

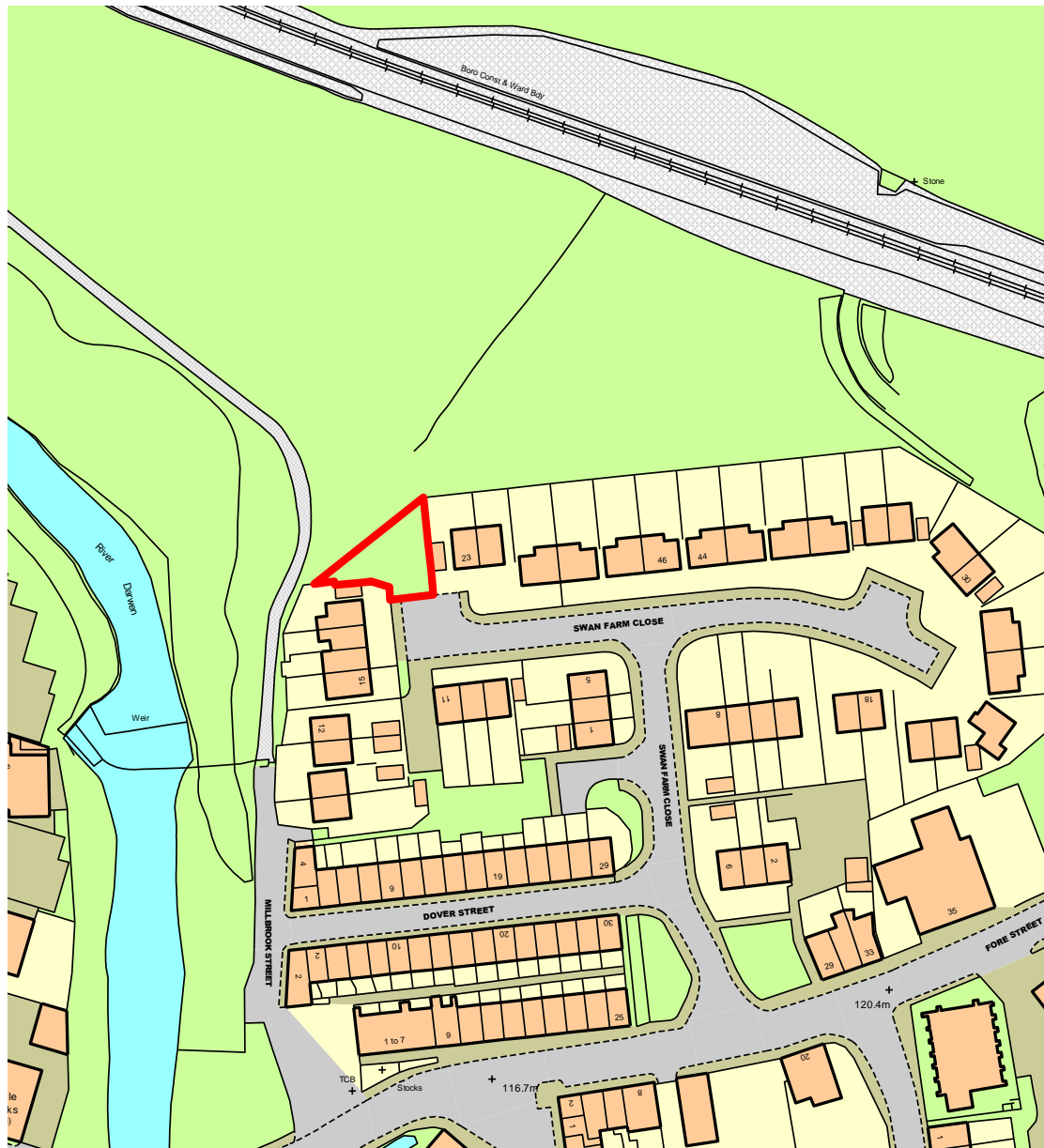
Proposed development: Outline Planning Application for Proposed construction of 1 no. detached dwelling.

Site address: Land between 21 & 23 Swan Farm Close , Lower Darwen , BB3 0QU

Applicant: Mr Joe Cooney

Ward: Fernhurst

Councillor Jacqueline Slater	
Councillor John Slater	
Councillor Denise Gee	



1.0 SUMMARY OF RECOMMENDATION

1.1 Approve, subject to:

(i) an agreement under S106 of the Town & Country Planning Act 1990, relating to financial contribution toward the provision of affordable housing in the borough and enhancement of existing or new provision of public open space in the locality, or,

(ii) agreement is reached on any viability appraisal to show the development could not occur if the commuted sum payment is made.

And conditions referred to in Section 4 of this report.

2.0 KEY ISSUES

2.1 The outline nature of the application dictates that only the principle of residential development on the site is to be assessed, and that detail relating to access, appearance, landscaping, layout and scale is assessed by submission of a subsequent reserved matters application.

2.2 The proposal supports the Borough's overall planning strategy of housing growth as set out in the Core Strategy and Local Plan Part 2 and the site is considered to have limited value as a formal open space, making little contribution to the function of the larger open space allocation. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

The site is a triangular plot of land sited between existing housing situated to the cul de sac head of Swan Farm Close. The site is now in an open and vacant state with a slight upward gradient to the north, evidence of vegetation clearance including trees and bushes is apparent. An informal footpath crosses the site to a gate linking to the main footpath system through the Lower Darwen Parkway public open space.

3.2 The site is located within a predominantly residential area, with housing located to the immediate south and eastern boundaries. The northern boundary of the site is shared with open space populated by trees.

3.3 Proposed Development

Outline Planning consent (all matters reserved) is sought for construction of a detached dwelling on the site. An indicative layout has been provided illustrating access and siting of the dwelling on site, as well as relocation of the informal footpath adjacent to the boundary of the site with 1 Swan Farm Close.

3.4 Development Plan

(i) The following policies of the Local Plan are of relevance:

Core Strategy (January 2011):

CS1 A Targeted Growth Strategy

CS5 Locations for New Housing

CS7 Types of Housing

CS8 Affordable Housing

CS15 Ecological Assets

CS16 Form and Design of New Development

CS22 Accessibility Strategy

(ii) Local Plan Part 2 (December 2015):

1 The Urban Boundary

8 Development and People

9 development and the Environment

10 Accessibility and Transport

11 Design

12 Developer Contributions

18 Housing Mix

3.5 Other Material Considerations

Residential Design Guide Supplementary Planning Document.

Green Infrastructure Supplementary Planning Document.

National Planning Policy Framework

3.6 Assessment

3.7 With regards to the principle of re-development of the application site, the site is located within the urban area of Blackburn and is allocated in the Local Plan Part 2 (LPP2) as Green Infrastructure. Policy 9 of the Local Plan Part 2 recognises the importance of the Boroughs natural resources aiming to ensure the relationship between new development and the environment is managed effectively. Importantly Policy 9 seeks to restrict development of such sites, unless the development can be accommodated without the loss of the function of the open space.

3.8 The application site is owned by the applicant, on the periphery of and physically separated from the larger green space allocation (River Darwen Parkway) by a fence. The site is overgrown, not maintained and trees have been felled. The principal greenspace function of the site serves as an informal route to the River Darwen Parkway. Submitted amendment makes provision for a footpath link within the scheme, maintaining the sites access function. It is considered that the site has limited value as a formal open space and makes little contribution to the function of the larger open space allocation. On this basis re-development of the site is supported, in accordance with Policy 9.

- 3.9 With regards to the principle of residential development, the site is located within the urban area of Blackburn to where the location of new residential development is encouraged by Policies CS1 and CS5 of the Core Strategy and 1 of the LPP2. Members should note that whilst CS5 encourages residential development to the inner urban area, due to viability problems of these sites, the Council is actively encouraging residential development in the urban area generally. The dwelling is indicated to be a detached 4 bedroom property and is a typology of housing encouraged by Policies CS7 and 18, helping to widen the choice of house types in the Borough. Furthermore, the site has good transportation links, being close to main road links to the Blackburn/Darwen Town Centre, bus and rail linkages and the motorway network and is therefore considered to be highly accessible. On this basis the principle of housing on the site is supported.
- 3.10 Policies CS8 and 12 require new housing development to contribute toward affordable housing and public open space, including new provision or enhancement of existing open spaces. The contribution amount for a single dwelling is £1500, required by signing of a Section 106 Legal Agreement. The applicant has provided a Heads of Terms document confirming acceptance to the contribution.
- 3.11 Policies CS16 and 11 require high standards of design which demonstrate an understanding of the wider context and make a positive contribution to the local area. The SPD provides further design guidance.
- 3.12 The character of neighbouring properties is defined by 2 storey development, with dual pitch roof and red brick/ grey tile construction. Properties are set back from the road by front garden areas and front boundaries are a mix of open plan or low level walling. Whilst design is not to be assessed through this proposal, it is expected that any subsequent planning application demonstrate that the visual appearance of the dwelling is in-keeping with this character. This will be assessed on submission of the reserved matters application. Control of construction materials is suggested by condition.
- 3.13 The overgrown/ unkempt appearance of the site currently detracts from the surrounding area, and is of particular concern bearing in mind the proximity of the Darwen Parkway public footpath. Construction of the proposal would therefore contribute toward regeneration and enhancement of the area.
- 3.14 Policy 10 supports residential development which provides for appropriate access and car parking arrangements. 2-3 bedroom dwellings should provide 2 on site parking spaces, 4+ bedroom dwellings 3 on site spaces.
- 3.15 Existing dwellings on Swan Farm Close have off street car parking through driveway provision; however a number situated around the cul

de sac head are terrace properties, reliant on the street for parking. Concern has been raised by residents to the impact this development will have upon on street parking, by way of blocking access to the new dwelling, or alternatively, reducing on street provision and highway safety.

- 3.16 Since floor plans of the dwelling have not been provided it is impossible to ascertain parking requirements of the development. Notwithstanding this, the development should provide for the required parking standards within curtilage so as not to displace parking to the street and compromise existing on street provision for residents. Vehicular access to the site is shown from Swan Farm Close and is supported by the Highway officer. Car parking and access arrangements will be assessed on submission of the reserved matters application.
- 3.17 The highway land to the development frontage should be kept free from obstruction, so as not to obstruct access for residents to 21 Swan Farm Close. The development would not therefore result in the removal of on street car parking, nor would it increase the potential of on street parking since provision should be made within the development for parking. The number of vehicles generated by the development would be low and the surrounding road network is considered to be able to accommodate this minor development without detriment to highway safety. The Highways Officers comment is restricted due to the limited level of detail required to be submitted with an outline application. Notwithstanding this, importantly no concerns have been raised with regards to vehicular access into the site from Swan Farm Close.
- 3.18 There is a well used informal footpath route across the application site, linking Swan Farm Close to an adopted footpath serving the River Darwen Parkway. Although not a definitive footpath at present, objectors have made a Modification Order to the Local Authority to include this footpath on the Definitive Map. Whilst planning permission may be deemed acceptable at this stage, the construction of the properties could be prevented if the Modification Order is successful. The risk of this occurring can be at any time including after completion of the development. On this basis, the applicant has amended their proposal indicating provision of a footpath adjacent to the boundary with 21 Swan Farm Close. Provision of the proposed footpath can be required by condition if necessary.
- 3.19 Policy CS22 also requires new development to be located within accessible locations so as to minimise the need to travel. The proposal has good access links to the A666 and M65 motorway corridor, which is identified as a key accessible location in CS22. Furthermore, the development is within walking distance of a main bus route. The proposal is therefore considered to be in a highly accessible location in accordance with Policy CS22.

- 3.20 Policy 8 supports new development that secures a satisfactory level of amenity for surrounding uses and for occupants/ users of the development itself. The SPD provides additional guidance with particular reference to separation distances between dwellings to ensure the amenity of residents is protected.
- 3.21 Siting of the dwelling proposed is indicative, but is shown to maintain the separation distances specified in SPD guidance. This illustrates that a dwelling could be located on the site so as to provide for an acceptable relationship to neighbouring dwellings, minimising any physical impact of the development by virtue of overlooking, loss of light, overshadowing or dominance.
- 3.22 The development provides for a similar amount of garden as adjacent dwellings, and off street car parking. The amenity of prospective residents is therefore considered to be acceptable.
- 3.23 Policy CS15 seeks to protect and enhance the Boroughs ecological assets with the aim of establishing and preserving functional networks. CS19 also supports protection and enhancement of green networks. Policy 9 seeks to avoid disturbance to protected species and provide compensatory measures when necessary. Trees on site have been felled but were not afforded Tree Preservation Order status.
- 3.24 Resident concerns relate to ecological value of the site and the existing presence of wildlife which will be displaced as a result of the development.
- 3.25 The application site is located outside of the adjacent Biological Heritage Site to the north. Evidence on site also exists of tree felling and vegetation clearance. It should be noted that the tree assessment from the previous planning application noted trees to be of low amenity value. The Tree officer has no objection to the proposals, provided replacement planting is undertaken on Council owned land to the western boundary adjacent to the Darwen Parkway footpath. This would act to re-establish linkages to the adjacent Biological Heritage Site and encourage wildlife to the locality. Capita Ecology has no objection to the proposal subject to mitigation measures relating to site clearance outside of the bird nesting season and invasive species eradication.
- 3.26 Other Issues
Residents refer to flooding problems witnessed as a result of recent storms and how tree removal and redevelopment of the site would increase risk of flooding. The Councils Drainage Officer has raised no objection to the proposal and has confirmed that there is no evidence of a watercourse on the site, water drains across the site from adjacent higher ground and this could offer reasoning for localised flooding during storm events. The development will be expected to provide for surface water drainage through use of sustainable urban drainage

techniques. This will act to improve surface water drainage on the site, in theory reducing localised flood risk and can be controlled by condition.

4 RECOMMENDATION

4.1 Approve, subject to:

(i) an agreement under S106 of the Town & Country Planning Act 1990, relating to financial contribution toward the provision of affordable housing in the borough and either enhancement of existing or new provision of public open space in the locality, or,

(ii) agreement is reached on any viability appraisal to show the development would not proceed if the commuted sum payment is made.

and the following conditions:

- Application for approval of all reserved matters must be made not later than the expiration of three years beginning with the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the date of the approval of the last of the reserved matters to be approved.
- Details of the following matters (subsequently referred to as the reserved matters) shall be submitted to and be approved in writing by the Local Planning Authority before the commencement of any works:-
 - a) Access.
 - b) Appearance.
 - c) Landscaping.
 - d) Layout – to include public footpath in accordance with amended site plan drawing number 1592-02 received on 7th January 2016.
 - e) Scale.
- submission and approval of construction materials.
- permitted development rights removal.
- replacement tree planting scheme.
- Foul and surface water drainage scheme.
- land contamination.
- wheel wash facility.
- scheme for protection of trees during construction.
- scheme of boundary treatment.
- works affecting nesting birds to be avoided between March – August, unless absence of nesting birds is confirmed by further survey work.
- All trenches dug in association with the development hereby approved should be covered at night, alternatively any open trenches must be left with a means of escape for wildlife (such as ramp or sloping side).
- a scheme for the removal of Himalayan Balsam from the site.
- construction hours restriction 08:00 – 1800 Monday to Friday, 09:00 – 13:00 Saturday, no work on Sundays or Bank Holidays.
- approved drawing numbers.

5 PLANNING HISTORY

5.1 The following planning history on the site is of relevance to this current application:

10/04/0015 – erection of a pair of semi-detached dwellings (outline) – approved at July 2004 Planning and Highways Committee.

10/05/0302 – erection of a pair of semi detached dwellings (reserved matters) – approved under delegated powers on 21st July 2005.

10/11/0872 – one pair of semi detached dwellings (Full) – approved at July 2012 Planning and Highways Committee.

6 CONSULTATIONS

6.1 Capita Highways

- No details of access arrangements are presented, unable to provide any formal assessment on this.
- The issue of parking is mentioned within the Design and Access Statement, provision to include an integral single garage with 2 no additional car parking spaces is suggested – as no details of the arrangement are received, we are unable to offer comment on this element.
- To conclude, there is not much for highway to comment upon, without any specific details of access and parking received. It is however acknowledged that the frontage of the site within the red edge can accommodate an access into the site, details of this and parking should be conditioned if minded to approve.
- A non definitive public path crosses the front of the development plot. The path is well used by local residents although it is not shown on the Definitive Map and Statement. The Council is also aware of a Definitive Map Modification Order (a footpath claim) which may be submitted for the path as a result of its long term and continuous use. The applicant may therefore wish to consult with the PROW team to discuss options for maintain a public access around the development which may have the effect of preventing an Order application being submitted.

6.2 Contract, Policy and Performance Manager Environment Housing & Neighbourhoods

- No objections.

6.3 Capita Ecology

- No objections. The Phase 1 Ecology Survey sufficiently addresses any potential ecological issues, provided the mitigation measures relating to invasive species, birds and protected species are adhered to throughout the development.

6.4 Drainage

- No objection.
- There is no evidence of a watercourse on the site. Water drains across the site from adjacent higher land but there is no definitive course that it takes.

6.5 Head of Public Protection

- No objection subject to land contamination assessment/ remediation required by condition.

6.6 Planning Policy

- The site is located within the urban boundary and designated as Green Infrastructure on the Local Plan Part 2 policies map. Local Plan Part 2 Policy 1 highlights that the preferred location for new development is the urban area. The site has good transportation links, being close to main road links to Blackburn/Darwen Town Centres, bus and rail linkages and the motorway network. The site is therefore considered to be highly accessible and in conformity with Local Plan Part 2 Policy 10 and Core Strategy policy CS22. The development, although only for one dwelling, would provide a useful contribution towards the Council's windfall provision element of the 5 year housing land supply.
- The site is overgrown, boggy (at the time of my site visit) and suffers from lack of management/maintenance. The principal function of the site is as an informal connection to the River Darwen Parkway but has limited value as a formal open space. As this connection is not a public right of way and there is an additional access point off Millbrook Street providing a more formal, safer access to the Parkway, I do not see the loss of the access on the proposed development site as an issue. As a result, in my opinion, development of the site could be accommodated without the loss of the function of the open space and would therefore meet Local Plan Part 2 Policy 9 i).
- Because of the impact of local market conditions since the Core Strategy was adopted, there is limited viability for sites within the inner urban area it is unnecessary to ask developers to complete a market analysis for sites outside the inner urban area, as noted in Policy CS5. The Council is therefore willing to proactively engage with housebuilders on development proposals on land within the defined urban area, including greenfield sites.

6.7 Ward Member Comment

- Cllr Jacqueline Slater, Cllr John Slater and Cllr Gee have all raised concern to the proposal due to lack of access and space for the build, public right of way, preservation of trees and wildlife issues.

6.8 Neighbour Consultations

- Residents adjacent to the site have been notified by letter, a site notice was also erected adjacent to the site. Please see below for a summary of representations received.

Summary of Representations

From: Gee Denise Cllr
Sent: 02 December 2015 20:47
To: Planning
Subject: Please log my objection

The planning application number. 10/15/138
Swan farm due to lack of access and space for the build
This application will not fit due to public right of way and preservation of trees and wildlife issues

Regards
Denise
Cllr Denise Gee

Dear Brenda
All three councillors are objecting to this planning application it is in the wrong place.
Councillor Jacque Slater John Slater Denise Gee

14th January 2016.

Mr. Buffham.

Re application Ref; 10/15/1238

Outline planning application (amendment) proposed construction of 1 dwelling between 21-23 Swan Farm Close.

We would like to point out that the amendment of the FOOTPATH which shows on the plan has been moved from its original route to the proposed new route which begins at the front of our property 21 Swan Farm Close and runs down the side of our boundary fence. We therefore object to this route because:

May we also point out that over the Christmas period with the heavy rainfall part of our property was flooded due to Mr. Cooney filling in the water course ditch which takes the water away from our property. Over the past 28 years Mr. Catterall has kept the ditch clear to avoid flooding happening.

Yours Truly,

Owners of 21 Swan Farm Close.

RECEIVED
20 JAN 2016

RECEIVED

10. DEC 2015

Ref: Outline Planning
Application
10/15/1238

MR J. Budnyk and S. Emmett
19 Swan Farm Close
Lower Darwin
Darwin
BB3 0QJ
8-12-15

Dear Sir or Madam,

On behalf of myself and partner
we would like to object for the second time now
regarding the above application to build by Mr
Joe Casey 1 detached dwelling on land
between 21 and 23 Swan Farm close Lower
Darwin BB3 0QJ.

The reasons are as follows:

- No more access to the footpath between 21 and 23 Swan Farm Close
- Future parking problems.
- Wildlife will be affected (bats, birds, owls etc).
- More houses may be built in the future.

Yours faithfully,

12/12/15

B. Waring, Objection to Outline Planning Application 10/15/1238

Dear Mr. Prescott

Ref. Planning Application 10/15/1238

I wish to register my objection to the above application to build one house on land in between No.21 and No.23 Swan Farm Close, on environmental and health and safety considerations.

Until two weeks before the expiry date of the previous planning permission 10/11/0872 in July 2015 the proposed site was lush with shrubs, wild flowers, young and mature trees, dense undergrowth.

It was a natural haven for wild life. To name but a few, we have Bats, Kestrels, Blue tits, Jays, Wrens, Wagtails, Owl, Wood Pecker, Heron, Doves, Deer, Fox, Newts, Frogs, Hedgehogs.

The site visited by the Ecologists in November 2015 bears no resemblance to what it was like before. Not least they would be standing about 3 feet nearer to the sky in places. I am surprised that they didn't find more than one dead Hedgehog, especially as it was still nesting season when the trees were chopped down. I am also surprised that evidence of the stream which runs through the site was not observed, maybe because it was buried. ----- Photographs attached.

The path which runs diagonally through the lower part of the site and on through land which is part of the River Darwen Parkway, not only affords public access to the paths and cycleway adjacent to the proposed site but is used by Fire Fighters for access to deal with field fires during the summer months.

The narrow entrance to the site is at the bottom of a cul de sac which is used by residents and delivery people alike as a turning point. Access to the site crosses the driveway of No.21, previous applications have failed because of poor access.

The residents of Mill Brook Street turn their cars here to reverse down to their garages. Worthy of note is that my car has been hit 3 times, twice by delivery drivers and once by the refuse truck, that was a mess.

Parking has always been an issue, not all residents have a driveway or a garage and have therefore no alternative than to park in the street, at evenings and weekends it is necessary to park on the pavement to ensure access for residents and emergency services.

Brief Site Planning History

Original Application 7004 - site designated as Children's play area, with parking spaces to the fore - hence the dropped kerb. It was decided in 1990 that as it had not been formally laid out it could not be claimed as such, despite the fact that generations of our children have played here.

Between 1990 and 2005 there was several more application all by the same applicants. All had several things in common. (a) Approval was conditional upon signing a 106 agreement to relinquish land to the rear of Swan Farm Close (North) to the Council for Public Open Space thereby protecting it from development because of the lands ecological significance. (b) A link path had to be retained to, 'ensure access to this facility'. (c) 'Not all the land was in the applicants ownership.'

2011 - Application 10/11/0872 - Approved July 2011 - Lapsed July 2015.

2015 - Application 10/15/1238 - Pending - same developer as 2011.

Both the 2011 and 2015 applications have sited planning ref.10/04/0015 and 10/05/0302 reserved matters as a president for building on the site. Given that these fall into the 1990 - 2005 applications, is there not a question of legitimacy? Unless that is, there is a later drawing than the one acquired at the time, from the Town Hall.

Continued

B. Waring Re: 10/15/1238 page 2

It is worthy of note that the Detail Page for Planning Application for 10/11/0872 and 10/15/1238 give location co-ordinates which are in the centre of No.21 Swan Farm Close and some distance south of the actual location.

All the information referred to above is available for verification in the in Blackburn with Darwen Archive.

Planning Statement - I have read in detail the planning statement by the architects accompanying the current application, Ref: 1592/RPW/NW. As I am not an expert in these matters, and rhetoric is not my strong point, I am not prepared to challenge what is being said except that is, where I can provide proof to the contrary.

The attached documents identify that the stream/culvert does exist. See DOC001- DOC002-DOC003

The Fence and gate are WITHIN Darwen Valley Parkway and BHS. See DOC004

The metal Fence and gate were put in place to deal with the issue of motorbikes using the Park. The location is due to it being easier and cheaper to attach it to the wooded pylon than it was to build a fence along the Boundary Line. See DOC005

The land has functioned as Public Open Space and still does. See DOC006
The area of land in the applicants' ownership, facing north, is to the RIGHT of the Council Boundary Line and the land in Council ownership and part of the Public Open Space is on the LEFT of the Boundary Line. See DOC004. The Boundary line can be traced back over 100 years.

In conclusion, of paramount importance is the ecology of the area and significance. Since I moved here over 30 years ago I have seen Lower Darwen slowly disappear under concrete, 180 new homes are about to be built around the corner, Green Bank Terrace, Milking Lane. Each time a new project starts we see an increase in the wild life in and around Swan Farm Close. Swan Farm Close and the surrounding area has always had an abundant wild life, it has become a haven for all wildlife. We live in harmony together.

I would ask that the points that I have raised would be taken into consideration when assessing the planning application.

Sent: 22 January 2016 20:41

To: Planning

Subject: FOA. R Buffam RE/P/10/15/1238

Dear Mr. Buffam

Your Ref. RE/P/10/15/1238

Although I am appreciative of the inclusion of a footpath, it does not change my view. I see the two things as separate issues.

Firstly the footpath, it really needs to take the existing path or as close as can be, the high ground. The route shown would see people walking in mud as it would remove the ditch and the only trees now left on the site and block the culvert, leaving us with a problem, the ingress of water. This is a very wet piece of land. Water drains off the land during rainy weather and when the springs erupt, in the direction of the culvert to the rear of No.21 and on into the river, simplistically. If it makes a difference we will undertake to prune back the trees at the appropriate time to minimise the space required for a path.

Over the years Swan Farm Close has managed to avoid flooding, because of good land management, planting trees, keeping drains free from debris and most important of all, maintaining culverts, surface water channels etc.

In the late 1980's we were blessed with a new resident at No.21, Derek. Derek comes from a farming background. It is largely thanks to him that we have stayed dry, no more so than over the Christmas period. Due to the actions of the applicant

in July 2015 we were left with water cascading from all directions. Had it not been for Derek I would not be in my own home nursing damaged tendons from swinging sand bags, I would be talking to my insurers.

Frankly, I am surprised Derek hasn't moved on given all the grief he has had down the years with planning applications for the site including this one, where everyone seems to think that various parts of his land belongs to them. Please refer to planning application 10/94/1332 page 47 & 48. The boundary has changed, why? Incidentally, just in case anyone should question it, I am sure that neither Derek nor Eddie would have appreciated their garages being moved. ACCESS?

Further, Swan Farm Close cannot take another vehicle, let alone 3 plus. My previous objections stand.

The current applicant had permission to build on this land for 3 years. It is still not built on!

I do not wish to be curt, we have had 25 years of this, and unfortunately I have other priorities otherwise I could do this issue justice.

In conclusion I think that the words of Nigel Evans MP would be worthy of being taken on board at this juncture. Further, if we should get permission to replant the uprooted council planted trees I will organise and implement that at no cost to the council.

Kind regards

Barbara Waring

11 Swan Farm Close
Lower Darwen
BB3 0QU

11 December 2015

Re: Application Reference 10/15/1238

I write to register my objection to the application for the outline planning permission stated above on land between 21 and 23 Swan Farm Close, on the grounds that the proposed development would be detrimental to the environment and also to the health and safety of residents of Swan Farm Close and others within Lower Darwen.

The proposed site was a wooded area of mature trees with an abundance of shrubbery, wild flowers and a natural haven for wildlife with countless species of birds, including woodpeckers, kestrels, owls and blue jays, there are also hedgehogs, bats, voles, field mice etc.

That was until July this year whereupon the area was decimated by the applicant, who with total disregard for any living creature and any of the residents, he hacked down and uprooted trees, shrubs and bushes with no

forewarning, no signage, no fencing and no safety equipment at all. The remains were dumped on what I believe is partly council owned land and a Biological Heritage Site, blocking the kissing gate on the path running through the site which is used by the general public on a daily basis. This is directly opposite where I live with my 10 year old son and 13 year old daughter and already without any foundation/building work commencing it is causing a major inconvenience and danger to all.

This happened two weeks before the expiry date of his three year planning permission lapsed. The good news is that if it was his intension to obviate the restriction of site survey for nesting birds and other wildlife before the end of August then he failed. The good news is that the cut down, up-rooted piles of trees and shrubbery will afford the abundant creatures shelter and nesting facilities as they slowly return.

In connection to the increase in traffic, Swan Farm Close can not take this. The position of the site is at the end of a cul-de-sac and is a turning circle for all residents including the residents of Mill Brook Street who reverse down to their garages, also for delivery vans, weekly refuse collection, fortnightly recycling collection. Not all the residents of Swan Farm Close have a garage or driveway and we therefore have to park in the street and in most cases it is necessary to have to park on the pavement to ensure access for other residents, deliveries etc and the emergency services. I have known the Fire Brigade be called out often, especially during the summer months, to attend to fires within the fields behind and have had to gain access through the planned site area.

The residents of Swan Farm Close respect each other's parking spaces accommodating those of us who do not have a garage or drive and one lady who needs to park on the street through necessity will allow us to use her drive if need be.

Access to Swan Farm Close is off Fore Street, which is already heavily congested with traffic as are all surrounding roads at the majority of times. I believe that planning permission is about to be granted to build 180 homes or more not far away, off Milking Lane and the surrounding area. The increase in carbon emission alone, not to mention all the above I believe are huge causes for concern.

I hope that the planning can be looked at from a very sensible perspective and all concerns raised taken into account.

Yours Sincerely

Deborah Kemp

11 Swan Farm Close
Lower Darwen
BB3 0QU

22 January 2016

Dear Mr Buffham / Mr Prescott

Re: Application Reference 10/15/1238 (AMENDMENT)

I refer to my letter below dated 11 December 2015 and write to advise that although planning has been amended my concerns initially raised still remain the same with additional concerns following flooding over the Christmas period.

May I add firstly that the letter received from yourselves dated 8 January 2016 was not actually received at my home until 14 January 2016.

I feel that building on this area would add to increased chances of flooding as over this recent period of heavy rainfall it became apparent that homes were put at risk with many of us having to use sand bags to protect our homes from increased rainfall coming from the fields. This may not have been so had all the trees not been hacked down which could have helped to protect our homes as it would in the past have followed the water course towards the back of number 21 and thus the river.

Had it not been for all of my neighbours efforts we would have sadly been flooded over Christmas.

I will also reiterate again the danger and congestion just one more vehicle within this small cul-de-sac will would cause.

Yours Faithfully

Deborah Kemp

Sent: 11 December 2015 16:11

To: Planning

Subject: Fao: Gavin Prescott, Planning Manager. re:Building application 10/15/1238

Dear Mr. Prescott,

I wish to register my objection to the planning application above which contains a proposed development for the construction of two residential dwellings on Swan Farm Close.

I object to any further development and building work which will be detrimental to the ecology of the area. The land surrounding and to the rear of the existing properties is a wildlife haven containing a wide variety of species. The mammalian population includes bats, hedgehogs, squirrels and the occasional fox. My garden has had visits from up to 4 deer over the last few years (photo of one in the attachment). There is a great variety of birdlife which graces our gardens - jays, magpies, blackbirds, tits, finches, wren, sparrow, dove, siskin & woodpecker among

them. Kestrels and sparrowhawk also frequent the area and I have witnessed visits to my garden by the latter on several occasions. Reptiles and amphibians are also present and there are frogs and newts. My pond is inhabited by juvenile newts during the warmer part of the year. There is also the flora to consider.

Furthermore, the land (which has already been fenced off) in the area of the planning application contains a long-established and used footpath which SHOULD give access to the council-landscaped open land via a kissing gate. This should not have been allowed to happen.

It is also my belief that the application has further implications and that the intention is to build further dwellings to the rear of the Close which would have a considerable detrimental affect upon the ecology. Granting of this initial application would pave the way for this possible future move.

Yours sincerely,

E. L. Campbell, 32 Swan Farm Close, Lower Darwen.

I. MR+MRS R. BERRY.
27, SWAN FARM CLO.
BB3 0QU.
REF. 10/15/1238.

To MR B. BAILEY/R. Ruffam, We do not think
this house should be built, It is
to close to the Electric cables 'pylons'
not shown on his plans. There will
be nowhere for residents to park the
close means cul-de-sac, No where for
Wagons to get down. We have to park
 $\frac{1}{2}$ on the footpaths, or cars wouldn't be able
to come down.

The path has always been there since
before 1972. Has always been used for
getting to R.C. Schools and Council kids
coming to Lower Darwen school, Milking
Lane. They said before, Not enough
room to build, That's why he, Mr. Cooney
hasn't done it before.

Please refuse these plans
also I know a test bore has been done
and only found sand and boggy.

17-1-16.

MR + MRS R. BERRY
27, SWAN FARM CLOSE
LOWER DARWEN.

BB3 0QU.

To. ROBERT BUFFHAM.

+ BRIAN BAILEY.

Proposed construction of 1 detached dwelling
between nos. 21 + 23 Swan Farm close.

The path he has proposed isn't wide
enough. We haven't been left with
any path up to the rear of our property
to maintain rear fences.

Also since this person has cut all
the trees down on this land. Water was
flowing off from at least 4 places. from
the land at the rear of us, two
of the residents had to dig a channel.

He has not given any care to the
residents nor the wild life, also the
man who cut the trees down said he
is going up the back of our houses

to take a look at the Panel,
We know he is after access to it,
and that land was promised to
Council as public land when he
has been given the planning for 1 house
previously. We have retained all the
the previous plans, and history.
Please refuse those plans, and
make him tidy up the disgusting
Mess he has left us with.

7 CONTACT OFFICER: Robert Buffham, Principal Planning Officer.

8 DATE PREPARED: 5th February 2016.