

**Proposed development: Reserved Matters Application for: Access, appearance, landscaping, layout and scale, pursuant to outline application 10/15/1238 for construction of 1no. detached dwelling.**

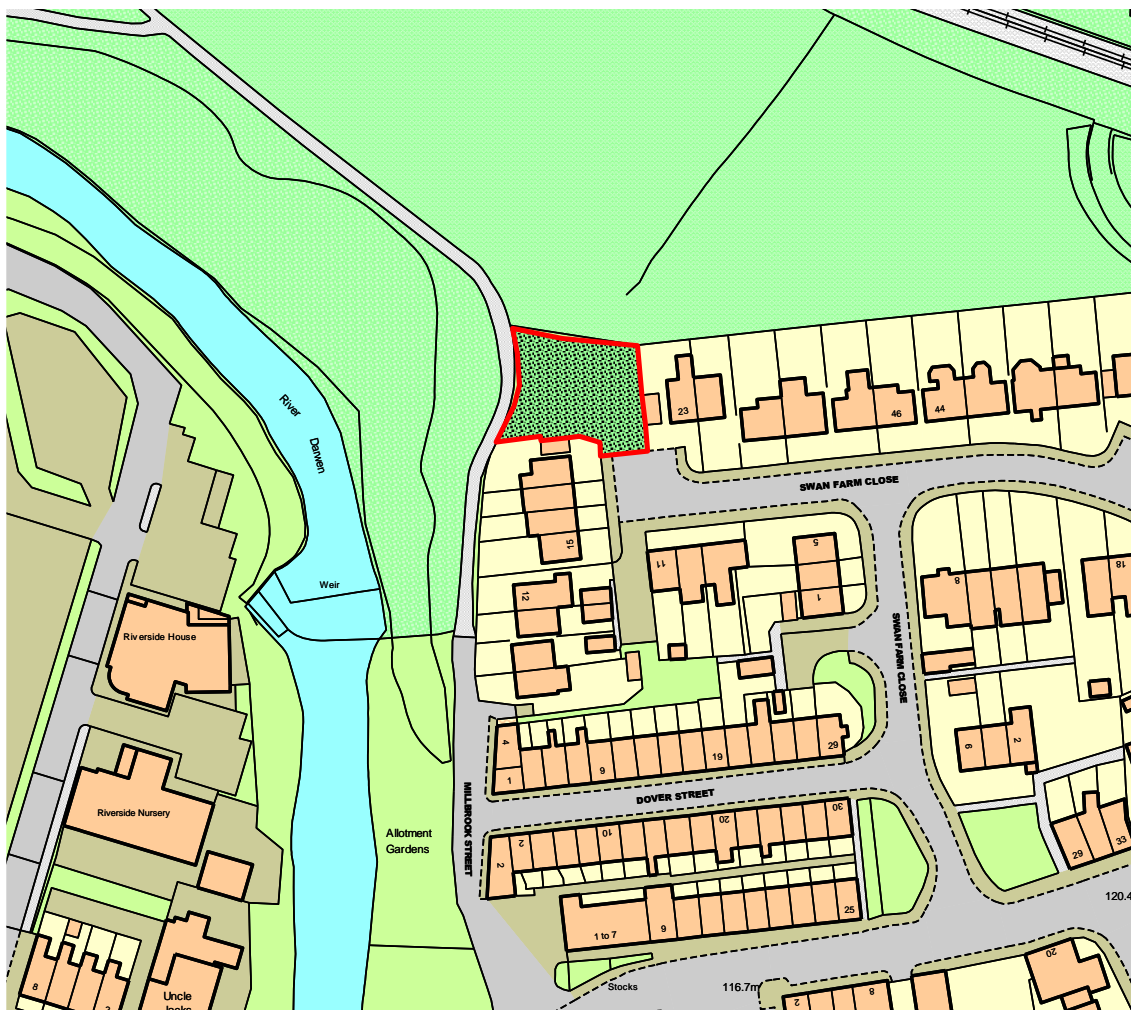
**Site address:**

**Land between 21 & 23 Swan Farm Close  
Lower Darwen  
Blackburn  
BB3 0QU**

**Applicant: Mrs Catherine Cooney**

**Ward: Blackburn South & Lower Darwen**

**Councillor John Slater  
Councillor Jacqueline Slater  
Councillor Denise Gee**



## **1.0 SUMMARY OF RECOMMENDATION**

### **1.1 APPROVE – Subject to conditions, as set out in paragraph 4.1.**

## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

- 2.1 The application considers Reserved Matters (RM) pursuant to Outline planning permission previously granted by Committee in August 2016 (ref. 10/15/1238), which established the principle of a single dwelling at the site. Members are advised that matters pertaining to the assessment of this application are limited to access; appearance; landscaping; layout and scale.
- 2.2 Determination of the application has been delayed, since its submission in June 2019, pending the outcome of a footpath claim routed through the site. The footpath was an informal route and not included on the Council's definitive map. Following success of the claim, the footpath will be formalised as a definitive Public Right of Way (PROW). Accordingly, the application is considered in the context of the PROW's position in relation to the proposed development, assessment of which is set out under the following 'Access' section of the report.
- 2.3 Assessment of the application finds that the proposal corresponds with the Council's overarching housing growth strategy, as set out in the Core Strategy and Local Plan Part 2, by suitably demonstrating delivery of a high quality development, consistent with the surrounding area. It would also contribute towards the Council's housing delivery target. Moreover, from a technical point of view, all issues have been addressed through the application or are capable of being controlled or mitigated through planning conditions.

## **3.0 RATIONALE**

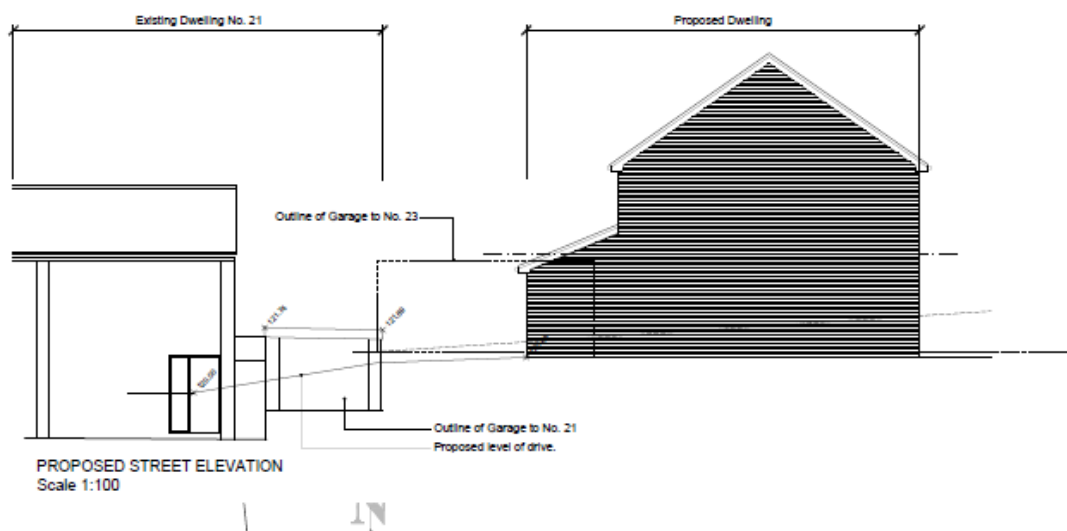
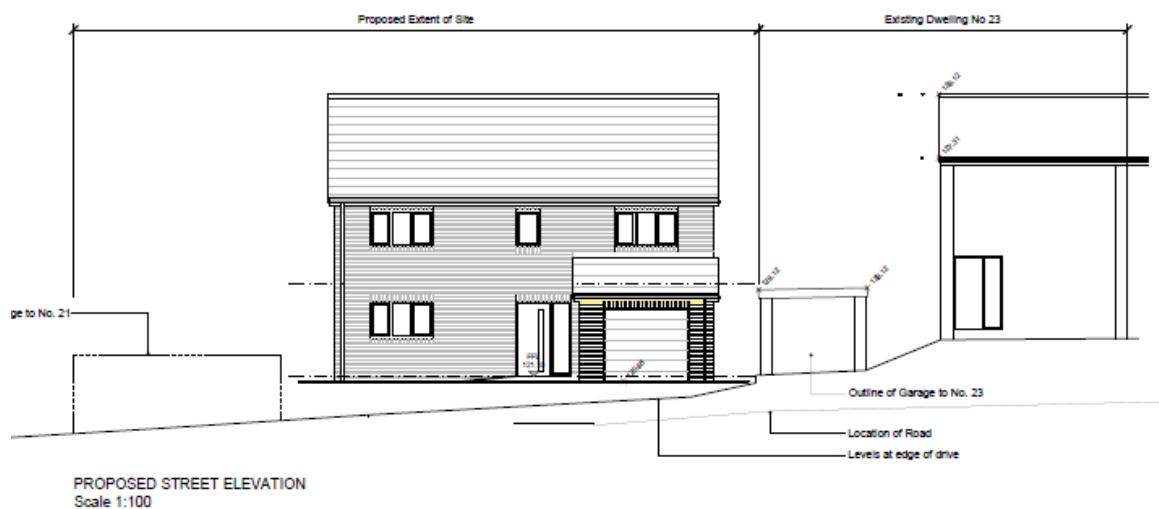
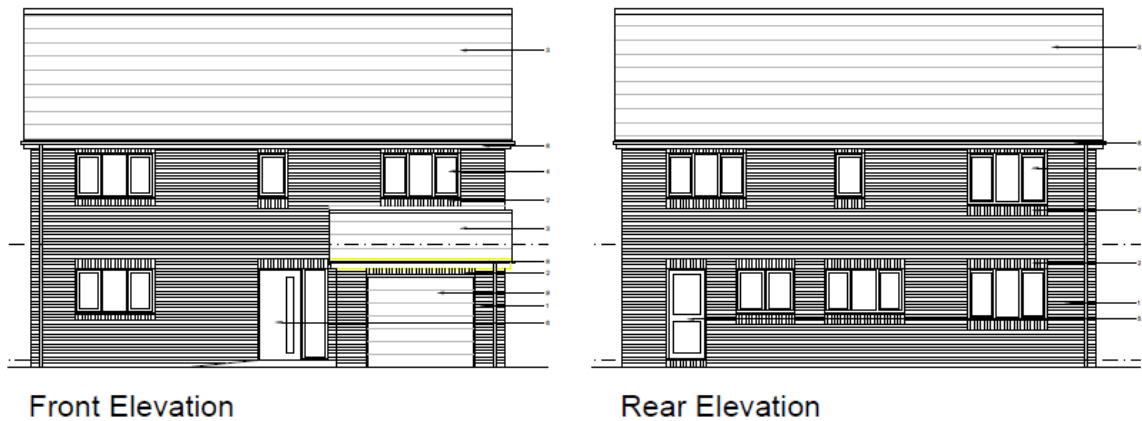
### **3.1 Site and Surroundings**

- 3.1.1 The site is a triangular plot of land positioned between existing housing situated at the cul-de-sac head of Swan Farm Close. An established hedgerow defines its south western boundary, with the northern boundary linking with open space populated by trees. Land levels increase slightly from south to north with ground conditions consisting of uncontrolled vegetation. Historic clearance of trees and bushes is recorded in the Case Officer's report detailing assessment of the outline application. The above noted PROW is routed to the south and west of the site, to a gate linking to the main footpath system though the Lower Darwen Parkway Public Open Space.
- 3.1.2 The site is located within a predominantly residential area, with housing located to the immediate south and eastern boundaries. It forms part of a wider Green Infrastructure (GI) allocation, in accordance with the Local Plan Part 2.

## 3.2 Proposed Development

3.2.1 Reserved Matters are sought for access; appearance; landscaping; layout and scale, pursuant to outline application 10/15/1238 for construction a two storey, 4 bedroom detached dwelling, as set out in the submitted drawings, as illustrated below (Good & Tillotson, Jan 2021).

3.2.2 The current proposal represents an amendment to the original proposal which was for a 2.5 storey, 5 bedroom detached dwelling.



### **3.3 Development Plan**

3.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

3.3.2 The Development Plan comprises the Core Strategy and adopted Local Plan Part 2 (LPP2) – Site Allocations and Development Management Policies. In determining the current proposal the following are considered to be the most relevant policies:

#### **3.3.3 Core Strategy**

- CS7 – Types of Housing
- CS13 – Environmental Strategy
- CS15 – Ecological Assets
- CS16 – Form and Design of New Development
- CS18 – The Borough's Landscapes
- CS19 – Green Infrastructure

#### **3.3.4 Local Plan Part 2**

- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 38 – Green Infrastructure on the Adopted Policies Map
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape

### **3.4 Other Material Planning Considerations**

3.4.1 Green Infrastructure Supplementary Planning Document.

3.4.2 Residential Design Guide Supplementary Planning Document.

This document provides targeted advice to ensure high quality new homes. It aims to ensure that new development reflects the individual and collective character of areas of the Borough and promotes high standards of design. The document also seeks to ensure a good relationship between existing and proposed development in terms of protecting and enhancing amenity.

3.4.3 National Planning Policy Framework (The Framework)

Overall, The Framework aims to raise economic performance by ensuring the quantity, quality and mix of housing reflect that required, with an expectation to maintain a 5-year housing land supply. Quality design should be secured and environmental impacts minimised. Effective use of under-used or vacant

land is also emphasised. Areas of the Framework especially relevant to this application are:

- Making effective use of land; and
- Achieving well-designed places.

#### 3.4.4 National Planning Policy Guidance (NPPG)

### 3.5 **Assessment**

3.5.1 Assessment of this Reserved Matters application is limited to the following matters:

- **Access:** covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site.
- **Appearance:** Aspects of a building or place which affect the way it looks, including the exterior of the development.
- **Landscaping:** The improvement or protection of the amenities of the site and the surrounding area; this could include planting trees or hedges as a screen.
- **Layout:** Includes buildings, routes and open spaces within the development and the way they are laid out in relation to buildings, routes and open space outside the development.
- **Scale:** Includes information on the size of the development, including the height, width and length of each proposed building.

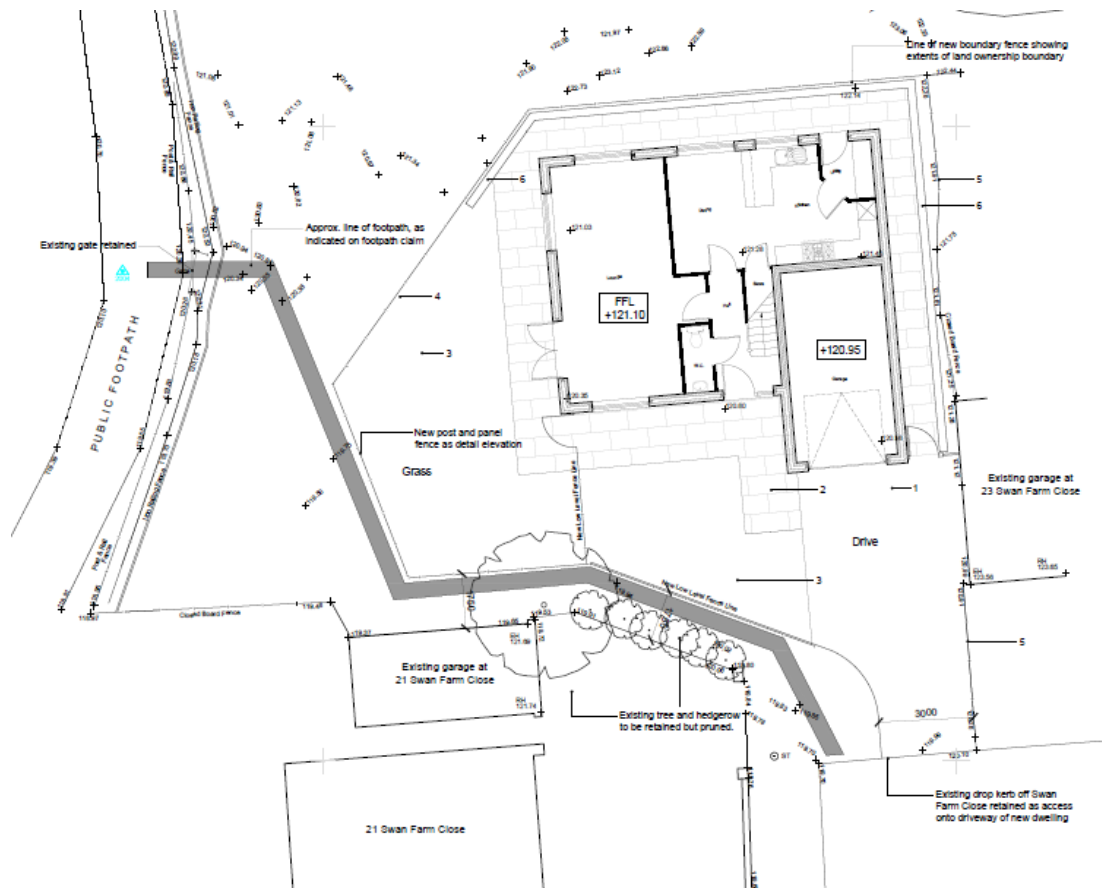
#### 3.5.2 Access

Assessment of access arrangements are considered against Policy 10 of LPP2, which requires that road safety and the safe, efficient and convenient movement of all highway users is not prejudiced, and that appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards.

3.5.3 The proposal is considered acceptable from a highway safety and efficiency perspective, following review of the submitted layout by the Council's highways consultee. Appropriate access into the site, will be taken from the northern edge of the turning head of Swan Farm Close, which features existing lowered kerbs.

3.5.4 Following submission of the application, the presence of an historic 'non-definitive' footpath running through the site was acknowledged by the Council's PROW consultee. Since then and following due process, a formal footpath claim has been successful and an Order made to confirm its route, on 27<sup>th</sup> May 2021. Consequently, the footpath will now be included on the Council's definitive map, as a formal PROW.

3.5.5 The submitted site layout includes the route of the path, to the south and west of the site, linking Swan Farm Close at its hammerhead with the existing PROW, as indicated by the grey line on the extracted site plan, below (Good & Tillotson, Jan 2021):



3.5.6 The route is currently well defined and will be further defined by provision of a low level fence, delineating the PROW from the garden of the proposed dwelling. The site plan also confirms retention of the hedgerow along the southern boundary of the site, adjacent to the PROW. As the PROW sits within the applicants land holding, they, or any successor in title, will have a responsibility to ensure a clear right of passage is maintained.

3.5.7 Accordingly, proposed access arrangements are found to be acceptable.

### 3.5.8 Appearance

Appearance is considered against Policy 11 of LPPA, which requires a good standard of design and will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area. This includes enhance and reinforcing the established character of a locality. Key aspects of character which must be taken into account are the following:

- i) Existing topography, buildings and landscape features and their integration into the development;
- ii) Layout and building orientation to make best use of existing connections, landmarks and views;
- iii) Building shapes, plot and block sizes, styles colours and materials that contribute to the character of streets and use these to complement character;

- iv) Height and building line of the established area;
- v) Relationship of the buildings to the street; and
- vi) Frontage treatment such as boundary walls.

3.5.9 The proposed dwelling will be a detached two storey, with a ridge height slightly lower than no. 23 (to the east) and higher than no. 21 (to the south), commensurate with the general land fall direction of east to west of the. Whilst it's side elevation will run parallel with the no. 23 the front (principle) elevation will be set back, resulting in a staggered build line when read against no. 23, which itself is set back from the remainder of the row to the east. The terraced row to the south (nos. 15 – 21) represent alternative house types which will sit perpendicular to the proposed dwelling. As an 'in-fill' feature, the dwelling would be viewed as a proportionate intervention to the long established street scene. Assimilation will be aided by a gable roof profile and red brick elevations and fenestration typical of the estate.

3.5.10 An appropriate 1.8m high concrete post and timber panel fence will enclose the site along its north, east and western boundary.

3.5.11 Notwithstanding the submitted detail with this RM application, conditions attached to the outline permission require submission of external walling and roofing materials, and boundary treatment detail.

3.5.12 Accordingly, the proposed appearance of the development is found to be acceptable.

3.5.13 Landscaping

Landscaping is also assessed against Policy 11. Proposed outdoor amenity space is a mix of hard and soft landscaping, including a patio to the immediate surroundings of the dwelling and turfed garden. Notwithstanding the submitted detail, a landscaping scheme, including planting species and densities, will be secured via condition upon the grant of RM permission.

3.5.14 Accordingly, the proposed landscaping is found to be acceptable.

3.5.15 Layout

Layout is also assessed against Policy 11, as well as Policies Policy 8 and 10.

3.5.16 Policy 8 requires a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; with reference to privacy / overlooking, and the relationship between buildings, including adequate daylight and sunlight admission.

3.5.17 As noted above, the proposed dwelling will sit parallel to and set back from no. 23, and perpendicular to the terrace row to the south, appearing as an 'in-fill' addition that would not be detrimental to street character.

3.5.18 Outdoor space is provided which is at least equivalent to neighbouring properties and which is sufficient to service the needs of householders.

3.5.19 The position of the dwelling achieves an acceptable relationship between adjacent dwellings, by virtue separation that does not conflict with the council's adopted standards, thereby ensuring mutually acceptable levels amenity.

3.5.20 As a 4 bedroom dwelling, the Council's in-curtilage parking standards require provision of 3 spaces. The proposal includes an integral single garage and a driveway which accord with the Council's minimum dimensions of 3m x 6m and 4.8m x 5.5m, respectively.

3.5.21 Accordingly, the proposed layout of the development is found to be acceptable.

#### 3.5.22 Scale

The scale of the proposed dwelling is typical of a detached two-storey house type. Its position within an corner in-fill plot will appear proportionate to its surroundings, notwithstanding the absence of detached house types within the estate. As noted above, the proposed ridge height will broadly consistent to no. 23 and higher than the end terrace of no. 21, in response to the land fall from east to west.

3.5.23 Accordingly, the proposed scale of the development is found to be acceptable.

#### 3.5.24 Summary

This report assesses the Reserved Matters planning application for the residential development of a single dwelling on land at Swan Farm Close, Lower Darwen, Blackburn. In considering the proposal, the relevant range of material considerations have been taken into account to inform a balanced recommendation that is considered to demonstrate compliance with the aims and objectives of the Local Development Plan and The Framework.

#### 3.5.25 Other Matters

Member's are advised of the following conditions attached to the Outline permission. These are to be addressed under the condition discharge application process at the appropriate time. This RM application addresses conditions 1 and 2:

1. 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.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. 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 provision of a public footpath on the site in accordance with amended site plan drawing number 1592-02 received on 7th January 2016.

e) Scale.

REASON: Because the application is in outline only and no details have yet been furnished of the matters referred to in the Condition, these are reserved for subsequent approval by the Local Planning Authority.

3. Prior to commencement of the development hereby approved, samples of all external walling, roofing materials, and their colour to be used in the construction of the building work shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To ensure that the external appearance of the development is satisfactory in accordance with Policy 1 of the Blackburn with Darwen Borough Local Plan Part 2 (December 2015), and the adopted Residential Design Guide Supplementary Planning Document (September 2012).

4. Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no development of the type specified in Classes A, B, C, D and E of Part 1 of that Schedule shall be carried out unless planning permission has been granted first.

REASON: Due to the restricted nature of the site, whilst the dwelling as approved is acceptable, any further extensions or alterations normally permitted under the above provisions may in this case conflict with the interests of adjacent properties or the amenity of the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

5. Prior to commencement of the development hereby approved, a replacement tree planting scheme to provide off site planting adjacent to the site and River Darwen Public Right of Way shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full within the first available planting season after commencement of the development and any trees dying within the first 5 years of planting shall be replaced with an identical species.

REASON: To ensure a satisfactory scheme of replacement trees, in accordance with Policy 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

6. Prior to commencement of the development hereby approved, a foul and surface water drainage scheme, to include use of sustainable urban drainage systems, shall be submitted to and approved in writing by the

Local Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To ensure a safe form of development that poses no unacceptable risk of flood, pollution to water resources or human health in accordance with Policy 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

7. Prior to the commencement of development hereby approved, the developer must submit to the Local Planning Authority for written approval:

- i) A comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Where necessary, detailed proposals for subsequent site investigation should also be included, clearly based on the CSM.

- ii) Findings of the approved site investigation work (where necessary), including an appropriate assessment of risks to both human health and the wider environment, from contaminants in, on or under the land (including ground gas). If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, along with an updated CSM. No deviation shall be made from this scheme without the written agreement from the Local Planning Authority.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

8. Prior to the occupation of the development hereby approved, a comprehensive Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and updated CSM. All the installed remediation must be retained for the duration of the approved use, and where necessary, the Local Planning Authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, that the risks it presents have been appropriately assessed, and that the site can be made 'suitable for use', as such, does not pose a risk to future users of the site or the wider environment, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

9. Prior to commencement of any work at the site, full details of a wheel wash facility by which wheels of vehicles shall be cleaned before joining the public highway shall be submitted to and approved in writing by the Local Planning Authority. These details will include a method statement outlining how the developer intends to use and manage the facility. The approved wheel wash will be put in place at all vehicle access points onto the public highway when work commences and shall remain operational throughout the period of development.

REASON: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policies 8 and 10 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

10. Prior to commencement of the development hereby approved, a scheme to protect trees on or adjacent to the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to works on site commencing and retained for duration of construction works at the site.

REASON: To protect trees on or adjacent to the site during construction, in accordance with Policy 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part.

11. Prior to commencement of the development hereby approved, a scheme of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall detail the design, size and location of all boundary treatments including foundation detail adjacent to trees within the development, and be implemented prior to occupation of the development.

REASON: To ensure a satisfactory appearance to the development which has no impact to trees on/ or adjacent to the site, in accordance with Policy 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

12. Construction works on site shall not be carried out during the bird nesting season (March to August), unless the absence of nesting birds has been confirmed by further survey work or on site inspections.

REASON: To ensure the protection of nesting birds on site, in accordance with Policy 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

13. 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).

REASON: To safeguard wildlife during the construction process, in accordance with the National Planning Policy Framework and Policy 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

14. Prior to commencement of the development hereby approved, a scheme for the removal of Himalayan Balsam from the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the development and/ or identified timescales within the approved scheme.

REASON: To eradicate and control the spread of an invasive species, in accordance with Policy 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

15. The construction of the development hereby permitted shall only take place between the hours of:  
Monday to Friday 08:00 - 18:00  
Saturday 09:00 - 13:00  
No operations on Sundays or Bank Holidays.

REASON: To safeguard the amenities of the adjoining premises and the area generally in accordance with saved Policy H4) of the Blackburn with Darwen Borough Local Plan.

16. Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the LPA should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the LPA. No deviation shall be made from this scheme without the written express agreement of the LPA.

REASON: To protect the health of future occupiers of the site in accordance with Policy ENV3 of the Blackburn with Darwen Borough Local Plan.

17. This consent relates to the location plan received on 9th October 2015 and amended site plan received on 7th January 2016.

REASON: To clarify the terms of this consent.

#### **4.0 RECOMMENDATION**

##### **4.1 Approve.**

**Delegated authority is given to the Strategic Director of Place to approve planning permission, subject to the following conditions:**

1. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received 6<sup>th</sup> June 2019 with the following drawings numbered: (to be added) and amended drawings received 26<sup>th</sup> April 2021, numbered: (to be added).

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

2. Notwithstanding the submitted details, prior to occupation of the development hereby approved a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall

include details of native tree and shrub planting, to compliment local priority habitat and to provide for a net gain in biodiversity. Planting of trees and shrubs shall also be implemented in accordance with the approved details, during the first available planting season following completion of the development. Trees dying or becoming diseased, removed or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs.

REASON: To ensure an appropriate appearance to the site and in the interests of amenity and ecology, in accordance with Policy 9 and 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

## **5.0 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 by Planning and Highways Committee.

10/05/0302 - erection of a pair of semi-detached dwellings (reserved matters); approved under delegated powers.

10/11/0872 - one pair of semi-detached dwellings (full); approved by Planning and Highways Committee.

10/15/1238 – 1no. detached dwelling (outline); approved by Planning & Highways Committee.

## **6.0 CONSULTATIONS**

6.1 Drainage Section

No comment offered. A foul and surface water drainage scheme is captured via condition attached to the outline permission.

6.2 Environmental Services

No objection.

6.3 Public Protection

No objection. Matters to be controlled are subject to the condition discharge process associated with the outline permission.

#### 6.4 Highways Authority

No objection:

##### Parking

The property will have 5 bedrooms and will therefore require 3 parking spaces. A garage together with a drive sufficient to accommodate 3 car parking spaces is being provided (the garage is also to the acceptable size and dimensions of 3m x 6m), this is deemed acceptable.

##### Access

Access to the drive will be taken from the end of the turning head. The kerbs are already lowered, however any adjustments which may need to be made to the width should be done so with the approval of the Highway Authority.

#### 6.5 Highways Authority PROW

Initial response:

As you are probably already aware that at present we are processing a footpath claim for this plot of land. (definitive map Modification order)

The plans submitted with this planning application have marked the line of the footpath along the boundary between the plot of land and number 21 Swan farm Close, however the line of the footpath at the point where the footpath enters the plot of land from Swan Farm close has been changed and the claimed line cuts across a small section of the drive to the proposed development. A (SD 68734 25219) on the attached plan.

Further response:

On the attached drawing there is a black line (now circled in yellow). The plan says it's a "low level fence line". That Fence is the issue where it meets the blue line (the path). It needs to stop half a path width from the path's centre line.

The path at this point is 1.5m wide on the order so the low fence needs setting back 0.75 or 750 from the blue line (centre of the path.)

Don't think this will cause too much of a problem for the applicant.

#### 6.6 Strategic Housing

No objection – support offered for good quality homes with an appropriate mix of house types etc, subject to affordable housing contribution.

#### 6.7 Public consultation

Public consultation has taken place, with 13 letters posted to neighbouring addresses on 19<sup>th</sup> June 2019; a press notice published 12<sup>th</sup> July 2019; and display of site notices on 31<sup>st</sup> July 2019. Additional consultation, following receipt of amended plans, was carried out on 7<sup>th</sup> August 2019, 10<sup>th</sup> September 2019 and 26<sup>th</sup> April 2019. In response, 18 objections were received which are shown within the summary below.

**7.0 CONTACT OFFICER: Nick Blackledge - [Senior Planner]**

**8.0 DATE PREPARED: 25<sup>th</sup> June 2021.**

## 9.0 SUMMARY OF REPRESENTATIONS

### **Objection – Deborah Kemp, 11 Swan Farm Close, Lower Darwen. Rec – 29/06/2019**

Re: Application Reference 10/15/1238

I previously wrote with regards to the above planning application on 11 December 2015 and again on 22 January 2016 when planning was amended although my concerns again still remain the same. Again 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 2015 whereupon the area was decimated by the applicant, now deceased and planning taken over by his wife, 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 13 year old son and 613 year old daughter and already without any foundation/building work commencing it is causing a major inconvenience and danger to all.

I feel that building on this area would add to increased chances of flooding as over periods 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.

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. The resident at the side of where planning is situated has a child with severe Down Syndrome who struggles parking and getting in and out of the car with her child I can only see this causing further distress and difficulty with this matter.

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. 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.

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

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### **Objection – Deborah Kemp, 11 Swan Farm Close, Lower Darwen. Rec – 12/08/2019**

I refer to your letter dated 25 April 2021 regarding planning application on land between 21 and 23 Swan Farm Close, BB3 0QU and my objections to this planning.

Swan Farm Close is already extremely populated as it is without another house being built on such a small amount of green area, on an area my family and I personally use on a daily basis to walk through to get to the path - which will not be accessible if this area is built upon.

The previous emails which I have sent in regards to this are still my same concerns and I assume will be on file for this application and I wish every point raised to be raised again. The destruction of the wildlife, the congestion this is going to cause not just when building - which if you can see the small area in which they will need to deliver materials will cause problems with not being able to even park outside our own homes - more congestion if this house is allowed to be built. The area is due to be sold therefore the applicant can get more money for selling this land with planning in place.

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**Objection – Mrs Jean Kennedy, 12 Millbrook Street, Lower Darwen. Rec – 01/07/2019**

With reference to the proposed building on the land between 21 and 23 Swan Farm Close.

I wish to object to this building going ahead.

Although my address is not in Swan Farm Close my garage and back entrance is in Swan Farm Close together with three other houses at numbers 10, 8 and 6 Millbrook Street and we would be directly affected by this project because the allocated turning point for our cars to be able to enter our garages is directly in front of this land! The parking at this point is already very tight and everyone must park in just the right place in order for us to access our garages. No one else in the row - 15, 17, 19 or 21 has garages or front drives! So my first objection is for access.

My second objection is about the Public Right of Way over that land which has been there ever since the estate was built over thirty years ago! It is used by people on Swan Farm Close to take children to school as well as by dog walkers at least twice every day as well as by people just wanting to walk or exercise using the Parkway. We have children living on the road who attend the Our Lady RC Primary School over near Fishmoor Drive and it would create great difficulty for them if that right of way were removed not to mention the public right due to over three decades of use.

Thirdly we have already lost birds, including owls, bats, wild life and vegetation including trees regularly used by nesting birds because the trees on that land were illegally chopped down in the nesting season by Mr Cooney two years ago. I certainly witnessed him doing so. He said the trees were dead but they were covered in healthy foliage and nowhere near dead! The path on that land leads to a valuable area of conservation where there are deer, foxes, voles not to mention the variety of plants and flowers and trees. It is a rare area of greenery and parkland in an area of more and more houses and building. Please remember that without the trees we would not have life! How much more valuable can that be?! It should not be denied to the public or to the community at large. As an active litter picker in the area I have seen people becoming much more aware of the Parkway and appreciative of its existence.

I would be grateful if my objects be considered when the application is discussed Yours faithfully Jean Kennedy

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**Objection – Mrs M Hammond, 15 Swan Farm Close, Lower Darwen. Rec – 01/07/2019**

Dear sir/madam In response to the letter I received dated 19th June 2019, I am sending you this email with a very strong objection to the planning application on land between 21 & 23 Swan Farm Close Lower Darwen. I have been a resident here for 30 years and the parking situation is a problem and would only be made a lot worse if another property was added to the street. Cars park on both sides of the street and residents at 17, 19 and 21 have to park vertically along side each other as there is nowhere else for them to park. The bottom of Swan Farm needs to be clear at all times to allow access for all 4 properties of Millbrook Street whose garages back on to it. There is a public footpath on the proposed site with access to walks through natural countryside with an abundance of wildlife, and I feel the wildlife needs to be protected and enjoyed, not merely overlooked and destroyed!!!

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**Objection – Mr & Mrs K Billington, Millbrook Street, Lower Darwen. Rec – 01/07/2019**

To whom it may concern, I would like to raise an objection about the access for the proposed new build between 21 & 23 Swan Farm Close in Lower Darwen. We live on Millbrook Street but our garage is behind our house, the turning point to get down to our garage is between 21 & 23. If we go out at night and get back late every one has parked their cars and we have just enough room to get down to the garage. More cars parked there would be a nightmare.

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**Objection – Ian & Jackie Hoyle, 7 Swan Farm Close, Lower Darwen. Rec – 01/07/2019**

My husband and myself (Ian and Jackie Hoyle, 7 Swan Farm Close, Lower Darwen BB3 0QU) wish to oppose the recent planning application for the land between 21 and 23 Swan Farm Close.

Not only is there a public footpath that is used everyday on this plot by locals and dog walkers which we feel would be lost, but also, the road on Swan Farm Close is very narrow and cannot cope with the amount of vehicles owned by existing residents: cars have to be parked on the pavement on both sides of the road otherwise residents cannot drive past to their dwellings. We feel this would put an enormous strain on the parking and thoroughfare on this narrow close. Not to mention the utter chaos when building materials would be delivered, there is no way wagons would be able to negotiate this without accidents or damage to residents vehicles.

Residents at the bottom of Swan Farm Close (17, 19 & 21) would lose their parking spaces completely as they have to park vertically at the moment for movement by other residents vehicles. Where would the additional parking be located? Residents on Millbrook Terrace have their garages on Swan Farm Close which they need access to, so there is nowhere at all for additional parking spaces needed which another dwelling would create with their own vehicle(s) and the loss of existing parking.

Should you require any further clarifications please do not hesitate to contact us.

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**Objection – Cllr Gee. Rec – 02/07/2019**

I would like to register my objection to the planning application (ref 10/15/1238).

Due to the access of the site, the public right of way and the effects on the environment. This will be an over development on this small site and is totally not suitable for consideration.

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**Objection – Mr J Budnyk & Ms S Emmett, 19 Swan Farm Close, Lower Darwen. Rec – 04/07/2019**

Dear Mr Blackledge,

This letter is to confirm that myself and my partner object to the building of a property between 21 and 23 Swan Farm Close.

The reasons for this objection are as follows: Right of way to the path between 21 and 23 which has been available for many years.

Future parking problems which may occur.

Loss of habitat and wildlife which is abundant in this area.

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**Objection – Mrs B Catterall, 21 Swan Farm Close, Lower Darwen. Rec – 04/07/2019**

I am writing to say I am against this due to the limited access due to the increase of cars on the close at night and weekends. Access to my property no 21. Emergency services access. There is NO provisions in the planning regarding the spring that runs through the land where they intend to build

so this means the water runs direct into our property which happens at the moment due to the dike that had been filled in by the land owner i feel that this is a very important point i am putting to you.

**Objection – D Catterall, 21 Swan Farm Close, Lower Darwen. Rec – 05/07/2019**

I AM WRITING TO OBJECT TO  
THE PLANNING APPLICATION NO 10/15/1238.  
AT SWAN FARM CLOSE LOWER DARWEN  
MY OBJECTION IS THE ACCESS ON TO THE  
LAND IS LIMITED AND SINCE TO THE  
PLANNING 2 YEARS AGO THERE ARE A  
LOT MORE CARS ON THE CLOSE AND MORE  
CARS WOULD MAKE IT MORE CONGESTED  
ALSO THERE IS A FOOTPATH ON THE LAND

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**Objection – Mr & Mrs Catterall, 21 Swan Farm Close, Lower Darwen. Rec – 15/08/2019**

RESERVED MATTERS APPLICATION 10/19/0547

Our objections still stand from our previous objection letter.

The change of the footpath running alongside our property will create numerous problems i.e. anti social activities with youths congregating in the fenced passageway and graffiti.

We would like the hedge and tree to stay in place as it has become an haven for nesting birds and bats to feed around due to the trees on the site being destroyed

In the additional information letter and plan there is no new provisions in place for the spring as we were very lucky it was a drier than normal winter in 2018/19 other wise our property would have been flooded due to Mr. Cooney filling the ditch in the previous summer.

We would be grateful if you would take into consideration our concerning objections.

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**Objection – D Catterall, 21 Swan Farm Close, Lower Darwen. Rec – 10/05/2021**

We write to you to complain about the planning application for a house between 21 23 Swan Farm close Lower Darwen. Firstly access to the land, the volume of cars has increased and will increase even more with the developement that is going on in Dover street back accessing it from Swan farm. Parking for residents. We are not happy with the re direction of the footpath running alongside our property. Before thinking of planning the issue of the natural spring water is a major problem as it

was diverted when work was done before meaning the water runs directly onto our property now causing damage to our property

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**Objection – Mr & Mrs Catterall. Rec – 28/06/2021**

The footpath is clearly dimensioned and defined so therefore there is no need to remove the hedge which we have maintained for 35 years plus and we oppose it being at the side of our property and being fenced in which would allow congregation of teenagers drinking and smoking drugs this will lead to security problems for 21 23 19 17 15

There is still the ongoing concern of the natural spring, access congestion and wildlife. The turning point on the close is used every day by residents deliveries emergency services. It would not be practical for another driveway .

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**Objection – Mrs King, 29 Swan Farm Close, Lower Darwen. Rec – 07/07/2019**

I would like to object to the plans of property being built between 21 & 23 Swan Farm Close.

My major concern is increased traffic and over crowded parking. Turning around is very difficult with limit space. There isn't enough parking at the bottom end as it is and therefore with a new property in place this will mean less parking as access will be needed. Our cul-de-sac is already used for car parking on match days, when Blackburn Rovers are at home.

I use the path myself when walking my dog to gain access to the fields behind.

**Objection – B Waring, 17 Swan Farm Close, Lower Darwen. Rec – 09/07/2019**

Ref. Reserved Matters Application 10/19/0547

I wish to register my objection to the above reserved matters application pursuant to outline application 10/15/1238, for land in between No.21 and No.23 Swan Farm Close, on Environmental and Health and Safety grounds.

**1 – Location, Land, Footprint**

The first observation is that unless Blackburn with Darwen Council has SOLD or GIVEN a sizeable strip of land to the Applicant, the footprint of the proposed development will not fit.

The site plan/proposed footprint for Outline planning permission 10/15/1238 drawing ref; 1592-02 is totally dissimilar, to application 10/19/0547 drawing ref; 1592-GTA-xx-xx-DR-A-0102 which shows a much larger site.

The kissing gate and fence were constructed in the 1990's for the purpose of preventing motorcycles from using the Scar (River Darwen Parkway), NOT as a boundary. This is a matter of public record.

**2 – Access – Safety issue**

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. The residents of Mill Brook Street turn their cars here to reverse down to their garages as does the Refuse Collection Truck.

Previous applications have failed because of poor access. Access to the site crosses the driveway of No.21.

Another driveway here would see THREE driveways emerge at the turning point. Surely this is cause for concern.

Additional vehicles in the close would be a cause for concern both from an environmental and safety aspect, especially as the increase in traffic is focussed in front of No.23 where my neighbour has a child with mobility issues and needs the parking space.

Parking has always been an issue and has got steadily worse down the years. 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. On occasion it is difficult just to get into the Close.

### 3 – Footpath

There is a well I-trodden path which crosses the site then continues through council owned land before reaching a kissing gate. This path has been in daily use by the general public for in excess of 30 years, for the purpose of travelling to and from work, school and leisure, both on foot and bicycle. This footpath is diagonally in line with the only Zebra Crossing in Lower Darwen which crosses Fore Street at the roundabout.

Notwithstanding the motorcycles the path has existed trouble free in all that time. This is because it is out in the open. To relocate the path along the fence line of No.21 would involve uprooting the few remaining trees and create a narrow ginnel in between the two properties. It is a matter of public record that this type of enclosure is a breeding ground for anti-social behaviour. There is a better compromise.

### 4 – Ecology – Environment -Watercourse

There are several Water Springs behind Swan Farm Close which fill and recede depending on the weather. As they fill and overflow they create a stream across the application site. This stream travels along the top of the application site for a short distance then flows diagonally across the site to the corner at the back of No.21. Evidence is available in the archive of BwD planning department, applications 10/94/1332, 10/90/1671 etc.

Since the trees were felled in 2015 the issue with water has increased significantly. It is only thanks to the land management skills of our neighbour that we have not had an issue with flooding most especially in recent years.

Wild life is only now beginning to return to normal after the events of 2015. Swan Farm Close and the surrounding area has long been a haven for wild life which is infinitely diverse.

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

Evidence of all the above was submitted for the outline Application 10/15/1238 referenced DOC001 –DOC006 inclusive. Evidence is also available in the BwD Planning Department Archive.

### **Objection – B Waring. – Rec 01/10/2019**

B. Waring, Objection to Reserved Matters Application 10/19/0547, pursuant to outline application 10/15/1238.

Dear Sir

Ref. Reserved Matters Application 10/19/0547

Thank you for the recent communication regarding the revised location plan. In the absence of scale or co-ordinates I cannot judge accurately, however, I still believe that the amount of land claimed is still quite generous. There is also the matter of the path which crosses the

Further, should there not have been a revised plan/footprint to accompany the revision of the location plan? Reference item 1 of my original objection letter 09 July 2019.

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**Objection B Waring. Rec – 28/06/2021**

Dear Mr Blackledge

per our conversation 24/06/21 and with reference to online amended documents 26/04/21 re planning application 10/19/0547 (10/15/1238).

! - The footpath is clearly dimensioned and defined, therefore there is no need to remove the hedge row which exists along the boundary of No.21 Swan Farm Close. Nesting birds use this annually, it also affords a degree of privacy for No.21.

2 - The proposed development will overlook existing properties.

3 - The stone posts on Dwg.1592-GTA-xx-xx-DR-A-0101 were put there by Mr. Cooney about 2 years ago after he demolished the existing wooden fence, which was significantly lower down at BOTH ends. That wooden fence was in place to denote a children's playing area, the original purpose of part of the land. There is a letter in the BwD archive reminding the original owners of their responsibility in that regard. Photographs available if required.

4 - With regard to access, congestion, wildlife, water springs etc., please refer to the many letters and emails previously written by myself and neighbours with regard to this land and previous planning applications.

5 - Is it not a safety hazard to have 3 driveways converging in such a small area, which is also used as a turning circle? The refuge truck driver is going to love this!

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**Objection – Adele Butler, 23 Swan Farm Close, Lower Darwen. Rec – 09/07/2019**

I would like to register my objection to the proposed planning application between number 21 and 23 Swan Farm Close reference number 10/19/0547 on Health and safety and environmental grounds.

Health and Safety

I am already highly concerned about the amount of congested traffic on Swan Farm close. With most houses having two or more cars and or work vehicles. I am the mum of a disabled child who has mobility problems, I already struggle to park the car if the space in front of my house has been taken. The neighbour's try to keep the space free for me but obviously there are always lots of visitors. Swan Farm Close is already extremely congested especially in the evenings and weekends. Adding more traffic and another access point all outside of my house will definitely cause Health and Safety issues.

Environmental

The wildlife has only recently got back to normal after the damage that was done when they ripped out the trees next to my house a few years ago. I have only recently seen the deer that come past my back fence. They disappeared for a long time after all the upset. The birds, squirrels etc have only just got back to normal. It will have a detrimental effect on all of the wildlife.

Also flooding is an issue. At the moment when the spring at the back of my house overflows it runs across the proposed site from behind my house number 23 to behind number 21 and on to the river. The water pools in the centre of the proposed site where the house is to be built. Where is the water going to go if it cannot follow its natural course?

I have not had any flooding issues up to date.

Also I want to mention the public footpath that is used by many.

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**Objection – Mr & Mrs Berry, 27 Swan Farm Close, Lower Darwen. Rec – 15/07/2019**

1972 This land was on the original plans as 2 parking places, then triangular play area going up to No 31. so should not be built on.

We have lived here since 1972 Nov 30<sup>th</sup> and there has always been a footpath through there, and so should not be taking that land away.

It is well used by the public & residents, schools have children that walk through, workers, dog walkers ect.

Cars also have great difficulty trying to turn round at it is, Taxi's, cars making deliveries & residents.

The Footpath should remain, till that's sorted out, No build should be allowed.

**Objection Mr & Mrs Berry, 27 Swan Farm Close, Lower Darwen. Rec - 05/05/2021**

We are against these plans on the grounds. of trying to remove our right of way between 21 + 23.

We have lived here since 1972 and the Path has always be there and is well used by all walks of life, for schools, dog walks, bird watching.

That spot was on our original plans for 2 parking places and play ground the kids had great fun until all the trees were chopped down, during the bird season might I add.

Lorries that drive down to deliver goods can't and have to reverse back up, turn round, then back down to do so. Due to the narrow road & cars that have to park there.