

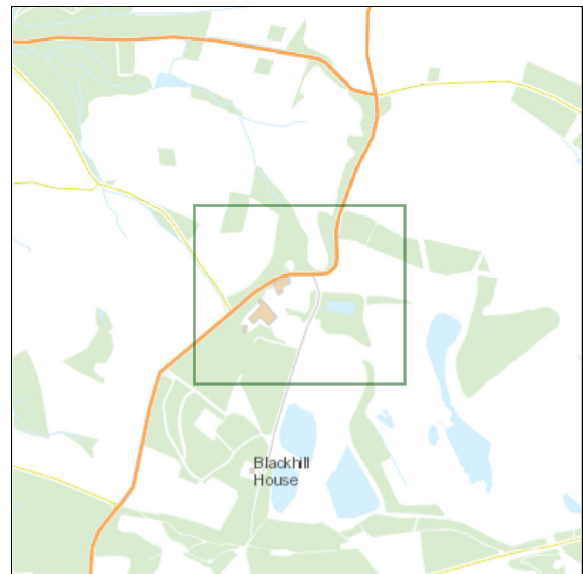
**Ward** Woodbury And Lymptone

**Reference** 18/2649/MRES

**Applicant** Mr Leigh Rix (Clinton Devon Estates)

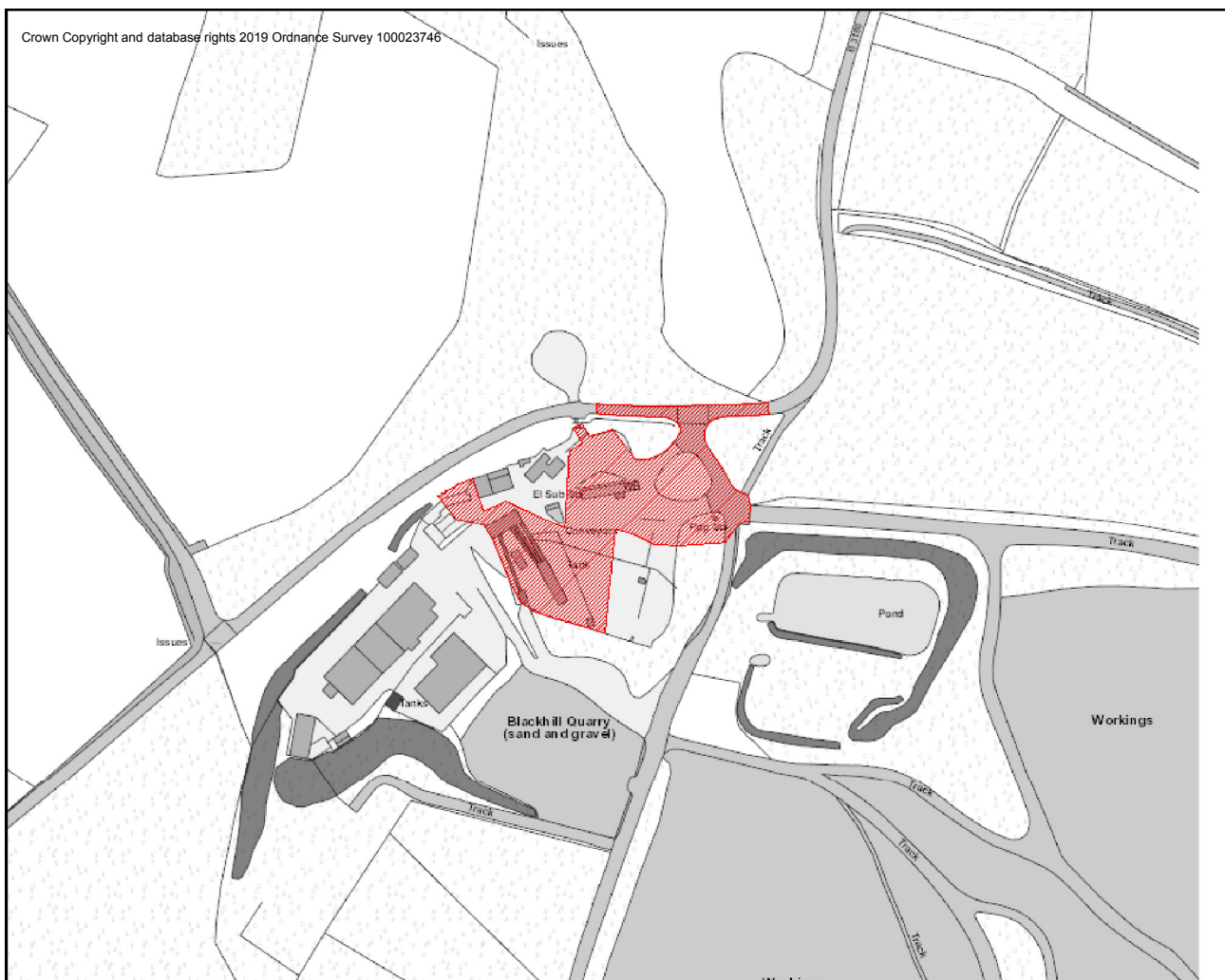
**Location** Blackhill Quarry Woodbury Exeter EX5 1HD

**Proposal** Approval of reserved matters (appearance, landscaping, layout and scale) for the construction of a single 929sqm (10,000 sq feet) building, car parking, landscaping, ecological measures and associated development (pursuant to outline approval 17/3022/MOUT)



**RECOMMENDATION:**

1. That the **Habitat Regulations Appropriate Assessment** attached to this Committee Report be adopted;
2. That the application be **APPROVED** subject to conditions.



|  |   |   |
|--|---|---|
|  |   | <b>Committee Date:</b> 11 <sup>th</sup> June 2019 |
| <b>Woodbury And Lympstone (WOODBURY)</b> | <b>18/2649/MRES</b>   | <b>Target Date:</b> 28.02.2019                    |
| <b>Applicant:</b>                        | <b>Mr Leigh Rix (Clinton Devon Estates)</b>   |   |
| <b>Location:</b>                         | <b>Blackhill Quarry Woodbury</b>  |   |
| <b>Proposal:</b>                         | <b>Approval of reserved matters (appearance, landscaping, layout and scale) for the construction of a single 929sqm (10,000 sq feet) building, car parking, landscaping, ecological measures and associated development (pursuant to outline approval 17/3022/MOUT)</b> |   |

**RECOMMENDATION:**

1. That the Habitat Regulations Appropriate Assessment attached to this Committee Report be adopted;
2. That the application be **APPROVED** subject to conditions.

**EXECUTIVE SUMMARY**

This application is before Members as the officer recommendation is contrary to that of the former Ward Member and Parish Council.

The site lies in the open countryside, this part of which is designated as an AONB and lies adjacent to the Pebblebed Heaths SAC, where development should be strictly controlled so that it does not detrimentally impact on the character and appearance of the surroundings. The principle of B2 industrial development for use by Blackhill Engineering has previously been accepted under application 17/3022/MOUT and as such the principle of development cannot be questioned under the current application.

The proposed building would be the first in a phased development of the site, it would be of a suitable scale taking into account the limitations imposed at the outline stage in terms of height such that a building finished in green cladding under a dark grey roof would assimilate well into its surroundings. The layout of the site responds well to its constraints and is clearly part of a planned phased development.

The application also includes details of the ecological mitigation measures secured at the outline stage to provide heathland habitat off site, together with a new bat hibernacula, great crested newt hibernacula, bat boxes and enhanced landscaping to encourage connectivity of habitats for bats and dormice.

**An updated Appropriate Assessment taking into account the proposed drainage of the site has been carried out concluding that the proposed mitigation would ensure no likely significant impacts on the designated areas.**

**The proposal, in terms of scale, layout, appearance, landscaping and drainage is considered to be acceptable not impacting unreasonably on its surroundings, together with the mitigation measures required by the outline permission.**

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

NOT SUPPORTED. Parish Council would like the design of the building to be more in keeping with its surrounding area being an Area of Outstanding Natural Beauty. The positioning of the building should make allowances for the requirement, should no further units be built, for the unused land to be returned to common land.

#### Former Ward Member - Woodbury & Lympstone - Cllr R Longhurst

I have never supported this development and would still like the land revert to nature. Woodbury Common is no place for Heavy Industry.

Further comments:

I have continually OBJECTED to development and continued use of this piece of land for Heavy Industry. I can think of very few places worse - if we want to be "Outstanding" then go ahead -its "Outstandingly Bonkers". OBJECT most strongly.

#### Ward Member – Woodbury & Lympstone – Cllr G Jung

I note that this is a reserved matter application for an industrial building that has outline planning approval.

I am afraid I must take the view of the previous ward councillor and not support the application as I also was opposed to the previous outline application.

### **Technical Consultations**

#### Environmental Health

I have considered this application and do not have any further comments to make from my comments on 21/5/18

#### Contaminated Land Officer

I have considered the application and do not anticipate any contaminated land concerns.

#### EDDC Landscape Architect - Chris Hariades

#### 1 INTRODUCTION

This report forms the EDDC's landscape response to the Pre-application inquiry/Outline/ Full/ Reserved matters application for the above site with all matters reserved.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

## 2 REVIEW OF SUBMITTED INFORMATION

### 2.1 Review of submitted landscape drawings & other supporting information

Tree survey, impact assessment and protection  
No comment

#### Layout and landscape proposals

The roof finish of the proposed building is shown as profiled steel cladding finished in Goosewing grey, BS10A05 which is a light grey. Although reasonably well screened, as the roof is likely to be seen against a dark background of trees the proposed colour could be quite conspicuous and a darker colour such as Merlin grey BS18B25 or Vandyke brown BS 08B29 would be more appropriate.

The proposed phasing plan shows what appear to be island beds to the north of the parking bays adjacent to units A-C to be constructed as part of phase 3. No planting details are provided for these. This detail should be added to the Landscape proposals plan or presented as an additional phase 3 planting plan.

The landscape plan includes notes on landscape implementation and management. The notes given under the Failures of Planting heading should be amended to note that all planting that dies, is removed or fails to make satisfactory growth within 5 years from completion of planting shall be replaced with plants of similar size and form in the following planting season.

The proposals for lighting around the proposed shed appear appropriate, however, details of hours of operation of lighting should be provided which should seek to limit lighting to times when the site is operational. A review of proposed and existing lighting (including phases 2 and 3) should be undertaken by the ecological consultant to ensure that site lighting will not adversely affect potential use of the hibernaculum by bats.

#### Landscape and Ecology Mitigation and Management Plan (LEMMP)

Section 3.8 notes that new planting will be maintained initially for 2 years. This should be extended to 5 years.

## 3 RECOMMENDATIONS

### 3.1 Acceptability of proposals

Subject to the above points being adequately addressed the scheme should could be considered acceptable for discharge of conditions 10 and 11 relating to landscape matters.

#### South West Water

I refer to the above application and would advise that South West Water has no comment.

#### Environment Agency

We note the conditions included on the outline planning permission ref: 7/3022/MOUT.

The information provided within the reserved matters does not relate to the assessments required as part of the development and as such we have no further comments at this stage.

#### DCC Flood Risk SuDS Consultation

We have no in-principle objections to the above planning application, from a surface water drainage perspective, at this stage.

If the Planning Case Officer is minded to grant planning permission in this instance, I request that the following pre-commencement planning condition/s is/are imposed:

- No part of the development hereby permitted shall be commenced until the full results of a groundwater monitoring programme, undertaken over a period of 12 months, 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 monitoring should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason: To ensure that the use of infiltration devices on the site is an appropriate means of surface water drainage management.

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

#### Observations:

The applicant has undertaken infiltration tests which indicate that infiltration is feasible at the location where the soakaway is proposed. Groundwater monitoring will be required to determine if there is a sufficient 1 m depth between top groundwater level and invert level of soakaway. If monitoring indicates high groundwater which would preclude the use of the infiltration based strategy then the applicant has put forward a feasible attenuation based alternative strategy.

#### County Highway Authority

The Quarry is based on the B3180 and has been present here for a number of years, with the Quarry works reducing, new development is proposed here.

The turning roundabout remains upon the existing access which also remains to be utilised.

The turning roundabout is suitable for HGVs.

The existing parking spaces remain with the addition of 11 further spaces. I would recommend the provision of cycle parking. This will accommodate the increase in sustainable travel methods for employees, particularly with the cycle presence upon Woodbury common and the nearby Exe-estuary trail.

No recorded accidents are present upon our road collision data from 2013-2017 on this quarry access.

Therefore the County Highway Authority in general have no objections upon this application.

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. No development shall take place until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To promote sustainable travel in accordance with the East Devon Local Plan 2013-2030.

#### Natural England

Planning consultation: Approval of reserved matters (appearance, landscaping, layout and scale) for the construction of a single 929sqm (10,000 sq feet) building, car parking, landscaping, ecological measures and associated development (pursuant to outline approval).

Location: Blackhill Quarry Woodbury Exeter EX5 1HD.

Thank you for your consultation on the above, which was received by Natural England on 29 November 2018.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

#### SUMMARY OF NATURAL ENGLAND'S ADVICE FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on the East Devon Pebblebed Heaths SAC and East Devon Heaths SPA. Natural England requires

further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

Revised Habitats Regulations Assessment taking the foul and surface water drainage proposals into account.

Please re-consult Natural England once this information has been obtained. Natural England's advice on other issues is set out below.

We provided detailed advice on these proposals at the outline stage, including the potential impacts on the East Devon AONB and the East Devon Pebbledbed Heaths SAC East Devon Heaths SPA and East Devon Pebbledbed Heaths SSSI as well as referring you to the AONB for their guidance.

We have considered this reserved matters application and are pleased to note that all of the on and off site ecological and landscape mitigation measures in the approved outline application will be delivered at the same time as this first phase of development on the site.

You will need to ensure that the proposed lighting scheme will not increase luminance levels above those experienced on site at present. Ideally, the luminance levels will be reduced. Lighting should also be limited to times when the site is operational.

The drainage strategy notes that surface water will be dealt with via an infiltration system feeding into a soakaway tank in the northern part of the site. However, should the infiltration system be unfeasible, Option B states that surface drainage will be routed to existing drainage across the adjacent road. It appears that this drainage area is outside of the development site and within the designated wildlife sites noted above.

You will need to revise the HRA for this Reserved Matters application given that drainage information was not available at outline. We have concerns about the potential impacts of the surface water and foul drainage proposals in terms of the vulnerability of heathlands to nutrient enrichment and to pollution from fuel and oil leaks from vehicles.

We advise that suitable measures will need to be put in place to avoid any runoff from the site that may enter the SAC/SPA other than clean surface water.

Should the proposal change, please consult us again.

Further comments:

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

These comments relate only to the additional information provided for this reserved matters application.

We note that there will be no provision for HGV parking and/or maintenance facilities and no 'high risk' pollution activities expected to be present on the site. The additional information also notes that the multi-unit commercial development will be leased to various tenants. Our understanding of the situation was that Blackhill Engineering would have exclusive use of the site, therefore conditions may be required to ensure that the above activities do not take place in the future.

## Drainage

The report notes that surface water currently discharges into the Devon Pebblebed Heaths SAC/SSSI and East Devon Heaths SPA and that the discharge has been occurring for circa 30 years. However, the potential risks from discharges from the aggregate processing plant and this new industrial use are likely to be different. In addition, the previous site use was temporary whereas this is permanent.

Natural England are satisfied that the proposed measures for surface water drainage should avoid impacts on the natural environment. We note that the silt traps (catch pit or gully trap) and oil and silt separator units will need to be maintained on an ongoing basis. This maintenance regime should be conditioned along with the provision of the Penstock chamber.

Natural England are satisfied that the foul water drainage system should avoid adverse impacts on the natural environment. Its maintenance should also be conditioned.

## Lighting

The report notes that, prior to decommissioning, the majority of the site was lit by floodlights. This is irrelevant as a comparison as it was expected that the site would be restored to heathland, which would have no lighting.

Natural England acknowledge that impacts on species should be avoided but would expect a Visual Appraisal of the impacts of the lighting proposals on the East Devon AONB, including views from the B3180.

The height of the Trilux lights at 6m seems to be excessive. Placing the lights lower down with the direction pointing down rather than out horizontally would lessen any potential impact. We acknowledge that this development has permanent impacts rather than temporary as was the case previously, so it is important to get these details right.

We note that out of hours the security lights would be controlled by passive infra-red sensors. These should be correctly positioned to avoid unnecessary triggers and triggers from wildlife.

## South West Water

I refer to the above application where additional information has been submitted and would advise that South West Water has no comment.

## EDDC Trees



No objection subject to the following draft condition:

Tree Protection - Approved Tree Protection Plan(TPP) and Arboricultural Method Statement(AMS)

Prior to the commencement of the development hereby approved (including demolition and all preparatory work), the following tree protection measures as identified in the submitted Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) dated 15th day of November 2018 will have been completed:

- a) The tree protection fencing shall be in place and in accordance with the agreed specification.
- b) The installed tree protection will have been inspected by an appropriately experience and qualified Arboricultural Consultant commissioned to act as the project Arboricultural Supervisor.
- c) The findings of the Arboricultural Supervisors initial site inspection shall be forwarded to Local planning Authority prior to the commencement of works on site.

During the development hereby approved, the following tree protections measures identified in the above AMS and TPP will be undertaken:

- d) The AMS and TPP shall be strictly followed.
- e) Ad-hock monthly site inspections shall be undertaken by a suitably qualified tree specialist and the finding recorded in the site monitoring log.
- d) Any departures from the approved TPP and AMS shall be reported to the Local Planning Authority in writing within five working days of the site inspection.
- e) There shall be Arboricultural supervision of the all excavation within the Root Protection Areas (RPA) of tree group number TG02. All works within the RPA of TG02 will be in accordance with AMS 1 and any root pruning that may be required, shall be undertaken in accordance BS 5837:2012 Trees in Relation to Trees in relation to design, demolition and construction - Recommendations Paragraph 7.2.

On completion of the development hereby approved:

- f) A completed site monitoring log shall be submitted to the Planning Authority for approval and final discharge of the tree protection condition.

Reason: 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 2016 and pursuant to section 197 of the Town and Country Planning Act 1990

Informative:

The following British Standards should be referred to:

- a) BS: 3998:2010 Tree work - Recommendations

#### Other Representations

4 representations have been received as a result of this application, 3 of which raise the following concerns:

- Further industrialisation of the countryside
- Is this proposal for Blackhill Engineering?
- AONB
- Not many heathlands left

- No design merit to building

The 1 in support comments as follows

East Devon needs employment of this type. I consider that the site area is already degraded and would not be worth trying to reinstate. The site is sheltered from view and easily accessible for workers and goods. There is a vast and well-managed area of common; this development would not significantly affect it.

## **PLANNING HISTORY**

| <b>Reference</b> | <b>Description</b>  | <b>Decision</b>          | <b>Date</b> |
|------------------|---|--------------------------|-------------|
| 17/3022/MOUT     | Outline application seeking approval of access for construction of up to 3251 sqm (35,000 sq ft) of B2 (general industrial) floor space with access, parking and associated infrastructure (details of appearance, landscaping, scale and layout reserved for future consideration) | Approval with conditions | 13.09.2018  |

## **POLICIES**

### **Adopted East Devon Local Plan 2013-2031 Policies**

Strategy 7 (Development in the Countryside)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

EN22 (Surface Run-Off Implications of New Development)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

TC7 (Adequacy of Road Network and Site Access)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

### **Site Location and Description**

The site forms part of the former Blackhill Quarry, directly adjoining the B3180 and comprises a large area of hardstanding where a number of buildings have recently been removed, these buildings were occupied by the company undertaking aggregate processing. The site of the proposal occupies an area of 1.09 hectares situated in the open countryside between the Pebblebed Heaths and areas of farmland and woodland (plantations). The site lies in the East Devon AONB.

### **Proposed Development**

This application seeks reserved matters permission (seeking approval for matters of appearance, landscaping, layout and scale) for the erection of an industrial building (measuring 38.3 metres in length by 25.6 metres in width by 12.7 metres in height) of 929 square metres, car parking, landscaping, ecological measures and associated development - pursuant to outline approval 17/3022/MOUT.

The application seeks to discharge some of the conditions on the previous Outline consent (such as drainage) to enable the development to proceed and proposes all of the necessary wildlife mitigation as part of this first phase.

The application shows that this is the first of 3 phases of development. The other two phases will need to be the subject of further planning applications.

### **ANALYSIS**

The main considerations in the determination of this application relate to:

- The principle of the proposed development;
- Layout;
- Scale;
- Appearance;
- Layout;
- Landscaping;
- The acceptability of the ecological measures;
- The impact of the proposed drainage works on the surroundings; and
- Appropriate assessment;

### **Principle**

This application is a reserved matters application which should be read in conjunction with outline application 17/3022/MOUT which established the principle of the proposed development as being acceptable, that application remains extant for the purposes of this application.

This included a condition to control the hours of operation as follows:

No machinery shall be operated, no processes carried out and no deliveries accepted or despatched except between the hours of 07.00hrs and 18.00hrs Monday to Friday, or 07.00 and 13.00hrs on Saturdays, and not at all on Sundays or Bank Holidays.

(Reason - To protect the amenities of local residents from noise in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan).

### Layout

The outline permission allowed for up to 3251 square metres of B2 floorspace over the wider application site, this application would be the first phase of development for a building of 929 square metres, accordingly the layout appears disjointed and unplanned at this stage with the building sited centrally within the wider site with 11 parking spaces proposed directly in front of it. It is anticipated, in accordance with the phasing plan submitted (which was a requirement of the outline permission) that further applications would be submitted over the coming years up until 2022 when 4 industrial buildings would be built, the current application site being effectively built around.

The highways officer has requested a cycle/scooter store by condition. This can be conditioned but as the phases of development come forward, this may need relocating.

On its own merits, the proposed layout would be acceptable providing convenient access from the existing access road and dedicated parking to serve the unit.

### Scale

The site lies in the open countryside, designated as an Area of Outstanding Natural Beauty (AONB), and is surrounded on all boundaries by areas of woodland and heathland together with area of restored heathland following the cessation of the quarrying activities. Adjacent to the northern boundary of the site lies the B3180 highway which is set at a lower level than the site.

The previous quarrying equipment and processing infrastructure on site was visible in its surroundings with the tops of the green quarrying equipment and buildings being visible especially when travelling south along the B3180 from Woodbury Common towards Exmouth where the topography descends revealing the site towards the bottom of the valley. The height of the building would be 12.7 metres, this would mean it would be 4 metres higher than the existing northernmost building on site (this building is not readily visible in the surroundings), but 4 metres lower than the previous 'hopper' and 6.5 metres lower than the previous main processing building which were both visible in the surroundings. There is good existing tree screening such that it was only the uppermost extent of the infrastructure that was visible, the Blackhill Engineering buildings, which are set at a higher level are also visible from this viewpoint. At closer quarters views from the public highway are well screened, although views from the network of public footpaths which cross the commons are possible.

A Landscape and Visual Impact Assessment (LVIA) was submitted as part of the outline application which assessed the impact the proposed buildings would have from various receptor points (much along the lines a discussed above but also wider viewpoints where there would be very limited views). It concludes that the proposals constitute a small component within the wider landscape character area and would have a minor beneficial effect upon the landscape through the reduction in the scale and visibility of the site when compared to the existing structures on the site.

Measures to retain, manage and enhance the mature tree structure enclosing the site would assist in screening the existing engineering works and any new proposals, it is considered that the scale of the proposed development would assimilate well into its surroundings, given the restricted heights of the building protection of the existing mature trees and screening.

### Appearance

The building has been designed to be constructed of juniper green wall cladding under a merlin grey roof (this was amended from a lighter grey in accordance with comments from the Landscape Officer) with translucent sky lights, with roller shutter and personnel access doors on the front elevation and a further personnel door on the rear elevation; the office area would be served by aluminium framed windows. The existing Blackhill Engineering buildings on site are constructed of similar materials and would remain more visible than the proposed building, as such it is considered that the appearance of the building would be acceptable and assimilate well into its surroundings.

### Landscaping

As previously mentioned the building subject of this application is planned, in the longer term, to be joined on both sides by other buildings to serve the existing building, as such specific landscaping in its immediate vicinity would not be functionally appropriate. The existing boundaries of the site are well landscaped with mature trees, hedgerows and shrubs, it is proposed to plant alongside the existing perimeter planting with native species to benefit dormice connectivity and improve visual screening.

The Council's Landscape Officer has considered the proposal and considers the proposal acceptable subject to some minor modifications over the timing for replacement trees should the newly planted trees fail as the plan states 2 years, however, condition 10 of the outline permission already imposes a duty on the land owner to replace any dead or dying species for a period of up to 5 years. Other comments from the Landscape Officer have been addressed in the amended plans received.

Tree protection measures have also been provided which the tree officer considers are acceptable subject to an appropriately worded condition for their implementation.

### Lighting

It was a requirement of the outline application through condition 8 for a lighting scheme to be submitted as part of any reserved matters submission. This application contains such a scheme.

Concerns were initially raised by Natural England regarding the impact of the proposed lighting on the adjacent habitats and to address this amended plans have been submitted. The mounting height of the TRILUX lighting has been reduced from 6m to 5m, which is the operational limits for BHE to maintain a safe working area during dark hours (winter months). The Council's Environmental Health Officer has raised no objections to the proposed lighting scheme, the amended scheme is therefore considered to be acceptable in relation to Policy EN14 of the EDDC Local Plan.

A further condition controlling the lighting hours is however recommended.

### Ecological measures

The proposed location of the development would be within, adjacent to, or in close proximity to the following sites:

- o Pebblebed Heaths (SSSI, SAC, SPA)
- o East Devon AONB

As part of the outline permission, an Appropriate Assessment was adopted which concluded that the proposal has the potential to impact on the protected sites, but on the basis of the mitigation measures listed below, the proposal was considered acceptable not having significant impacts:

- o Creation of 2.26 hectares of compensatory heathland on a site to the south of the proposal site;
- o Construction of a bat hibernaculum within the footprint of Blackhill Quarry to help expand and maintain the local populations of greater and lesser horseshoe bats;
- o Erection of bat boxes on retained trees around the site;
- o Provision of great crested newt hibernacula within the restored heathland; and
- o Provision of native shrub planting around the perimeter of the site to improve connectivity for dormice.

The compensatory heathland element of the work would be carried out in the winter of 2018/2019 by felling trees and leaving all tree stumps in the ground which are expected to rot away naturally within 5 years, followed by clearance of brash and brambles and fertile soils. At this point in time a great crested newt pond would be created. Following the felling no further work would be undertaken during 2019 as there is evidence that heather and gorse are still present within the soil and these are likely to re-germinate with increased light levels. Should this process fail the site would be re-seeded in 2019/2020 and further monitoring would take place. After five to ten years of establishment the site would be included within the Pebblebed Heaths SPA management plan.

Excavated material from the pond along with logs and brash from the tree felling would be used to create a great crested newt hibernacula close to the pond

There is an existing concrete structure in the northern part of the site adjacent to the tree belt that would be converted and a roof added to provide both bat hibernation and breeding potential for horseshoe and other bat species. The design includes a partially buried ground floor with roosting chambers suitable for hibernation, along with a slate roof over a loft space to provide warmer conditions for potential breeding. Free flight access for horseshoe bats would be provided through a north facing non-opening door, which would open onto retained woodland, providing an immediate habitat connectivity for bats to locate the roost. Bat slates would also be provided to allow crevice dwelling bat species access to the void between slates and felt. An extended roof overhang on the north elevation would provide potential night/feeding roost opportunities for bats.

Ten bat boxes would be fixed to retained trees around the site towards its eastern frontage with the main highway. These would consist of 3 no. Schwegler 1FF boxes and 7no. timber wedge boxes.

A mix of tree and shrub species of benefit to dormice would be planted around the site, within retained woodland in order to both screen the site and provide a denser and more diverse understorey vegetation providing additional food sources and nesting habitat for dormice.

Accordingly, it is considered that the proposed mitigation measures are acceptable to provide sufficient habitat features in lieu of returning the application site to heathland.

### Drainage

#### Surface water:

The detail of the surface water strategy is discussed in length in the Appropriate Assessment section of this report below and so will not be rehearsed again here. However, it is important to note the observations of the Local Lead Flood Authority (Devon County Council) who have no objections in principle subject to groundwater monitoring to determine if there is a sufficient 1 metre depth between top groundwater level and invert level of soakaway. If this monitoring indicates high groundwater which would preclude the use of infiltration based strategy then the applicant has put forward a feasible attenuation based alternative strategy. They recommend a suitably worded condition for monitoring to take place.

#### Foul water:

Foul flows will be managed by a dedicated drainage system to ensure that untreated effluent is not discharged to the environment. The 'new build' nature of this site will help ensure that the risk of incorrect connections to drainage systems are minimised.

Foul flows generated onsite will be passed through a new Treatment Plant which will treat the Foul water flows in line with the latest industry guidance and standards, these have been developed in line with EA requirements for treatment of domestic foul flows.

The treated effluent from this unit will be discharged to the existing foul discharge point, a pumping chamber which lifts the treated effluent generated onsite (both

current and proposed), for (assumed) discharge to ground (as opposed to surface water). The necessary permits will be secured to accompany the new discharge. This discharge location is different from that proposed for surface water.

To ensure the ongoing performance of this Treatment Facility it will be maintained in line with manufacturers recommendations and only receive flows for which it has been designed, both in terms of quantity and content. The maintenance interval will be reviewed based upon experience gained onsite and more frequent maintenance implemented as necessary.

This methodology is considered acceptable in relation to Policy EN19 of the EDDC Local Plan.

### Appropriate Assessment

The outline application, which was considered by Members at the Development Management Committee on 4th September 2018, was subject to an Appropriate Assessment due to the location of the proposed development being adjacent to the Pebblebed Heaths SAC and within the East Devon AONB and due to the nature of the proposed development having the potential to be impact upon the aforementioned protected areas.

The Appropriate Assessment was adopted by Members at the same Committee meeting. However, as the reserved matters submission includes drainage works that were not specifically considered as part of that appropriate assessment it is necessary to now consider whether the proposed drainage works are likely to have significant effects on the protected areas. A new Appropriate Assessment is attached to this report.

The proposed development has been designed to have a bespoke drainage solution, however, due to uncertainty at this point in time over the likely maximum groundwater level underlying the site two options for surface water drainage have been proposed; the preferred option A makes use of infiltration from the proposed storage feature in the north east of the site to discharge surface water flows from the site to ground, with flows in excess of the 1 in 30 year storm event overflowing to the watercourse to the north of the adjacent road (at a controlled rate mimicking Greenfield), the alternative option B attenuates all flows in the storage feature (without infiltration) prior to discharge at controlled rates to the adjacent watercourse.

The following methodology for surface water has been provided:

1. Channel and Gully Gratings - Where rainfall falls on surfaces it will be collected by a series of drainage channels and gullies. These features will be provided with gratings to help ensure that no large items of waste - Cans, Bags, Leaves etc. - can enter the drainage system. This effort will also be supported by the Maintenance and Management actions onsite which will include regular litter picking.
2. Deep Trapped Gullies and Catchpit Manholes - Where flows are collected by the surface drainage system or directly from roof water they will pass through at least one silt trap in the form of a Catchpit or Gully Trap. These features allow for the retention



of silts (and other dense waste) by providing a space below the outgoing pipework for them to be removed from the flow by gravity and collect. These items will need to be maintained on a schedule determined by typical site silt loadings; given the new build nature of the site these are expected to be low. Regular maintenance will also be performed on the drainage channels to ensure these do not become filled with silt.

3. Oil Separator Unit- All surface water flows will be passed through an Oil and Silt Separator unit to remove smaller silts not removed by the Silt Trap features and floating Oil/Hydrocarbons included with the flow. These units typically have an inbuilt dedicated storage provision for the removed silts and oils and a high level alarm (typically a visible beacon, but could be upgraded to include an audible signal) for when these are at capacity. Regular maintenance will also be performed based upon manufacturer recommendations and site experience. A Class 1 unit has been selected based upon the industry standard PPG3 (Pollution Prevention Guidance) published by the Environment Agency. Where flows are discharged to surface water (or the 'water environment') the guidance recommends the use of a Class 1 unit (as opposed to a Class 2 unit) as this offers a higher standard of Oil removal. Given the low risk of activities on the proposed site with regards to potential for Oil spillage the Oil Separator has been currently specified as a 'Bypass' version of the Unit as recommended by the Guidance. The Unit proposed has been sized based upon the Manufacturers recommendations - it is a suitable size to provide the water quality protection based upon the drained area.

4. Penstock - Given the potential sensitivity of the receiving watercourse a Penstock chamber will be provided to enable the flows from the site to be isolated from the wider water environment during an emergency situation - i.e. a major fire. The penstock is a valve which can be operated to prevent flows leaving the site via the normal discharge route, instead promoting storage onsite on any potential unusual contaminants - i.e. fire water/ foam.

Accordingly, it is considered that the flows from the site would be similar to or less than those flows that were occurring when the site was in operation as a quarry, however, the quality of the water that would enter the ditches/gullies in the protected areas would be significantly improved and therefore the likely significant impacts on the flora and fauna of the area(s) would be greatly improved as a result of this application. The Appropriate Assessment adopted at the outline stage has been updated taking into account the drainage methods proposed and the impacts on flora and fauna considered.

Whilst the Local Planning Authority are the 'competent authority' when adopting an Appropriate Assessment, for major developments it is considered necessary to consult with Natural England for a period of 21 days to gain the views on the assessment. In this instance Natural England have been consulted upon the content of the planning application (and subsequent amended plans) and appropriate assessment. They have made comment on the planning application but not raised any objections. However, they consider the content of the Appropriate Assessment (and that adopted at the outline stage) to be incorrect in terms of how mitigation measures have been considered - the replacement habitat and incomplete in terms of the impact of the drainage works on specific features of the protected areas. The impact on specific features has been updated and a more conclusive assessment has been undertaken,

the remainder of the document remains unchanged from that adopted at the outline stage.

## **CONCLUSION**

The principle of B2 industrial development for use by Blackhill Engineering has previously been accepted under application 17/3022/MOUT. This application seeks Reserved Matters consent for phase 1 comprising a single large industrial building and including details of drainage and the full mitigation secured as part of the outline consent given the location of the site within the open countryside, AONB and lying adjacent to the Pebblebed Heaths SAC.

The proposed building would be the first in a phased development of the site, it would be of a suitable scale taking into account the limitations imposed at the outline stage in terms of height such that a building finished in green cladding under a dark grey roof would assimilate well into its surroundings. The layout of the site responds well to its constraints and is clearly part of a planned phased development.

The application also includes details of the ecological mitigation measures secured at the outline stage to provide heathland habitat off site, together with a new bat hibernacula, great crested newt hibernacula, bat boxes and enhanced landscaping to encourage connectivity of habitats for bats and dormice.

An updated Appropriate Assessment taking into account the proposed drainage of the site has been carried out concluding that the proposed mitigation would ensure no likely significant impacts on the designated areas.

The proposal, in terms of scale, layout, appearance, landscaping and drainage is considered to be acceptable not impacting unreasonably on its surroundings, together with the mitigation measures required by the outline permission.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. East Devon District Council as Local Planning Authority HEREBY APPROVE THE FOLLOWING RESERVED MATTERS in respect of Phase 1 of the above described development proposed in the application numbered as shown above and in the plans and drawings attached thereto, copies of which are attached to this notice relating to:-
  - (a) Appearance
  - (b) Landscaping
  - (c) Layout
  - (d) Scale

This Reserved Matters application numbered as shown above is made pursuant to the Outline Planning Permission (ref. No. 17/3022/MOUT) granted on 13 September 2018

The following reserved matters in respect of the current phase of development have yet to be approved:

None

The following Conditions attached to the Outline Planning Permission (ref 17/3022/MOUT) referred to above and which relate to the part of the site covered by this reserved matters application are hereby discharged, have previously been discharged or remain to be complied with onsite but without the need for the submission of details or separate agreement:

- 1- Timescale for submission
- 2 - Reserved matters
- 3 - Use
- 4 - Habitat mitigation measures
- 5 - Phasing plan
- 8 - Lighting scheme
- 10 - Landscaping scheme
- 11 - Landscape management plan
- 12 - Arboricultural Method Statement
- 13 - Building heights
- 14 - Drainage design
- 15 - Hours of use

The following Conditions attached to the Outline Planning Permission referred to above remain to be complied with where details are required to be submitted prior to the commencement of development in so far as they relate to the site covered by application 18/2649/MRES:

- 6 - Contaminated land
- 7 - Construction and Environment Management Plan
- 9 - Construction Management Plan
- 16 - Decommissioning Method Statement

The following additional conditions are attached to this reserved matters approval.

2. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), the following tree protection measures as identified in the submitted Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) dated 15th day of November 2018 will have been completed:
  - a) The tree protection fencing shall be in place and in accordance with the agreed specification.
  - b) The installed tree protection will have been inspected by an appropriately experience and qualified Arboricultural Consultant commissioned to act as the project Arboricultural Supervisor.

c) The findings of the Arboricultural Supervisors initial site inspection shall be forwarded to Local planning Authority prior to the commencement of works on site.

During the development hereby approved, the following tree protections measures identified in the above AMS and TPP will be undertaken:

d) The AMS and TPP shall be strictly followed.

e) Ad-hock monthly site inspections shall be undertaken by a suitably qualified tree specialist and the finding recorded in the site monitoring log.

d) Any departures from the approved TPP and AMS shall be reported to the Local Planning Authority in writing within five working days of the site inspection.

e) There shall be Arboricultural supervision of the all excavation within the Root Protection Areas (RPA) of tree group number TG02. All works within the RPA of TG02 will be in accordance with AMS 1 and any root pruning that may be required, shall be undertaken in accordance BS 5837:2012 Trees in Relation to Trees in relation to design, demolition and construction - Recommendations Paragraph 7.2.

On completion of the development hereby approved:

f) A completed site monitoring log shall be submitted to the Planning Authority for approval and final discharge of the tree protection condition.

Reason: 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 2016 and pursuant to section 197 of the Town and Country Planning Act 1990

3. No part of the development hereby permitted shall be commenced until the full results of a groundwater monitoring programme, 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 monitoring should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason: This information is required prior to the commencement of any works as it could affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place, to ensure that the use of infiltration devices on the site is an appropriate means of surface water drainage management.

4. 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.)
5. The building hereby approved shall not be used until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

(Reason: To promote sustainable travel in accordance with the East Devon Local Plan 2013-2030.

6. No lighting inside or outside of the building hereby approved shall be operated except between the hours of 06:30 and 18:30 hrs Monday to Friday, or 06:30 and 13:30 on Saturdays and not at all on Sundays or Bank Holidays.  
(Reason - To protect the amenities of local residents from noise in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan).

## 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 to ensure that all relevant planning concerns have been appropriately resolved.

### Plans relating to this application:

|   |                            |          |
|---|----------------------------|----------|
| 17148 L94.01<br>Rev P2  | Landscaping                | 19.02.19 |
| 3666.P.AE.001<br>Rev B  | Proposed Elevation         | 19.02.19 |
| 3666.P.AL.002<br>Rev B<br>Ground/Roof                               | Proposed Floor Plans       | 19.02.19 |
| 3666.P.AL.003<br>Rev B  | Proposed Site Plan         | 19.02.19 |
| 3666.P.AL.007<br>Rev A Phasing<br>plan                              | Other Plans                | 19.02.19 |
| 3666.P.SLP.001  | Location Plan              | 22.11.18 |
| P_01 REV P2 :<br>GENERAL<br>ARRANGEMENT<br>AND VISIBILITY<br>SPLAYS | Other Plans                | 22.11.18 |
| 3666.P.AE.002<br>REV A :<br>PROPOSED                                | Proposed Combined<br>Plans | 29.11.18 |

HIBERNACULU  
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|   |                                   |          |
|---|-----------------------------------|----------|
| 3666.P.AX.001 :<br>UNIT A<br>(PROPOSED) | Sections                          | 22.11.18 |
| 3666.P.AX.002 :<br>EXISTING             | Sections                          | 22.11.18 |
| 04986-TPP<br>15.11.18                   | Tree Protection Plan              | 22.11.18 |
| WE04696<br>SK100P2                      | Proposed Surface<br>Water Quality | 19.02.19 |
| WE04696<br>SK101P2                      | Typical Drainage                  | 19.02.19 |

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:                              | 17/3022/MOUT – Blackhill Quarry, Woodbury  |
| Brief description of proposal: (Bullet point list of key proposals) | <ul style="list-style-type: none"> <li>Outline application seeking approval of access for construction of up to 3251 sqm (35,000 sq ft) of B2 (general industrial) floor space with access, parking and associated infrastructure (details of appearance, landscaping, scale and layout reserved for future consideration).</li> </ul> |
| 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)?**

| <b>Sensitive interest feature</b> | <b>Potential hazard</b>  | <b>Outline exposure to hazard and likely impact if known</b>   |
|-----------------------------------|--|--|
| SPA habitat                       | Loss of habitat as a result of the development.<br>Disturbance from the development operations (noise, fumes, traffic and people using the heaths) including construction impacts. | The proposal will result in the loss of 1.09ha of land that is to be remediated back to open land support the heathlands following the closure of the quarrying activities.<br><br>The development would result in the 1.09ha not being returned to heathland supporting the Pebblebed Heaths.<br><br>The development will also result in traffic disturbance and employment/industrial activity immediately adjacent to the heaths. This could result in general noise and disturbance as well as pressure from staff and visitors using the adjacent heathland at break times. The site would also drain into part of the heathland habitat causing nitrates to enrich the soil. |
| SPA habitats & communities        | Physical damage to SPA habitats/ communities   | Loss of 1.09ha of land that was to be remediated back to open land supporting the heathlands.<br><br>Some localised physical damage to habitats, substrates, and invertebrate communities could be caused from the construction process and additional use of the heathlands.  |

**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.**

Each new dwelling granted within 10k of the Pebblebed Heaths is required to provide a financial contribution that goes towards mitigating the impact from additional residential development.

The mitigation is overseen by a joint Committee of members from East Devon District Council, Teignbridge District Council and Exeter City Council. The Committee jointly administers the impact upon the European Sites and co-ordinates the mitigation.

There are no others 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.**

Whilst the proposed buildings and associated uses could have significant direct/ indirect impacts upon the aforementioned sites, the application puts forward a number of mitigation measures to reduce the overall impact, these are as follows:

- o Creation of 2.8 hectares of compensatory heathland on a site to the south of the proposal site;
- o Construction of a bat hibernaculum within the footprint of Blackhill Quarry to help expand and maintain the local populations of greater and lesser horseshoe bats;
- o Erection of bat boxes on retained trees around the site;
- o Provision of great crested newt hibernacula within the restored heathland; and
- o Provision of native shrub planting around the perimeter of the site to improve connectivity for dormice.

These mitigation measures are comprehensive and have been well conceived to take account of the likely significant impacts that the proposed development could have on an area that was envisaged to be remediated and returned to heathland, albeit that it would still need to provide some form of access to the existing business.

However, it is also recognised that some of these measures (should planning permission be granted) would need to take place in any event such as the alternative bat habitat provision.

The area proposed to be created as additional heathland habitat is currently plantation woodland which would be lost to create the new habitat, Whilst this has its own habitats and eco-systems within it, there is no reason to suggest that this plantation would be retained, certainly there is no planning legislation that would prevent these trees being felled and the habitat lost. A heathland habitat, which could be secured through a condition with appropriate management responsibilities, would remain under planning control and the area proposed more than mitigates for the site area to be lost. In addition, although the application site could be returned to managed heathland habitat, it would have the access to Blackhill Engineering running through it and as such provision elsewhere without the access would be of increased benefit.

The relevant conditions would need to secure a landscape management plan for the 2.8ha of compensatory heathland including its long-term management, maintenance schedules and landscaping. This will need to be provided with any reserve matters application.

There is also a need for a Construction and Environmental Management Plan, and Construction Management Plan, to be submitted and approved before development commences to control construction routes, constructions hours, noise and dust.

The proposed drainage of both surface and foul water (either through option A – controlled on site, or option B – discharged in an uncontaminated state to an existing ditch) would result in an improvement of discharged water quality compared with when Aggregate Industries was operating a processing plant from the site. Both discharged surface water and treated foul water will be to the latest industry guidance standards under which flows are considered to be uncontaminated.

Finally, there is a need for the reserve matters application to provide details of the provision and long-term management of the bat hibernacula, great crested newt hibernacula and management of the dormouse habitat.

|                                   |  |
|-----------------------------------|--|
| <b>Natural England's Response</b> |  |
|-----------------------------------|--|

|  |     |
|--|-----|
| <b>Are the proposed measures sufficient?</b> | Yes |
|--|-----|

## Part C: Conclusion

|  |  |
|--|--|
| <b>12. Conclusion:<br/>Is the proposal likely to have a significant effect 'alone' or 'in combination' on a European site?</b> | No likely significant effect subject to the mitigation being secured and provided. |
|--|--|