

Ward Whimble And Rockbeare

Reference 18/1222/MFUL

Applicant MRH (GB) Ltd

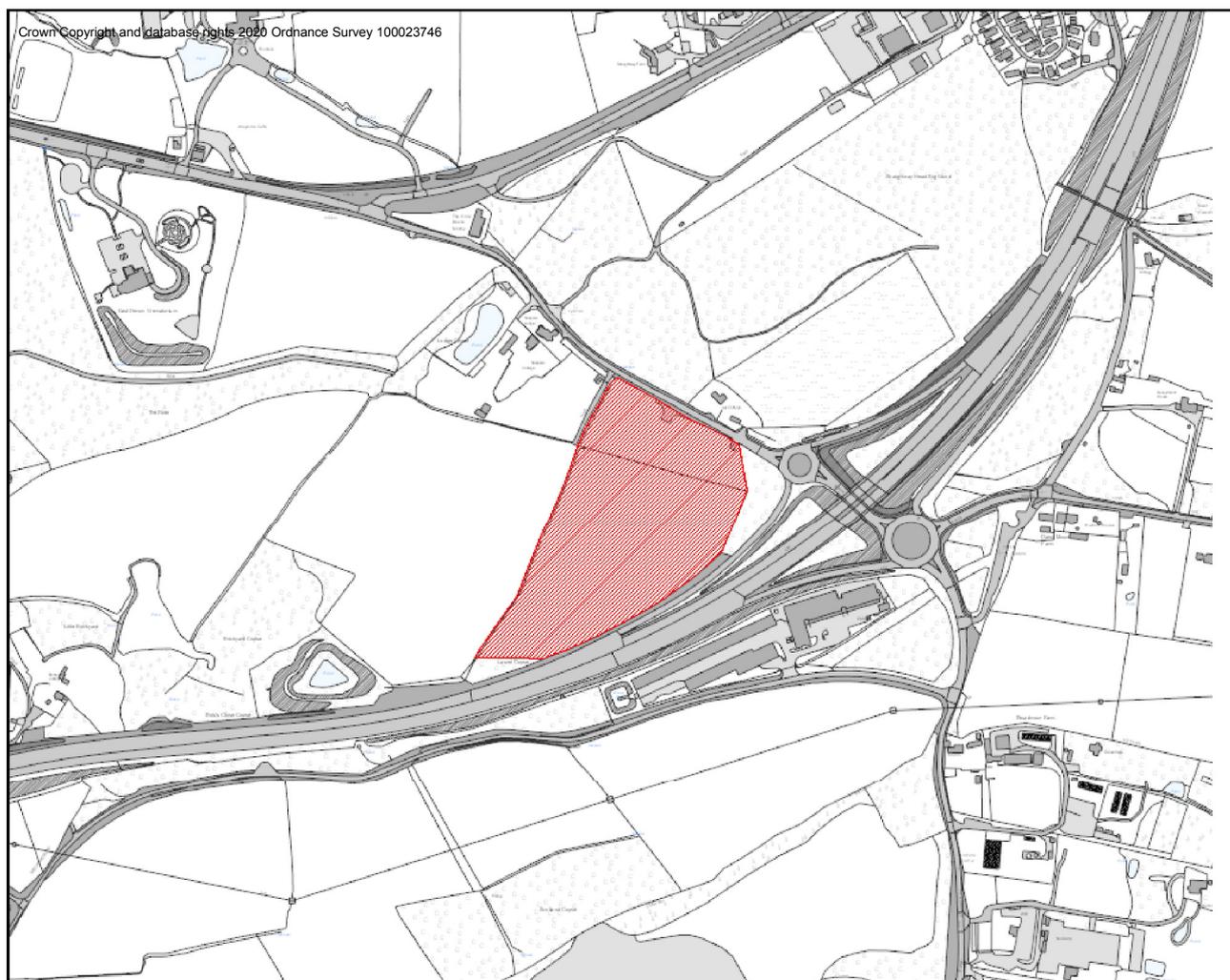
Location Land South Of Lily Cottage Exeter Road
Whimble

Proposal Application for the development of a new roadside service area to include a petrol filling station comprising sales building, canopy over, car and caravan parking, fuel pumps, HGV fuel pumps, 2 no. underground storage tanks and ancillary arrangements, new A3/A5 use building and drive-thru, HGV and coach parking, new access arrangements and landscaping and drainage



RECOMMENDATION:

1. That the Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 attached to the original report is adopted; and
2. APPROVE subject to the conditions detailed in the original report attached.



UPDATE REPORT

		Committee Date: 18th May 2020
Whimble And Rockbeare (Whimble)	18/1222/MFUL	Target Date: 05.09.2018
Applicant:	MRH (GB) Ltd	
Location:	Land South Of Lily Cottage Exeter Road	
Proposal:	Application for the development of a new roadside service area to include a petrol filling station comprising sales building, canopy over, car and caravan parking, fuel pumps, HGV fuel pumps, 2 no. underground storage tanks and ancillary arrangements, new A3/A5 use building and drive-thru, HGV and coach parking, new access arrangements and landscaping and drainage	

RECOMMENDATION:

- 1. That the Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 attached to the original report is adopted; and**
- 2. APPROVE subject to the conditions detailed in the original report attached.**

Background

This planning application was originally before Members at the 3rd December 2019 Development Management Committee (DMC). The Committee resolved to defer making a decision to seek further information from the applicant in relation to the visual impact of the buildings, their design and materials including CGI images of the proposal.

Officers were asked to seek this information from the applicant and then refer the application back to Development Management Committee for a decision.

As a result of the Committee decision, in discussion with the applicant it was agreed that images would be based on viewpoint locations 2 and 6 within the submitted LVIA. These were stipulated to be fully rendered, photo-realistic to accurately represent the scale, appearance, context, form and extent of the development, prepared in accordance with the following industry standard guidance:

- Visual Representation of Development Proposals, Technical Guidance Note 06/19, Landscape Institute September 2019;
- Guidelines for Landscape and Visual Impact Assessment 3rd edition, Landscape institute/ Institute of Environmental Assessment 2013.

Before this Update Report assesses the further information submitted by the applicant, the following are the further consultation comments received as a result of consultation on the additional information submitted by the applicant.

Attached to this report for reference is the original Committee Report from December 2019 that remains unchanged in terms of the site location and description, site history, proposal and analysis and as such these matters are not represented in this Update Report. In addition, the recommendation and proposed conditions on the attached report remain unchanged.

LOCAL CONSULTATIONS

Whimble And Rockbeare – Ward Member - Cllr Kathy McLauchlan

30/03/20 - I would like to comment on the above application.

As Ward member for whimble my opinion is that This application is in my ward and my preliminary view is that it should be REFUSED.

The CGI images that were requested by the Development Management Committee are misleading and not representative of how the service station would appear on the landscape.

I am still of the opinion that the plans as they stand would cause significant harm to the countryside.

I have driven the length of the A30 from Ilminster to Daisymount and still feel that this service station is neither desired nor required at this point on the A30, there is adequate places to stop and rest and get provisions at Honiton service station , open 24hrs.

Local plan policies which support objection.

Strategy 46. Development only permitted where it 1. Conserves and enhances the landscape character of the area.

Strategy 7. 2. Important natural and man made features which contribute to the local Landscape character, including topography, traditional field boundaries, area of importance for nature conservation and Rural buildings.

D1. Proposals will only be permitted when they: Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.

1. Respect the key characteristics and special qualities of the area in which the development is proposed.

2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.

However, I will reserve my position until all the facts are known and until I have heard full discussions should this application come to committee.

Ottery St Mary – Adjoining Ward Member - Cllr Vicky Johns

24/03/20 - > I object to this planning application on the grounds that the CGI is not in scale and so can not be adequately measured or judged. I also have concerns that the shop is quite large and not a farm shop, as I believe it should be within the policy on retail within the open countryside.

>

> So I object to this plan with the information that I have, however I reserve my right to change my view if other information comes to light.

West Hill and Aylesbeare – Adjoining Ward Member – Cllr Jess Bailey

22/04/20 - I urge the REJECTION of this planning application for the following reasons:

1. The applicant has failed to demonstrate that the proposed development is sited, designed and landscaped to minimise impact on the character and appearance on the landscape and therefore does not comply with policy TC11 (Roadside Service Facilities) of the Local Plan.

2. The proposal directly contradicts EDDC's declared climate change emergency.

3. The retail element of the application does not comply with policy TC11 (Roadside Service Facilities) or E15 (retail development in the open countryside outside built-up area boundaries) and due to the diversion of trade is likely to cause significant detriment to existing retail facilities in local villages and towns.

4. There is no established need for a service station in this location as there is an existing formally signed Trunk Road Service Area (TRSA) at Honiton which is situated only 7 miles away.

1. The Application is not sited designed and landscaped to minimise impact on the character and appearance of the area

The application is required to satisfy policy TC 11 (Roadside Service Facilities) of the East Devon Local Plan. The provisions of TC 11 includes a requirement that the service facility must be:

"Sited, designed and landscaped to minimise impact on the character and appearance of the landscape".

The applicants were given the opportunity to produce CGI images to demonstrate the impact on the character and appearance of the landscape. It is a highly sensitive and prominent site and I believe that the very urbanising appearance of the two storey MacDonalds and service station will be severely detrimental.

EDDC's own landscape architect has concluded that the submitted photomontages are considered to be "highly misleading and should not be given any weight in determining the application."

I find it unacceptable that the applicant has produced inadequate material in this way. The committee must surely conclude that the application does not satisfy the test that it is "sited, designed and landscaped to minimise impact on the character and appearance of the landscape" because the applicant has failed to provide appropriate material.

2. Approval of this application would directly contradict the climate change emergency declared by EDDC.

On 27th February 2020 plans for a third runway at Heathrow were ruled illegal because they did not adequately take into account the government's commitment to tackle climate change in the Paris Agreement.

In a directly parallel scenario, EDDC having declared a climate change emergency and adopted a climate change strategy and plan. EDDC cannot now sanction and approve planning applications which directly contradict this climate change emergency.

3. The retail element is likely to cause significant harm to existing retailers in surrounding towns and villages.

Paragraph 26.25 of the Local Plan clearly states goods sold at service stations which are not fuel and motor related, have to be dealt with under the appropriate retail policy - in this case policy E15 (Retail Development in Rural Areas outside Built-up Area Boundaries).

This application clearly does not meet the requirements of E15. The provisions of E15 are as follows:

E15 - Retail Development in Rural Areas outside Built-up Area Boundaries

In order to protect the viability of town centres in the District yet support local businesses, retail development in rural areas, outside villages, will be permitted only where it directly relates to an existing rural business subject to:

a) a minimum of 60% of the produce/products for sale being produced on the premises or holding, and:

b) No more than 30% of the produce/products being sourced and produced off the site of the premises or holding and from within a 16 km (10 mile) radius of the business.

c) No more than 10% of the produce/products are from elsewhere.

What is particularly concerning is the size of the shop - 500 square metres. Based on figures from the Petrol Retailers Association, shops of this size typically have sales in

excess of £300,000 per year. It has the potential to cause significant harm to facilities in existing villages by diversion of trade. Our local plan contains very strict constraints on development in the open countryside for good reason. We cannot allow the subversion of those strict constraints on the pretext of a fuel station and allow inappropriate development via the backdoor.

The proposed condition in the EDDC committee report dated 21st November 2019 ("The Committee Report") does nothing to allay my concerns or satisfy the policy as it allows the sale of goods that are exactly what our local shops are selling. The recent case of the shop at Whiddon Down (West Devon Planning authority) is an interesting comparison. In that case the High Court quashed an appeal decision because objectors had not had an opportunity to look at the retail impact assessment which had been produced. In that case the net retail area was 228 square metres - less than half the size of this site. Whilst the circumstances of that case may be different what it does show is that the High Court considers that it is important to consider the retail impact even on a much smaller site.

4. Highways England have not advised that there is a need for a trunk road service area in this location, nor stated that they support the development in their formal consultation response.

The Committee Report stated in the executive summary "The proposal has the support of Highways England who have advised that there is a need for a service area facility on the A30/A3030 in Devon and that they support the principle of the proposal of a Trunk Road Service Area at this location." In the body of the report it states: "In their consultation response Highways England have advised that there is a need for a comprehensive service area facility on the A30/A303 in Devon and that they support the principle of the proposal for a Trunk Road Service Area at this location." This statement is incorrect. In their consultation responses of 26th September 2019, 28th January 2019, 6th September 2018, and 25th June 2018 at no point do they make these statements. Highways England position is in fact "no objection" to this proposal which is very different from saying that they actively support it and there are no formal statements suggesting "that there is a need for a comprehensive service area".

The Committee Report states "The site is considered to be well located in terms of its distance from the other Trunk Road Service Areas. The nearest services to the application site are at the motorway services at junction 30 of the M5 motorway. From the motorway services there are no other road side service facilities on the A30 or A303 until the Ilminster services on the A303 which is approximately 31 miles from Exeter"

This statement is incorrect. There is a trunk road service area at Honiton (7 miles away) which is formally signed in both directions. It is formally signed from the A30 because it satisfies the requirements of a trunk road service area.

Adjoining Parish/Town Council

19/03/20 - This application was considered at the West Hill Parish Council meeting on 1st October 2019 The Parish Council voted unanimously to not support the application, for the following reasons.

- o No evidence has been provided to demonstrate the need for the development.

- o Light pollution - The development is sited near the top of the hill and will be visible across a wide area. It is also located in close proximity to the airport.
- o Provision of a fast food outlet contrary to healthy eating guidelines.
- o Design of the scheme is not sympathetic to the local rural environment
- o There could be an increase in rubbish and litter
- o Insufficient landscaping to screen the development

19/03/20 - Whimple Parish Council welcomes the preventative measure built into both the build and on-going maintenance of the site to avoid potential bird issues in the area and aircraft flight path. However WPC does have concerns over access into the development particularly from Daisymount Junction which is already becoming an accident black spot.

WPC also would not wish to see the food outlets open 24 hours a day and wish to see a set closure time before midnight on all days.

WPC cannot support the application without reassurance to these concerns

19/03/20 - The Town Council has no objections to this application in view that McDonalds and the proposed service station make the whole area plastic free in line with Ottery St Mary's plastic free policy

19/03/20 - This application was considered at the West Hill Parish Council Meeting on 17th March 2020.

Councillors considered the new CGI information provided. They considered this was inadequate, not according to standard procedures and lacking technical information. The viewpoints were inadequate, not to the appropriate scale, taken from an odd angle and seemed unrepresentative.

The submitted proposed materials still present an urbanised appearance which is out of keeping with the rural location.

Councillors continue to be concerned about granting permission for this retail site in association with a filling station, which is contrary to Policy E11 of the EDLP:

"Large retail developments of over 500 m² that are proposed on sites outside of a defined Town Centre Shopping Area will be required to demonstrate that it would not have an unacceptable impact on centres within the catchment of the proposed development either in itself or when considered cumulatively with other existing or proposed developments of a similar type. New retail developments will not be permitted where they would be on land allocated for other uses unless satisfactory alternative provision for such uses can be made elsewhere within the immediate locality."

Councillors were also concerned that the proposed facility makes scant provision for electric car charging points. If planning permission is granted, this would be an ideal site to provide an electric car charging point hub, as promoted in the Chancellor's speech last week and in line with EDDC targets

Adjoining Parish/Town Council - Clerk To Ottery St Mary Town Council

18/03/20 - The Town Council supports this application

Technical Consultations

EDDC Landscape Architect & Green Infrastructure Officer

17/03/2020

Review of received images:

Three photomontages have been provided for each location comprising a grey block image and a fully rendered view of the proposed development. Although not requested, a further block image has been provided illustrating the extant permission for a hotel and service station complex.

The submitted images are very disappointing and misleading for the following reasons:

Location of viewpoints:

No plan has been submitted with the photomontages to indicate the exact viewpoint locations.

The view point from the A30 slip road is not taken from the location requested but is taken instead from a point some 100m to the west from where the filling station area is largely concealed by the McDonalds building.

The viewpoint taken from the Whimble road is more or less as agreed.

Base line photography:

Contrary to best practice guidance there is no technical data supplied indicating the type of camera used, camera height, horizontal field of view etc.

The base line photographs used for the photomontages appear to be taken as wide angle panoramas. This results in an 'impossible view' that does not relate to the actual viewing experience of a person on site - so for view point 1, taken from the A30 slip road, the two mature oak trees prominent to the left hand side of the image are at 90 degrees to the line of sight and therefore well outside the normal human eye viewing frame. A similar problem is experienced with the image from the other view point on Whimble road. This has the effect of reducing the apparent scale of the central area of the image which is further compounded by projection effects entailed in flattening the panoramic image. The result is evident in the surprisingly small scale of the depicted buildings.

Accuracy of computer model:

The positional accuracy of the proposed structures shown in the photomontages is also questionable. Notably, in the view from the Whimble road, the filling station canopy appears to be situated between the central oak tree and the Whimble Road, whereas the site layout plans clearly show that it is located beyond the oak tree.

Conclusion:

For the reasons noted above the submitted photomontages are considered to be highly misleading and should not be given any weight in determining the application.

Considerations

Members of Development Management Committee will recall the above application which was reported to the December 2019 Committee with officer recommendation to approve. Members deferred the application to seek further information from the applicant, including CGI's, to allow further assessment of the visual impact of the buildings, their design and materials.

Following the committee meeting, planning officers in consultation with the Landscape Architect, requested CGI's which complied with the relevant Landscape Institute's best practice. In discussion with the applicant it was agreed that images would be based on viewpoint locations 2 and 6 within the submitted Landscape Visual Impact Assessment (one from the slip road to the A30 adjoining the site and one from the site entrance). These were stipulated to be fully rendered, photo-realistic to accurately represent the scale, appearance, context, form and extent of the development, prepared in accordance with the following industry standard guidance:

- Visual Representation of Development Proposals, Technical Guidance Note 06/19, Landscape Institute September 2019
- Guidelines for Landscape and Visual Impact Assessment 3rd edition, Landscape institute/ Institute of Environmental Assessment 2013

In response to this request, the applicant has provided updated documents which include:

- Design materials document for the petrol filling station building;
- Updated elevations for the restaurant/drive-thru building – including updated materials; and
- Three photomontages from two locations comprising a grey block image and a fully rendered view of the proposed development. Although not requested, a further block image has been provided illustrating the extant permission for the hotel and service station complex.

These are addressed below.

Updated Materials and finishes to the petrol station and restaurant/drive-thru

In response to concerns raised by Members regarding materials and finishes for the restaurant/drive-thru building, the applicant has also provided revised elevations which seeks to include more rural finishes avoiding garish colours in favour of a combination of walnut brown cladding and grey cladding for the walls and stone to sections of the building.

Whilst conditions are still recommended that require the submission of samples and finishes of materials within the development, and a separate application for advertisement consent for any signage would be required, it is acknowledged that the

proposed materials and finishes would help to provide a finish in tones and colours more appropriate to the rural character and environment within which the development would be located. This would further help to soften the visual impact of the roadside services from public vantage point outside of the site.

CGI's

The submitted images have been considered by the Council's Landscape Architect who has advised that they are very disappointing and misleading for the following reasons:

Location of viewpoints:

No plan has been submitted with the photomontages to indicate the exact viewpoint locations.

The view point from the A30 slip road is not taken from the location requested but is taken instead from a point some 100m to the west from where the filling station area is largely concealed by the proposed McDonalds building.

The viewpoint taken from the Whimble road is more or less as agreed.

Base line photography:

Contrary to best practice guidance there is no technical data supplied indicating the type of camera used, camera height, horizontal field of view etc.

The base line photographs used for the photomontages appear to be taken as wide angle panoramas. This results in an 'impossible view' that does not relate to the actual viewing experience of a person on site - so for view point 1, taken from the A30 slip road, the two mature oak trees prominent to the left hand side of the image are at 90 degrees to the line of sight and therefore well outside the normal human eye viewing frame. A similar problem is experienced with the image from the other view point on Whimble road. This has the effect of reducing the apparent scale of the central area of the image which is further compounded by projection effects entailed in flattening the panoramic image. The result is evident in the surprisingly small scale of the depicted buildings.

Accuracy of computer model:

The positional accuracy of the proposed structures shown in the photomontages is also questioned. Notably, in the view from the Whimble road, the filling station canopy appears to be situated between the central oak tree and the Whimble Road, whereas the site layout plans clearly show that it is located beyond the oak tree.

For the reasons noted above the Council's Landscape Architect has advised that the submitted photomontages are considered to be highly misleading and should not be given any weight in determining the application.

In response to the comments from the Landscape Officer, the applicant has commented as follows:

- The applicant has employed a specialist consult to produce the CGI's;
- The location of the proposed pictures was shared with the planning officer and comments were received the week following. However, in that time, the specialist had taken the photos from what they understood to be the most appropriate location;
- Whilst the location of one of the photos is slightly further South than the slip road, the small variance should not be a concern for members;
- The overall image is taken directly from the 3-D model. Everything is modelled precisely to the mm based on the Proposed submitted drawings;
- The model is layered into a Google Earth image which has been scaled to fit the site survey info and then used to place both CG cameras to match as close as possible the locations the photographs were taken from. Various points of interest were then used to refine the angle. i.e. large trees, road outlines and signage;
- The photos include the necessary information needed to match the software when producing the images;
- The applicants CGI consultant is confident that the images provided are of a high quality and accuracy and can wholly be relied upon by committee members when making their decision.

Whilst the applicant believes that the CGI's are what members requested, it is disappointing that the montages produced are not of a form or accuracy which the landscape architect can support in determining the impact that the proposal will have.

In light of the comments from the Landscape Architect, and given that the CGI from the A30 does not appear to give a true representation from a car when travelling along the A30 (it appearing to be set down from the slip road on lower ground), officers cannot be sure that the CGI's are 100% accurate and as such do not recommend that Members given them full weight when determining the application.

On the basis that the CGI's cannot be relied upon to accurately assess the visual impact from the proposals, an assessment of the impact is still required in order to make a decision on the application and compliance with policy TC11 and the need to minimise impact on the landscape. Planning permission cannot be refused simply on the basis that the CGI's may be inaccurate, there would have to be a harmful visual impact identified.

In effect, the Committee are back in the same position that there were at the December Committee in terms of having to assess the visual impact of the proposal on the landscape, giving some weight to the fall-back position for construction of a larger service area with a greater visual impact – albeit arguably of a higher quality design.

For the reasons stated in the December report to Committee, officers remain of the view, that the proposal would be acceptable in terms of its visual impact on the landscape, albeit recognising that from close range the proposal will be highly visible.

In the previous report it was explained that in landscape terms, the height and massing of the buildings, in particular the two storey drive through building would appear quiet visible and prominent in localised views from the A30 to the south and the slip road (but not beyond this due to the surrounding landscaping, trees and levels). The prominence that this development would have is inevitable given its open and exposed location to the north and west where limited mature vegetation and the gradually falling ground levels make this a prominent site combined within views from the A30.

Notwithstanding the localised impact, it is considered that the proposed roadside services scheme has been sited, designed and landscaped to minimise its impact on the character and appearance of the wider landscape when considered against the constraints imposed by Highways England and the Airport with regards to the type and amount of landscaping and planting that would be acceptable in highway and aviation safety terms.

Furthermore, there are a number of clear benefits arising from this scheme over the extant planning permission which includes the retention of the two mature oak trees and a reduced scale of development on the site which would result in an overall development which has less of an urbanising impact on the rural landscape, character and appearance of the area, and less of an overall localised impact when viewed from public vantage points outside of the site.

Other matters

In addition to the above, Cllr Bailey has raised questions over the following points:

- Do Highways England support the provision of the Service Area in this location?

Highways England Response: In line with our formal planning response to this application, which I have attached for your ease of reference, Highways England has no objection to this application.

- Does the trunk road finish at Honiton?

Highways England Response: No, the A30 trunk road joins the A303 at Upottery which then continues to the motorway network at the M3 near Basingstoke (the M3 is also part of the Highways England network).

- If the trunk Road stops at Honiton, does this not undermine the need for a service area in this location/the distances required between service areas?

Highways England Response: As above, the trunk road does not stop at Honiton. DfT Circular 02/2013 The Strategic Road Network and the Delivery of Sustainable Development Annex B, sections B4 and B5 does not stipulate a maximum distance between service areas. There are no policy grounds which stipulate criteria based on assessed 'need' and similarly there are no policy grounds for refusing multiple facilities in the same location.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/237412/dft-circular-strategic-road.pdf

- Would Highways England support refusal of permission for a service area here on the basis of their being no need?

Highways England Response: As above, there are no policy grounds under Circular 02/2013 to support the refusal of this application on the basis of 'need'. As set out in our formal planning response, we have no objection to this application.

Whilst Highways England have not specifically stated their support for the proposal, it is clear from their comments that they do not object to the application and agree that a service area in this location complies with the requirements for the location and distances between service areas.

In light of this, a refusal of planning permission on the basis that the proposal is not required, or is not appropriately spaced from other service facilities would be very difficult to defend on appeal.

- The range of goods to be sold from the site should be restricted to those covered by Policy E15 of the Local Plan;

The explanatory text to policy TC11 states "Any retail facilities for convenience shopping, other than for fuel and associated motoring products, will need to be compatible with the shopping policies of the Local Plan." The condition recommended (number 21) as part of the original report and recommendation seeks to restrict the goods sold to those usually expected to be sold by a petrol station as this is considered to be a reasonable comparison. Whilst the condition allows goods of a wider range than policy TC11, the above wording is in the explanatory text rather than the policy and as such carries significantly less weight. In addition, there are not considered to be any other relevant Local Plan retail policies applicable to this scheme.

Policy E11 is not relevant as the retail floorspace is smaller than 500sqm and with regard to Policy E15, when read in conjunction with the explanatory text that precedes it, it is clear that the policy applies to farm shops, garden centres, nurseries etc. As such it is not considered to be applicable to roadside service areas. This is considered to be demonstrated by the criteria of the policy which requires a minimum of 60% of the produce/products for sale to be produced on the premises or holding. It is not considered reasonable to expect a roadside services to comply with this. For these reasons Policy E15 is not considered to be applicable either.

In light of the above the goods covered by Condition 21 are considered to be reasonable and it would be difficult to put together a case to argue that the range of goods sold should be limited to those complying with Policy E15 that could be successful on appeal.

- Climate Change Emergency

Whilst the Council has declared a Climate Change Emergency, decisions on planning applications still need to be made in accordance with the Development Plan. As such

the application still needs to be considered against the NPPF and the policies within the adopted Local Plan. The declaration by the Council does not mean that Policy TC11 can be ignored or reduced in weight and as the proposal is considered to comply with the policy, planning permission is recommended for approval.

Conclusion

In conclusion, notwithstanding the issues identified regarding the submitted CGI's, and visual impact from the proposal from close range views, officers remain of the opinion that the proposed design and layout of the development would create an acceptable roadside services scheme alongside the A30, particularly when compared against the visual impact from the much larger scale extant scheme. In addition, the proposal would meet an established need and perform an important road safety function by providing opportunities for the travelling public to stop and take a break by closing the existing gap in the provision of roadside facilities along this section of the A30.

The benefit from the additional roadside service facility and associated road safety function, when weighed alongside other benefits such as job creation during construction, longer term employment opportunities within the petrol filling station, shop and the drive-thru building, and the contribution to the local economy that would be derived from this scheme, are considered to be significant social and economic benefits that outweigh the limited and localised visual impact and landscape harm.

On balance, having regard to all of the above considerations and the schemes compliance with the DfT Circular, the NPPF and in particular policy TC11 (Roadside Service Facilities) of the East Devon Local Plan, the proposal is considered to be acceptable and is therefore recommended for approval as per the attached report.

ORIGINAL REPORT

		Committee Date: 3rd December 2019
Whimble And Rockbeare (Whimble)	18/1222/MFUL	Target Date: 05.09.2018
Applicant:	MRH (GB) Ltd	
Location:	Land South Of Lily Cottage Exeter Road	
Proposal:	Application for the development of a new roadside service area to include a petrol filling station comprising sales building, canopy over, car and caravan parking, fuel pumps, HGV fuel pumps, 2 no. underground storage tanks and ancillary arrangements, new A3/A5 use building and drive-thru, HGV and coach parking, new access arrangements and landscaping and drainage	

RECOMMENDATION:

1. That the Habitat Regulations Appropriate Assessment attached to the report be adopted; and
2. The application be approved subject to conditions.

EXECUTIVE SUMMARY

This application is before members of the Development Management Committee as the officer recommendation differs from the view of the Parish Council.

This proposal is for a roadside services development on a site where the need has long been accepted and where the principle of development has been previously established through the grant of outline planning permissions since 1994 and the implementation of a reserved matters permission ref 07/1228/MRES. Indeed works to implement the reserved matters permission have been implemented through the construction of a vehicular access on the site such that the planning permission is considered to be extant and capable of implementation.

The proposal has the support of Highways England who have advised that there is a need for a service area facility on the A30/A3030 in Devon and that they support the principle of the proposal of a Trunk Road Service Area at this location. Furthermore, Highways England have advised that the roadside services scheme is in compliance with the current policies of the Secretary of State as set out in the DfT Circular 02/2013 'The Strategic Road Network and the Delivery of Sustainable Development' and those contained within the NPPF.

Detailed concerns raised by technical consultees which include Exeter Airport, Highways England, and the Devon County Council Flood Risk Management Team have been addressed in conjunction with officers and consultees such that it is considered subject to conditions there would be no significant impacts in terms of aviation and highway safety, flood risk and surface water management, ecology and biodiversity, heritage assets, residential amenity or trees.

In landscape terms, the height and massing of the buildings, in particular the two storey drive through building would appear quite visible and prominent in localised views from the A30 and in particular from the slip road adjoining the site. The prominence that this development would have is inevitable with any roadside services proposal on this site due to its open and exposed location to the north and west where limited mature vegetation and the gradually falling ground levels make this a prominent site combined within views from the A30. Notwithstanding the localised impact, it is considered that the proposed roadside services scheme has been sited, designed and landscaped to ensure an acceptable impact on the character and appearance of the landscape when considered against the constraints imposed by Highways England and the Airport with regards to the type and amount of landscaping and planting that would be acceptable in highway and aviation safety terms.

Furthermore, there are a number of clear benefits arising from this scheme over the extant planning permission which includes the retention of the two mature oak trees and a reduced scale of development on the site which would result in an overall development which has less of an urbanising impact on the rural landscape character and appearance of the area and less of an overall localised impact when viewed from public vantage points outside of the site.

The proposed design and layout of the development would create a landmark roadside services scheme alongside the A30 that would meet an established need and perform an important road safety function by providing opportunities for the travelling public to stop and take a break by closing the existing gap in the provision of roadside facilities along this section of the A30. The site is considered to be well located in terms of providing an additional roadside service facility to perform the required road safety function which, when coupled with job creation during construction, longer term employment opportunities within the petrol filling station, shop and the drive through building and the contribution to the local economy that would be derived from this scheme are considered to be significant social and economic benefits that outweigh the limited and localised visual impact and landscape harm.

On balance, having regard to all of the above considerations and the schemes compliance with the DfT Circular, the NPPF and in particular policy TC11 (Roadside Service Facilities) of the East Devon Local Plan, the proposal is considered to be acceptable and is therefore recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

Comment Date: 08 Oct 2019

Whimble Parish Council previous comments remain the same - Whimble Parish Council welcomes the preventative measure built into both the build and on-going maintenance of the site to avoid potential bird issues in the area and aircraft flight path. However WPC does have concerns over access into the development particularly from Daisymount Junction which is already becoming an accident blackspot. WPC also would not wish to see the food outlets open 24 hours a day and wish to see a set closure time before midnight on all days. WPC cannot support the application without reassurance to these concerns.

Previous comments: 02 Apr 2019

Whimble Parish Council welcomes the preventative measure built into both the build and on-going maintenance of the site to avoid potential bird issues in the area and aircraft flight path. However WPC does have concerns over access into the development particularly from Daisymount Junction which is already becoming an accident black spot.

WPC also would not wish to see the food outlets open 24 hours a day and wish to see a set closure time before midnight on all days.

WPC cannot support the application without reassurance to these concerns

Previous comments: 18 Sep 2018

Whimble Parish Council have no objection and our previous comments remain

Previous comments: 19 Jun 2018

Whimble Parish Council welcome the building of a new service area to alleviate the pressures on Exeter Services and also the job opportunities both the construction and on-going business would bring to the Parish. We would ask that consideration is given to the design of sympathetic buildings which make the most of the views towards the moors and we would ask that all packaging used in the sale of goods and food is fully recyclable. We would ask that the meat, food and products will be sourced locally from Devon suppliers and healthy options are available. We do have concerns about the possible spread of litter outside of the boundary of the development and hope that the business takes full responsibility for litter picking in and around the Daisymount/London Road access routes. Consideration also needs to be given to potential light pollution from vehicles exiting the site onto the properties opposite the development.

Adjoining Parish: West Hill

Comment Date: Wed 02 Oct 2019

WHPC Planning Comments

Agreed at the Council Meeting 1st Oct 2019

18/1222/MFUL Straightway Head Junction, Exeter Road, Whimple. Applicant MRH (GB) Ltd

Proposal: Application for the development of a new roadside service area to include a petrol filling station comprising sales building, canopy over, car and caravan parking, fuel pumps, HGV fuel pumps, 2 no. underground storage tanks and ancillary arrangements, new A3/A5 use building and drive-thru, HGV and coach parking, new access arrangements and landscaping and drainage

This application was considered at the West Hill Parish Council meeting on 1st October 2019. The Parish Council voted unanimously to not support the application, for the following reasons.

- o No evidence has been provided to demonstrate the need for the development.
- o Light pollution - The development is sited near the top of the hill and will be visible across a wide area. It is also located in close proximity to the airport.
- o Provision of a fast food outlet contrary to healthy eating guidelines.
- o Design of the scheme is not sympathetic to the local rural environment
- o There could be an increase in rubbish and litter
- o Insufficient landscaping to screen the development

Previous comments: 24 Apr 2019

West Hill Planning Comments

Agreed at the Council Meeting 2nd Apr 2019

This application was considered at the West Hill Parish Council meeting on 2nd April. The Parish Council voted unanimously to not support the application, for the following reasons.

- o Councillors were concerned about light pollution, especially as the development will be located on a hill. It is also located in close proximity to the airport.
- o They were also concerned about the increase in traffic using the Daisymount roundabout, which has already seen a considerable increase in traffic due to large-scale housing developments in Cranbrook and Ottery St Mary since the original application some years ago.
- o They thought that the design of the scheme was not sympathetic to the local rural environment and they were concerned that there could be an increase in rubbish and litter.

Previous comment: 19 Sep 2018

The following are comments from West Hill Parish Council:

This application was considered by West Hill Parish Council at its meeting on 18th September 2018. Although in the neighbouring parish of Whimple, the development would affect West Hill residents. Councillors were concerned about light pollution

and upheld their previously-submitted objections. They also added that large-scale illuminated signs are not in keeping with the rural setting, and likewise for the design of the children's play area which will include a bright red playhouse.

Councillors voted unanimously to not support the application.

Previous comments: 06 Jul 2018

This application was discussed by West Hill Parish councillors at their meeting on 3rd July 2018 as a neighbouring parish consultee.

Councillors voted unanimously to not support the application, for the following reasons. Councillors were concerned about light pollution, especially as the development will be located on a hill. They were also concerned about the increase in traffic using the Daisymount roundabout, which has already seen a considerable increase in traffic due to large-scale housing developments in Cranbrook and Ottery St Mary since the original application some years ago. They thought that the design of the scheme was not sympathetic to the local rural environment and they were concerned that there could be an increase in rubbish and litter.

Adjoining Parish: Ottery St Mary

Comment Date: 03 Oct 2019

The Town Council supports this application subject to it being an environmentally friendly development as it has declared a Climate emergency. It should therefore include:

- o Electric charging points
- o Sustainable urban drainage system
- o Renewable energy and energy efficient
- o Sensitive street lighting system

It should also take into account its proximity to Exeter airport's flight path, therefore should have unobtrusive lighting. There will be an increase of traffic at Daisymount roundabout, therefore request that it be served by a regular bus service to or through Ottery St Mary.

Previous comments: 09 Apr 2019

The Town Council has no objections to this application in view that McDonalds and the proposed service station make the whole area plastic free in line with Ottery St Mary's plastic free policy

Previous comments: 19 Sep 2018

There was a short discussion and it was agreed that the Town Council's original comment would stand which was which was:

The Town Council has no objections to this application in view that McDonalds make the whole area plastic free in line with Ottery St Mary's plastic free policy.

Adjoining Ward Member – West Hill and Aylesbeare Ward - Cllr J Bailey

This is my comment. Please include this in the officers report, including my photos. I will be asking to speak at DMC. I would be grateful if Chris Hariades could also attend in case of questions on the key issue of landscape impact.

I am astonished that in 2019 and with the backdrop of a climate change and ecological emergency Eddc officers are supporting the development of a petrol station and 2 storey McDonalds drive through on top of a very large hill.

I am strongly opposed to this application on the basis of material and significant detriment which will be caused to the landscape in the immediate and the surrounding area not only in day time but also at night. As a 24 hour petrol station there will be huge light pollution which will spill into surrounding areas and the visual prominence will be quite remarkable. The ability for any screening and mitigation is limited due to the proximity of Exeter airport which places restrictions on trees etc in order to not encourage birds and risk bird strike. Under Strategy 46 of the Local Plan, development needs to be undertaken in a manner that is sympathetic to and helps conserve and enhance the quality and local distinctiveness of the natural and historic landscape character of East Devon...development will only be permitted where it (a) conserves and enhances the landscape character of the area and (b) does not undermine landscape quality. This application fails on every level.

What is more it is my concern that Eddc officers are applying a less robust approach on the basis than they normally would on the basis that there is already an implemented planning permission for a larger scheme. In my view this approach is incorrect.

The draft report states in the executive summary:

'The proposal is for a roadside services development where the need has been long accepted and where the principle of development has been previously established through the grant of outline planning permission since 1994 and the implementation of a reserved matters permission re 07/1228.'

For some reason, the draft report does not provide thorough analysis of the basis on which planning permission was implemented. It is quite clear to me that the 2007 planning permission was **not** in fact ever implemented.

I have located the letter from the agent to Eddc dated 24 Feb 2011. This states 'I enclose copies of drawing H7544-D4B which shows the extent of [these] works which include an element of the access road, associated landscaping and signage to create an entrance vista.....I should be grateful if you will confirm that the works defined constitute a start on site and by doing these works that the planning permission has been lawfully implemented".

The letter from Eddc planning officer Nigel Barrett dated 31st March 2011 made it quite clear that he considered it implemented on a **caveated** basis. The caveats

were that it could only be treated as implemented if it was constructed in accordance with the plans and subject to satisfaction of any pre-commencement conditions.

Although the then applicant submitted some photos there is no evidence that these accord with H7544-d4b. There is no temporary link with the highway and no signs as shown. It was therefore not constructed in accordance with the plans. What is more, the pre-commencement planning conditions require a landscaping plan to be submitted before any landscaping works are carried out and there is no evidence that this was ever submitted.

It is therefore incorrect in my view to state that the previous (larger) application was implemented and this one needs to be seen in that context (and subject to a less rigorous approach). It is open countryside within the meaning of the local plan. The correct position is that the application needs to be measured only against our local plan, which was not in place when the applications were considered previously. All there is now is a lapsed planning permission.

I have spoken to Eddc's landscape architect Chris Hariades and discussed with him the impact of granting permission for a petrol station and 2 storey building including a McDonalds and drive thru on top of a hill will have on the landscape. He explained that any comments he made about possible acceptability of the proposal were on the basis that it was only because they were less bad than what he believed had been implemented.

How can this application possibly be acceptable when the local plan requires that any service station is "sited, designed and landscaped to minimise impact on the character and appearance of the area" and the landscape architect advised "that the proposal is likely to have a high adverse landscape and visual effect on the site and it's immediate environs due to surrounding landform, tree form and hedgerows". I attach various photos of the site taken today, and the thought of it turning into a petrol station is horrendous. There is quite clearly no link between the minimal tarmac and the highway. In fact there is a telegraph pole in the way, so to indicate that this is or ever was an "entrance vista" is plainly wrong. The photos submitted by the then applicant show no link temporary or otherwise between the site and the highway.

I am also concerned by the description of the buildings as being "highly urban" and there seems to be a question of whether the applicant would change the cladding on the grounds of viability.

Our understanding of the natural world and the importance of our landscape and biodiversity has changed dramatically since outline planning was granted in 1994. The application is clearly contrary to the policies in our local plan and must be refused. It is a site in the open countryside rich in biodiversity and it must be looked after and not plundered.

Technical Consultations

Highways England

Comment Date: Thu 26 Sep 2019

Referring to the notification of the submission of new plans on 13 September 2019 in respect of the application referenced above, dated 6 June 2018, for the development of a new roadside service area to include a petrol filling station comprising sales building, canopy over, car and caravan parking, fuel pumps, HGV fuel pumps, 2 underground storage tanks and ancillary arrangements, new A3/A5 use building and drive-thru, HGV and coach parking, new access arrangements and landscaping and drainage on land south of Lily Cottage (Straightway Head Junction), Exeter Road, Whimple, Devon, notice is hereby given that Highways England's formal recommendation is that we:

a) offer no objection;

Recommendation

Highways England has no objection to application 18/1222/MFUL.

Previous comments: 28 Jan 2019

Thank you for the opportunity to comment on the Landscape Management plan relating to the above application.

Our Environmental team have reviewed the information provided and confirm that they are content with the proposals.

Highways England therefore has no objections to the landscape proposals as outlined.

Previous comments: 06 Sep 2018

Referring to the notification of a planning application dated 6 June referenced above, in connection with the A30, and the development of a new roadside service area to include a petrol filling station comprising sales building, canopy over, car and caravan parking, fuel pumps, HGV fuel pumps, 2 underground storage tanks and ancillary arrangements, new A3/A5 use building and drive-thru, HGV and coach parking, new access arrangements and landscaping and drainage on land south of Lily Cottage (Straightway Head Junction), Exeter Road, Whimple, Devon, notice is hereby given that Highways England's formal recommendation is that we:

b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A - Highways England recommended Planning Conditions);

Recommendation

Highways England recommends that a planning condition should be applied to any consent the planning authority is minded to grant in respect of application reference 18/1222/MFUL, to the effect that:

Prior to the commencement of the development hereby permitted, a detailed landscaping and boundary treatment plan for the boundary adjacent to the A30 trunk road and its associated slip road shall be submitted to the local planning authority for approval. The boundary treatment shall be implemented in accordance with the agreed plan and maintained as such thereafter. Reason: in the interest of the safe and efficient operation of the A30 trunk road.

Previous comments: 25 Jun 2018

Council's Reference: 18/1222/MFUL

Referring to the notification of a planning application dated 6 June referenced above, in connection with the A30, and the development of a new roadside service area to include a petrol filling station comprising sales building, canopy over, car and caravan parking, fuel pumps, HGV fuel pumps, 2 underground storage tanks and ancillary arrangements, new A3/A5 use building and drive-thru, HGV and coach parking, new access arrangements and landscaping and drainage on land south of Lily Cottage (Straightway Head Junction), Exeter Road, Whimple, Devon, notice is hereby given that Highways England's formal recommendation is that we:

- a) offer no objection;
- b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A - Highways England recommended Planning Conditions);
- c) recommend that planning permission not be granted for a specified period (see Annex A - non determination);
- d) recommend that the application be refused (see Annex A - Reasons for recommending Refusal).

Highways Act Section 175B is not relevant to this application.1

1 Where relevant, further information will be provided within Annex A.

This represents Highways England formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should you disagree with this recommendation you should consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gsi.gov.uk.

Signature: Sally Parish Date: 25 June 2018

Name: Sally Parish Position: Planning Manager

Highways England:

Ash House, Falcon Road, Sowton Industrial Estate, Exeter, EX2 7LB

Email:

Sally.parish@highwaysengland.co.uk

Annex A Highways England recommended no objections

HIGHWAYS ENGLAND ("we") has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure

Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard to planning application 18/1222/MFUL and has been prepared by the Planning Manager for the SRN in Devon.

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development" and the DCLG National Planning Policy Framework (NPPF).

Statement of Reasons

This planning application seeks permission for the construction of a trunk road service area at Straightway Head junction of the A30(T). The total quantum of development includes an A5 takeaway/drive-thru (376sqm), a service station shop (500sqm), petrol filling station comprising 10 pumps, HGV filling station comprising 2 filling positions, and a total of 103 car parking spaces, including 81 light vehicle spaces, 4 disable spaces, 10 motorcycle spaces and 8 HGV/coach spaces. The planning application is supported by a transport assessment prepared by MDJ & Associates.

Planning History

The site has a long planning history related to it, which includes planning permission for a larger trunk road service area (TRSA), which dates back to 1994. More recently permission was granted in 2008 for a TRSA (planning reference: 07/1228/MRES), with variations to conditions in 2011 (reference 11/0063/VAR). Following this it is understood this permission was implemented by constructing the vehicular access to the site. The applicant has indicated that there is a record of correspondence with the LPA which confirms that the access road works to serve the development does constitute a lawful commencement of the approved scheme, and there is therefore a lawful implementation of planning permission 11/0063/VAR. Therefore; Highways England consideration of the current application is against the impact of the approved scheme for this site.

Trip Generation Impact on the SRN

The extant planning consent for this site is considerably larger than the proposals within this planning application. The submitted transport assessment does not provide the trip generations for the extant use, which would be a useful comparator. The impact on the SRN as a result of this planning application would be any net increase, after the trips from the extant permission have been considered. The extant planning consent included a 12-pump petrol filling station, 3,000sqm restaurant/shop, 50 bed hotel, 263 car parking spaces and 18 hgv parking spaces. The reduced proposals are likely to generate fewer trips than the extant proposals, and therefore Highways England is content that the application will not have a severe impact on the operation of the SRN.

Operational Impact on the SRN

The proposed site lies immediately to the north of the A30 trunk road and the eastbound off slip at Daisymount. There is therefore the potential for the site layout to impact on the safe operation of the trunk road.

The treatment of surface water drainage for the site is covered within the foul water drainage report with an attenuation pond to be located in the western corner of the site. It is unlikely that the drainage proposals will adversely impact on the trunk road, however the applicant should be aware that DfT Circular 02/2013 The Strategic Road Network and the Delivery of Sustainable Development does not permit the discharge of surface water from new developments into the trunk road drainage system. The circular states that in order to ensure the integrity of the highway drainage systems, no water runoff that may arise due to any change of use will be accepted into highway drainage systems, and there shall be no new connections into those systems from third party development and drainage systems.

No specific plan has been provided in relation to the landscaping/boundary treatment alongside the A30, although reference is made to hedge banks and tree planting. The site layout suggests there is the potential for headlight glare from parking vehicles to create a distraction to trunk road users, and it will therefore be important for adequate screening to be provided. It will also be important to ensure that any landscape planting avoids species that may create longer term maintenance problems. However, we are satisfied that this can be addressed by a suitable planning condition.

Signage for Service Areas

Annex B of Circular 02/2013 sets out the policy on the provision, standards and eligibility for signage of roadside facilities on the SRN. Table B1 sets out the minimum requirements for signing from the SRN, and for an all-purpose trunk road service area which includes the following:

- o Open minimum 12 hours per day between 8am and 8pm every day except Christmas Day, Boxing Day and New Year's Day
- o Free Parking for up to 2 hours minimum for all vehicles permitted to use the road served by the facility (the level of which is stated within Schedule 1 of Annex B)
- o Free toilets/hand washing facilities with no need to make a purchase
- o Fuel
- o Hot drinks and hot food available 8am to 8pm for consumption on the premises
- o Access to a cash operated telephone.

Schedule 1 of Annex B states the required car parking provisions in order to meet the criteria to be signed from the SRN. For an all-purpose TRSA there is a requirement to provide parking equal to 0.1% of the daily traffic flow. This should use the most recent complete year data to identify the peak monthly flow, and averaging that to find the daily flow. The applicant has used WebTRIS data from 2017 to determine the daily flow, which indicates that the busiest month is August, where there is an average daily flow of 37,724. This leads to a requirement to provide 38 car parking spaces. In addition to this there is a requirement to provide a minimum of 2 HGV spaces, 1 abnormal load space, 1 coach space and 2 caravan spaces. Whilst the plans appear to show that the development would meet the majority of these criteria, it is not clear what provision has been made for abnormal loads. The HGV spaces provided do not appear conducive for abnormal loads, and in the absence of

space being provided for these abnormal loads the proposals would not meet the specification of Circular 02/2013 and therefore is not able to be signed from the A30. It is also not clear from the submitted drawings where the cash operated telephone will be located, which will also be a requirement for trunk road signing. Therefore, in order for the service area to qualify for trunk road signing, the applicant will need to address the above issues.

Recommendation

Highways England recommends that a planning condition should be applied to any consent the planning authority is minded to grant in respect of application reference 18/1222/MFUL, to the effect that:

Condition: prior to the commencement of the development hereby permitted, a detailed landscaping and boundary treatment plan for the boundary adjacent to the A30 trunk road and its associated slip road shall be submitted to the local planning authority for approval (who shall consult with Highways England on behalf of the Secretary of State for Transport). The boundary treatment shall be implemented in accordance with the agreed plan and maintained as such thereafter.

Reason: in the interest of the safe and efficient operation of the A30 trunk road.

County Highway Authority

Comment Date: 11 Oct 2019

Addendum; 08/10/2019

The CHA is content that the latest plans made available satisfy our modification requirements to the adjoining road network and that the proposed internal site layout will not have a detrimental effect upon the local highway network.

Comment Date: Wed 22 Aug 2018

Observations:

The aim of a Roadside Service Area at Straightway Head has been established by the approval of 07/1228/MRES and the subsequent construction of an access set back from the roadside edge on the B3174 which has made 07/1228/MRES abiding.

This development proposal has seen an increase in non-retail linked, rest car and bus parking spaces, which will go some way towards resolving Highways England concerns, although this is a direct issue with Highways England and the association with the A30.

Works on the B3174 for the proposed Roadside Service Area have previously been agreed with a Unilateral Undertaking in accordance to a Section 106 dated 14/10/2008. I appreciate these works related to the original planning application, and the current planning application varies to this, for example with no hotel provision, however Cranbrook has now increased traffic movements in this vicinity and as such the County Highway Authority (CHA) believes that the following works are still necessary to not cause a detrimental effect in the provision of this roadside service area.

- A new priority junction access to the services with a central pedestrian crossing

island and ghost island right turn lane.

- A central pedestrian crossing island east of the site access junction providing access to a new footway and bus stop.

- A new westbound bus lay-by adjacent to the site entrance.

- A new central island adjacent to the new bus lay-by on the approach to the right turn lane to discourage overtaking at this junction.

- To widen and maintain a two lane approach to the A30 Roundabout in order to improve capacity.

- Widening and extending the flare on the roundabout approach in order to increase waiting capacity.

The above details have been subject to a stage one safety audit however these elements would still be subject to a stage two safety audit before commencement.

Therefore the County Highway Authority is content that this proposal as it stands is adequate and acceptable.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1. Enter an appropriate legal agreement with the CHA to commence CHA requested works. REASON; To mitigate the highway impact from the commencement of this planning application.

2. 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;

Previous comments: 25 Jun 2018

Observations:

The aim of a Roadside Service Area at Straightway Head has been established by the approval of 07/1228/MRES and the subsequent construction of an access set back from the roadside edge on the B3174 which has made 07/1228/MRES abiding.

I note the provision of non-customer rest parking allocated for HGVs, Caravans and general vehicles and this will help towards highway safety on long journeys that Devon often facilitate.

Works on the B3174 for the proposed Roadside Service Area have been agreed within the existing Unilateral Undertaking in accordance to Section 106 dated 14/10/2008, which comprises;

A new priority junction access to the services with a central pedestrian crossing island and ghost island right turn lane.

A central pedestrian crossing island east of the site access junction providing access to a new footway and bus stop.

A new westbound bus lay-by adjacent to the site entrance.

A new central island adjacent to the new bus lay-by on the approach to the right turn lane to discourage overtaking at this junction.

To widen and maintain a two lane approach to the A30 Roundabout in order to improve capacity.

Widening and extending the flare on the roundabout approach in order to increase waiting capacity.

Therefore the County Highway Authority is content that this proposal is adequate and acceptable.

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

Exeter & Devon Airport - Airfield Operations+Safeguarding

Comment Date: Mon 23 Sep 2019

Location: Land South Of Lily Cottage Exeter Road Whimple

I acknowledge receipt of the amended plans in relation to the above planning application for the proposed development at the above location.

The amendments have been examined from an Aerodrome Safeguarding aspect and do not appear to conflict with safeguarding criteria providing that the previous guidance relating to heights, landscape and wildlife management and crane operations etc. are adhered to at all times.

Accordingly, Exeter Airport have no safeguarding objections to this development provided there are no changes made to the current application.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter Airport.

Previous comments: 02 Apr 2019

I acknowledge receipt of the amendments including technical safeguarding report, lighting specification, landscaping plan and wildlife hazard management plan in relation to the above planning application for the proposed development at the above location.

This proposal and the amendments have been examined from an Aerodrome Safeguarding aspect and they now do not appear to conflict with safeguarding criteria.

Accordingly, the previous objection to this development can now be withdrawn as Exeter Airport now have no safeguarding objections to this development providing that the guidance and recommendations within the wildlife hazard management plan, the soft landscaping plan and the aviation safety assessment are followed and adhered to at all times during the construction phase and afterwards when open and operational, and there are no changes made to the current application.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter Airport

Previous comments: 17 Jan 2019

I acknowledge receipt of the additional Wildlife Hazard Management Plan, Amended Landscape Plan and Landscape and Visual Impact Assessment.

The amended plans have been examined from an Aerodrome Safeguarding aspect with the following findings.

The soft landscape plan SY17-184-LPP-18-01 lists several tree types that are capable over time of growing to heights in excess of 20m. The Landscape and Visual Impact Assessment states that 79 large trees would be planted to provide additional green canopy cover in and around the site. The proposed site is on ground that already penetrates several of the airports critical limitation surfaces and any new penetrating trees would be unacceptable. These trees could penetrate the surfaces further, have a negative impact on instrument flight procedures for aircraft operating into and out of Exeter airport, adversely affecting aircraft safety and the operations of Exeter Airport. Ideally, over time surface penetrations should be reduced so that aircraft safety is maintained.

Large trees with canopy's are also attractive to birds which could lead to an increase in the risk of birdstrike to aircraft with potentially catastrophic results.

The additional Wildlife Hazard Management Plan is acceptable and approved providing it is implemented and adhered to at all times during the construction phase and afterwards when the site is open and operational.

Also, the issues highlighted in the Airports initial objection regarding the Technical Safeguarding Assessment have not yet been addressed. Currently we have Zero tolerance for Instrument Landing System disturbance budget consumption and the safeguarding report does not appear to be robust enough for us to be sure that the safeguarding process has been appropriately applied in this case.

Accordingly, Exeter Airports objection to this proposal remains on the grounds of aviation safety and operational impacts.

Comment Date: Thu 05 Jul 2018

We acknowledge receipt of the above planning application for the proposed development at the above location.

This proposal has been examined from an Aerodrome Safeguarding aspect and it does appear to conflict with safeguarding criteria.

In brief Aerodrome Safeguarding is a process of checking proposed developments so as to:

1 Protect blocks of air through which aircraft fly, by preventing penetration of surfaces created to identify their lower limits.

2 Protect the integrity of radar and other electronic aids to air navigation, by preventing reflections and diffraction of the radio signals involved.

3 Protect visual aids, such as Approach and Runway lighting, by preventing them from being obscured, or preventing the installation of other lights which could be confused for them. In brief lighting for the site should be designed in such a way that it is not confusing or dazzling to pilots or air traffic control. Generally all lights should be directed away from approaching aircraft and the air traffic control tower with no light spill above the horizontal.

4 Avoid any increase in the risk to aircraft of a birdstrike by preventing an increase in hazardous bird species in the vicinity of the aerodrome and, whenever the opportunity arises, to reduce the level of risk.

Physical Safeguarding assessment.

The ground in this location already penetrates several of the airports obstacle limitation surfaces namely the Type A 08, Conical, Take Off and Climb 08 and Approach 26 surfaces, and any new objects or additions to existing objects should not extend above an approach surface, above a transitional surface or above a take-off climb surface, except when in the opinion of the Civil Aviation Authority(CAA) the new object or addition would be shielded by an existing immovable object. The principle of shielding is employed when a substantial and permanent object or natural terrain already penetrates an obstacle limitation surface. When it is considered that such an obstacle is permanent, objects of equal or lesser height around it may, at the CAA's discretion, be permitted to penetrate the surface. Guidance, further information and what would be acceptable in terms of shielding can be found in CAA publication CAP168 Chapter 4 The assessment and treatment of obstacles.

<https://publicapps.caa.co.uk/docs/33/CAP%20168%20Licensing%20of%20Aerodromes.pdf> It is mentioned within the supplied Aviation Safeguarding Assessment that the surrounding terrain is more dominating however it needs to be demonstrated that it complies with the sheilding criteria within CAP168.

Technical Safeguarding Assessment from items within the supplied Aviation Safeguarding assessment.

1. In 3.2 it omits primary and secondary radar in the list of systems to be protected.
2. The methodology in 3.2 is flawed, it does not mention radar, it does not mention computer modelling for Instrument Landing System(ILS) for example, it states referral to National Air Traffic Services(NATS) for any reflections that could impact the CNS system. NATS do not have jurisdiction in this case, the airport is the expert in determining that correct safeguarding has been applied and may recommend

certain specialist organisations to ensure appropriate impact or modelling assessments are conducted to the satisfaction of the CAA - not NATS.

3. Section 5 para 2 is incorrect, a change or building does not have to be exactly in line with the approach for it to have an effect on the ILS beam pattern. I note in the safeguarding report there is no reference to the type of ILS, whether it is single frequency or dual or what antenna system it uses which are all important safeguarding variables. The width of the propagated beam of both the ILS glide and localiser will most likely illuminate the site.

4. Section 5 para 3 trees and vegetation cannot be relied upon for screening as their presence is not guaranteed for the life of the building.

5. 5.1 para 1, there is approximately a 1km difference in the distances between the ILS and the DME, therefore they both cannot be at 5.19km.

6. With reference to what has this assumption been made, please include reference such as CAP670 or ICAO safeguarding areas.

7. 5.1 para 2, Localiser 'backcourse' profiles have not been used for a considerable number of years for ILS approaches so there is no probability of use. I have a concern that the material being used to conduct these assessments is potentially out of date.

8. Text relating to figure 9. Again, when carrying out technical safeguarding trees should not be considered as screening.

9. Text relating to figure 10. Disturbance of the propagated ILS beam is more complex than just the angle of reflection to the flight path.

10. 5.2 para 3, this paragraph is incorrect, the primary radar at Exeter is not blended to provide complete cover of the area as the paragraph suggests. Exeter has primary and secondary radars that have different functions and different coverage patterns, both are used to provide the controller with different information.

11. 5.2 para 4, RAG (range azimuth gating) or software patches are not an option on a Plessey Watchman radar and in any case in Class G airspace using RAG as a way of gating out unwanted signals is not appropriate. That said it is moving target returns that are more of a concern in this case such as wind turbines. With the radar and at this range the concern is 'ground clutter' - reflections from ground targets. Buildings, being uniform and often constructed from more reflective materials, contribute to the ground clutter which when in high concentration can swamp low amplitude moving targets which could be for example a small aircraft. If the radar cannot see it then neither can the controller.

12. Text relating to figure 12, again trees cannot be relied upon for nav aid screening in technical safeguarding assessments as they are not permanent.

13. Text relating to figure 9, Is the McDonalds a new development? Why is it commented that it will provide screening if it is a source of reflection in itself?

Currently we have Zero tolerance for ILS disturbance budget consumption and the safeguarding report does not appear to be robust enough for us to be sure that the safeguarding process has been appropriately applied in this case.

Operational Safeguarding Assessment.

It is mentioned within the operational section of the Aviation Safeguarding Assessment about bird management and the developer being aware. However due to aircraft in this location being in a critical phase of flight and the height of the local topography, bird management and preventing the risk of birdstrike to aircraft is of paramount importance. The food outlet with associated litter and waste and the

balancing pond are potential bird attractants and as such a robust Wildlife Hazard Management Plan(WHMP) would need to be supplied with details of how the risks are going to be managed. Further details and what is required in a WHMP can be found in the attached Airport Operators Association(AOA) Advice note 3 Wildlife Hazards around Aerodromes.

It is also stated within the operational section of the Aviation Safeguarding Assessment that the use of cranes during construction up to 100m above ground level are unlikely to have any impact on Instrument Flight Procedures(IFPs). However the most restrictive procedure within the supplied Technical Analysis of the IFPs by Cyrrus shows a maximum height before any impact on the procedure is approx. 27m. Any cranes would still require to conform to the principles of shielding as described above and in CAP168 if operating when the airport is open and operational. AOA Advice note 4 Cranes and other Construction issues is attached with further information.

Accordingly, Exeter Airport object to the proposal on the grounds of aviation safety and operational impacts.

EDDC Landscape Architect - Chris Hariades

Comment Date: Thu 03 Oct 2019

1 INTRODUCTION

The report is an update in response to the receipt of amended information submitted by the applicant, received 13 September 2019.

2 REVIEW OF SUBMITTED DRAWINGS & OTHER SUPPORTING INFORMATION

The revised site layout and landscape proposals are generally acceptable. However the following minor amendments are required to the site layout plans plan (dwg. no. 160377-PLN12N, 13Q, 14J, 15H) and proposed surface finishes plan dwg. no. 160377-PLNG23G to reflect the soft landscape plan, dwg. no. SY17-184-LPP-19-05 and indicated on the attached over-marked plan (figure 1) below:

The paths indicated to the back of the parking bays to the northern edge of the McDonalds car park should be shown as planting.

An additional maintenance access gate should be provided to serve the small field portion to the west of the site entrance.

The surface finishes plan and other layout plans should be amended to reflect the above points in order to match the soft landscape plan.

The tree survey has been updated to reflect the amended site layout but the following items require further consideration:

- a) A new water main is indicated on the drainage layout drawing, no 4043/100 rev P3 coming through the existing tree line on the western boundary. The arboricultural impact assessment does not consider the potential impact of this on RPAs. A method statement should be provided to cover this to ensure that the alignment of the pipe and associated excavation works do not adversely impact tree RPAs.
- b) The drainage layout drawing also shows a proposed storm water drain following the western site boundary. It is unclear whether this would impact adjacent tree RPAs. The arboricultural impact of the proposed drain should be assessed by the arboricultural consultant and if necessary the drainage line should be amended to

avoid any impact.

Plan here (see scanned document)

An amended lighting lux levels plan should be provided to reflect the revised site layout.

The above information could be provided by condition should the application be approved.

3 RECOMMENDATIONS

3.1 Conditions of Approval

Should the application be approved the following conditions should apply:

1) No development work shall commence on site until the following information has been submitted to the LPA and approved:

- a) A full set of hard landscape details covering earthworks, walls, retaining structures, fencing, pavings and edgings, site furniture and signage.
- b) Details of existing and proposed levels and any abrupt changes in slope, retaining structures or earth-banks.
- c) Details of locations, heights and specifications of proposed external lighting.
- d) An amended lighting lux level contours plan and endorsement from ecologist confirming that the proposed lighting scheme complies with Institute of Lighting Engineers (ILE)/ Bat Conservancy Council guidance note GN08.
- e) Samples of the proposed locally sourced stone for building plinths and specification for laying, jointing and mortar.
- f) Samples of timber cladding to building elevations.
- g) An arboricultural method statement covering the proposed new water main and storm water drainage run to the western site boundary.
- h) Plant schedule indicating form, size and density of proposed tree, shrub and herbaceous planting.
- i) Specification for soil quality, cultivation, planting, seeding, mulching and means of plant support and protection during establishment period.
- j) The works shall be carried out in accordance with an approved soil resources plan which should include:
 - o a plan showing topsoil and subsoil types, and the areas to be stripped and left in-situ.
 - o methods for stripping, stockpiling, re-spreading and ameliorating the soils.
 - o location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
 - o schedules of volumes for each material.
 - o expected after-use for each soil whether topsoil or subsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas or used as structural fill.
 - o identification of person responsible for supervising soil management.
- k) A construction management plan indicating the location of proposed site compound, offices, welfare facilities and storage areas, and construction access routes which should seek to minimise disturbance to areas outside of the red line application area.
- l) Site maintenance shall be carried out in accordance with an approved 10 year Landscape and ecological management plan including both the red and blue line application areas and covering:

- o Extent, ownership and responsibilities for management and maintenance.
- o Construction of proposed Devon hedgebanks.
- o Inspection and management regimes for existing and proposed trees and hedgerows.
- o Management and maintenance of grass areas.
- o Management and enhancement of biodiversity value.
- o Management and maintenance of any boundary structures, drainage swales and other infrastructure/ facilities.

2) Following completion of the development the following information should be submitted:

a) Within 3 months of completion of the development a post completion statement of compliance should be provided in respect of lighting outputs in accordance with ILP guidance note GN08. Any areas found to be non-compliant to be rectified as agreed with the LPA.

b) Monitoring of bat activity should be undertaken during the first summer following occupation of the buildings and annually for two years thereafter in order to assess whether there are any changes in bat activity following completion of the development. Reports on the findings shall be submitted annually to the LPA by 31 October following the summer survey period for that year.

3) Any planting or areas of grass/ meadow that dies or fails to make satisfactory growth within five years following completion of planting shall be replaced with plants of similar size and form to the satisfaction of the LPA.

Previous comments: 16 Apr 2019

1 INTRODUCTION

The report is an update in response to the receipt of amended information submitted by the applicant.

1.1 Landscape and conservation designations

There are no landscape or conservation designations covering the site or its immediate environs.

The East Devon AONB is situated 2.7km to the south of the application site at its closest point. The closest point of the Blackdown Hills AONB to the site is approximately 9km to the north.

The nearest listed buildings are the grade 2 Streete Raleigh House 700m west and Street Raleigh Farm 1km west. Neither of these properties is likely to have views to the site due to intervening vegetation and buildings.

1.2 Landscape character and sensitivity

The site falls within National Character Area 148: Devon Redlands and within the Pebblebed Heath and Farmland Character Area of the Devon Landscape Character Assessment, although it has many of the characteristics of the Clyst Lowland

Farmlands character area, the boundary of which lies 250 metres to the north.

The site is covered by two landscape character types. A small portion towards the north-eastern boundary falls within LCT 1A - Pebble bed heaths. The remainder of the site is within LCT 3B - Lower rolling farmed and settled slopes. Overall the site has the characteristics of the latter, key characteristics of which relevant to the site are:

- Gently rolling landform, sloping up from valley floor
- Variable size fields with wide, low boundaries and irregular pattern
- Pastoral land use, often with wooded appearance
- Many hedgerow trees, copses and streamside tree rows
- Settled, with varied building ages, styles and settlement size
- Enclosed and sheltered landscape with wider views often restricted by vegetation.

Relevant LCT3B Management Guidelines are:

Boundaries: encouraging appropriate management of low wide hedges at a height of 1-1.5m/ 3-5 feet, to maintain bushy, mixed species character.

Woodland management: conserve by promoting management to favour:

- (a) the development of a varied age structure
- (b) long-lived locally indigenous species
- (c) linkage to the hedgerow and stream-side network to provide strong ecological corridors.

Transport network: Encouraging low-key signage for directions to recreational attractions.

The proposals are likely to have a high adverse landscape and visual effect on the site and its immediate environs but due to surrounding landform, tree cover and hedgerows the impact of the development on the wider landscape is likely to be limited and will be most apparent for users of the A30.

1.3 Summary site description and context

The site comprises un-grazed rough grassland currently divided into two parcels by an established hedgerow and adjacent ditch. The area of ownership covers the whole of the two field parcels, totalling 4.15Ha. The redline application boundary only covers part of the two fields totalling 2.15Ha.

Additional works to be undertaken as part of the scheme proposals but outside of the drawn red-line boundary comprise an attenuation pond area situated in the southernmost corner of the site and connecting surface water drainage and new bus stops/ layby on the B3174 in the vicinity of the proposed site entrance, together with a widening of the existing carriageway and introduction of traffic islands and short sections of footway.

The north-eastern boundary of the application site abuts the B3174 London Road and is separated from the road verge by a ditch and low scrub vegetation.

The southeast boundary of the site abuts the A30 carriageway and east bound slip-road leading off it and is defined by a timber post and rail fence. Vegetation to the highway verge adjacent to this boundary comprises low scrub with a small block of native trees and understory planting to the northern end and a further small copse at the southernmost end.

The northwestern boundary of the application area is open with rough grassland continuing to an established, mature hedgerow with large oaks and other specimen trees approximately 25m further west.

There are two existing access ways into the site off the B3174; a smaller gated entrance closer to the A30 interchange and a wider entrance constructed under a previous planning consent further to the west.

The site is situated on high ground at an altitude of approximately 125m AOD and slopes gently to the west. Land to the east continues to rise to 165m AOD. The A30 runs alongside the south-eastern boundary at a slightly elevated level.

A mature hedgerow trimmed to approximately two meters height forms a division across the application site with a smaller portion of field to the north and larger portion to the south. A mature oak (Arboricultural report ref T1) is situated adjacent to an opening in this hedge connecting between the two fields). This hedgerow continues west of the opening to meet the western ownership boundary.

Surrounding land use is a mix of arable and pasture bounded by hedgerows interspersed with blocks of woodland with scattered dwellings and farms.

Surrounding roads, including the A30 corridor, have a strongly rural character.

There is no public access within the site. The B3174 provides access adjacent to the northeastern boundary and the A30 to the southeast boundary. Public rights of way within the vicinity are limited and the nearest to the site is Whimple footpath 13, approximately 450 metres to the north.

Views from the site are limited by surrounding or nearby trees and woodland, although distant hills of the Blackdowns AONB are visible to the northwest. To the southeast, traffic on the A30 is clearly visible in both directions while on the far side of the A30 the roofs of large industrial units can be seen. To the north there are views from the site of the B3174 and Daisy Mount Cottage opposite with extensive woodland beyond.

The Daisy Mount A30 interchange comprises a flyover with slip-roads and roundabouts below, all of which are screened from the site by existing roadside vegetation.

Visual receptors are:

- Residents of Daisy Cottage which faces directly towards the site from across the

B3174.

- Motorists traveling along the A30 in either direction and including the slip-roads to both sides, who have open elevated views over the site over a distance of some 200 metres.

- Motorists and cyclists traveling along the B3174.

- Residents of properties known as Keepers Cottage which lie off the B3174 approximately 130 meters to the west.

The site is subjected to a high level of traffic noise from the A30.

2 REVIEW OF SUBMITTED INFORMATION

2.1 Comments on the Landscape and Visual Impact Assessment (LVIA)

The assessment of landscape sensitivity and anticipated landscape effects within the LVIA is restricted to generalised considerations of the effect on the Devon Landscape Character Area and two East Devon Landscape Character Types which cover the site. The assessment should also consider the effects on specific landscape elements within and adjacent to the site including trees, hedgerow, rough neutral grassland and existing roads, particularly in relation to the London Road frontage.

At para 15.2 the LVIA notes the loss of acid grassland whereas the Ecological Assessment describes the existing grassland as neutral.

Para 15.3 notes that the proposals include planting of 79 large trees, however, the selected trees shown on the Soft Landscape Plan, revision C, are either small or medium size and according to the accompanying specification will be maintained at less than 8m high.

Para 15.8 notes the loss of two large oak trees arising from the proposals. The arboricultural information provided indicates the loss of just one of the existing site oaks and this should be checked and clarified.

Para 15.13 states the proposal contains primary mitigation through selection of optimal native species and recreation of important landscape features. This statement is subjective and erroneous as most of the tree species proposed are ornamental and the only landscape feature being recreated is a length of Devon hedgebank, while the proposed planting is highly constrained by airport safeguarding requirements.

It should also be noted that in the latest version of the Soft Landscape Plan, revision C, which was submitted after the LVIA was received, the proposed tree planting has been amended with larger tree species being replaced with smaller ones and a management note added requiring all planted trees to be maintained at less than 8m height. This is less than the height of some of the proposed buildings and structures and as a result the mitigation benefits of the proposed planting scheme will be reduced and the adverse landscape and visual impacts of the scheme are likely to be greater than those stated in the LVIA.

Para 15.13 also notes as part of the proposed mitigation that proposed buildings

should respond to local vernacular. This is clearly not the case as the proposed buildings and structures show no vernacular detailing and the LVIA should be amended to reflect the submitted scheme proposals.

Para 16.5 states that some of the built proposal and associated signage would be visible from certain locations in the immediate surroundings, however, it is likely that lighting effects of the development could extend over a much wider area.

At para 16.6 the assessment states that utility lighting should be limited and not adversely affect dark skies although there is no attempt to evaluate the likely landscape or visual impact of the lighting as proposed.

In the summary of effects upon visual amenity, p51, the assessment ignores the impact on the London Road frontage in relation to viewpoints 5, 6 and especially 7 which will include widening of the carriageway to three lanes, construction of new junction and associated footways and loss of existing roadside vegetation.

Part 4 of the assessment provides approximate visualisations of the proposed building massing and trees for each of the selected viewpoints. These show the proposed trees at close to mature height with large dense canopies that in many instances obscure much of the proposed buildings. As noted above the latest soft landscape plan shows much smaller tree species than the visualisations suggest and requires that all trees will be maintained at less than 8m height. To be meaningful the visualisations should show the proposed development at completion and after 15 years based on the actual tree species and management regime proposed.

While it is noted that the building forms and tree locations depicted in the visualisations are approximate, some of the perspective effects are highly questionable. For example in view 2 the petrol station canopy appears to be lower than the roadside hedge to London Road and in view 4, taken from the existing field gate on London Road, the canopy appears to be at or lower than the level of the A30.

2.2 Review of submitted drawings & other supporting information

2.2.1 Tree survey and arboricultural report (no change from previous)

All the trees within the blue line ownership boundary have been covered by a BS5837: 2012 tree survey and constraints plan. Existing trees are confined predominantly to the western boundary hedgerow comprising mostly oak with single ash and pine.

A further two mature oaks trees, T1(category B) and T2 (category A), are situated within the hedgerow dividing the site, of which tree T1 falls within the application site. The classification of tree T1 as category B is questionable and, given its landscape contribution and anticipated life in excess of 40 years, could be considered category A.

T1 is identified for removal due to its location interfering with the proposed layout, together with tree T5, category U. Regardless of whether it should be reclassified as category A, tree T1 is a significant tree worthy of retention.

Tree protection fencing is proposed to the site boundary of tree group G1 adjacent to

the A30 slip road in the northeast corner of the site. Further tree protection compliant with BS5837: 2012 is required to protect hedgerow H1 and tree T2 and the line of trees and hedgerow H2 on the western ownership boundary during construction works.

2.2.2 Ecological Assessment

An Ecological Assessment is provided with the application covering all the land within the blue ownership boundary.

The Assessment describes the fields as semi-improved neutral grassland/ rush pasture with damp species-poor grassland sward and identifies five sections of hedgerow within the blue ownership boundary all of which, except for the southernmost hedge adjacent to Laurel Copse, have been assessed as Important.

The Assessment identifies use of the site by several species of bat for foraging and commuting together with a nearby bat roost. Recommendations to help mitigate impact of the development on bats include development of a lighting strategy based on the Bat Conservation Trust's guidelines and use of a grass seed mix/ wildflower plugs that encourages flying insects.

The Assessment makes recommendations for a new Devon hedgebank to mitigate for the loss of 115m of existing hedgerow and provides a detail for this based on recommendations of the Devon Hedge Group. A planting mix for an elm rich (*Ulmus glabra*) hedgerow to be planted on top is also specified although the proposed mix given in table 17 doesn't include any Elm but does include Hazel, Holly, Elder Ash and Oak. It may prove difficult obtaining *Ulmus glabra* planting stock due to its susceptibility to Dutch Elm disease. It is not possible to plant Ash - due to current legal restrictions imposed to control the spread of Chalara die-back and it is not best practice to use elder in new hedge mixes due to its vigour and open habit which outcompetes other species and results in gappy hedgelines. The proposed hedge mix should be amended accordingly. It is also worth considering transplanting the existing hedge in sections inter-planted with suitable transplant mix on new hedgebank sections.

The proposed new hedgebank details do not cover future management requirements and this should be provided.

In relation to airport safeguarding the Assessment makes recommendations for, inter alia, trees to be less than 20 metres high and no berry producing species to limit attractiveness to bird species of concern. This advice conflicts with corresponding guidance given in the Wildlife Hazard Management Plan and the Soft Landscape Plan.

No indication is given in the assessment of bird population numbers for each species recorded during field survey. This is important in relation to airport restrictions in order to establish a baseline for future monitoring.

2.2.3 Wildlife Hazard Management Plan (WHMP) - It is understood that the amended WHMP has now been approved by Exeter Airport and should therefore be the definitive document in terms of airport safeguarding constraints for the proposed development.

In respect of new tree planting, the WHMP notes dense canopy species such as Oak and Pine should be avoided (ref p. 25- Tree planting) but gives no limits on tree size except adjacent to SUDS features where ultimate tree height for new planting should be limited to 10m (ref p.26 - Soft landscaping around SUDS).

In relation to grass areas, section 4.5.2 of the WHMP notes that short grass can attract numerous birds but that meadow grass, despite attracting flying insects, small mammals and reptiles does not attract bird species of concern.

These considerations are not reflected in the Soft Landscape Plan which proposes that all trees will be maintained at less than 8m high and that all grass will be kept close mown.

The conflicting advice on airport safeguarding between the WHMP, Ecological Assessment and Soft Landscape Plan should be checked and resolved.

2.2.4 Sustainability Statement (unchanged from previous) -

A sustainability statement submitted with the application notes that planting will be designed to provide an enhancement to both ecological and aesthetic value of the site; reduce the need for artificial cooling; attenuate sound and capture rainwater run-off. It seems unlikely that the limited planting scheme proposed could achieve these aims and no evidence is provided to demonstrate that it does.

2.2.5 Layout, architectural and landscape proposals

a) Site layout

The site layout is highly standardised and entails the unnecessary loss of a mature oak tree.

The straight access road along the length of the western boundary is out of keeping with local landscape character and is visually intrusive.

No indication is provided of the proposed boundary treatments to the southern and western application boundaries which abut open fields or of how the remainder of the fields beyond will be accessed and managed once the works are completed and this should be clarified.

The location and plan shape of the proposed Devon hedgebank to the B3174 roadside boundary appears arbitrary and out of character. The hedge could be better integrated in to the overall scheme design age with a rough grass verge to the roadside and indigenous shrub planting behind.

The need for a three metre high acoustic barrier to the rear of the HGV/ coach parking area as proposed is questionable and a denser buffer of native tree and hedgerow planting between the parking area and the B3174 could achieve the same and provide better visual screening also. If an acoustic barrier is deemed necessary a justification should be provided for this.

There is an excessive amount of footway provided within the scheme and the footways to the west side of the main access road and rear of the HGV parking bays seem unnecessary.

There seems little consideration given to the amenity of the outdoor sitting areas and more planting is required to soften them and screen them from adjacent roads/ parking areas. No indication is given to fencing around the proposed play area despite its position next to a road.

The planting bed to the northern edge of the McDonalds car park is unfeasibly narrow and omitting the adjacent path would enable the planting width to increase, allowing a better screen of planting to establish.

The revised layout omits signage previously shown around the perimeter of the site, however perimeter signage is still shown on the soft landscape plan and the applicant should confirm the intention regarding signage.

b) Building design

The buildings comprise a single storey filling station and shop in the north east corner of the site aligned with its rear facing the A30 with a canopied forecourt in front of the shop and a separate double storey McDonalds set at right angles to it approximately 50 metres to the south.

The proposed filling station and shop unit is 4.2m high with a mono-pitch natural finish aluminium roof. The front (northwest) elevation is predominantly glazed. The southern end of the rear elevation is also glazed with the remainder of the building clad in aluminium panels finished in silver with an iron grey coloured plinth.

The proposed McDonalds building is flat roofed with an overall height of 8.9 metres, and elevations clad in a combination of grey and white finished aluminium panels with timber effect and natural stone tile contrast panelling and large glazing elements. A lack of screen planting to the rear elevation will result in the building being a prominent feature when seen from the A30.

The proposed finishes for both buildings are highly urban. Changing the cladding to timber and providing extensive green roofs would reduce the landscape and visual impact and help towards mitigating the loss of rough grass habitat.

c) Planting proposals

The planting scheme comprises limited ornamental planting within the centre of the site with amenity grass mix and limited scattered trees and clumps of native hedgerow plants to the eastern and northern boundaries and a line of ornamental trees to the western application boundary.

Tree selection mostly comprises ornamental, small growing species out of character with the surrounding rural landscape.

The design of the London Road frontage is very suburban in character comprising mown grass with scattered small ornamental trees and clumps of native shrubs. The proposed Devon hedgebank could be better integrated into the overall design and there is potential to retain the northern margin of the existing grassland which would provide some biodiversity benefit and add visual interest.

The proposed planting provides inadequate screening of the development to the northern, eastern and western site boundaries.

Proposed use of small ornamental tree species is inappropriate around the perimeter of the site where larger native/ semi-native species should be provided.

Proposed grass areas comprise basic amenity sward with a management regime specifically designed to prevent wildflowers contrary to recommendations in the Wildlife Hazard Management Plan and the Ecological Assessment.

The proposed planting strip to the northern edge of the McDonalds car park is unfeasibly narrow and should be widened to a minimum 1.2m width. Planting should comprise a suitable hedge clipped to 1.2m height and a post and wire fence should be provided to protect the hedge from shortcutting by pedestrians.

Further planting should be provided within the car park and around the two outdoor seating areas to give better separation from adjacent roads. It is noted that the layout shown on the Soft Landscape Plan to the east of the Mc Donalds building differs from that shown on the revised Site Layout Plan and this inconsistency should be resolved.

d) Lighting strategy

A lighting design and lux level plan has been provided, accompanied by a statement from the lighting consultant that the lighting proposals meet ILP Guidance note GN08 Bats and Artificial Lighting in the UK. Confirmation should be provided that the lighting design also meets the Bat Conservation Trust guidance as noted in the Ecological Assessment.

The submitted information does not constitute a lighting strategy which should include, amongst other things, consideration of habitat buffers and acceptable lux limits together with proposals for post-completion bat and lighting monitoring, prepared with input from the ecological consultant.

2.2.7 Drainage scheme

Details for the design and construction of the proposed attenuation pond are not included in the application and should be provided.

The location of the storm sewer is too close to the existing western boundary hedge-line and in particular manhole S35 should be repositioned to give five metre root protection zone from the adjacent hedge line as recommended in the Ecological Assessment.

No indication is given in the drainage layout of where overflow from the attenuation pond discharges to and further details should be provided.

2.2.8 Management and maintenance

Apart from notes on the maintenance of new planting areas within the red line application area there are no management and maintenance details for the wider site and the maintenance/ enhancement of ecological value.

No details are provided for the management of the proposed Devon hedgebank and

this should be confirmed.

The maintenance requirement that all trees should be kept below 8m in height should be re-considered to allow trees to develop to their full height.

3 CONCLUSIONS

The proposed scheme appears to be based on standardised site layout and building types with the result that the scheme is overly urban in character and does not reflect existing site conditions, local landscape character or building vernacular.

This is compounded by the application of airport safeguarding constraints on the proposed planting scheme which limits mitigation opportunities for appropriate screening of the development.

The proposed development would result in a net loss of habitat including loss of approximately 1.9Ha of unimproved grassland, 115m of species rich hedgerow and removal of a good quality mature oak. Although the hedgerow loss would be mitigated to some extent by creation of a new Devon hedgebank, this will take many years to mature and its wildlife value will be limited by its location between the highway and the floodlit parking area with no connection to open countryside. The proposed specification for all grass areas to be close mown amenity grassland will provide no wildlife benefit resulting in a net reduction in flying insects which in turn may impact bat foraging and commuting activity.

The design of the site access road suggests the developer would like to develop the outlying areas of the site in the future, which would result in the loss of most of the remaining unimproved grassland habitat within the blue line area.

As noted above there are also a number of issues with the submitted information relating to landscape, ecology and green infrastructure which need to be addressed.

Although there are a number of shortcomings identified with the submitted LVIA there is a broad agreement that the proposed scheme would result in very high adverse landscape and visual effects within the immediate vicinity of the site reducing to moderate adverse within the wider landscape context, with the exception of night time lighting effects which were not assessed in the LVIA and which may be more widely apparent.

4 RECOMMENDATIONS

4.1 Acceptability of proposals

For the above reasons on the basis of the details submitted the scheme should be considered in conflict with Local Plan policies, in particular:

- Strategy 3 Sustainable development - Conserving and enhancing the environment
- Strategy 7 - Development in the countryside
- D1 parts 1 and 3 Respecting key characteristics and special qualities of the area

and not adversely effecting trees worthy of retention

- D2 part 2 Incorporating features of landscape or nature conservation value.

- Strategy 46 - Landscape Conservation and Enhancement and AONBs - Development will need to be undertaken in a manner that is sympathetic to, and helps conserve and enhance the quality and local distinctiveness of, the natural and historic landscape character of East Devon, in particular in Areas of Outstanding Natural Beauty. Development will only be permitted where it:

1. conserves and enhances the landscape character of the area;
2. does not undermine landscape quality;

As such the scheme is unacceptable in terms of landscape design and visual impact.

Natural England

Comment Date: 01 Oct 2019

Our Ref: 295202

Your Ref: 18/1222/MFUL

Thank you for your consultation.

Natural England has previously commented on this proposal.

The advice provided in our previous responses applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Previous comments: 18 Sep 2018

Thank you for your consultation.

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 26 June 2018.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Environmental Health

Comment Date: 01 Nov 2019

I have reviewed the various EH comments which have been made over the past year as various amendments and updated reports have been submitted. I have consolidated them in order for them to be easily interpreted :

I have considered this application and accept the conclusions in the noise impact assessments carried out by KC environmental Ltd that the predicted levels shall comply with BS4142, the WHO guidelines for sleep disturbance and BS8233, and that vehicle movements will not impact on local residents. I have also considered the

details of the kitchen extraction system which will ensure that emissions are properly treated before being emitted to atmosphere. I have considered the lighting report submitted by GW lighting consultancy and the design meets the requirements not to cause light pollution in this rural area. The installation and selling of petrol will be regulated by the Petroleum Officer and the company must apply for a Part B permit under the Environmental Permitting Regulations from the Environmental Health department to capture petrol vapour whilst dispensing, therefore all our concerns in relation to the selling of fuel will be covered by both of these requirements. I would recommend that a Construction Environment Management Plan is attached to any permission granted which will ensure that nearby residents are not unreasonably impacted upon during the construction works.

In order to ensure that the various mitigation schemes are implemented and maintained I recommend that the following conditions are included on any approval. Some of the requirements within the conditions have already been met in submitted documents:

1. A lighting scheme shall be provided for the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the agreed working hours of the site, although low height, low level, local security lighting may be acceptable. This scheme shall be maintained throughout the life of the site.

Reason: To comply with Policy EN15 for the avoidance of light pollution.

2. Any plant (including ventilation, refrigeration and air conditioning units) or ducting system to be used in pursuance of this permission shall be so installed prior to the first use of the premises and be so retained and operated that the noise generated at the boundary of the nearest neighbouring property shall not exceed Noise Rating Curve 25, as defined in BS8233:2014 Sound Insulation and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Services Engineers Environmental Design Guide. Details of the scheme shall be submitted to and approved by the Local Planning Authority prior to the first use of the premises.

Reason: To protect the amenity of local residents from noise.

3. A Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution.

Conservation

Comment Date: Wed 04 Jul 2018

See listing description and Appeal decision relating to Keepers Cottage, Exeter Road, Whimple (Ref: APP/U1105/Y/173184165).

HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

The principle of a roadside service area has already been agreed and supported by EDDC. The proposal site is set some considerable distance from the nearest listed building, Strete Raleigh House, and there is no intervisibility between the two.

Following a recent appeal decision at Keepers Cottage to the north west of the site, the Inspector regarded the former kennels to the main house, Strete Raleigh, not to be curtilage listed, but a non-designated heritage asset. Permission was thereby given to extend the kennels to create a dwelling. The proposals should therefore be mindful of this as well as other neighbouring residential properties and sufficient consideration given to the impact of the service station on the setting of the kennels. However, it is considered that an appropriate landscaping scheme (comments from Landscape Architect) would be sufficient, along with consideration of other implications arising from a service station/food outlet, for example, lighting, noise levels, odours/fumes etc (comments from Environmental Health).

PROVISIONAL RECOMMENDATION - PROPOSAL ACCEPTABLE

DCC Flood Risk SuDS Consultation

Comment Date: 23 Sep 2019

Recommendation:

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

Reason for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

Reason for being a pre-commencement condition: These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.

Observations:

The applicant submitted additional information Land At Straightway Head Junction, Devon, Flood Risk Assessment, Final Report v2 dated September 2019.

The report explains that the proposed surface water drainage strategy will comprise an attenuation basin and a swale which will provide treatment of the runoff as well as storage of flows. The runoff will discharge at restricted greenfield rates into the existing drain at the site. The strategy also incorporates long term storage requirements as the proposal is to discharge at Qbar.

Previous comments: 13 Feb 2019

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

- No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations of the proposed infiltration devices/permeable surfaces.

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.

Reason for being a pre-commencement condition: This data is required prior to the commencement of any works as it will affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

- No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Land At Straightway Head Junction, Flood Risk Assessment, May 2018, dated 24th May 2018.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

Reason for being a pre-commencement condition: A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

- No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

Reason for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

- No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

Reason for being a pre-commencement condition: These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.

Observations:

Following my previous consultation response FRM/ED/1222/2018 dated 28/06/2018 the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, in an e-mail dated 29/01/2019, for which I am grateful.

- Email dated 21/01/2019 from Michael Birch to Peter Thomas Land At Straightway Head Junction

The applicant has put forward a suitable surface water drainage strategy which utilises an attenuation basin and restricts flow to greenfield rate. Consequently, the proposal will provide a betterment to the surface water runoff in the area. The applicant has taken into consideration exceedance flow routing and long term storage design requirements.

We would request on site infiltration testing to BRE 365 Digest to provide evidence that infiltration is not viable, in line with the surface water management hierarchy.

Previous comments: 28 Jun 2018

At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan (2013-2031). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The Flood Risk Assessment states that the proposed impermeable area is 1.3 ha and that discharge will be restricted to Q_{bar} of 9.9 l/s. However, the greenfield runoff calculations in Appendix C state that the area is 1 ha with a Q_{bar} of 5.1 l/s. In line with Devon County Council's SuDS Guidance (2017) the greenfield runoff calculations should be undertaken using the proposed impermeable area. The micro drainage calculations should be updated to reflect this.

The applicant must submit details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system.

The applicant should also note that in accordance with the SuDS Management Train, surface water should be managed at source in the first instance. The applicant will therefore be required to explore the use of a variety of above-ground source control components across the whole site to avoid managing all of the surface water from the proposed development at one concentrated point (e.g. a single attenuation pond).

Examples of these source control components could include permeable paving

(which could be underdrained), formalised tree pits or other bioretention features such as rain gardens, as well as green roofs, swales and filter drains. Where infiltration is not used, long term storage must be provided to store the additional volume of runoff caused by any increases in impermeable area, which is in addition to the attenuation storage required to address the greenfield runoff rates. Long term storage should therefore be included within the surface water drainage management plan to ensure that each element is appropriately sized, and this should discharge at a rate not exceeding 2 litres/second/hectare.

An ordinary watercourse runs through this site, so if any temporary or permanent works need to take place within this watercourse to facilitate the proposed development (such as an access culvert or bridge), Land Drainage Consent must be obtained from Devon County Council's Flood and Coastal Risk Management Team prior to any works commencing. Details of this procedure can be found at:

<https://new.devon.gov.uk/floodriskmanagement/land-drainage-consent/>.

South West Water

Comment Date: Thu 21 Jun 2018

Dear Sirs

Location: Land South of Lily Cottage Exeter Road Whimble EX5 2PS

Your ref: 18/1222/MFUL

Our ref: MPP200618 EX5 2PS

Proposal: Application for the development of a new roadside service area to include a petrol filling station comprising sales building, canopy over, car and caravan parking, fuel pumps, HGV fuel pumps, 2 no. underground storage tanks and ancillary arrangements, new A3/A5 use building and drive-thru, HGV and coach parking, new access arrangements and landscaping and drainage

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.

Asset Protection

Please find enclosed a plan showing the approximate location of a public water main in the vicinity. Please note that no development will be permitted within 3.5 metres of the water main, and ground cover should not be substantially altered.

Should the development encroach on the 3.5 metre easement, the water main will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further.

If further assistance is required to establish the exact location of the water main, the applicant/agent should call our Services helpline on 0344 346 2020.

I trust this clarifies the water and drainage material planning considerations for your LPA, however if you have any questions or queries, please do not hesitate to contact

me either via e-mail: developerservicesplanning@southwestwater.co.uk or direct line: 01392 443983.

Please quote reference number MPP200618 EX5 2PS in all communications and correspondence.

EDDC Trees

Comment Date: 11 Jun 2019

Support comments of EDDC Landscape Architect.

The oaks growing within the centre of the site are considered BS5837:2012 Category A2,3.

Further comments: 21 Jan 2019

The Oak identified as T1 within the submitted arboricultural report is proposed for removal. This is a visually significant hedgerow oak, characteristic of the East Devon countryside. There is sufficient space to accommodate this tree within the design of this site and purchase of land appropriate to accommodate the desired level of commercial development. This tree is over a meter in diameter and taken many many decades to achieve this stature, given the constraints of the airport flight paths it cannot be replaced and it is thus considered irreplaceable.

The oak tree is subject of tree preservation order 18/0090/TPO and the loss of this tree to facilitate the proposed development, is contrary to our local planning policies D1, D2 and D3 and the proposed scheme be refused.

Contaminated Land Officer

Comment Date: Tue 03 Jul 2018

I have considered the application and do not anticipate any contaminated land concerns. Should any contamination be encountered during oversite works the applicant should contact the contaminated land officer at EDDC in order to agree appropriate remediation measures. I therefore recommend that the following condition is applied to any approval:

Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.

Reason: To ensure that any contamination existing and exposed during the development is identified and remediated.

Environment Agency

Comment Date: 26 Jun 2018

Thank you for consulting us on this planning application.

Environment Agency position

The development will be acceptable provided that a condition is included within any permission granted to secure an assessment of risks to controlled waters from the development of this site.

The suggested wording for this condition and associated advice is set out below.

Condition

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
all previous uses
potential contaminants associated with those uses
a conceptual model of the site indicating sources, pathways and receptors
potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons: To ensure the protection of controlled waters.

Advice to applicant - Pollution Prevention

We refer the applicant to the advice contained within our Pollution Prevention Guidelines (PPGs), in particular PPG5 - Works and maintenance in or near water, PPG6 - Working at construction and demolition sites and PPG13 - Vehicle washing and cleaning. These can be viewed via the following link:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

Materials and chemicals likely to cause pollution should be stored in appropriate containers and adhere to Pollution Prevention Guide 26 for the storage of drums and

intermediate bulk containers.

Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Appropriate procedures, training and equipment should be provided for the site to adequately control and respond to any emergencies including the clean up of spillages, to prevent environmental pollution from the site operations. We advise that polluting materials and chemicals are stored in an area with sealed drainage.

We also advise that the use or disposal of any waste should comply with the relevant waste guidance and regulations.

Other Representations:

6 letters of objection have been received at the time of writing this report raising concerns which can be summarised as follows:

- Development should support the local area by selling local produce.
- Increase in noise and traffic from 24 hour use would be detrimental to residential amenity of homes and gardens.
- Will lead to an increase in litter.
- Will lead to an increase in plastic usage.
- Services are not needed and will lead to an increase in car use.
- Will lead to an increase in pollution.
- Will have a negative impact on the businesses in villages and towns.
- The local roads cannot cope with the additional traffic.
- Increase in surface water and risk of flooding.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

E11 (Large Stores and Retail Related Uses in Town Centre Areas)

E15 (Retail Development in Rural Areas outside Villages)

EN5 (Wildlife Habitats and Features)

EN9 (Development Affecting a Designated Heritage Asset)

EN14 (Control of Pollution)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

TC11 (Roadside Service Facilities)

TC12 (Aerodrome Safeguarded Areas and Public Safety Zones)

Government Planning Documents

National Planning Policy Framework

National Planning Practice Guidance

Site Location and Description

The site comprises un-grazed rough grassland currently divided into two parcels by an established hedgerow and adjacent ditch. The area of ownership covers the whole of the two field parcels, totalling 4.15Ha. The redline application boundary only covers part of the two fields totalling 2.15Ha.

The north-eastern boundary of the application site abuts the B3174 London Road and is separated from the road verge by a ditch and low scrub vegetation. The southeast boundary of the site abuts the A30 carriageway and east bound slip-road leading off it and is defined by a timber post and rail fence. Vegetation to the highway verge adjacent to this boundary comprises low scrub with a small block of native trees and understory planting to the northern end and a further small copse at the southernmost end. The north western boundary of the application area is open with rough grassland continuing to an established, mature hedgerow with large oaks and other specimen trees approximately 25m further west.

There are two existing accesses into the site off the B3174; a smaller gated entrance closer to the A30 interchange and a wider entrance constructed under a previous planning consent further to the west.

A mature hedgerow trimmed to approximately two meters height forms a division across the application site with a smaller portion of field to the north and larger portion to the south. Two mature oak trees which are the subject of a Tree Preservation Order are situated adjacent to an opening in this hedge connecting between the two fields.

This hedgerow continues west of the opening to meet the western ownership boundary.

Surrounding land use is a mix of arable and pasture bounded by hedgerows interspersed with blocks of woodland with scattered dwellings and farms. Surrounding roads, including the A30 corridor, have a strongly rural character. To the north of the site are residential properties Lily Cottage, and to the North West is Keepers Cottage. On this boundary are some former kennels which have been recently granted planning permission to be converted to a dwelling.

There is no public access within the site. The B3174 provides access adjacent to the north eastern boundary and the A30 to the southeast boundary. Public rights of way within the vicinity are limited and the nearest to the site is Whimble footpath 13, approximately 450 metres to the north.

The site is located within the open countryside and is not the subject of any national or local landscape designations.

Planning History

The site has a number of previously approved planning permissions for a roadside service area dating back to 1997:

97/P0944- Outline planning permission - Construction of Roadside Services Area: extension of Period for Submission of Reserved Matters.

04/P1441- Renewal of Permission for Road- Side Service Area with Variations On Condition 1 of 02/P1527

07/1228/MRES- Reserved matters application for a roadside service area

11/0063/VAR- Variation of conditions 2, 3, 4, 5, 6, 7, & 8 to planning permission
07/1228/MRES (construction of roadside service area)

The approved reserved matters scheme (07/1228/MRES) was for a comprehensive roadside service facility and included the following development:

- A Petrol Filling Station comprising a fuel forecourt with segregated HGV fuel pumps and an HGV wash station;
- A Gateway Public Facility comprising restaurants, shops, cafés and tourist information with a floor area of approximately 3,000 sq. m;
- A Hotel, 50 beds with a floor area of approximately 2,500 sq. m.
- A total of 263 car parking spaces (plus 100 over-spill spaces) and 18 lorry and coach spaces.

The site clearly has a long planning history related to it, which includes planning permission for a larger trunk road service area (TRSA), which dates back to 1994. More recently permission was granted in 2008 for a TRSA (planning reference:

07/1228/MRES), with variations to conditions in 2011 (reference 11/0063/VAR). Following this it is understood this permission was implemented by constructing the vehicular access to the site. The applicant has indicated that there is a record of correspondence with the LPA which confirms that the access road works to serve the development does constitute a lawful commencement of the approved scheme, and there is therefore a lawful implementation of planning permission 11/0063/VAR.

Officers are of the opinion that the works to the access have represented a meaningful commencement of these works and that as there were no associated landscaping works, there was no need to discharge any landscaping condition prior to carrying out these works. In addition, as the landscaping works do not go to the heart of the consent, the lack of submission of these details prior to carrying out the works is highly unlikely to mean that the consent can no longer be relied upon.

Proposed Development:

This application seeks planning permission for construction of a roadside services area incorporating:

- A petrol filling station with 5 no pumps and HGV fuel pumps located beneath a canopy, 2 no underground storage tanks, three jet wash units, a car vacuum and an airline/ water bay;
- A two storey A3/A5 use building with accompanying drive through and associated outdoor play area. The applicant has stated that McDonalds is the intended operator.
- A forecourt shop/sales building measuring 500 sqm located in the centre of the site comprising a sales area, a hot food and coffee outlet. The sales building would sell groceries (such as chilled dairy), tinned and packaged products, snacks and drinks, and household products.
- A total of 103 car parking spaces, including 81 light vehicle spaces, 4 disabled spaces, 10 motorcycle spaces, 8 HGV/coach spaces and two electric vehicle charging points.

ANALYSIS

The main issues to consider in determining this application are:

- whether the principle of roadside development is acceptable on this site;
- whether the proposal would meet the road safety function of a road-side service area having due regard for the advice from Highways England;
- the design, size and scale of the proposal and the impact it would have on the rural character and appearance of the area;
- the residential amenities of the occupiers of surrounding properties;
- retail impact;
- facilities for low emission vehicles;
- aviation safety;
- flood risk and surface water management;

- ecological impact;
- arboricultural impact;
- contamination,
- soil and agriculture;
- heritage impact

Principle

The site is located within the countryside where under the provisions of Strategy 7 (Development in the Countryside) of the Local Plan policies of restraint apply. Strategy 7 states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located’.

The principle of a roadside service facility is supported by Policy TC11 (Roadside Service Facilities) of the East Devon Local Plan. This policy states that any proposal for a roadside service facility along a trunk road and motorway will only be granted planning permission if it meets the following criteria in full:

1. It offers a range of essential services appropriate to the route it serves.
2. It is appropriately spaced in relation to other roadside service facilities.
3. Access to the trunk road or motorway including any connection to the local road network, and the internal circulation is satisfactory.
4. It is sited, designed and landscaped to minimise impact on the character and appearance of the landscape.
5. It does not cause a material loss of amenity to nearby residents.
6. It should be capable of serving traffic travelling in both directions on the route.
7. The design of new or improved accesses or other necessary trunk road works should be sufficient to accommodate anticipated traffic flows up to 15 years after the opening of the development.
8. Proposals for roadside facilities along trunk roads that are the subject of major improvements will not be granted planning permission unless they will be compatible with the future highway design. New roadside service facilities along other routes constituting the high quality road network should be located on sites within the identified Built-up Area Boundaries, and meet criteria 1, 2, 3 and 5 above. Upgrading of existing facilities on this network will need to be compatible with criteria 1, 2, 3, and 5 above.

The proposal will be assessed against each of these criteria as follows but it should be noted that the policy does not require an assessment of any climate change impacts, with the purpose of a service area being to offer suitable resting places for drivers to benefit their health and safety:

1. It offers a range of essential services appropriate to the route it serves.

The Highways Agency have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 02/2013 “The Strategic Road Network

and the Delivery of Sustainable Development” and the NPPF and raise no objections to the proposal.

Paragraph 104 (e) of the NPPF states that planning policies should provide for any large scale transport facilities that need to be located in the area and identifies the primary function of roadside services should be to support the safety and welfare of the road user. Such service areas perform an important road safety function by providing opportunities for the travelling public to stop and take a break in the course of their journey.

Annex B of Circular 02/2013 sets out the policy on the provision, standards and eligibility for signage of roadside facilities on the Strategic Road Network (SRN). Table B1 sets out the minimum requirements for signing from the SRN, and for an all-purpose trunk road service area which includes the following:

- Open minimum 12 hours per day between 8am and 8pm every day except Christmas Day, Boxing Day and New Year’s Day
- Free Parking for up to 2 hours minimum for all vehicles permitted to use the road served by the facility (the level of which is stated within Schedule 1 of Annex B)
- Free toilets/hand washing facilities with no need to make a purchase
- Fuel
- Hot drinks and hot food available 8am to 8pm for consumption on the premises
- Access to a cash operated telephone.

Following the submission of revised site plans which now show a public telephone and a suitable abnormal load bay the Highways Agency has advised that the proposal would meet the specification of Circular 02/2013 for signing from the A30. It is considered that the proposed roadside service area would provide all of the above facilities and exceed the required minimum parking standards as set out in the DfT Circular.

Government policy states that it is for the private sector to promote and operate service areas that meet the needs of the travelling public. The proposed facility would provide a range of facilities including car and HGV fuel forecourts, a service station shop, a restaurant with drive-thru, car, HGV, coach, caravan and motorcycling parking.

At pre-application stage, Highways England raised concerns about the inclusion of a drive-thru facility as part of the development on the basis that such a facility would not support the safety function of a service area which is to ensure drivers stop and take a break from their vehicle and consequently, driving. These concerns were on the basis that such facilities are designed to offer a convenient alternative for people to stay in their cars and continue to drive and can generate trips specifically to visit the ‘drive thru’ thereby generating localised trips by those wishing to use the rest area for reasons other than its intended purpose.

It is understood that following discussions between the applicant and Highways England there is agreement that drive-thru facilities in roadside service facilities has

become the norm and there is nothing specific contained within policy that would prevent operators of existing or new facilities from proposing this kind of provision.

The Applicant's Highway Consultant has advised that there are over 60 coffee/ food drive-thru facilities at motorway and trunk road service areas in England. In the absence of any objections from Highways England to the inclusion of a drive-thru facility, it isn't considered that an objection could be sustained to this element of the proposal. The provision of a drive-thru would meet the government's objective to encourage greater choice in the provision of service facilities for all road users.

2. It is appropriately spaced in relation to other roadside service facilities.

The need for a service area on this site was identified by the Highway Agency at the time the new A30 was under construction and the site is considered to be well placed to provide such a facility.

TRSA's perform an important road safety function by providing opportunities for the travelling public to stop and take a break in the course of their journey. The government's advice is that motorists should stop and take a break of 15 minutes every two hours. The proposed facility would provide this opportunity and promote road safety by closing the existing gap in the provision of roadside facilities along this section of A30.

In their consultation response, Highways England have advised that there is a need for a comprehensive service area facility on the A30/ A303 in Devon and that they support the principle of the proposal for a Trunk Road Service Area (TRSA) at this location.

In respect of the DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development", Annex B sections B7 & B8 set out the considerations in respect of the location of Trunk Road Service Areas.

B7. Speed limits on the strategic road network vary and therefore, applying the same principles, the maximum distance between signed services on trunk roads should be the equivalent of 30 minutes driving time. This distance can also be shorter, also subject to compliance with design requirements set out in the Design Manual for Roads and Bridges.

B8. The distances set out above are considered appropriate for to all parts of the strategic road network and to be in the interests and for the benefit of all road users regardless of traffic flows or route choice. In determining applications for new or improved sites, local planning authorities should not need to consider the merits of the spacing of sites beyond conformity with the maximum and minimum spacing criteria established for safety reasons. Nor should they seek to prevent competition between operators; rather they should determine applications on their specific planning merits.

The site is considered to be well located in terms of its distance from other Trunk Road Service Areas. The nearest services to the application site are at the motorway services at junction 30 of the M5 motorway. From the motorway services there are no

other road side service facilities on the A30 or A303 until the Ilminster services on the A303 which is approximately 31 miles away from Exeter.

The Dft Circular makes it clear that the maximum distance between signed services on trunk roads should be the equivalent of 30 minutes driving time and that the distance can be shorter. The Circular also states that LPA's should not need to consider the merits of the spacing of sites beyond conformity with the maximum and minimum spacing criteria established for safety reasons.

Having regard for the advice in the Circular, the support from Highways England and the lack of provision of alternative roadside service facilities between Exeter and Ilminster coupled with the extant planning permission for a comprehensive roadside services on the site, it isn't considered that an objection could be reasonably sustained on the grounds of that the proposal isn't appropriately spaced in relation to other roadside service facilities. The site is considered to be well located in terms of providing an additional roadside service facility to perform the required road safety function by providing opportunities for the travelling public to stop and take a break in the course of their journey.

3. Access to the trunk road or motorway including any connection to the local road network, and the internal circulation is satisfactory.

7. The design of new or improved accesses or other necessary trunk road works should be sufficient to accommodate anticipated traffic flows up to 15 years after the opening of the development.

The application is accompanied by a detailed Transport Assessment prepared by a qualified Highway Consultant which provides a thorough assessment of the relevant planning policy, traffic data, trip generation and an assessment of the impact on the highway network.

Highways England have advised that they are satisfied that the amended proposals are unlikely to result in a material impact on the operation of the A30 Trunk Road in terms of trip generation. Owing to the reduced size and scale of the proposed services, it should be noted that the trip generation would be significantly less than the extant scheme. The role and function of roadside services are to serve motorists on the adjacent strategic highway and the location of this site, at its junction with the local highway network would allow easy accessibility without the need to travel significant distances from the trunk road.

Concerns that were raised in terms of the operational impact on the Strategic Road Network and with the detailed landscaping and boundary treatment plan to ensure the provision of adequate screening of potential headlight glare from parking or manoeuvring vehicles and the protection of the Highways England soft estate have been addressed through the submission of amended plans. The treatment of surface water drainage for the site is covered within the foul water drainage report with an attenuation pond to be located in the western corner of the site. Highways England have advised that it is unlikely that the drainage proposals will adversely impact on the trunk road, however the applicant should be aware that DfT Circular 02/2013 The

Strategic Road Network and the Delivery of Sustainable Development does not permit the discharge of surface water from new developments into the trunk road drainage system. The circular states that in order to ensure the integrity of the highway drainage systems, no water runoff that may arise due to any change of use will be accepted into highway drainage systems, and there shall be no new connections into those systems from third party development and drainage systems.

It is proposed to close the existing vehicular access and to provide a new priority type junction off the B3174 road. The main access road within the site would provide separate entrance/ exit points for the fuel forecourts and A3/ A5 restaurant. Traffic circulation for each element of the development would be in a clockwise direction reducing the number of potential traffic conflicts within the site. A network of footways, walkways and crossing points would be provided within the site to provide safe pedestrian routes between the shop, restaurant and parking areas.

No concerns have been raised from the County Highway Authority regarding the layout and internal traffic circulation.

Notwithstanding the reduction in size and scale of the roadside services which remains extant, it is proposed to carry out the previously approved highway improvement works which were previously considered to be acceptable by the CHA and were to be secured through a legal agreement.

Previous highway and public transport improvement and works include:

- A new priority junction access to the services with a central pedestrian crossing island and ghost island right turn lane.
- A central pedestrian crossing island east of the site access junction providing access to a new footway and bus stop.
- A new westbound bus lay-by adjacent to the site entrance.
- A new central island adjacent to the new bus lay-by on the approach to the right turn lane to discourage overtaking at this junction.
- To widen and maintain a two lane approach to the A30 Roundabout in order to improve capacity.
- Widening and extending the flare on the roundabout approach in order to increase waiting capacity.

Subject to a condition requiring the highway improvement works to be undertaken prior to first use of the services, the County Highway Authority is satisfied that the proposal is adequate and acceptable from a highway safety perspective. The off-site highway works would be secured through a legal agreement between the CHA and the applicant. The proposal is considered to comply with the provisions of policies TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development) of the Local Plan.

4. It is sited, designed and landscaped to minimise impact on the character and appearance of the landscape.

The site is located in the countryside in a distinctly rural setting. No national or local landscape designations apply.

The Council's Landscape Architect has advised that the proposal is likely to have a high adverse landscape and visual effect on the site and its immediate environs but due to surrounding landform, tree cover and hedgerows, the impact of the development on the wider landscape is likely to be limited and would be most apparent for users of the A30.

Whilst the wider landscape impact will be minimal, concerns have been raised about the proposed scheme being based on a standardised site layout and building types with the result that the scheme would be overly urban in character, not reflecting the existing site conditions, local landscape character or building vernacular. This is compounded by the application of airport safeguarding constraints and those of Highways England on the proposed planting scheme which limits mitigation opportunities for appropriate screening of the development.

Notwithstanding the extant planning permission for a substantially larger scale development on the site which would have a greater visual impact and which allowed for the removal of the mature Oak trees in the site, officers have worked with the applicant to arrive at a proposal which is less standardised and urban in terms of its design and layout in an attempt to minimise its impact on the visual amenity of the site and the rural landscape character and appearance of the area.

In this respect, the layout has been amended to retain both of the mature Oak trees in the middle of the site. The main access route into the site has been adjusted to accommodate the two trees and to create a curved alignment more in keeping with local character which would help to reduce views into the site from the B3174. In addition a Devon hedge has been incorporated into the scheme which would be positioned along the sites northern roadside boundary on either side of the site access which would help to soften the impact of the development.

In landscape terms the height and massing of the buildings, in particular the proposed two storey drive through building would mean they would appear quite visible and prominent within the landscape. Along its boundary with the A30 the site would also be very prominent because of the difference in levels between the site and the slip road and because the site has an open character. The raised level of the A30 over the Daisy Mount junction at this point means that views will be afforded down into the site and the prominence of the site means that the proposed roadside services would have an impact, albeit localised, on the rural character and appearance of the area. The site's open and exposed location to the north and west where limited mature vegetation and the gradually falling ground levels make this a prominent site combined with views from the A30. Notwithstanding the changes to the site layout, this is therefore a site where any development would be prominent regardless of its design.

The buildings comprise a single storey filling station and shop in the north east corner of the site aligned with its rear facing the A30 with a canopied forecourt in front of the

shop and a separate two storey drive through set a right angles to it approximately 50 metres to the south.

The proposed filling station and shop unit would be 4.2 metres high with a mono-pitch roof design. Originally the building was proposed to have been clad in aluminium panels finished in silver with an iron grey coloured plinth. Following concerns about the inappropriate urban finish for the building amended plans have been received which now show that the front (North West) elevation would be predominantly glazed with some composite timber effect cladding strips. The rear elevation would be finished in Kingspan or similar composite cladding panels over a low level stone clad plinth with small sections of timber effect cladding strips. Officers have expressed a preference for natural materials to be used for the exterior of the building which would be more appropriate for the rural character and appearance of the area and the local vernacular. Concerns have been raised by the applicants about the cost of using natural materials and how this might impact upon the viability and deliverability of the scheme. It is therefore considered necessary and reasonable to impose a condition which requires the submission of a schedule and samples of external materials where consideration can be given to the use of composite materials or natural materials for the exterior walls of the building.

The proposed drive through building would be flat roofed with an overall height of 8.9 metres and elevations clad in a combination of grey and white finished aluminium panels with timber effect and natural stone tile contrast panelling and large glazing elements. It is accepted that a lack of screen planting to the rear elevation would result in this building being a prominent feature when seen from the A30 and that this aspect of the proposal would have its most harmful visual impact which has been recognised within the submitted Landscape and Visual Impact Assessment. Despite requests from officers to re-position and amend the design of this building, reduce its height and scale and for further consideration to be given to introducing natural materials to the walls of the building to soften its impact, the building has not been amended and it is understood that the operator of the building would resist any of the suggested changes. On balance, whilst the drive through building would have its greatest impact on the visual amenity of the site and a localised landscape impact, it isn't considered that the impact would be so harmful as to refuse planning permission. A condition will however be imposed requiring the submission of a schedule of materials and samples to ensure that the colour and finishes of the building are appropriate for its context.

On balance, subject to the imposition of a detailed landscaping scheme which has been submitted with the application, it is considered that the proposed roadside services scheme has been sited, designed and landscaped to minimise impact on the character and appearance of the landscape given the constraints imposed by Highways England the Airport. Furthermore, there are a number of clear benefits arising from this scheme over the extant planning permission which includes the retention of the two mature oak trees and a reduced scale of development on the site which would result in an overall development which has less of an urbanising impact on the rural landscape character and appearance of the area and less of an overall localised impact when viewed from public vantage points outside of the site.

As stated above, the historic consent is considered to have been implemented and provides the applicant with a fall-back position which, whilst arguably of a better overall

design with greater landscaping (due to less constraint from an aircraft safety perspective at that time), is of a much greater scale and therefore having a greater visual impact. Whilst officers are giving weight to the previous consent and its implementation, this should be tempered by the fact that it is probably unlikely, for viability reasons, that that proposal would ever be implemented in its current form.

It is considered that if the proposal went to appeal, whilst an Inspector could conclude that the lawful consent carried little weight as it is not likely to be built out, the Inspector would give some weight to the planning history for the site and the visual impact from that proposal. On this basis officers have given weight to the site history.

5. It does not cause a material loss of amenity to nearby residents.

It is inevitable that such a large scale development of this site would have an impact on the amenities of the occupiers of nearby residential properties in terms of noise and disturbance from activities and lighting associated with the operation of the roadside services. The nearest residential dwellings to the site are 1 and 2 Lily Cottage to the north, Keepers Lodge and Keepers Cottage to the north west and the former Kennels building to the north west which benefits from a planning permission to be converted into a dwelling.

Policy D1 of the Local Plan seeks to ensure that developments do not adversely affect the residential amenity of nearby properties. Policy EN14 (Control of Pollution) of the Local Plan states that permission will not be granted for development which would result in unacceptable levels, either to residents or the wider environment in terms of:

1. Pollution of the atmosphere by gas or particulates, including smell, fumes, dust, grit, smoke and soot.
2. Pollution of surface or underground waters including:
 - a) Rivers, other watercourses, water bodies and wetlands.
 - b) Water gathering grounds including water catchment areas, aquifers and groundwater protection areas.
 - c) Harbours, estuaries or the sea.
3. Noise and/or vibration.
4. Light intrusion, where light overspill from street lights or floodlights on to areas not intended to be lit, particularly in areas of open countryside and areas of nature conservation value.
5. Fly nuisance.
6. Pollution of sites of wildlife value, especially European designated sites or species.
7. Odour.

The Council's Environmental Health Officer has been consulted on the application and accepts the conclusions in the noise impact assessments carried out by KC Environmental Ltd that the predicted levels shall comply with BS4142, the WHO guidelines for sleep disturbance and BS8233, and that vehicle movements will not impact on local residents. Details of the kitchen extraction system have been considered which will ensure that emissions are properly treated before being emitted to atmosphere. As a result of this, and given the benefits to driver safety from the provision of a 24hr facility, the proposal is not likely to have a detrimental impact upon the amenity of the nearest residents, particular given consent granted previously for a much larger and more intensive service station on the site.

The lighting report submitted by GW lighting consultancy and the design meets the requirements not to cause light pollution in this rural area and the lux levels plan demonstrates that there would be no light spill from the proposed lighting of the development that would affect the amenities of surrounding properties. Whilst lighting from a 24 hour facility will be noticeable from the surrounding road network, the previously granted proposal was for a greater scale of development and also for a 24 hour use. It is also relevant that by its very nature, such facilities are likely to be located within the countryside and as such a level of impact is to be expected.

The EHO has advised that the installation and selling of petrol would be regulated by the Petroleum Officer and the company must apply for a Part B permit under the Environmental Permitting Regulations from the Environmental Health department to capture petrol vapour whilst dispensing, therefore all concerns in relation to the selling of fuel would be covered by both of these requirements.

Whilst it is accepted that a roadside services scheme on this site would have a degree of impact on the amenities of the occupiers of surrounding properties given the nature of its use and its operating hours, subject to conditions requiring the submission of a Construction Environment Management Plan (CEMP) to ensure that nearby residents are not unreasonably impacted upon during construction, a finalised lighting strategy and lux levels lighting plan and a condition which controls the noise levels of ventilation, refrigeration and air conditioning units or ducting systems, it is not considered that the proposal would have an adverse impact on residential amenity to sustain an objection, particularly when compared to the previous approved and commenced scheme, and even given its 24hr opening hours.

The proposal is considered to be acceptable and complies with the provisions of policies D1 and EN14 of the Local Plan.

6. It should be capable of serving traffic travelling in both directions on the route.

The junction off which the roadside services area would be accessed provides four slip roads to and from the A30 therefore allowing full access to the proposed development for both the eastbound and westbound traffic. The proposal would be capable of serving traffic travelling in both directions on the A30 route.

8. Proposals for roadside facilities along trunk roads that are the subject of major improvements will not be granted planning permission unless they will be compatible with the future highway design. New roadside service facilities along other routes constituting the high quality road network should be located on sites within the identified Built-up Area Boundaries, and meet criteria 1, 2, 3 and 5 above. Upgrading of existing facilities on this network will need to be compatible with criteria 1, 2, 3, and 5 above.

This isn't considered to be applicable to this proposal.

In light of the above, the proposal is considered to be acceptable in principle in accordance with Local Plan Policy TC11.

Retail Impact

The Dft Circular states that the scope and scale of retail activities at roadside facilities is a matter for consideration by the relevant Local Planning Authority in line with the National Planning Policy Framework and local planning policies. However, Local Planning Authorities should have regard to the primary function of roadside facilities which is to support the safety and welfare of the road user.

The pre-amble to policy TC11 states that any retail facilities for convenience shopping, other than for fuel and associated motoring products, will need to be compatible with the shopping policies of the Local Plan.

Policy E11 (Large Stores and Retail Related Uses in Area Centres) is the relevant shopping policy within the Local Plan which states that large retail developments over 500 sqm that are proposed on sites outside of a defined Town Centre Shopping Area will be required to demonstrate that it would not have an unacceptable impact on centres within the catchment of the proposed development. This proposal includes a shop within the petrol filling station which would provide a sales area for convenience goods as well as a food and a coffee counter that would not exceed 500 sqm. On this basis, as the shop area would not exceed the threshold of 500 sqm, it isn't considered to be necessary to undertake a retail impact assessment of the proposal notwithstanding its location outside of a defined Town Centre Shopping Area.

Facilities for Low Emission Vehicles

The Dft Circular states that operators of roadside facilities are encouraged to provide refuelling facilities for low emission vehicles, including recharging facilities for plug-in vehicles and other arrangements that meet the needs of emergent low carbon and alternative fuel technologies as appropriate, such as gas refuelling stations.

This is consistent with policy TC9 (Parking Provision in New Development) of the Local Plan which requires all small scale and large scale major developments to include charging points for electric cars.

The proposal incorporates two electric vehicle charging bays within the scheme with scope for this to be expanded as demand rises.

Aviation Safety and Aerodrome Safeguarding

Policy TC12 (Aerodrome Safeguarded Areas and Public Safety Zones) of the Local Plan states that planning permission will not be granted for developments in the vicinity of an airport (or that could impact on safe operation of aeroplanes) that would compromise air safety by creating physical obstructions that could interfere with flight paths or navigational aids.

There has been a considerable amount of discussion between the applicants and Exeter Airport who originally raised an objection to the proposal on the grounds of aviation safety and the operational impacts from the roadside services due to aircraft in this location being in a critical phase of flight and because of the height of the local topography.

Concerns were originally raised with regards to the inefficiencies with the submitted Aviation Safeguarding Assessment report, the impacts of additional landscaping and tree planting and impacts from bird management and preventing the risk of bird strike to aircraft. To address these concerns the applicants submitted an amended aviation safeguarding assessment and Wildlife Hazard Management Plan which has further been considered by the Airfield Operations Duty Manager who has advised that the amendments no longer conflict with safeguarding criteria providing that their guidance relating to heights, landscape and wildlife management and crane operations etc. are adhered to at all times.

Subject to a condition requiring the development to be carried out in accordance with Wildlife Hazard Management Plan which is a robust mitigation action plan and covers all works within the project through all phases from the start of activity on site for construction, to beyond practical completion and the in-use phase of the site, the proposal is considered to be acceptable in terms of aviation safeguarding. The WHMP contains an overarching Wildlife Hazard Strategy for the site and a detailed plan of action to address each of the roadside services features and activities identified as likely to give rise to elevated wildlife hazards for Exeter Airport.

Flood Risk and Surface Water

The site does not fall within an area at risk from flooding but as it exceeds 1 ha, the application is accompanied by a Flood Risk Assessment and a surface water drainage management plan.

An objection was initially received from the County Council's Flood Risk Management Team on the grounds that insufficient information had been submitted to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

The applicant submitted an additional Flood Risk report with an illustrative surface water drainage scheme which proposes to attenuate surface water generated at the site within an attenuation basin. The surface water would be discharged from the attenuation basin to the existing drain via a swale. Surface run off from the development would be restricted to greenfield runoff rates. The Flood Risk Team are happy to this illustrative approach in principle and have advised that the proposal would provide a betterment to the surface water runoff in the area and that the applicant has taken into consideration exceedance flow routing and long term storage design requirements.

The Flood Risk Management Team have removed their objection and now support the application subject to the imposition of a number of pre-commencement conditions requiring the submission of a programme of percolation tests, and the detailed design of the proposed surface water drainage management system during construction and for the development.

The Environment Agency have advised that the development would be acceptable provided that a condition is included within any permission granted to secure an assessment of risks to controlled waters from the development of this site.

Subject to the imposition of these conditions, it is considered that the proposal would comply with the provisions of policies EN21 (River and Coastal Flooding) and EN22 (Surface Run-Off Implications of New Development) of the Local Plan.

Ecological Impact and Habitat Regulations Appropriate Assessment

Under the provisions of policy EN5 (Wildlife Habitats and Features) of the Local Plan, the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017, there is a legal duty to assess the impacts of the proposed development on ecology and biodiversity.

The application is accompanied by an Ecological Assessment which describes the site as semi-improved neutral grassland/ rush pasture with damp species- poor grassland sward and identifies five sections of hedgerow within the applicant's ownership, all of which, except for the southernmost hedge adjacent to Laurel Copse have been assessed as important.

The works are proposed adjacent two unconfirmed wildlife sites - The Ride- and Straightwayhead. These are comprised of secondary woodland and neutral grassland at the Ride and secondary woodland at Straightwayhead. DEFRA shows that both of these sites are comprised of priority habitat. Within these designations important bat roosts are recorded.

The ecological report identifies the use of the site by several species of bat for foraging and commuting but did not find direct evidence of bats roosting within or in close proximity to the development footprint. Recommendations to help mitigate the impact of development on bats include the submission of a lighting strategy to minimise the impacts of introducing lighting into the environment as well as the use of a grass seed mix/ wildflower planting that encourages flying insects. Given the fact that there would be a landscape buffer between the development and the north western trees and hedgerow and sufficient space between the site and the boundary, it is considered that there would remain a 'dark corridor' for foraging and commuting bats which would be unaffected by the development.

The ecology report concludes that there would be no impact on breeding birds which are legally protected but recommends that site clearance should avoid the breeding season to avoid any impacts. Mitigation measures for house sparrows includes the provision of one sparrow terrace per building within the development.

The proposal now includes the retention of a mature oak tree and the planting of a Devon bank and hedgerow and numerous trees within the site which would enhance biodiversity and be of benefit to ecology.

The ecology report concludes that development of the site would have no impact on great crested newts, water voles and otters or badgers or other legally protected species.

Subject to a condition requiring the submission of a lighting strategy, detailed landscaping proposals and a landscape and ecological management plan, it is not

considered that the proposed development would impact on legally protected species and that the proposal complies with policy EN5 of the Local Plan.

As the application proposes major development within the 10km buffer zone for the Pebblebed Heaths, an Appropriate Assessment is required to establish whether the proposal will lead to any likely significant effects.

In this instance, the Appropriate Assessment attached to this report, confirms that the nature of the proposal is such that it will not itself be generating any impacts on the Pebblebed Heaths. As such there is no mitigation required and the proposal is acceptable from a Habitat Regulations perspective.

Arboricultural Impact

A number of trees within the site are the subject of tree a preservation order 18/0090/TPO. In contrast to the extant scheme which allowed for the loss of oak trees within the site, the layout of the proposed roadside services has been amended to allow the retention of a mature Oak tree (T1 within the submitted arboricultural report) which is a visually significant hedgerow oak, characteristic of the East Devon countryside. The retention of this Oak tree is considered to be a positive design aspect of the scheme which would make a more attractive entrance into this commercial development. With the exception of an Oak tree (T5 U category) on the site's western boundary (identified as being in poor condition) the scheme has been designed so as to retain all trees within the site which will be of benefit to the rural landscape character and appearance of the area and would help to reduce the urbanising impact of the proposal. Subject to a condition requiring the development being carried out in accordance with the tree protection measures within the report, it is considered that the proposal complies with the provisions of policy D3 (Trees and Development Sites) of the Local Plan.

Contaminated Land

The Council's Contaminated Land Officer has considered the application and does not anticipate any contaminated land concerns. Should any contamination be encountered during oversite works, a condition is recommended that requires the submission of a method and procedure for addressing contamination with the contaminated land officer at EDDC in order to agree appropriate remediation measures. The proposal is considered to comply with the provisions of policy EN16 (Contaminated Land) of the Local Plan.

Soil and Agriculture

Policy EN13 (Development on High Quality Agricultural Land) of the Local Plan aims to protect the best and most versatile agricultural land (Grades 1, 2 and 3a) from development and this is supported in the NPPF. The land is grade 3 although the site has an extant planning permission. On this basis, an alternative development proposal on the site would not prevent the loss of this agricultural land which was assessed previously and considered to be acceptable when balanced against all the other planning considerations.

However, the soils on the site could be recovered and handled correctly to minimise the loss of soil resource and the NPPF also requires that decisions should protect and enhance soils. It is therefore recommended that any permission forthcoming should require a scheme of soil recovery and handling.

Heritage Impact

In accordance with the NPPF, policies EN8 (Significant of Heritage Assets and their Setting) and EN9 (Development Affecting a Designated Heritage Asset) of the Local Plan requires an assessment of the harm or loss of significance to designated and non-designated heritage assets.

The Council's Conservation Officer has advised that the site is set some considerable distance from the nearest listed building, Strete Raleigh House (grade II) and that there is no intervisibility between the two such that there would be no harm to its setting.

Following a recent appeal decision (ref APP/U1105/Y/173184165) for the kennels to the north west of the site, the Inspector regarded the former kennels to the main house, Strete Raleigh, not to be curtilage listed, but a non-designated heritage asset. Permission was thereby given to extend the kennels and for its conversion to create a dwelling.

Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

In this case, it is considered that the significance of the functional former kennels has been diminished by the planning permission that has been granted to extend and convert the building into a dwelling. The reduced scale of the roadside services proposal when compared to the extant planning permission coupled would have a far lesser impact on the setting of the building. This coupled with the landscaped buffer, the retention of trees and vegetation in the site would ensure that the proposal does not cause harm to the setting of the kennels building.

On balance, the proposal is considered to comply with the provisions of policies EN8 (Significant of Heritage Assets and their Setting) and EN9 (Development Affecting a Designated Heritage Asset) of the Local Plan and NPPF.

CONCLUSION

This proposal is for a policy compliant roadside services development on a site where the need has long been accepted and where the principle of development has been established through the grant of outline planning permissions since 1994 and the implementation of a reserved matters permission ref 07/1228/MRES. Indeed works to implement the reserved matters permission have been implemented through the construction of a vehicular access on the site such that the planning permission is considered to be extant and capable of implementation.

Whilst the weight that should be attributed to this 'fall-back' position is questionable given the length of time the planning permission has been kept alive with no further development on the site, coupled with concerns about whether the previously consented scheme is commercially viable, it is accepted that there is an extant planning permission for a substantially larger scheme on the site which would have a far greater impact than the proposed roadside services which is the subject of this application and to which an Inspector would give weight to.

The proposal has the support of Highways England who have advised that there is a need for a comprehensive service area facility on the A30/A3030 in Devon and that they support the principle of the proposal of a Trunk Road Service Area at this location. Furthermore, Highways England have advised that the roadside services scheme is in compliance with the current policies of the Secretary of State as set out in the DfT Circular 02/2013 'The Strategic Road Network and the Delivery of Sustainable Development' and those contained within the NPPF.

Detailed concerns raised by technical consultees which include Exeter Airport, Highways England, the Devon County Council Flood Risk Management Team have also been addressed in conjunction with officers and consultees such that it is considered subject to conditions there would be no significant impacts in terms of Aerodrome safeguarding, aviation and highway safety, flood risk and surface water management, ecology and biodiversity, residential amenity and impact on trees.

In landscape terms, the height and massing of the buildings, in particular the two storey drive through building would appear quiet visible and prominent in localised views from the A30 and the slip road. The prominence that this development would have is inevitable with any roadside services proposal on this site due to its open and exposed location to the north and west where limited mature vegetation and the gradually falling ground levels make this a prominent site combined within views from the A30. Notwithstanding the localised impact, it is considered that the proposed roadside services scheme has been sited, designed and landscaped to minimise its impact on the character and appearance of the landscape when considered against the constraints imposed by Highways England the Airport with regards to the type and amount of landscaping and planting that would be acceptable in highway and aviation safety terms.

Furthermore, there are a number of clear benefits arising from this scheme over the extant planning permission which includes the retention of the two mature oak trees and a reduced scale of development on the site which would result in an overall development which has less of an urbanising impact on the rural landscape character and appearance of the area and less of an overall localised impact when viewed from public vantage points outside of the site.

In conclusion, the proposed design and layout of the development would create a landmark roadside services scheme alongside the A30 that would meet an established need and perform an important road safety function by providing opportunities for the travelling public to stop and take a break by closing the existing gap in the provision of roadside facilities along this section of the A30. The site is considered to be well located in terms of providing an additional roadside service facility to perform the required road safety function which, when coupled with job creation during

construction, longer term employment opportunities within the petrol filling station, shop and the drive through building and the contribution to the local economy that would be derived from this scheme are considered to be significant social and economic benefits that outweigh the limited and localised visual impact and landscape harm.

On balance, having regard to all of the above considerations and the schemes compliance with the DfT Circular, the NPPF and in particular policy TC11 (Roadside Service Facilities) of the East Devon Local Plan, the proposal is considered to be acceptable and is therefore recommended for approval.

RECOMMENDATION

- 1. That the Habitat Regulations Appropriate Assessment attached to the report be adopted; and**
- 2. The application be approved 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 and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)

MATERIALS:

3. Notwithstanding the submitted details, no development above foundation level shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
4. Notwithstanding the submitted proposed surface finishes plan (ref 160377-PLNG23H received on the 11th November 2019), no hard surfacing or hard landscaping of the site shall commence until details of a schedule of materials and finishes for all hard surfacing, earth works, walls, retaining structures, fencing, paving and edgings, site furniture and signage have been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

HIGHWAYS:

5. Prior to commencement of any part of the site the Planning Authority shall have received and approved in writing 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.

(Reason: A pre-commencement condition is required to ensure that adequate facilities are available for construction and other traffic attracted to the site in accordance with Policy TC7 - Adequacy of Road Network and Site Access of the Adopted East Devon Local Plan 2013-2031.)

6. No part of the development hereby approved shall be brought into use until the off-site highway works, site access, turning areas and parking spaces have been provided in accordance with the details shown on drawing no 160377-PLNG13 R received on the 11th November 2019.

(Reason: To ensure adequate the provision of an adequate access and parking facilities for the development in the interests of highway safety in accordance with the provisions of policies TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development) of the East Devon Local Plan 2013-2031).

AVIATION SAFETY:

7. The development hereby approved shall be carried out in accordance with the wildlife hazard management strategy and mitigation action plan contained within the Wildlife Hazard Management Plan prepared by Aviaire dated Feb 2019 (ref Final V4 received on the 6th March 2019). The Wildlife Hazard Management Plan shall thereafter be adhered to throughout the lifetime of the development.

(Reason: In the interests of aviation safety in accordance with the provisions of policy TC12 (Aerodrome Safeguarded Areas and Public Safety Zones) of the East Devon Local Plan 2013-2031).

LANDSCAPING:

8. Notwithstanding the submitted details, no landscaping shall commence on site until a specification for soil quality, depth, cultivation, planting, seeding, mulching and means of plant support and protection during establishment period has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and in accordance with the landscaping and planting details shown on drawing no SY17-184-LPP-19-05 REV B received on the 21st August 2019. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031).

9. Notwithstanding the submitted details, no landscaping shall commence on site until the following information has been submitted and approved in writing by the Local Planning Authority:
 - a) A full set of hard landscape details covering earthworks, walls, retaining structures, fencing, pavings and edgings, site furniture and signage.
 - b) Details of existing and proposed levels and any abrupt changes in slope, retaining structures or earth-banks.
 - c) Specification for soil quality, depth, cultivation, planting, seeding, mulching and means of plant support and protection during establishment period.

(Reason: In the interests of the character and appearance of the area in accordance with the provisions of policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031).

SOIL RESOURCES:

10. No development shall commence until a soil resources plan has been submitted to and approved in writing by the Local Planning Authority. The soil resources plan shall cover the following points:

- A plan showing topsoil and subsoil types, and the areas to be stripped and left in-situ.
- Methods for stripping, stockpiling, re-spreading and ameliorating the soils.
- Location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
- Schedules of volumes for each material.
- Expected after-use for each soil whether topsoil or subsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas or used as structural fill.
- Identification of person responsible for supervising soil management.

(Reason - To ensure that the high quality soil resources at the site are conserved and re-used having regard to the site being identified as 'best and most versatile' land to accord with policy EN13 (Development on High Quality Agricultural Land) of the East Devon Local Plan 2013-2031 and government policy contained in the National Planning Policy Framework. These details are required prior to the commencement of development as the soil resource will be affected from the start of operations on the site).

LEMP:

11. No development above foundation level shall take place until a Landscape and Ecological Management Plan (LEMP) detailing long term design objectives, management responsibilities and maintenance for both the red and blue line application areas has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall cover the following:

- Extent, ownership and responsibilities for management and maintenance.
- Construction of proposed Devon hedgebanks.
- Inspection and management regimes for existing and proposed trees and hedgerows.
- Management and maintenance of grass areas.
- Management and enhancement of biodiversity value.
- Management and maintenance of any boundary structures, drainage swales and other infrastructure/ facilities.

The development shall thereafter be carried out in accordance with the approved details.

(Reason - To ensure that the impacts of the development on ecology/ protected species and the landscape is suitably mitigated for and to comply with policies EN5 (Wildlife Habitats and Features), D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031. The LEMP is required prior to commencement as some mitigation will be needed at the start of the development).

ECOLOGY:

12. The development hereby approved shall be carried out in accordance with the recommendations and mitigation measures contained within the Ecological Assessment prepared by the Ecology Practice dated June 2018 received on the 6th March 2019.

(Reason: In the interests of ecology and biodiversity in accordance with the provisions of policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031).

LIGHTING:

13. Notwithstanding the submitted lighting strategy prepared by GW Lighting Consultancy (ref GWLC 1/3/19 received on the 6th March 2019) and the lighting layout and lux plan (ref DM81 received on the 6th March 2019), no external lighting shall be installed until a lighting strategy and lighting lux level contours plan that complies with the requirement of ILP/ Bat Conservancy Council guidance note GN08 has been submitted to and approved in writing by the Local Planning Authority in consultation with the Council's Landscape Architect, Exeter Airport and Highways England. For the avoidance of doubt, the lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. The development shall thereafter be carried out in accordance with the approved details.

(Reason: In the interests of the character and appearance of the area, aviation safety, ecology and biodiversity and to avoid light pollution in accordance with the provisions of policies D1 (Design and Local Distinctiveness), EN5 (Wildlife Habitats and Features), EN14 (Control of Pollution) and TC12 (Aerodrome Safeguarded Areas and Public Safety Zones of the East Devon Local Plan 2013-2031).

ENVIRONMENTAL HEALTH:

14. No development shall commence until details of a Construction and Environment Management Plan have been submitted and approved by the Local Planning Authority. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site. The development shall thereafter be carried out in accordance with the approved details.

(Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution. A pre-commencement condition is necessary to ensure that the impacts of development are considered at an early stage in the interests of residential amenity in accordance with the provisions of policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).

15. Any plant (including ventilation, refrigeration and air conditioning units) or ducting system to be used in pursuance of this permission shall be so installed prior to the first use of the premises and be so retained and operated that the noise generated at the boundary of the nearest neighbouring property shall not exceed Noise Rating Curve 25, as defined in BS8233:2014 Sound Insulation and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Service Engineers Environmental Design Guide. Details of the scheme shall be submitted to and approved by the Local Planning Authority prior to the first use of the premises.
(Reason: To protect the amenity of local residents from noise in the interests of residential amenity in accordance with the provisions of policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).
16. The 3 metre high acoustic fence shall be installed in accordance with the details shown on drawing no 160377-PLNG13 R received on the 11th November 2019 prior to first use of the HGV and coach parking area hereby approved. The acoustic fence shall thereafter remain in place in perpetuity.
(Reason: To protect the occupiers of residential properties from noise in accordance with the provisions of policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).

FLOOD RISK:

17. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site. The development shall thereafter shall be carried out in accordance with the approved details.
(Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area. Reason for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure in accordance with the provisions of policy EN22 of the East Devon Local Plan 2013-2031).
18. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The

development shall thereafter shall be carried out in accordance with the approved details.

(Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development. Reason for being a pre-commencement condition: These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above in accordance with the provisions of policy EN22 of the East Devon Local Plan 2013-2031).

TREES:

19. Notwithstanding the submitted details and prior to the commencement of the development hereby approved including all preparatory work, a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. Specific issues to be dealt with in the TPP and AMS include:
- Location and installation of services/ utilities/ drainage and an arboricultural method statement covering the proposed new water main and storm water drainage run to the western site boundary
 - Details of construction within the RPA or that may impact on the retained trees.
 - A full specification for the installation of boundary treatment works.
 - A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
 - Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
 - A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
 - Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
 - Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
 - Boundary treatments within the RPA
 - Methodology and detailed assessment of root pruning
 - Arboricultural supervision and inspection by a suitably qualified tree specialist
 - Reporting of inspection and supervision

- Methods to improve the rooting environment for retained and proposed trees and landscaping

The development thereafter shall be implemented in strict accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.

(Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy D3 – Trees and Development Sites of the East Devon Local Plan 2013-2031 and pursuant to section 197 of the Town and Country Planning Act 1990).

ENVIRONMENT AGENCY:

20. No development shall commence until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the local planning authority:
 1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

(Reasons: To ensure the protection of controlled waters and that any contamination existing and exposed during the development is identified and remediated in accordance with the provisions of policy EN14 (Control of Pollution) and EN16 (Contaminated Land) of the East Devon Local Plan 2013-2031).

RETAILING:

21. Retailing within the petrol filling station shall be limited to the area marked as 'sales area' on the floor plan (ref 160377-PLNG21D received on the 15th August 2019) hereby approved. Any such sales within this area shall be limited to convenience goods for sale to motorists including confectionary, snacks, magazines, flowers, books and other entertainment or related products as well as motoring accessories. There shall be no sale of any other products other than with the prior written consent of the Local Planning Authority.
(Reason: To prevent the development from becoming a retail destination which would be harmful to sustainable development objectives in accordance with the provisions of policies E11 (Large Stores and Retail Related Uses in Area Centres) and TC11 (Roadside Service Facilities) of the East Devon Local Plan).

22. The class A1 retail floor space contained within the petrol filling station building, marked on the floor plan (ref 160377-PLNG21D received on the 15th August 2019) and the A3/A5 drive through building hereby approved shall only be operated as part of and in conjunction with the wider comprehensive roadside services area.
(Reason: In order to regulate the sales area and prevent intensification of the retail use and to ensure that the development provides essential services and an integrated roadside services facility for drivers to meet the road safety function of a roadside services area in accordance with the policies contained within the DfT Circular 02/2013 'The Strategic Road Network and Delivery of Sustainable Development' and the provisions of policies E11 (Large Stores and Retail Related Uses in Area Centre) and TC11 (Roadside Service Facilities) of the East Devon Local Plan 2013-2031).

PHASING PLAN:

23. No development shall commence until a fully detailed phasing scheme has been submitted to and agreed in writing by the Local Planning Authority. The submitted scheme shall include details of the phasing of the different elements of the scheme including the order in which they are to be constructed and brought into use and time periods for doing so. The development shall thereafter only be carried out in accordance with the approved scheme.
(Reason: To ensure that the development provides essential services and an integrated roadside services facility for drivers to meet the road safety function of a roadside services area in accordance with the policies contained within the DfT Circular 02/2013 'The Strategic Road Network and Delivery of Sustainable Development' and the provisions of policy TC11 (Roadside Service Facilities) of the East Devon Local Plan 2013-2031).

ELECTRIC VEHICLE POINTS:

24. Prior to first use of the site, the electric vehicle charging points hereby approved shall be provided in accordance with the details shown on drawing no 160377-PLNG13R received on the 11th November 2019). The charging points shall thereafter be retained in perpetuity.

(Reason: In the interests of promoting sustainable travel opportunities in accordance with policy TC9 (parking Provision in New Development) of the East Devon Local Plan 2013-2031).

POST COMPLETION STATEMENT:

25. Within 3 months of first use of the site, a post completion statement of compliance shall be submitted to and approved in writing covering the following:
- Lighting outputs in accordance with the Institute of Lighting Engineers/ Bat Conservation Council guidance note 08/18 Bats and artificial Lighting in the UK. Any areas found to be non-compliant to be rectified as agreed with the Local Planning Authority.
 - Monitoring of bat activity should be undertaken during the first summer following occupation of the buildings and annually for two years thereafter in order to assess whether there are any changes in bat activity following completion of the development. Reports on the findings shall be submitted annually to the LPA by 31 October following the summer survey period for that year.
 - Any planting or areas of grass/ meadow that dies or fails to make satisfactory growth within five years following completion of planting shall be replaced with plants of similar size and form to the satisfaction of the Local Planning Authority.

(Reason: In the interests of ecology and biodiversity in accordance with the provisions of policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031)

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant in the following ways to ensure that all relevant planning concerns have been appropriately resolved:

Environment Agency:

Advice to applicant - Pollution Prevention

We refer the applicant to the advice contained within our Pollution Prevention Guidelines (PPGs), in particular PPG5 - Works and maintenance in or near water, PPG6 - Working at construction and demolition sites and PPG13 - Vehicle washing and cleaning. These can be viewed via the following link:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

Materials and chemicals likely to cause pollution should be stored in appropriate containers and adhere to Pollution Prevention Guide 26 for the storage of drums and intermediate bulk containers.

Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Appropriate procedures, training and equipment should be provided for the site to adequately control and respond to any emergencies including the clean up of spillages, to prevent environmental pollution from the site operations. We advise that polluting materials and chemicals are stored in an area with sealed drainage.

We also advise that the use or disposal of any waste should comply with the relevant waste guidance and regulations.

South West Water:

Advise that there is a public water main in the vicinity. Should the development encroach on the 3.5 metre easement, the water main will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further.

If further assistance is required to establish the exact location of the water main, the applicant/agent should call their Services helpline on 0344 346 2020.

Please quote reference number MPP200618 EX5 2PS in all communications and correspondence.

Plans relating to this application:

WILDLIFE HAZARD MGT PLAN : FEB 2019 V4 (AMENDED)	General Correspondence	06.03.19
JUNE 2018	Ecological Assessment	06.03.19
160377- PLNG19C (AMENDED)	Proposed Elevation	11.03.19

160377- PLNG20C (AMENDED)	Proposed Elevation	11.03.19
Final report v 2.0 (amended)	Flood Risk Assessment	09.09.19
SY17-184-LPP- 19-05	Landscaping	21.08.19
AMENDED	Noise Impact Assessment	15.08.19
160377- PLNG16E (amended)	Proposed Elevation	15.08.19
160377- PLNG17G (amended)	Proposed Elevation	15.08.19
160377- PLNG18G (amended)	Proposed Elevation	15.08.19
160377- PLNG21D (amended)	Layout	15.08.19
160377- PLNG24C : proposed co-ordinate drawing (amended)	Other Plans	15.08.19
160377- PLNG25C : proposed tracking (amended)	Other Plans	15.08.19
160377- PLNG26a : auto canopy (amended)	Layout	15.08.19

160377-PLNG27 : HGV CANOPY	Layout	05.06.18
160377- PLNG22b : PROPOSE D MCDONAL DS INTERNAL	Layout	29.05.18
OUDOOR CLIMB 2017 REVISION (ADDITION AL)	Specifications or technical data	30.08.18
160377- PLNG14K	Layout	11.11.19
160377-PLNG15I	Layout	11.11.19
160377- PLNG23H (surface finishes)	Other Plans	11.11.19
160377- PLNG13R	Layout	11.11.19
160377- PLNG12O	Layout	11.11.19

List of Background Papers

Application file, consultations and policy documents referred to in the report.

The Conservation of Habitats and Species Regulations 2017, Section (63)



Appropriate Assessment

Part A: The proposal

Application reference no. and address:	18/1222/MFUL– Land South Of Lily Cottage, Exeter Road Whimble
Brief description of proposal: (Bullet point list of key proposals)	<ul style="list-style-type: none"> Application for the development of a new roadside service area to include a petrol filling station comprising sales building, canopy over, car and caravan parking, fuel pumps, HGV fuel pumps, 2 no. underground storage tanks and ancillary arrangements, new A3/A5 use building and drive-thru, HGV and coach parking, new access arrangements and landscaping and drainage
European site name(s) and status:	East Devon Pebblebed Heaths SPA, East Devon pebblebed Heaths SSSI, East Devon pebblebed Heaths SAC, East Devon AONB.

List of interest features:

East Devon Heaths:

The East Devon Heaths are located about 6 km north-east of Exmouth in south-west England. Lying on the acidic Bunter Pebblebeds, these areas form the largest blocks of lowland heath in Devon. The dry heaths on the higher ground are dominated by Heather *Calluna vulgaris*, with frequent areas of Bell Heather *Erica cinerea*, Western Gorse *Ulex gallii*, Bristle Bent *Agrostis vinealis* and Purple Moor-grass *Molinia caerulea*. There has been some invasion by Pine *Pinus* spp. and Birch *Betula pendula*, and Bracken *Pteridium aquilinum* has become locally abundant. In the shallow valleys, wet heaths and mires are dominated by Cross-leaved Heath *Erica tetralix*, Purple Moor-grass, Heather, Dwarf Gorse *Ulex minor* and *Sphagnum* mosses. Characteristic species here include Meadow Thistle *Cirsium dissectum*, Lesser Butterfly-orchid *Platanthera bifolia*, Common Sedge *Carex nigra*, and in the boggiest places, Common Cottongrass *Eriophorum angustifolium*, Bog Asphodel *Narthecium ossifragum* and sundews *Drosera* spp. Patches of willow *Salix* spp. scrub have developed in some places. These heaths support breeding Nightjar *Caprimulgus europaeus* and Dartford Warbler *Sylvia undata* (which are both dependent upon continuity of open heath with fringing scrub) in numbers of European importance.

This site qualifies under **Article 4.1** of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive:

During the breeding season;

Dartford Warbler *Sylvia undata*, 128 pairs representing at least 8.0% of the breeding population in Great Britain (Count, as at 1994)

Nightjar *Caprimulgus europaeus*, 83 pairs representing at least 2.4% of the breeding population in Great Britain (Count, as at 1992)

What potential hazards are likely to affect the interest features (refer to the risk factors listed below)?

Sensitive interest feature	Potential hazard	Outline exposure to hazard and likely impact if known
SPA habitat	Loss of habitat as a result of the development. Disturbance from the development operations (noise, fumes, traffic and people using the heaths) including construction impacts.	The proposal is located 2.8 km from the Pebblebed Heaths and would not result in the loss of any habitat as a result of the development. As a roadside services area, the proposal is designed to perform a road safety function by providing a rest area for drivers already travelling along the trunk road. As such, the proposal would not lead to additional recreation pressures from people or traffic or from construction impacts given the distance of the site from the SPA and the nature of the use.
SPA habitats & communities	Physical damage to SPA habitats/ communities	There will be no physical damage to SPA habitats and communities because of the 2.8 km distance from the Pebblebed Heaths.

Are there other proposals in the area which may give rise to 'in combination' effects?

List other proposals which have been considered

There are existing planning consents for housing and holiday accommodation close to the SPA, in East Devon, Exeter and Teignbridge.

The EDDC Local Plan allocates in the region of 17,100 houses in East Devon.

The Teignbridge Local Plan allocates in the region of 12,500 houses in the District.

The Exeter Core Strategy aims to allocate 12,000 houses in Exeter and East Devon.

The emerging greater Exeter Strategic Plan will be likely to allocate a greater number of dwellings for each authority.

Outline potential cumulative or 'in combination' effects.

There are no other developments proposed close to the site that could result in in-combination effects.

11. Mitigation Measures

Describe the mitigation measures that are proposed as part of the submitted application.

No mitigation measures are proposed as the proposal would have no significant effects on the European protected site given the nature of the intended use and the 2.8 km distance from the Pebblebed Heaths.

Natural England's Response

N/A

Are the proposed measures sufficient?

N/A

Part C: Conclusion

**12. Conclusion:
Is the proposal likely to have a significant effect 'alone' or 'in combination' on a European site?**

There will be no likely significant effects alone or in combination on the Pebblebed Heaths given the nature of the intended use and the 2.8 km distance from the SPA.