. The development hereby approved shall be carried out in accordance with the mitigation and enhancement recommendations outlined within the Preliminary Ecological Appraisal Report dated August 2023 and prepared by Practical Ecology and the Biodiversity Enhancement Plan V4 submitted. Prior to occupation of the restaurant hereby approved, the ecological enhancement measures to be installed for the biodiversity net gain and ecological enhancements shall have been carried out and made available for inspection. These measures shall be maintained thereafter.

8. Prior to their use on site, details and/or samples of the materials to be used for all the external surfaces of the building shall have been submitted to and approved in writing by the Local Planning Authority. Such approved materials shall be so used and retained.

9. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.

10. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, commercial vehicle loading/unloading area, visibility splays, turning area and on site drainage infrastructure have been provided and maintained in accordance with details on the approved plans. Following their provision these facilities shall be so retained for the lifetime of the development.

11. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping as shown on the Detailed Landscape Design, drawing no. edp7978_d001i shall be carried out within 9 months of the substantial completion of the development, and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.

12. No development shall begin until a Tree Constraints Plan, an Arboricultural Method Statement and Tree Protection Plan has been submitted to, and approved in writing by, the Local Planning Authority. Such approved Arboricultural Method Statement and Tree Protection Plan shall be strictly adhered to before and during construction of the approved development.

13. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent Order amending or revoking and re-enacting that Order), there shall be no change of use from the approved E Use Class of the use of the building as a restaurant to any other Use Classes defined in The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interests of highway safety and to safeguard the amenities of the occupiers of neighbouring property in accordance with policy DM1 of the Mid Devon Local Plan 2013-2033.
4. To improve the transport options available for visitors and staff members in line with sustainable transport principles outlined within the National Planning Policy Framework.
5. To ensure that the proposed development does not prejudice the amenities of local residents from noise in line with policy DM1 of the Mid Devon Local Plan 2013-2033.
6. To protect nearby residents from excessive noise in accordance with Policy DM1 of the Mid Devon Local Plan 2013-2033.
7. To ensure the protection of endangered species, under the European Habitats Directive and the Conservation of Natural Habitats and of Wild Fauna and Flora [Council Directive 92/43/EEC] which is implemented in the UK by the Conservation [Natural Habitats & Conservation] Regulations 1994 [Statutory Instrument No 2716] amended in 2007 and in accordance with policy DM1 of Mid Devon Local Plan 2013-2033.
8. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with policy DM1 of the Local Plan 2013-2033
9. In the interest of public safety and to prevent damage to the highway.
10. In the interest of highway safety, and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance with Policies DM3 and DM5 of the Mid Devon Local Plan 2013-2033.
11. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with policy DM1 of Mid Devon Local Plan 2013-2033. This pre-commencement condition is required in order to finalise acceptable surface water drainage measures for the life-time of the development.
12. To ensure the development makes a positive contribution to the character and appearance of the area by protecting the existing trees during development in accordance with Policy DM1 of the Mid Devon Local Plan 2013-2033. This pre-commencement condition is required in order to identify existing trees on site and the means of protection throughout the construction period.
13. To ensure that the premises are used for the purpose applied for and to safeguard against the potential for change of use without planning permission to a use or uses which could seriously prejudice the Council's policies for maintaining the vitality and viability of the recognised shopping area.

INFORMATIVES

1. The above consent requires the submission of further details to be approved either before works commence or at identified phases of construction. To discharge these requirements will

mean further formal submissions to the Authority on the appropriate forms, which can be completed online via the planning Portal www.planningportal.gov.uk or downloaded from the Planning section of the Mid Devon Council website, www.middevon.gov.uk. A fee may be required (dependent on the type of application) for each separate submission (if several or all the details are submitted together only one fee will be payable). Further details on this process are available on the Planning section of the Council's website or by contacting the Planning Unit at Phoenix House, Tiverton.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed erection of a restaurant with drive-thru facility (Use Class E/sui generis use) with associated parking, landscaping and access arrangements is considered to be supported when the policies of the Local Plan are viewed as a whole, being an appropriate commercial use for this site. The development is not considered to impact detrimentally on the viability or vitality of the town centre with sequential tests met. The restaurant use proposed will contribute to customer choice within the town of Crediton with a limited impact on the existing traders. The development is also not considered to result in a detrimental impact on the character of the area or result in significant adverse impacts on amenity levels of occupiers of residential properties. Having regard to all material considerations, it is concluded that the application does accord with the presumption in favour of sustainable development. When tested against Paragraph 11 of the Framework the Local Planning Authority consider that the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole. In addition the economic benefits in terms of increased employment in the locality, financial contributions towards air quality mitigation, shop front improvements within the high street and securing land for footpath/cycleway connections have also been taken into account. The proposal has been considered in terms of its impact on highway safety and whether the design is suitable for this location. With conditions relating to landscaping, highway matters and drainage, the application scheme considered to comply with policies S1, S2, S6, S7, S8, S9, S12, CRE10, CRE11, DM1, DM2, DM3, DM4, DM5, DM15 and DM25 of the Mid Devon Local Plan 2013-2033 and policies D1, D2, D5, T1, T2, T3, S2, E2, H1, H2, EN2, EN3 and EN4 of the Crediton Neighbourhood Plan 2018 to 2033.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.