

Development Control Committee Update – 4th March 2020

Item 6 Application LCC/2020/0007 – Simonswood Industrial Estate

Consultations

Network Rail – raise a holding objection as they consider that the submitted plans show that the stockpiles will be significantly closer to the railway line than the stockpiles on the applicant's current site. The proposals are likely to have an adverse impact on Network Rail property and may lead to flooding of the railway.

Network Rail therefore request a number of conditions in order to identify the boundary of the railway and protect their assets including the erection of a 1.8 m high fence along the railway boundary in order to prevent trespass onto their land and to prevent drainage from the site causing flooding of the railway.

Advice: The comments of Network Rail are noted. However, there is already an earth bund approximately 5 metres high between the site and the railway which would be retained and the proposal should therefore not increase any run off towards railway land. Provided that a condition is imposed to ensure the retention of the existing bund it is considered that the development would not have any unacceptable drainage impacts on the railway. Condition 6 should also be noted, the purpose of which is to ensure that the stockpiles are properly contained on their southern side to ensure that there is no danger of any material spilling on the railway land.

A further condition is proposed to require the retention of the existing bund.

12. The existing bund along the southern boundary of the site shall be retained in its current dimensions throughout the duration of the development. There shall be no drainage through the bund onto the railway to the south.

Reason: In the interest of the safety of the railway and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Item 7 Application - LCC/2019/0070 - Northcliffe

Representations

Additional representation from a resident living on Blackburn Old Road raising the following matters:

- The application should be adjourned as the consultation with residents has been inadequate and the residents are still waiting for a response to a Freedom of Information request that they have made.
- There are a number of inconsistencies and omissions in the planning application as pointed out in the response from LCC Landscape. These omissions make it difficult for local residents to comment on the application.
- The response from the LCC Ecologist makes clear that the application should not be determined at the present time as a licence should first be obtained from

Natural England and the building should be repositioned to comply with NPPF and the NERC Act in relation to safeguarding trees.

- Building cannot commence between March and the end of July due to the need to protect nesting birds.

Advice

Consultation on the planning application has been undertaken in accordance with statutory provisions and as you will note from the report, many representations have been received

There were some issues in the application relating to the trees to be removed, impact of the fencing and design of the lighting. These have been raised with the applicant and amended drawings submitted.

The issues in relation to bats are covered on page 38 of the report. Fundamentally, a licence does not need to be obtained before granting planning permission. The requirement is that the tests in the Habitats Regulations relating to protected species are satisfied and these are dealt with on page 38 of the report. In relation to trees, only one of the trees on the eastern boundary now requires removal – see condition 8.

The seasonal restriction in relation to breeding birds is noted. However, that does not prevent the planning application from being determined