DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

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APPLICATION REF. NO:	11/00202/FUL
STATUTORY DECISION DATE:	5 August 2011
WARD/PARISH:	MIDDLETON ST GEORGE
LOCATION:	Middleton Hall Retirement Village, Middleton St George.
DESCRIPTION:	Erection of 26 bed dementia care unit, café to main hall, entrance to hall and 36 no. independent living bungalows with replacement caretaker's lodge.
APPLICANT:	Middleton Hall Retirement Village

APPLICATION AND SITE DESCRIPTION

The application site is situated approximately mid way between the village of Middleton St George and Durham Tees Valley Airport.

Middleton Hall is a Grade II Listed building set within extensive grounds (approximately 8 hectares in area) including parkland, woodland and farmland. The Hall is mainly two storey in height and comprises Georgian, Victorian and more modern elements.

The surrounding area is predominantly rural in character with areas of housing to the north (Virginia Estate) and east (The Oaklands) and the village of Middleton St George to the west.

The main vehicular access into the site is from an unclassified road which runs along the eastern boundary of the site to Middleton One Row. A secondary vehicular access is provided from Yarm Road (C52) to the north of the Hall.

Middleton Hall provides retirement and nursing home facilities and includes:-

- 29 Independent living apartments
- 20 Assisted living suites
- 32 Residential care rooms
- 20 Complete care rooms
- Swimming pool, gym, and therapy rooms
- Restaurant, bar café
- Hairdressing salon
- Library

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- All weather sports green and boules area
- Bird hide and wildlife ponds.

The application seeks to extend and improve the current facilities and proposes the following: -

- 35 independent living bungalows
- 26 bed specialist dementia care unit
- Caretakers lodge; and
- Provision of a new terraced café and entrance lobby to the main hall.

Independent living bungalows

The proposal involves the erection of two bed units consisting of terraced; semi detached and detached properties of four different house types. The bungalows would be located on the western side of site within a field beyond the existing building complex. The bungalows will be constructed to Code for Sustainable Homes Level 6 to achieve a zero carbon goal which would include: -

- The installation of photovoltaic panels and solar panels to provide electricity and hot water;
- High performance insulation to the bungalows;
- Argon filled triple glazing;
- Grey water recycling for WC's and rainwater harvesting for washing machines; and
- Installation of seasonal heat efficiency fans to each bungalow. This reduces the loss of warm air through a heat recovery process.

The proposed layout incorporates an extension to the existing parkland incorporating new tree planting, a village green and wetland areas. In keeping with the requirements of Code for Sustainable Homes Level 6 surface water from developed site area will be retained, stored disposed of via a sustainable drainage system. All water from the roofs of buildings, the new access road serving the bungalows will drain into the proposed wet land areas.

Dementia Care Unit

This element of the scheme would provide a 26 bed facility and associated day care facilities for non-residents. The building would comprise two main components, the day care facility /activity rooms to the north and accommodation clusters to the south. These elements are connected by a lightweight transparent canopy over a central winter garden. The building would incorporate solar hot water panels and Photovoltaic panels to achieve a 10-15% reduction in CO2 emissions the proposed building would be located on the eastern side of the site.

Caretakers lodge

It is proposed to erect a single storey dwelling in the location of the original caretaker's lodge on the northern side of the main entrance drive, immediately adjacent to the public highway.

New Café and Entrance Lobby

The proposed café would comprise a lightweight conservatory style structure located within an internal courtyard of the existing building complex. The proposed entrance lobby would be situated on the south facing elevation of the existing Hall.

The application indicates that the proposed development would generate an additional 60 jobs in the care sector. Approximately 30 of these would be full time and the remainder being part time.

The following supporting documents are submitted with the application: -

- Planning Statement
- Design and Access Statement
- Heritage Impact Statement
- Phase1 Habitat and Great Crested Newt Survey
- Landscape Assessment
- Arboricultural Investigation
- Desk Top Contamination Study

The planning statement sets out a case for the need for the development and states that the development will be an exemplar project not previously experienced within the region. Furthermore it states that the development is understood to be the first of its kind within the North East and probably the UK.

In accordance with the guidelines contained in the Council's Adopted Statement of Community Involvement, extensive public consultation was undertaken as follows: -

- 11th October Presentation to Parish Council
- 11th/12th October Middleton Hall Staff
- 12th October Middleton St George(advertised in Middleton Messenger)
- 13th October Middleton Hall residents/families (27 attended)
- 15th October Middleton Hall residents/families (18 attended).

The following comments were made by some attendees: -

- The plan sounds wonderful, not too big and important for the area. Plans for the spar would be appreciated.
- Some excellent ideas.
- Very ambitious project- should enhance the amenities of the village.
- Very impressed.
- Good ideas. Seemingly well planed.

An application for listed building consent for the alterations to the existing listed building appears elsewhere on this agenda under reference 11/00203/LBC

PLANNING HISTORY

The site has an extensive planning history only the most significant of which is included below.

97/209 – In June 1997 planning permission was granted for the erection of a new wing to the Hall.

97/221 – Planning permission was granted in June 1997 for the demolition and rebuilding of derelict lodge to form dwelling.

02//493 – In July 2002 renewal of planning permission 97/209 was granted for the erection of a new wing.

05/191 – In May 2005 planning permission was granted for the erection of a new building to provide 22 no. close care apartments and ancillary rooms and car parking and demolition of

outbuildings and erection of extension to nursing home comprising 14 studios and 2 dining rooms and change of use of agricultural land to form extension to grounds of the nursing home. 05/1214 – Planning permission was granted in March 2006 for the erection of a new building to provide a 26 no. close care apartments and car parking.

06/1225 – Planning permission was granted in May 2007 for the erection of a health club including pool and gymnasium, common room, 1 no. apartment, first floor link corridor, storage buildings, hairdressing salon/coffee shop, entrance gates and car park.

PLANNING POLICY BACKGROUND

The starting point for considering the proposal is the statutory development plan. The relevant parts in respect of the proposed development are as follows:-

RSS: The North East of England Plan, Regional Spatial Strategy to 2021:

- Policy1 North East Renaissance
- Policy2 Sustainable Development
- Policy3 Climate Change
- Policy4 The sequential Approach to Development
- Policy6 Locational Strategy
- Policy7 Connectivity and Accessibility
- Policy8 Protecting and Enhancing the Development
- Policy10 Tees Valley City- Region
- Policy11 Rural Areas
- Policy12- Sustainable Economic Development
- Policy24- Delivering Sustainable Communities
- Policy31- Landscape Character
- Policy32- Historic Environment
- Policy33- Biodiversity and Geodiversity
- Policy35- Flood Risk
- Policy36- Trees, Woodlands and Forests
- Policy38 Sustainable Construction
- Policy39 Renewable Energy Generation
- Policy 54- Parking and Travel Plans

Darlington Core Strategy Development Plan Document

- CS1 Darlington's Sub Regional Role and Locational Strategy
- CS2 Achieving High Quality, Sustainable Design
- CS3 Promoting Renewable Energy
- CS4 Developer Contributions
- CS11- Meeting Housing Needs
- CS14- Promoting Local Character and Distinctiveness
- CS15- Protecting and Enhancing Biodiversity and Geodiversity

Saved Policies of the Borough of Darlington Local Plan:

- E2 Development Limits
- E4 New Buildings in the Countryside
- E9 Protecting Parklands
- T12- Trees and Development
- E13 Tree Preservation Orders
- E14- Landscaping of Development

National Planning Policy

Parts of the following Planning Policy Statements are material considerations:

- PPS1 Delivering Sustainable Development
- PPS4 Planning for Sustainable Growth
- PPS5 Planning for the Historic Environment
- PPS7 Sustainable Development in Rural Areas
- PPS9 Biodiversity and Geodiversity
- PPS13- Transport (2001)
- PPS23 Planning and Pollution Control
- PPG24- Planning and Noise
- PPS25- Development and Flood Risk

RESULTS OF CONSULTATION AND PUBLICITY

One letter of support and one letter objecting to the development from local residents has been received. The following comments are made: -

- The scheme would be a great asset to the village. There is a demand for a dementia unit which is greatly needed.
- The application represents a commercial venture on undeveloped agricultural land and therefore should de refused.
- It is of no benefit to the village and against the joint Parish Plan.
- As they wish to build a lodge is it to be a gated community.
- The houses are for affluent people but there are no pavements or street lighting connecting them to the village and therefore would be an exclusive commune.
- The majority of the village are unaware what is happening and would be against any further housing development.

Middleton St George Parish Council has recommended that the application be approved.

Northumbrian Water has noted that surface water is to be dealt with by SUDS but in terms of foul drainage they have commented that the nearest public sewer in Oak Tree Close discharges to the airport sewage treatment works which is at capacity and cannot accept additional flow. However there is a public sewage pumping station at Oaklands Farm. This connects to Streesholme sewage treatment works which can accept additional flow. They have advised that if foul drainage from the development is connected to the latter then they would have no objection.

The applicant has confirmed that this is the intention.

The Council's Highways Engineer has no objection to the development on highway grounds subject to a the imposition of conditions to secure the commitments set out in the submitted travel plan and provision of bus platforms at the bus stops adjacent to the main entrance to the site.

PLANNING ISSUES

The main issues to be considered in the determination of this application are: -

- Planning Policy
- Landscape and Visual Effects
- Residential Amenity
- Trees
- Ecology
- Highway Implications

Planning Policy

The addition of the proposed café and entrance lobby to the existing building are acceptable in principle. Similarly the proposed caretakers lodge is also considered acceptable in principle, given that there is an extant planning permission for the demolition and reconstruction of the existing lodge granted in June 2007 under ref: 97/221 and which has been implemented by virtue of the demolition of the original lodge.

During the consideration of the application additional information has been submitted to demonstrate to officers that the proposed independent living bungalows would be occupied and operated as part of Middleton Hall Retirement Village, which falls within Class C2 (Residential Institutions) of the Use Classes Order, rather than Class C3 (Dwelling Houses). The characteristics of the independent living bungalows are: -

(a) The units will be sold on a leasehold basis.

(b) Re-sale/re-let of the units is controlled by Middleton Hall and not on the open market through residential estate agents.

(c) A service charge will be payable to Middleton Hall, this will include use of the swimming pool/fitness facilities, transport service, maintenance, reception service, drugs deliveries, access to nurses and routine visits to check on welfare in addition to a contribution to Middleton Hall overheads for all residents. This provision will be included in the lease for the bungalows.(d) 24 hour emergency call system into the care home giving carer and nurse cover at all times.(e) Occupation of the units will be restricted to persons 55 years of age or older.

There is sufficient planning case law to indicate that such characteristics would place the independent living bungalows within use class C2 of the Use Classes Order. Officers are therefore satisfied of that the bungalows would be wholly integrated with Middleton Hall and not represent a proposal for speculative housing development.

As the site lies beyond the limits to development the proposed dementia care facility and independent living bungalows need to be considered against policy CS1 of the Core Strategy Development Plan Document and Policy E2 of the Local Plan.

Policy CS1 states; "Outside the limits to development of the main urban area and the villages, development will be limited to that required to meet identified rural needs." Saved Local Plan Policy E2 explains that "identified rural needs" would include:

- Agricultural or forestry operations;
- Operational development of water, drainage and other utility services providers and,
- Development related to countryside -related sports or recreation activities.

From the above, it is clear that these elements of the overall scheme are not required to meet identified rural needs. Therefore, the question to be considered is, are there any material considerations sufficient to justify a departure from development plan policy. In this case the material considerations are: -

- The creation of 60 jobs (30 full time and 30 part time);
- Demonstrated need for the development;
- Proposal to achieve Level 6 of the code for Sustainable Homes;
- Provision of on site renewable energy; and
- The creation of a substantial parkland area

Officers are of the view that the above material considerations provide sufficient weight to warrant a departure from development plan policy in this instance.

Members should note that the characteristics of the proposed independent living accommodation would more or less be identical to the existing close care accommodation (a two storey 26 apartment block) on the western side of the Hall, for which planning permission was granted in March 2006. This is subject to a condition limiting the occupation of the apartments to persons over the age of 55 and stipulates that the apartments shall be used solely in connection with the use at Middleton Hall. A similar condition would be appropriate should permission be granted for the current scheme.

Landscape and Visual Effects.

The site incorporates a number of distinct landscape elements. The central part of the site comprises the existing Hall set in a landscape of lawns, ornamental planting, well integrated parking, woodland and recreational areas. To the south of the Hall and its main driveway is a parkland setting, consisting of grassed areas interspersed with specimen trees and small groups of trees. To the north of the Hall and the woodland area which screens it from this direction the character of the landscape is one of open farmland.

The western part of the site where the proposed independent living bungalows is proposed comprises of farmland. The land here slopes gently west to east and is enclosed to the north by a mature hedgerow, to the east by further hedging and a small woodland area, to the south by a belt of trees, which extends along the main driveway to the Hall, and to the west by a mature hedgerow and the public highway. Given this context views into this part of the site from public viewpoints, mainly alongside the public highway are limited. The layout of the proposed bungalows has been designed to take account of the existing site topography and landscape character consequently the visual impact on the surrounding countryside will be minimal. The design of the bungalows reflects local building traditions incorporating a number of traditional features. Outline landscaping proposals are included for this element of the scheme which show the incorporation of a village green and the use of wetland areas which should enhance the landscape character here. Included within the landscaping proposals is an extension of the existing parkland to the south of the Hall. Additional tree planting and measures to increase surrounding biodiversity are also proposed. The spatial separation between the proposed independent living bungalows and the Hall, together with the existing tree belt which would

screen this element of the development from the Hall would ensure that the setting of the listed building would not be harmed. Again the proposed gatehouse which lies further to the west beyond the proposed independent living bungalows would have no impact on the setting of the listed building.

Turning to the proposed dementia care unit, the location for this is on the eastern side of Middleton Hall closely related to the existing building complex within the designated parkland. Some of which is cropped. The proposed building would be sited mainly within cropped area of the park. The building would be of a single storey cotemporary modern design but similar to the proposed independent living bungalows it incorporates a number of features found in the traditional local building vernacular. The design of the building is considered to be sympathetic to the listed building nearby and is unlikely to have any material impact on its setting or that of the surrounding countryside.

The alterations to the existing hall are also considered to be in keeping with its character and appearance.

Residential Amenity

The nearest dwelling to any part of the development proposals would be in excess of 150m away. Given this spatial relationship there is unlikely to be any adverse effects on the amenities of residents nearby. The Council's Environmental Health Section has raised concerns that occupiers of the development may be affected by excessive noise from the Durham Tees Valley Airport nearby and have therefore requested noise attenuation measures to be incorporated within the scheme which can be covered by condition.

Trees

Whilst there is extensive tree coverage with the site none of the trees are subject of tree preservation orders. The Arboricultural Implications Assessment with the application has identified a number of trees that would need to be felled to facilitate the development. Most of the trees required to be felled are a consequence of the proposed access to serve the independent living bungalows. Nevertheless the loss of these trees will be more than compensated for by additional tree planning elsewhere on the site as part of the wider landscaping proposals. Several other trees have also been identified for felling due to their poor condition. The Assessment also specifies the need to employ 'no dig, tree friendly' construction methods to safeguard the root plates of other trees from damage during construction, which can be made conditional to any approval. Tree protection measures are also included and this too can be conditioned. At the time of writing this report the Council's Arboricultural Officer's comments had not been received. Any comments from the Officer will be reported to members on the day of the Committee.

Ecology

The ecological report submitted with the application indicates that the site has little floristic value. No evidence of Great Crested Newts was found in any water bodies on the site nor was any evidence found to show that badgers were present or within the immediate vicinity of the site. However the report did identify a high probability that bats may use the trees and buildings on site as roosts, although no evidence of such use was observed during the survey. The report also indicates that the removal of the small number of trees to make way for the access road to serve the proposed independent living bungalows would result in minimal impact on any bat population. The survey findings state that a range of common birds could nest in the trees and hedgerows but again there is likely to be minimal impact on the bird population. The report recommends that prior to the felling of any trees bat surveys should be undertaken and the

removal of affected hedgerows should be carried out outside the breeding season for birds (March–August). These recommendations can be made conditional to any approval.

Highway Implications

There are no highway objections to the proposed development. However the Council's Highway's Engineer has requested a condition requiring the provision of bus platforms to the bus stops at the main vehicular entrance to Middleton Hall.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

The application site is situated in the countryside outside the limits of development identified in the development plan and therefore planning permission would not normally be granted for the development proposed. However it is considered that there are material planning considerations to justify a grant of planning permission as a departure from policy. In this instance the material considerations are; the creation of 45 Full-time equivalent jobs; a demonstrated need for the development; provision of on site renewable energy; the fact that the development is an integral part of the existing use as a care home; and the provision of Code Level 6 of the Code for Sustainable Homes. The design and layout of the development would not materially harm the setting of the Listed Middleton Hall or the character and appearance of the surrounding countryside. The proposal does not raise any issues in respect of highway safety or crime prevention.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS: -

- 1) A3 Implementation Limit (Three Years)
- 2. B4 Details of Materials (Samples).
- 3. B5 Detailed Application
- 4. J2 Contamination
- 5. Prior to any works commencing on the Independent Living Bungalows, a scheme for the protection of the proposed accommodation from excessive noise from the nearby Durham Tees Valley airport, shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of sound attenuation methods to be used and shall achieve noise levels of less than 35 dB(A) L_{Aeq} in living rooms, less than 30 dB(A) L_{Aeq} in bedrooms, less than 55 dB(A) L_{Aeq} in garden areas and individual noise events not to

exceed 45 dB L_{AFmax} in bedrooms. Any works which form a part of such a scheme shall be completed in accordance with the approved scheme and prior to any of the bungalows being first occupied or used unless otherwise agreed in writing by the Local Planning Authority.

REASON – To protect the occupiers of the bungalows from noise attributable to the nearby Durham Tees Valley airport..

6. Notwithstanding anything shown in the application provision shall be made for bus platforms to the bus stops on either side of the public highway, adjacent to the main vehicular entrance to Middleton Hall, details of which shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of development. The development shall not be carried out otherwise than in accordance with the approved details. The approved bus platforms shall be provided prior to the occupation of any of the independent living bungalows.

REASON – To provide safe conditions for waiting bus passengers in the interests of highway safety.

7. Notwithstanding anything submitted with the application a full Travel Plan shall be submitted to the Local Planning Authority prior to the commencement of development, or within such period of time as may be agreed in writing by the Local Planning Authority. The Travel plan shall incorporate the commitments set out in the framework Travel Plan submitted with the application.

REASON - To encourage the reduction of journeys made to and from the development by private motor vehicles by the promotion of more sustainable forms of transport.

8. The development shall not be carried out otherwise than in accordance with the recommendation s set out in the Arboricultural Implications Assessment by All About Trees dated October 2010.

REASON – To ensure the retention of the maximum number of trees on the site and their protection from damage, in the interests of visual amenity.

9. The development shall not be carried out otherwise than in accordance with the recommendations set out in the ecology report by EcoSurvey Ltd dated July 2010.

REASON- To conserve protected species and their habitat

10. Notwithstanding anything contained in the application no development shall commence on the Independent Living Bungalows until precise details of landscaping for that part of the overall development has been submitted to, and approved by, the Local Planning Authority. Such landscaping shall be provided either within the first planting season after the completion of this phase of the development or prior to the occupation of the bungalows or within such extended period as may be agreed by the Local Planning Authority. Thereafter, any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority. REASON – To ensure a satisfactory appearance of the site and to improve the visual amenities of the locality.

12. Notwithstanding anything contained in the application no development shall commence on the dementia care facility until precise details of landscaping for that part of the overall development has been submitted to, and approved by, the Local Planning Authority. Such landscaping shall be provided either within the first planting season after the completion of this phase of the development or prior to the occupation of the facility or within such extended period as may be agreed by the Local Planning Authority. Thereafter, any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

REASON – To ensure a satisfactory appearance of the site and to improve the visual amenities of the locality.

13. The independent living bungalows hereby approved shall be occupied by persons over the age of 55 and shall be occupied solely in connection with the existing Middleton Hall Retirement Village and for no other purpose, including any use within Class C2 (Residential Institutions) of the Use Classes Order without an application first being made to the Local Panning Authority.

REASON – The application site is located in the countryside, outside the approved development limits identified in the development plan and therefore planning permission would not normally be granted for the development subject of this application. However, the Local Planning Authority considers that that there are material planning considerations to justify a grant of planning permission as a departure from policy but it is considered essential to retain control over the use of the buildings, including other permitted uses within Class C2 of the Town and Country Planning (Use Classes) Order 1987 not to prejudice development plan policy in the open countryside.

14. The caretakers lodge hereby approved shall be occupied only by persons employed in connection with the Middleton Hall Retirement Village.

REASON – The application site is located outside in the countryside, outside the approved development limits identified in the development plan where residential development would not normally be permitted. However, the Local Planning Authority considers that that there are material planning considerations to justify a grant of planning permission as a departure from policy.

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The application site is situated in the countryside outside the limits of development identified in the development plan and therefore planning permission would not normally be granted for the development proposed. However it is considered that there are material planning considerations to justify a grant of planning permission as a departure from policy. In this instance the material considerations are; the creation of 45 Full-time equivalent jobs; a demonstrated need for the development; provision of on site renewable energy; and the provision of Code Level 6 of the Code for Sustainable Homes. The design and layout of the development would not materially harm the setting of the listed Middleton Hall or the character and appearance of the surrounding countryside. The proposal does not raise any issues in respect of highway safety or crime

prevention. Therefore the proposed development is considered to comply with the policies in the development plan and Government planning policy set out below: -

RSS: The North East of England Plan, Regional Spatial Strategy to 2021:

- Policy1 North East Renaissance
- Policy2 Sustainable Development
- Policy3 Climate Change
- Policy4 The sequential Approach to Development
- Policy6 Locational Strategy
- Policy7 Connectivity and Accessibility
- Policy8 Protecting and Enhancing the Development
- Policy10 Tees Valley City- Region
- Policy11 Rural Areas
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Saved Policies of the Borough of Darlington Local Plan:

- E2 Development Limits
- E4 New Buildings in the Countryside
- E9 Protecting Parklands
- T12- Trees and Development
- E13 Tree Preservation Orders
- E14- Landscaping of Development

National Planning Policy

Parts of the following Planning Policy Statements are material considerations:

PPS1 - Delivering Sustainable Development

- PPS4 Planning for Sustainable Growth
- PPS5 Planning for the Historic Environment
- PPS7 Sustainable Development in Rural Areas
- PPS9 Biodiversity and Geodiversity
- PPS13- Transport (2001)
- PPS23 Planning and Pollution Control
- PPG24- Planning and Noise
- PPS25- Development and Flood Risk

INFORMATIVES TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

- The applicant is advised that contact must be made with the Assistant Director: Highways, Design and Projects (contact Ms Goodwill 01325 388760) to discuss naming and numbering of the development.
- The applicant is advised that works are required within the public highway, to construct new hardstandings at the bus stops at the access to the development, and contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr. A. Ward 01325 388743) to arrange for the works to be carried out or to obtain the necessary authority to execute the works.