

PLANNING COMMITTEE UPDATE SHEET

COMMITTEE DATE: 6 September 2023

APPLICATION NO.	TEAM LEADER	ITEM NO.	PAGE NOS.
22/00774/FULMAJ	Karl Glover	05	87-124

ADDITIONAL CONSULTEE RESPONSES RECEIVED

GREATER MANCHESTER ECOLOGY UNIT (GMEU)

Since the publication of the committee agenda a further response has been received by GMEU confirming that there are no objections to the submitted badger survey. Whilst no badgers have been found, the mitigation measures in the survey should be secured by condition.

Officer response: *The applicant has submitted a Badger Survey which has been considered by GMEU. The survey has found no evidence of badgers on the site. However two mammal holes were found and whilst considered to have been created by foxes and rabbits these could have the potential for use by badgers. GMEU have no objections to the badger survey subject to the mitigation measures in the survey being secured by condition. A separate condition has been suggested to secure these mitigation measures. Subject to these conditions it is considered the proposal would comply with Policy CDMP4 of the Adopted Local Plan and the requirements of the NPPF.*

ADDITIONAL PLANS RECEIVED

Additional plans have been received. These have been received following a request from the case officer for clearer plans to identify the 'main building' and 'other buildings' as defined in condition nos. 25 and 26. These conditions seek to control the use of the buildings. The plans do not change any part of the proposals and are purely to be used to help simplify conditions 25 and 26.

AMENDMENT TO CONDITIONS (AMENDMENTS IN BOLD AND ITALICS)

In light of the above the following conditions have been updated accordingly as follows:

Condition 14: CEMP Biodiversity

Prior to the commencement of development, including ground works or vegetation clearance, a Construction Environmental Management Plan (CEMP) for Biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The CEMP Biodiversity shall include and specify the provision to be made for the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including the erection of appropriate visual screening at the

north east part of the development and strategic tree planting to screen the functionally-linked land from the development.

- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Details of timings for piling works to avoid the wintering bird season (September to March inclusive) and the monitoring of breeding terns which are qualifying species of Morecambe Bay SPA whilst the piling works are taking place.
- j) Precautionary mitigation measures for species (such as fox **and badgers**)
- k) Measures to translocate northern march orchids

The development shall be implemented in full accordance with the approved CEMP Biodiversity.

Reason: Such details were not submitted with the application and need to be in place throughout the construction period in the interests of ecology and biodiversity in accordance with Policy CDMP4 of the Wyre Local Plan (2011-31).

Condition 25: Use of Buildings

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order with or without modification) or Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) the entire rectangular three storey production and warehouse **building and its attached services building all as shown in orange on plans 2050-GTA-XX-XX-DR-A-1044 received 4th September 2023, 2050-GTA-XX-XX-DR-A-1045 received 1st September 2023, and 2050-GTA-XX-XX-DR-A-1046 received 1st September 2023** (referred to in this condition and condition 26 below as "Main Building") shall be used for the purposes of classes B2 (general industrial) and B8 (storage and distribution) only and for no other purpose or purposes whatsoever without prior express permission from the Local Planning Authority. No mezzanine floor shall be installed in any part of the Main Building without prior express planning permission from the local planning authority.

Reason: The use of the Main Building for any other purpose, including offices, would require further consideration by the Local Planning Authority in accordance with Policies SP1, SP2, EP2, EP4, EP5, SA3/1, CDMP3 and CDMP6 the Wyre Local Plan (2011-31).

Condition 26: Other uses

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking and re-enacting that Order with or without modification) or Town and Country Planning (General Permitted

Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) Other Buildings hereby permitted and all open land within the site shall be used only for purposes which are ancillary to the use of the Main Building hereby permitted for the purposes of classes B2 (general industrial) and B8 (storage and distribution) and for no other purpose whatsoever without prior express planning permission from the local planning authority, and no part of the Other Buildings and no open land within the red edge of the application site shall be used as separate unit without prior express planning permission from the local planning authority.

- For the avoidance of doubt in this condition "Other Buildings" means all other buildings hereby permitted within the red edged site other than the Main Building, being the security lodge/gatehouse, link area and the office block containing staff facilities as within the red edge as are shown shaded yellow on the following plans

- 2050-GTA-XX-XX-DR-A-1001 Revision A Site Location Plan
- **2050-GTA-XX-XX-DR-A-1044 received 4th September 2023**
- **2050-GTA-XX-XX-DR-A-1045 received 1st September 2023**
- **2050-GTA-XX-XX-DR-A-1046 received 1st September 2023**

Reason: For the avoidance of doubt, to prevent the over-development of the site, and as other such uses would require further consideration by the Local Planning Authority in accordance with SP1, SP2, EP2, EP4, EP5, Policies SA3/1, CDMP3 and CDMP6 of the Wyre Local Plan (2011-31).

ADDITIONAL CONDITION

In light of the above response from GMEU the following condition has been added as follows:

Condition 28 – In accordance with badger survey

28. The development hereby approved shall be implemented in full accordance with the recommendations and mitigation measures (pre-commencement check) set out in section 5.2 of the Badger Survey by Appletons dated November 2021.

For the avoidance of doubt should evidence of badgers be found on or within 30m of the application site during this pre-commencement check a Badger Protection Strategy shall be produced and submitted to and agreed in writing by the Local Planning Authority.

Reason: For the protection of badgers, to ensure a pre-commencement check for badgers at the appropriate time, and to ensure compliance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011-31) and section 15 of the National Planning Policy Framework.