

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 11 February 2009

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APPLICATION REF. NO: 08/01002/FUL

STATUTORY DECISION DATE: 18 February 2009

WARD/PARISH: PARK WEST

LOCATION: 59 Elton Parade

DESCRIPTION: Internal alterations and proposed erection of single and two storey extensions to existing building to create an 8 bed residential care home with storage to the existing roof space. Erection of detached bin store and 1.8m high timber fence enclosure to rear garden with new hard standing to frontage for 8 No. off street car parking spaces (as amended by plans received 26 January 2009)

APPLICANT: Voyage

APPLICATION AND SITE DESCRIPTION

The existing detached property is a residential care home, which is currently vacant. The building contains a total of eight bedrooms (two on the ground floor and six on the first floor) and the roof space is used as an office. The property sits in the north east corner of the application site, which measures approximately 0.2 hectares. There is a detached garage and outbuilding in the rear garden area. The site is situated within the Stanhope Road/Grange Road Conservation Area and contains a number of trees that are preserved under Borough of Darlington Tree Preservation Order (No 6) 1985. The surrounding area is predominately residential in character although there is a children's nursery, a general dealers and a school in close proximity.

The proposal involves internal alterations to the existing dwelling and the erection of single and two storey extensions to create an 8 bed residential care home for adults with learning disabilities and special mobility requirements with storage to the existing roof space. The existing vehicular and pedestrian accesses of Elton Parade would be used and 8 parking bays would be created. A new timber fence would be erected between the proposed extension and the existing garage to provide a secure garden area for the residents.

PLANNING HISTORY

The following entries are considered relevant:

LU/92/00538/DM In December 1992 planning permission was GRANTED for the use of a dwelling as a family group home for six persons with learning difficulties

94/00298/CU In July 1994 planning Permission was GRANTED for a change of use from residential home used for up to six persons to a residential care home for a maximum of eight persons

94/00774/DM In February 1995 planning permission was REFUSED for the erection of a detached five bedroom bungalow

08/00767/FUL In October 2008 an application for Erection of two storey side extension with roof storage, detached bin store, creation of 8 No. parking spaces and erection of timber panel fence was WITHDRAWN

PLANNING POLICY BACKGROUND

The following policies within the Borough of Darlington Local Plan are considered relevant:

- E2 Development Limits
- E27 Flooding and Development
- E28 Surface Water and Development
- E29 The Setting of New Development
- E46 Safety and Security
- H15 The Amenity of Residential Areas
- R1 Designing For All
- R2 Access For People with Disabilities
- T13 New Development - Standards
- T24 Parking and Servicing Requirements for New Development

Government guidance relating to conservation areas is contained within Planning Policy Guidance Note 15 – Planning and the Historic Environment

RESULTS OF CONSULTATION AND PUBLICITY

Ten letters of objection have been received and the concerns can be summarised as follows:

- *It will be the intention of the applicant to use the site as a secure unit. I have children and I would want guarantees that no residents would have criminal records;*
- *Concerns over the extent of tree removal and the impact upon habitats;*
- *Can the extension be resited along the Elton Parade frontage behind the existing parameter fencing;*
- *Previous residents have given off disturbing noises and there have been occasionally disturbing sights;*
- *I object to the size and scale of the proposed expansion of this commercial enterprise in the residential community of Elton Parade. The modified proposals which would add 515 sqm of new floor area (to the 300sqm existing in the present building) raised these concerns;*

- *Once this L shaped building is built, the building can never be returned to a simple residential use and thus changes the nature of Elton Parade even more than has been effected already;*
- *It is unlikely that a commercial organisation will restrict their residential care home to eight persons. It would seem highly likely that Venture Care will soon be back seeking ways and means to increase the scale of their commerce even further by either subdividing the existing bedrooms even further or seeking to build two storey extensions;*
- *The security of the use is a concern. Driveway gates were always locked to restrain more mobile residents and therefore the car parking spaces could not be used. Previous and current fencing not secure. Residents have been found time to time in the local community*
- *There is a pre school nursery for under four years in close proximity to this care home. It is unacceptable that the Council should consider having two such uses in close proximity, especially from a security point of view;*
- *There is also two schools and an off license within 100 metres of the site;*
- *The existing 5 car parking spaces were not used for parking and therefore most parking was outside the site on Elton Parade. This caused traffic flow problems with the traffic along with associated from the nursery and the schools;*
- *The driveway for the eight car parking spaces is immediately next to the entrance of my property (No 59 Elton Parade)*
- *The waste bins, including those for clinical waste should be in a more secure, hidden site towards the rear of the site;*
- *The site will be used as a high secure unit in the future;*
- *Additional traffic to the premises will pose a risk to pedestrians, as the visibility for drivers exiting the property is restricted.*
- *It appears that only eight trees are worthy of retaining. This is unacceptable. I cannot accept that 16 trees are surplus to requirements and they are not within the footprint of the development*
- *A Wildlife survey should be carried out as there is a variety of wildlife in the area.*
- *The proposed development is still not in keeping with the existing building*
- *Nothing has been done to address the issues created by the construction of the extension, provision of parking and refuse areas and the likely increase in surface water run off*
- *This is a conservation area and the proposed development is wholly out of keeping with the character with the original building and other period buildings in the area;*
- *An application for the erection of a bungalow was refused, as “it would result in an undesirable form of backland development, out of keeping with the scale and character of the locality in general As such the proposal was considered to be contrary to Policy H13 of the Local Plan”*
- *As the development is directly to the south of my property it will cut out sunlight directly reaching the back of my property and will reduce the amount of sunlight and natural daylight enjoyed in many rooms;*
- *There will be new windows overlooking my house, especially as the existing boundary wall will be lowered;*
- *The drainage problem, which already exists with this site, will be increased to an unacceptable level. Existing services do not cope with the existing building and the proposal to increase occupation by over eight more units, while increasing the roof area and surface drainage by over 300% will result in even more breaches in the drainage system;*

- *There have been previous objections relating to shouting and screaming starting about 7am. Management of the existing small unit are unable to control the noise problem, such a large increase in accommodation would inevitable make this situation intolerable;*
- *This was once a family household which was converted to seven bed accommodation, for which because of a loophole in planning legislation they did not require change of use.. Since then they have applied twice to extend and on both occasions the council rejected this.*
- *If the extension is allowed to proceed it will set a precedent in an area where there are a number of houses surrounded by large gardens, the council will find it very difficult to oppose similar applications from owners of these large sites.*
- *There will be an extensive loss of the garden as well as a removal of a row of trees resulting other devastation to foliage and fauna alike;*
- *With tarmac virtually all over the front of the property, there will be decreased natural surface drainage for water putting pressure on the old sewage system that runs down the road;*
- *The road would be cluttered by construction traffic;*
- *The development will severely affect the right to privacy and daylight for the adjoining dwellings;*
- *Development would lead to an increase in traffic and on street parking in an area, which is already suffering from these problems;*
- *The roof height is not necessary. Why can they not reduce the pitch of the rood? It still will give them sufficient storage area*
- *My concern is the plan at a latter date to open the roof up and accommodate a further four living areas, with the lift already being in place.*
- *Vermin is already a problem in this area. The external bin storage for clinical and household waste will exacerbate the problem.*
- *A full risk assessment of the property and use needs to be take place;*

Northumbrian Water

Northumbrian Water raise no objections to the proposed development

PLANNING ISSUES

The main issues to be considered here are whether or not the proposed development is acceptable in the following terms:

- Impact Upon the Character and Visual Appearance of the Surrounding Area
- Residential Amenity
- Highway Matters
- Trees
- Other Matters

Impact Upon the Character and Visual Appearance of the Surrounding Area

Policy E29 (The Setting of New Development) of the Local Plan, states that new development must respect the character of its setting in terms of its siting design, materials, landscaping and the protection of gardens and other open spaces. The development must not materially detract from the appearance of its surroundings.

Whilst not known for certain, looking at the architectural style and using the historic GIS maps, this detached building is probably a Victorian property constructed towards the end of the 19th century or beginning of the 20th century. It is brick painted white, with slate roof and two red brick chimneys. It has sash 'oxford' glazing, timber windows, painted white and large bay windows on the ground floor as well as a more decorated arched window to the side, with four pane sash windows on the first floor as well as another arched sash and a small dormer window in the roof, with small, four pane windows to the front and both sides. There is also a porch entrance with Doric columns that has a side ramp with brick wall (painted white with top row left unpainted and therefore red) and steps and Doric columns.

The site measures approximately 0.2 hectares and detached building sits on the northeast corner. A detached garage is situated on the southwest corner and an outbuilding is located on the northwest corner. The area of the site containing these buildings is an overgrown garden and a row of trees separates this section from the part containing the building.

The proposal involves internal alterations to the existing building and the erection of a part single and part two storey extension to create an 8 bedroom residential care home for adults with learning disabilities. The extension extends from the rear of the existing building (west elevation) returning through 90 degrees to within 10.5m of the southern boundary with No. 49 Elton Parade. The extension would have a hipped roof. It would be brick built and whitewashed to match the main house with a tiled roof. The other associated works involve the formation of a car park to the front, the erection of a detached bin store and a 1.8m high timber fence to enclose a landscaped rear garden.

In general terms, the extension compliments the design and scale of the existing building, and would sit comfortably within newly landscaped surroundings. Whilst the proposed extension would result in the loss of existing garden area, the development would open up and landscape another section of the site, which is currently overgrown and not used as an amenity area. The extension is set well within the site and would not be clearly visible from the street scene due to the existing tree coverage that would be retained. The development would accord with Policy E29 of the Local Plan.

This property also lies within Stanhope Road-Grange Road Conservation Area and as such all development within the area must comply with Planning Policy Guidance 15: Planning and the Historic Environment (PPG15). Conservation Areas are designated by Local Authorities as *areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance*. PPG15 states that development within the area must *preserve or enhance the character or appearance* of the Conservation Area.

The Conservation Officer has inspected the planning application and visited the site. The officer has commented as follows:

“Elton Parade is not homogenous, it is characterised by large, terraced, semi-detached and detached, red brick residential properties that face the road all constructed at approximately the same time. Number 59 is very different to other properties in the area because it occupies a larger site, is set off the road facing the side of the site (rather than onto the road) and it is brick painted white. Therefore, appropriate alterations and extensions to this property must be in keeping with the host property, but would still differ from other properties on the street.

The proposal benefits from the decreased size of the extension from two storeys to single storey, which keeps it subservient to the host property and clearly an extension. This appropriately makes no attempt to hide the changes to the site and building, as part of its history.

The application proposes to match all existing materials and replicate the existing style of windows (including the more decorative arched window), on a smaller scale, which is appropriate to a single storey extension. I am also happy with the external timber door proposed because it is clearly deferential to the main entrance. Therefore I have no objection to the proposed extension.

I also have no objection to the detached bin store, which is of timber construction with concrete posts, or the timber panel fence, which are in keeping with existing materials and not a visible part of the site.”

In view of these comments it is considered that the proposed development would not have a detrimental impact upon the Conservation Area and it would accord with Planning Policy Guidance Note 15 – Planning and the Historic Environment.

A previous application for a detached five bedroom bungalow within the grounds of the care home, which was refused in February 1995, (see Planning History), has been mentioned by objectors. The application was refused for the following reason:

“ The development would result in an undesirable form of back land development, out of keeping with the character of the locality, detrimental to the residential amenities of the locality and would thereby conflict with Policy H14 of the Borough of Darlington Local Plan “.

This application was for a single storey L shaped detached bungalow to be used as a family home for five people with disabilities. It would have been located in a central position within the site. It is considered that the proposed development integrates better within the site and the street scene, as it is an extension to the existing building and appears subservient.

Residential Amenity

Policy H15 of the Local Plan states permission will not be granted for the establishment, enlargement or material intensification of non-residential uses, which would unacceptably conflict with the amenities of surrounding areas having a predominately residential character or with the quiet enjoyment of dwellings and gardens, in particular.

The use of the application site as a residential care home for people with learning disabilities has already been established by a Certificate of Lawfulness application in 1992 and a further planning permission in 1994. The approval given in 1994 was to increase the number of residents from six to eight and whilst this proposal involves an extension to the existing building, it would not result in an increase in the number of bedrooms and residents.

The proposal does involve opening up and landscaping of the rear garden to create a secure private amenity area for the residents. It would be the applicant’s intention to erect a 2m high fence on any unsecure boundaries and the residents would not be allowed to access the front parking area or Elton Parade without supervision from staff.

The Durham County Council Architectural Liaison Officer has commented as follows “*With reference to the proposed development of Newlands 59 Elton Place, Darlington I have no*

personal knowledge of the area, I have made enquiries through our recording systems and with the local Crime Prevention Officer (I have not been able to speak to the Beat Officers that cover that area) and found no issues in relation to the past use of the building. Based on the information I have, there is no reason to object to the development going ahead.”

Some of the objections relate to the potential future use of the site, and any proposals to extend the building any further would be the subject of planning applications, and they would be considered on their individual merits. In order to allow further controls over the future use and expansion of the building, the applicant has agreed to the imposition of planning conditions preventing an increase of residents to more than eight (a similar condition was imposed on the 1994 planning permission); that the building can only be used as a residential care home for adults with learning disabilities and acquired brain injury and that it is not used as a general day care facility.

A lane, measuring approximately 30m, runs between the existing building and the dwellings to the north. After the lane finishes, the remaining rear gardens of the dwellings on Cleveland Terrace run right up to the boundary of the application site. The boundary of the site with neighbouring dwellings consists of a high brick wall to the north and south and fencing to the west. The boundaries are all tree lined or with hedgerows.

A planning application was submitted in 2008 for a two-storey side extension. This application was withdrawn as Officers had concerns over the size of the extension and the impact of it upon the amenities of the properties on Cleveland Terrace to the north. The proposal has now been revised to reduce the scale of the extension to part single storey and part two-storey. The two-storey element, which contains a landing and lift on the first floor, projects from the rear of the building for approximately 2m and then the extension drops to single storey for a length of 12.3m before it turns 90 degrees into the site. The overall height of the extension has been lowered further and would be 6.1m, under a hipped roof. The dwellings to the north are both three and two stories high and there is a separation distance of approximately 19m. The minimum separation distance between existing and proposed buildings, used by the Council as a guideline, is 21m between two windowed elevations. The 19m separation distance is considered to be acceptable in this case giving consideration to the fact that the extension is single storey, the northern boundary wall and vegetation would remain intact, the window openings would be fitted with obscure glazing (discussed further below) and the design incorporates a hipped roof which slopes away from the boundary line and therefore reduces its impact in terms of blocking sunlight and daylight into neighbouring dwellings. Also, this section of the extension could be treated as a gable end of the extension, and therefore the required separation distance reduces to 12.5m, which would be complied with.

There are four existing window openings in the north elevation of the existing building and three new openings (two at ground floor level and one at the first floor) would be introduced as part of the proposed extension. Whilst the applicant has clarified that they do not intend to lower the northern boundary wall or remove any vegetation, they have agreed to obscure the new ground floor windows, the first floor landing window and two of the four openings in the existing building. The openings, which would remain clear glazed are a ground floor kitchen window (formerly a dining room); and a dormer extension window in the roof, which are both in the existing building. It is considered that the proposed development would not significantly increase the existing levels of overlooking into the rear of the neighbouring dwellings.

The southern return of the extension would be approximately 23m away from No 49 Elton Parade, and the facing elevation does not contain any window openings, only a doorway and access ramp. As a result, the extension would not raise any loss of privacy issues with this property. The bin store would be sited 5m from the boundary with the same dwelling, and it is within a secure enclosure. The applicant considers that the store must be close to the public highway but also away from the secure amenity area for the residents, and that this is the most appropriate position.

To conclude this section, the use of the site as a residential care home has already been approved and established. Planning conditions can be imposed to prevent further expansion of the use by internal alterations and to restrict the use to a care home for adults with learning disabilities. The overall scale of the extension has been amended to minimise the impact of the development on the properties on Cleveland Terrace and further conditions can be imposed to secure obscure glazing in window openings. It is considered that on balance, and subject to appropriate planning conditions, the proposal would not have an adverse impact on neighbouring dwellings and it would accord with Policy H15 of the Local Plan.

Highway Matters

The existing and proposed pedestrian and vehicular accesses off Elton Parade would be used and 8no parking spaces would be provided, including a disabled parking space. The Council's Traffic Manager has no objections, in principle to the proposal on traffic safety grounds and he considers that the parking provision is acceptable. However, concern over the width of the existing vehicular access (2.75m) has been raised and the Traffic Manager considers that it should be a minimum of 4.1m. The applicant has agreed to the imposition of a condition requesting the submission of details of the access arrangements.

An issue raised by objectors is that the access gates were always locked, possibly for security reasons, and therefore the off street parking spaces were not made available and cars had to park on Elton Parade. The applicant has agreed to a condition securing the availability of the eight car parking spaces. A further condition can be imposed to secure a cycle parking area.

Trees

There are nine trees within the site covered by the Borough of Darlington Tree Preservation (No 6) Order 1983. The remaining trees would have Conservation Area status protection. An Arboricultural Report, submitted with the application, evaluates the trees and put each one into a "Retention Category". Essentially twenty five items of vegetation were surveyed and, it concludes that two trees are of high quality and value with good life expectancy; six trees are of moderate quality and value with significant life expectancy; sixteen trees are of moderate quality and value and are in adequate condition and one tree should be removed.

All of the trees under the 1983 Order would be retained. The applicant would intend to remove the Apple tree highlighted in the Report, and a row of mixed trees to open up the rear garden to create the secure amenity area only. These trees are not deemed to be worthy of a preservation order.

It is not considered appropriate for the development to be subjected to a wildlife species survey as the vegetation removal would be minimal.

The Council's Senior Arboricultural Officer, requested information about how the car park to the front would be constructed without impacting upon the trees, and how the trees would be

protected. There are methods of forming car parking places in close proximity to the Root Protection Areas of trees without causing danger to them and the Council's Arboricultural Officer has agreed to the imposition of planning conditions relating to the landscaping of the site, the formation of the car park and methods of tree protection.

The proposal, subject to appropriate conditions, would accord with Policies E11, E12, and E14 of the Local Plan.

Other Matters

Objectors have raised some concerns over the impact that the development will have on the existing drainage systems. Council's Environmental Health Division received one complaint in 1999 regarding the overflowing of drains and the record shows the issue was resolved informally. The applicant has stated that the foul sewage would be disposed of into the existing mains sewer and surface water would be disposed of by soakaways. Northumbrian Water has been consulted and has raised no objections to the development.

The Council's Environmental Health Officer has requested the imposition of a planning condition relating to a Contaminated Land Survey.

In relation to the proposed development setting a precedent for similar developments, Members will be aware that any applications submitted in the future would be considered on their individual merits.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The Architectural Liaison Officer has inspected the application and has no record of complaints regarding the use of the building and he has raised no objections to the proposal. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION

Planning permission has been previously granted for the use of the existing building as a residential care home for up to eight people. The proposed development involves internal alterations to the existing building and a part two storey and part single storey extension to create accommodation for eight adults with learning disabilities. The proposal also involves the formation of a car parking area, the erection of a bin store and the creation of an enclosed secure amenity area to be used by the residents.

It is considered that the proposed extension by reason of its size, position and appearance is in keeping with the external appearance of the existing property and will not cause significant harm to the character and appearance of the host property or the surrounding area and Stanhope Road/Grange Road Conservation Area.. The extension has no significant impact in terms of loss of daylight or sunlight to adjoining dwellings and maintains adequate levels of privacy. The proposal does not adversely affect car parking provision on the site nor impact on highway safety. No issues are raised in relation to crime prevention. The proposal, subject to suitable planning conditions, is considered acceptable in the light of the following policies within the Borough of Darlington Local Plan:

- E2 Development Limits
- E27 Flooding and Development
- E28 Surface Water and Development
- E29 The Setting of New Development
- E46 Safety and Security
- H15 The Amenity of Residential Areas
- R1 Designing For All
- R2 Access For People with Disabilities
- T13 New Development - Standards
- T24 Parking and Servicing Requirements for New Development

Government guidance relating to conservation areas is contained within Planning Policy Guidance Note 15 – Planning and the Historic Environment

RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- A3 – Implementation Limit
- B4 – Details of Materials
- The premises shall be used as a residential care home for adults with learning disabilities and acquired brain injury only and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking or re-enacting that Order). The building shall not be used as a general care facility for any person other than the residents of the care home.
REASON: The Local Planning Authority is satisfied that the use hereby approved would not result in detriment to adjoining properties but would wish to control future changes within the same class in the interests of amenity
- Notwithstanding the details contained within the planning permission, the residential care home shall not be occupied by more than eight residents, unless otherwise agreed in writing by the Local Planning Authority.
REASON: In order that the Local Planning Authority may retain control over the future development of the site in the interests of amenity
- Notwithstanding the details shown on the approved plans, precise details of the access arrangements, including the increase in width of the entrance, shall be submitted to and approved, in writing, by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details
REASON: In the interests of highway safety
- Notwithstanding the details shown on the approved plans, precise details of a secure cycle parking area shall be submitted to and approved, in writing, by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details
REASON: To ensure that a sufficient cycle parking is provided within the development
- The 8no parking spaces shall be made available at all times during the hours of operation of the care home.
REASON: To ensure that the parking spaces are available and to minimise the need to park vehicles on the surrounding highways
- E2 - Submission

- Notwithstanding the details shown on the approved plans, an Arboricultural Method Statement relating to the formation of the car park and the disabled ramp, shall be submitted to and approved, in writing, by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details
REASON: To ensure that the construction works do not have a detrimental impact upon the trees within the application site.
- No works shall commence on site until protective fencing, in accordance with BS5837 2005 has been erected around the trees to be retained in and adjacent to the application site. The fencing should be at least 2.3m high and consist of a scaffolding frame, braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The extent of the protection must be inspected by a Council Officer prior to the commencement of the development.
REASON: To ensure the retention of the trees and their protection from damage, in the interests of visual amenity.
- J2
- The windows in the north elevation of the building, shown on Drawing No 436/2008-04 Rev D plus the first floor landing window, shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing. The level of obscurity shall be agreed, in writing, by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details.
REASON: To prevent the overlooking of neighbouring dwellings.
- Notwithstanding the details shown on the approved plans, the means of enclosure for the site, shall be submitted to and approved, in writing, by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details
REASON: In the interests of residential amenity
- B5 – Detailed Applications

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

- E2 Development Limits
- E27 Flooding and Development
- E28 Surface Water and Development
- E29 The Setting of New Development
- E46 Safety and Security
- H15 The Amenity of Residential Areas
- R1 Designing For All
- R2 Access For People with Disabilities
- T13 New Development - Standards
- T24 Parking and Servicing Requirements for New Development

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INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

The applicant is advised that works are required within the public highway, to widen the existing vehicle crossing, and contact must be made with the Assistant Director: Highways and Engineering (contact Mr.A.Ward 01325 388743) to arrange for the works to be carried out or to obtain permission under Sec.184 of the Highways Act 1980 to execute the works.

The applicant is advised that contact must be made with the Assistant Director: Highways and Engineering (contact Ms. P.Goodwill 01325 388760) to discuss naming and numbering of the development.