

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/16/03998/OUT</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Outline planning permission for the demolition of existing buildings and construction of up to 100 new homes (Use Class C3) and associated works</b>
<b>NAME OF APPLICANT:</b>	<b>Finchale College</b>
<b>ADDRESS:</b>	<b>Finchale Training College, Newton Hall, Durham, DH1 5RX</b>
<b>ELECTORAL DIVISION:</b>	<b>Framwellgate and Newton Hall</b>
<b>CASE OFFICER:</b>	<b>Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk</b>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is located at Finchale Training College approximately 350 metres north of Newton Hall and measures approximately 5.44 hectares. The site is occupied with a number of buildings which are utilised by the training college and the remainder of the site is a combination of open grassed areas and woodland areas. The site is bounded to the east by the railway line and to the west by Chester Low Road. To the south of the site is a row of terraced properties known as Low Moor Cottages. Open fields are located to the north and to the south and west beyond the road and properties at Low Moor Cottages. The Arnison Shopping Centre is located approximately 500 metres to the south west of the site. The site lies within the Durham City Green Belt and also directly adjacent and Area of High Landscape Value. The majority of the site is also allocated as a Major Developed Site in the Green Belt under policy E2 of the City of Durham Local Plan.

#### The Proposal

2. Outline planning permission is sought for the development of up to 100 dwellings. The application indicates that access is to be considered with appearance, landscaping, layout and scale to be reserved for future consideration. An illustrative layout plan has been submitted which indicates that 93 properties can be located on site whilst retaining the woodland areas to the north and south of the site. An access is shown on the proposed plans to the south west corner onto the Chester Low Road.
3. Finchale Training College is an independent charity providing specialist progression support for people with multiple and complex barriers to employment.

During the 12 month period from September 2015 to September 2016, Finchale College assisted 452 army veterans and disadvantaged/disabled clients into employment and helped clients to gain a total of 372 new qualifications. Finchale currently employs 21 members of staff. The College has historically operated as a single contract business delivering a mix of on-site residential facilities and occupational training. In recent years, funding has been significantly reduced which has resulted in the College examining its business model. The College approach to training delivery has now evolved with greater focus on the provision of training on an outreach basis which allows the College to serve clients across a larger geographical area.

4. The existing premises is no longer considered fit for purpose in terms of delivering the College's current model of off-site training. Approximately 50% of the premises is not in use which gives rise to significant operational inefficiencies including rising maintenance and repair costs.
5. The proposed residential development is proposed in order to facilitate the relocation of the Finchale College Charity, to clear the charity's pension deficit, address a decline in the level of reserves held by the charity, and to fund future training programmes for the charity.
6. The application is reported to the Planning Committee as it constitutes a major development.

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## **PLANNING HISTORY**

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7. Planning permission was granted in 1998 for some additional residential accommodation for the college. Permission was also granted in 1993 for some roof works to the workshops.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
10. The following elements are considered relevant to this proposal;
11. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> century.
12. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and

reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.

13. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* The Government advises Local Planning Authority's to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
14. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
15. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
16. *NPPF Part 9 – Protecting Green Belt Land.* The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
17. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
18. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

*The above represents a summary of the NPPF considered most relevant the full text may be accessed at:*

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

## **LOCAL PLAN POLICY:**

### **City of Durham Local Plan**

19. *Policy E1 (Durham City Green Belt)* states that within the Green Belt the construction of new buildings is inappropriate and will not be permitted unless it is for purposes relating to agriculture or forestry; essential sport and recreation facilities or cemeteries; replacement of an existing dwelling, re-use or conversion of an existing building; and limited extensions to existing dwellings.
20. *Policy E2 (Major Developed Sites in the Green Belt – Infilling)* states that limited infilling at major developed sites in the Green Belt, shown on the proposals map, will be permitted provided a development has no greater impact on the openness of the green belt than the existing or permitted development; it does not exceed

the height of the existing or permitted buildings; and does not lead to a major increase in the developed proportion of the site.

21. *Policy E10 (Area of High Landscape Value)* states that the Council will protect the landscape value in respect of development by resisting development which would have an unacceptable adverse impact upon landscape quality or appearance of the area of high landscape value; and requiring that development respects the character of its landscape setting in terms of its siting, design and scale.
22. *Policy E14 (Trees and Hedgerows)* sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
23. *Policy E15 (Provision of New Trees and Hedgerows)* states that the Council will encourage tree and hedgerow planting.
24. *Policy H13 (Residential Areas – Impact upon Character and Amenity)* states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
25. *Policy T1 (Traffic – General)* states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.
26. *Policy T10 (Parking – General Provision)* states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
27. *Policy Q5 (Landscaping General Provision)* sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
28. *Policy Q8 (Layout and Design – Residential Development)* sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
29. *Policy Q15 (Art in Design)* states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area
30. *Policy U8a (Disposal of Foul and Surface Water)* requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.

31. *Policy R2 (Provision of Open Space – New Residential Development)* states that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards. Where there is an identified deficiency and it is considered appropriate, the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development in accordance with Policy Q8.

#### **EMERGING POLICY:**

##### County Durham Plan

32. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **EXTERNAL AND STATUTORY RESPONSES:**

33. *Environment Agency* has not raised any objections to the proposed development.
34. *Police Architectural Liaison Officer* has not raise any objections and has indicated that the crime risk assessment for this proposed development is low.
35. *Northumbrian Water* have not raised any objection but has requested details of how surface and foul water will be disposed.
36. *Durham County Highways Authority* has not raised any significant objections to the proposed scheme. It is accepted that the proposed access would operate safely and that the surrounding highway network (in particular the Rotary Way roundabout) would operate within capacity. It is noted that the site fails to meet acceptable levels of sustainable travel mode accessibility.
37. *The Coal Authority* has not raised any objections subject to further investigation works being undertaken.
38. *Drainage Section* requested the submission of additional information in relation to the flood risk assessment and drainage strategy which is considered to be acceptable.

## INTERNAL CONSULTEE RESPONSES:

39. *Education Section* have indicated that the proposed development could produce an additional 30 primary pupils and 12 secondary pupils. There are sufficient secondary school places available but only 5 primary school places available. Consequently additional teaching accommodation will be required and a contribution of £343,875 is required.
40. *Public Rights of Way Section* have indicated that bridleway No. 7 Framwellgate Moor leads in a westerly direction towards the Arnison Centre from the roadside opposite the application site which is the only registered public right of way in the general area and is largely rural in character.
41. *Tree Section* has not raised any objections to the proposed scheme.
42. *Landscape Section* has concluded that the proposals would not have significant landscape and visual effects.
43. *Design and Conservation* has not raised any objections. It has been indicated that the retention and reuse of the principle non-designated heritage asset would be preferred however when balancing the issues against other planning matters, the demolition is considered acceptable.
44. *Environmental Management (Noise, vibration)* raise no objections subject to conditions and further control at reserved matters phase.
45. *Sustainability Section* has not raised any objections to the proposed development.
46. *Environmental Management (Contamination)* has not raised any objections but has indicated that a further phase 2 site investigation report shall be submitted prior to development commencing.
47. *Archaeology Section* has not raised any objections to the scheme subject to conditions for archaeological investigation works and recording.
48. *Ecology Section* has not raised any objections to the findings of the submitted protected species assessment.
49. *Spatial Planning Policy Section* has not raised any objections to the findings of the viability appraisal and the business case.
50. *Asset Management Team* has not raised any objections to the findings of the viability appraisal and the business case.
51. *Housing Development and Delivery Team* has confirmed that based on the number of units, a mix of affordable rent and an affordable home ownership product would be courage to provide a range of opportunities for those requiring affordable housing.

## PUBLIC RESPONSES:

52. The application has been advertised in the local press and a site notice was posted. Neighbouring residents have also been notified in writing. At the time of this report being published 5 letters of objection have been received on the

application, including letters from the City of Durham Trust, Campaign to Protect Rural England, Friends of the Durham Green Belt and nearby residents.

53. The main objections relate to the impact on the Green Belt, highway impacts and sustainability concerns. Objectors consider that the proposal would have a detrimental impact on the openness of the Green Belt and insufficient justification has been provided to justify 'very special circumstances' to allow the development to proceed. It has been indicated that the proposed development would be an intrusion in to the countryside. It is considered that the development would increase the traffic in this area and have a dangerous access. It is noted that the Chester Low Road already have vehicles which exceed the speed limit and this road is therefore unsafe. The development site is not considered to be sustainable to due to its distance from shops and services, and it is also considered that the development would create further demand on public services including medical and education facilities.

#### **APPLICANTS STATEMENT:**

54. Firmly established in County Durham, Finchale is an independent charity which has been in operation for nearly 75 years, providing specialist progression support for people with multiple and complex barriers to employment. Finchale offers a range of specialist client focussed, case managed support services in the community that help to prepare and progress disadvantaged adults into sustained employment, further education and/or training. During the 12 months period to September 2016, Finchale assisted 452 army veterans and disadvantaged/disabled clients into employment and helped clients to gain 372 new qualifications.
55. Finchale currently employs 21 members of staff, the majority of which are residents of County Durham.
56. Finchale College has historically operated as a single contract business, providing specialist support to disadvantaged adults, through a contract with the Department for Work and Pensions (DWP). Service delivery has traditionally been via a mix of on-site residential facilities and occupational training. In recent years, the funding available to Finchale College has been significantly reduced, and the charity's contract with DWP was formally terminated in September 2015. These developments reflect wider changes to the availability of public funding driven by the UK Government's deficit reduction plan.
57. In response, Finchale has been examining its business model to ensure that it continues to be fit for purpose in providing a truly valuable structured flexible and personal support and training service within County Durham and the wider area, thereby enabling those less advantaged to maximise their potential. Through this process, Finchale is working to diversify its income stream and client-base, by establishing the charity as the 'preferred training delivery partner' for a number of organisations. In addition, Finchale is strengthening its position as a specialist provider of employment-progression services for disadvantaged and hard-to-help individuals.
58. Finchale's approach to training delivery has evolved, and seeks to provide a greater focus on the provision of training on an 'outreach' basis – in contrast to the traditional approach of delivering services within the college buildings located on site. This enables the charity to serve clients across a larger geographical area.
59. The development proposals would enable Finchale to discharge the maintenance utility facility and overhead site costs which currently threaten the continued

viability of the charity. Remaining in the current premises will result in the closure of the charity. However, with the relocation to smaller, fit for purpose premises and the reinvestment of the capital as a result put into the charity, it is estimated that a secure a sustainable long term future for Finchale will be secured and the proposals would result in the retention of 18 of the 21 jobs currently supported on the current site.

60. The quantum and specification of floorspace at the site is no longer fit for purpose and far exceeds the charity's operational requirements, meaning that the site is under-utilised. This under-utilisation of space gives rise to significant operational inefficiencies, with Finchale having to fund the maintenance of redundant buildings. This issue is exacerbated by the age and condition of the premises on site, which require significant ongoing maintenance and repair works. The future of Finchale is critically dependent on the realisation of a significant capital return on the sale of the site.
61. In addition, the move to new premises provides Finchale with the opportunity to grow, by allowing the charity to diversify and adopt a more agile business model moving forwards. Reflecting the additional skill requirements that this would generate, it is estimated that 3 new jobs (in training, delivery and support functions) would be created upon relocation.
62. Finchale anticipate that a further 3 new members of staff could be required by 2019 in training, delivery and support functions. In total, therefore, the relocation could result in the charity recruiting 6 additional 'client facing' employees within less than 3 years.
63. It has been demonstrated that relocation is only viable in the event that additional development is facilitated outside the current built footprint and very special circumstances are demonstrated to justify this development on a site where the development is already established as appropriate within the Green Belt. Furthermore, the redevelopment of the site for new residential units offers the opportunity to deliver a series of additional economic benefits to the local area, including:
- Create 115 person-years of employment in construction – equivalent to supporting an average of almost 40 temporary construction jobs throughout the duration of the anticipated 36 month build programme;
  - Support a further 60 jobs in the supply chain and related services and deliver an additional £1.3m of GVA (economic output) per annum during the construction period;
  - Attract new households to live in the area, resulting in £1.1m of net additional expenditure per annum in shops and services within County Durham. This additional expenditure could support the creation of approximately 15 new FTE jobs in the local area (primarily within the retail and leisure sectors);
  - Result in a further £465,000 of first occupation expenditure on goods and services to make a house 'feel like home' a proportion of which would be captured locally;
  - Generate New Homes Bonus payments of approximately £680,000 in total<sup>1</sup>; and
  - An uplift in Council Tax revenues of £185,000 per annum.
64. The substantial social and economic contribution that Finchale currently makes and could in the future represents very special circumstances that support development at this site.

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<sup>1</sup> It is recognised that NHB payments are contingent upon Durham County delivering total housing growth in excess of the recently imposed 0.4% threshold.

65. The applicant has undertaken extensive consultation with local members and the community. The feedback from the community is set out within the Statement of Community Involvement, which demonstrates that there is no overwhelming objection to the scheme. Indeed, over half of the respondents to the public consultation indicated that they would like to see brownfield sites such as this one, redeveloped for appropriate uses.
66. The National Planning Policy Framework (NPPF) allows the complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purposes of including the land within the Green Belt. In supporting the development of previously developed land, the NPPF does not make any presumption that such development must be contained within the existing footprint and practice and precedent clearly supports development beyond the footprint and elsewhere within the brownfield site.
67. It is Lichfields' view that the site represents previously developed land; and the redevelopment of the site as proposed will have no greater impact on the openness of the Green Belt. In addition, it is Lichfields' view that the site makes no contribution to the purposes of the Green Belt as per the NPPF, and therefore the proposals accord with NPPF paragraph 89 and development should not be restricted on the site due to its Green Belt status.
68. Despite this view, and as a result of the very positive and constructive pre-application process with the Council, we have ensured to be as thorough as possible with these proposals and have also demonstrated Very Special Circumstances, which has been demonstrated in the preparation of a Business Case report and our analysis of the Council's housing supply position.
69. The Business Case sets out that relocation of the charity within County Durham is required as the estate is under-utilised; no longer fit for purpose; and has significant repair and maintenance costs. The relocation and continuation of the charity is only viable in the event that there is full disposal of the site.
70. In terms of housing supply, and given the Green Belt designation of the site, the policy test is not simply whether Durham can demonstrate a deliverable five year housing land supply ('5YHLS'). It is whether 'very special circumstances' are demonstrated to outweigh the Green Belt objection. As such, consideration is had to the scale of the shortfall. It is Lichfields' firm view that the scale of the shortfall (between 700 and 2,000 dwellings) coupled with persistent under delivery since 2011 is of such a scale that 'very special circumstances' are demonstrated, and therefore justify the redevelopment of a small area of Green Belt within the wider developed site where development is already firmly established.
71. In the context of the applicant's consideration of the economic, social and environmental impacts of the scheme, it is clear the application proposals constitute sustainable development and, in the absence of any significant adverse impacts, the application should be approved – in line with the presumption in favour of sustainable development set out under both segments of paragraph 14 of the NPPF. It is therefore concluded that planning permission should be granted.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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72. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of residential development of the site and impacts on the Durham

Green Belt; impacts on openness; 5 year land supply; sustainability of site; highway and access issues; affordable housing and section 106 contributions; and impacts on surrounding area

## Principle of residential development and impacts on the Durham Green Belt

73. The application site is located within the Durham City Green Belt. Part 9 of the NPPF sets out that new development in the Green Belt is inappropriate and requires very special circumstances to justify it, unless it is for a number of specific circumstances relating to, for example, new agricultural buildings. New housing, as proposed in this application, is not included and therefore normally amounts to inappropriate in Green Belt terms. Inappropriate development is, by definition, harmful to the Green Belt and it is for the applicant to justify why planning permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Policy E1 of the local plan is reflective of part 9 of the NPPF, outlining that development will not be permitted unless it falls within a specific range of developments or land uses or unless there are very special circumstances.
74. The term 'very special circumstances' is not defined in planning legislation or guidance, and there are no criteria, for example, which a scheme must meet to be considered as one where very special circumstances would exist. By virtue of the circumstances being very special, they are therefore a one-off or individual set of circumstances.
75. Part of the site is allocated in the local plan under policy E2 as an infill development site within the Green Belt. Policy E2 allows, in principle, the redevelopment of the site for residential. The policy E2 allocation on the Finchale College site does not cover the whole of the College site, the allocation boundary wraps round the existing buildings on the site and does not include some of the outbuildings and open grassed areas. The proposed residential scheme subject to this application proposes a development which extends beyond the policy E2 allocation boundary but remains within the boundary of the College site.
76. The applicant is proposing an enabling development to allow for the relocation of Finchale College Charity, to clear the charity's pension deficit, address a decline in the level of reserves held by the charity, and to fund future training programmes for the charity. The applicant contends that the processes involved with the enabling development would amount to very special circumstances required to justify the otherwise inappropriate development beyond the existing policy E2 allocation.
77. In order to secure the future of the Finchale College Charity and the educational and training programmes it provides, the Charity has decided that relocation is the best option. As described in paragraph 4, the existing premises is no longer considered fit for purpose in terms of delivering the College's current model of off-site training and that approximately 50% of the premises is no longer in use which gives rise to significant operational inefficiencies including rising maintenance and repair costs.
78. The long established Charity and training provider is considered to make an important economic and social contribution to the local area, County Durham and wider region. The Charity currently employs 21 members of staff, with more than half residents of County Durham. Training and support to army veterans and

disadvantaged adults in order to assist them into sustained employment, further education or training. The Charity's work also includes projects engaged with Durham County Council to provide training and support for Durham residents to get back into work; and engagement with Groundwork North East & Cumbria on delivering a new three year project to help people in County Durham gain employment. Reach Out Across Durham (ROAD) is also a project which aims to help 650 people in across the County whose needs are not being met by existing services.

79. As previously described in this report, the business model of the Charity has changed and adapted in recent years. Historically the service delivery was through a mix of on-site residential facilities and occupational training, however the training delivery has now evolved, with greater focus on the provision of off site training on an outreach basis. This therefore means that the existing premises is no longer fit for purpose and far exceeds the Charity's operational requirements, meaning the site is under-utilised. This under-utilisation of space gives rise to significant operational inefficiencies with the Charity having to fund the maintenance of redundant buildings. This issue is exacerbated by the age and condition of the premises on site, which require significant ongoing maintenance and repair works.
80. A financial viability appraisal and business case has been submitted with the application which indicates how much capital the Charity requires from the sale of Finchale College (residual land value of the site). The capital money the Charity receives would go towards funding the capitalised cost of alternative premises, relocation costs, new IT system and marketing, clearance of pension fund deficit and restoration of reserves to input into future training and employment programmes. The viability appraisal also provides two viability scenarios. The first scenario assesses the viability of a scheme to deliver 38 dwellings which would ensure that the development would remain within the boundary of the policy E2 allocation ie. within the current build form of the College. This scenario did not yield a residual land sufficient to cover the amount required by the Charity. Scenario two assessed the viability of the scheme proposed in this application for 93 properties. The appraisal for scenario two confirmed that a scheme of 93 properties would provide enough residual land value for the Charity to fund the cost of alternative premises, introduce new IT system and marketing, clear pension fund deficit, restore Charity reserves to reinvest into future training and employment projects. It is acknowledged that income received from the sale of the site may exceed the short term requirements of the charity, however comfort is derived from the fact that any surplus income would be bound by the usual management and governance of the Charity whom have advised that with additional funding their programme could be expanded to include:
- DWP Work to Health programme
  - Programme of welfare to work
  - SSU and SSW in partnership with New College Durham and Gateshead college (up to 370 people)
  - Building Better Opportunities programme partnering with Groundwork
  - Adult Education programme for up to 200 people
  - Funding to help vocational training to employment
  - three year intensive health to work programme for up to 180 people
  - A new ABF transition to work programme for up to 80 people
  - A new Help 4 Heroes programme giving social support to employment for up to 50 people

81. The Council's Assets Team and Spatial Planning Policy Team have fully assessed the viability appraisals and business cases and are satisfied that the evidence provided is sound.
82. It is considered from the evidence provided that the proposed scheme would secure the future of the Finchale College Charity and with that bring significant social and economic benefits to residents of County Durham, in particular to residents with higher needs. Whilst it is acknowledged that there would be harm to the Green Belt, the proposed enabling development required to secure the future of Finchale College Charity would amount to the necessary very special circumstances to justify what is clearly inappropriate development. As such, it is considered that the proposals would accord with policy E1 and E2, and criteria detailed in part 9 of the NPPF.
83. It is noted that the description on the application refers to a residential scheme of up to 100 properties. The submitted illustrative layout plan shows a scheme of 93 residential properties. Importantly the figures detailed in the viability appraisal and business case refer to a residential scheme of 93 properties. Given the justification and acceptance of this scheme relying on a development of 93 residential properties, it is considered necessary to impose a planning condition restricting the number of residential units to 93 residential units. A condition is recommended accordingly.

#### Impacts on openness

84. The section above has demonstrated very special circumstances which justifies inappropriate development within the Green Belt in principle. It is further noted however that it is not considered that the proposal would have significant harm to the openness of the Green Belt in this location. The existing buildings on site are a variation of one and two storey buildings however these are large buildings which are concentrated mainly on the west boundary adjacent to the main road. There are no public rights of way through the site therefore the main public view points are from the main road to the west and the east coast railway line to the east. The design and access statement as well as the illustrative layout plan indicates that the proposals would be of two and two half storey design, and the woodland areas to the north and south would be retained. It would also be expected as part of a reserved matters application that significant landscaping would be designed in to the development of the west and east boundaries of the site to provide additional screening. The County Landscape Officer has been consulted on the proposed development and has indicated that the development would not have significant landscape and visual effects.
85. It is accepted that the proposal would result in the loss of some open areas within the site however given the existing woodland coverage within the site and the size and quantum of existing buildings on the site, it is not considered that the impact on openness would be significantly harmful to justify refusal in this instance.

#### 5 year land supply

86. Durham County Council is unable to demonstrate a 5 year supply of deliverable housing land as Objectively Assessed Need (OAN) for housing is yet to be fully tested. The council is to consult on preferred options for the County Durham Plan shortly and this may give rise to a change in this stance.

87. The current position therefore is that as of August 2016, Durham County Council has a deliverable supply of 9,527 dwellings. The Issues and Options Local Plan presented for consultation three scenarios for future housing growth that were subject to consultation and will be tested as part of establishing the OAN for County Durham. The supply of housing can be considered against these three scenarios as follows:

Scenario	Dwellings per annum	Years supply against
Population Growth Short Term	1,533	4.65
Population Growth Combination	1,629	4.31
Population Growth Long Term	1,717	4.04

88. As the Council is currently unable to demonstrate a 5-year housing land supply against full Objectively Assessed Needs (OAN) for housing, paragraph 49 of the NPPF is relevant and policies for the supply of housing should not be considered up-to-date. As such, the weight to be applied to the residential framework is reduced. In this circumstance paragraph 14 is engaged and this sets out an overarching position that where the development plan policies are out-of-date (or not up-to-date in respect of paragraph 49), planning permission should be granted unless, via a two limbed approach: firstly, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or, secondly specific policies in the NPPF indicate development should be restricted.

89. In the context of this proposal this certainly renders Saved Policy H2 'out of date'. The implication of this is that no weight should be attributed to this policy and the proposal should be determined in accordance with the two limbed test set out in Paragraph 14 of NPPF.

90. The main purpose of the Framework is to achieve sustainable development. This includes the provision of housing, the need to move towards a low carbon economy and the need to protect and enhance the natural environment. In providing housing a key theme of the NPPF is to seek to boost significantly the supply of housing and expects LPAs to help deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (including meeting the needs of people who wish to build their own homes) (Paragraphs 47 – 55 of NPPF).

91. It has already been established that the Council does not have a five year supply of housing land. In the context of paragraph 14, any adverse impacts of the proposal must therefore significantly and demonstrably outweigh the benefits if it is to be refused on the basis of the sustainability of its location.

## Sustainability

92. Letters of objections have indicated that the site is not considered to be within a sustainable location. The site is detached from the nearby settlement of Newton Hall however in terms of proximity it can be argued that the site is within close distance to a large number of shops, services and public facilities. The Arnison Shopping Centre is approximately 900 metres away along footways. Distances to the nearest bus stop is over the expected waking distance however the applicant has agreed to contribute to the widening of the footpath and upgrade of the street lighting which would also benefit existing residents of Low Moor Cottages.

93. Whilst direct linkages to shops, services and public facilities are not ideal, it is considered that the site is still within close distance to these facilities. The proposal would be the redevelopment of a brownfield land which adds to the sustainability credentials, and the development would also lead to contributions towards the improvement of surrounding footpaths and lighting.
94. The level of sustainability for the development site can be argued however given the justification for the enabling argument detailed in sections above, it is considered that the refusal of the application on sustainability grounds could not be justified.

#### Highway and access issues

95. The development is proposing an access from the south west corner of the site onto the Chester Low Road. A transport statement has been submitted with the application. The County Highways Manager has assessed the proposals and the submitted application documents.
96. The transport statement considers the likely trip change in use of the site from a previous training establishment to a residential development and it concludes that there would be no net increase in levels of trip generation. It is accepted that the current use as an education centre would generate peak hour trips and the potential increase over and above that by conversion of the site to residential would not be significant. The potential trip generation would result in peak hour loading of 50-60 two way trips which would disperse at the Rotary Way roundabout junction. The Rotary Way roundabout operates within capacity and the Highways Manager indicates that the additional loading would not cause instability.
97. The transport consultant has undertaken speed surveys and calculated safe stopping distances. It is also noted that accident statistics of the existing site junction over the past 5 years indicate no problems. The Highways Manager has raised no objections over the proposed access.
98. The Highways Manager has indicated that the proposed site fails to meet acceptable levels of sustainable travel mode accessibility. The site is located some 750 metres from the nearest bus stop along a narrow footway in poor condition. The Highways Manager has indicated that if this development is to be approved, then the footway along Low Chester Road from the development site to the nearest bus stop at Rotary Way roundabout would need to be widened and resurfaced; and also the street lighting in this location would need to be upgraded. The applicant has agreed to these highway works and contribution towards these works can be secured through a section 106 legal agreement.
99. Given the above it is considered that the proposed development would not have an adverse impact on highway safety and the proposal would be in accordance with policies T1 and T10 of the City of Durham Local Plan.

#### Affordable housing and section 106 contributions

100. The NPPF states that, in order to ensure a wide choice of high-quality homes, Local Planning Authorities should “plan for a mix of housing”, “identify the size, type and tenure of housing that is required in particular locations”, and “where affordable housing is needed, set policies for meeting this need on site”. A development of this scheme usually expects 20% of the housing on the site to be affordable homes with a mix of affordable rent and an affordable home

ownership. The applicant has indicated within the affordable housing statement that the type of housing being offered will be agreed with the Council. The Housing Development Manager has indicated that the affordable housing split should be 75% affordable rent and 25% affordable home ownership and the applicant has agreed to this. The provision of the affordable housing will be secured through a section 106 legal agreement.

101. Financial contributions are also being offered towards other local functions and facilities within the vicinity of the site. A contribution of £1000 per dwelling, is being offered towards green infrastructure within the locality. The Council also encourage the provision of artistic elements in the design and layout of new development and the applicant has committed to a contribution of 1% of build costs in this regard. A contribution of £343,875 is to be made towards education for additional primary school accommodation in the locality. As discussed under the highways section of this report, the applicant will also be contributing towards the upgrade and improvements of footways and lighting. These contributions will be secured through a Section 106 legal agreement.
102. The above contributions would help to support and improve facilities within the surrounding locality for the benefit of occupiers of the additional properties and also existing residents of the local community. The contributions would be in accordance with policies R1, R2, T1 and Q15 of the local plan.
103. Giving the enabling development argument submitted with this application and acceptability of the proposed scheme relying on the relocation of the Finchale College Charity to a premises within County Durham, it is considered necessary to secure the relocation of the Charity within a section 106 legal agreement.

#### Impacts on surrounding area

104. The Environment Agency, Northumbrian Water and the Council's Drainage Officer have been consulted on the application and no major objections have been raised. Northumbrian Water and the Council's Drainage Officer has requested that a condition is imposed for final details of the surface and foul water drainage to be confirmed prior to works commencing on site. A condition is recommended accordingly. Given no objections have been raised by Environment Agency, Northumbrian Water and the Council's Drainage Officer it is considered that the proposed development would not adversely compromise the surrounding area in terms of drainage or flooding issues.
105. The presence of a European Protected Species (EPS) is a material planning consideration. The Conservation of Habitats and Species Regulations 2010 have established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations it is an offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.
106. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty under the regulations and also consider these tests when deciding whether to grant permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of the regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

107. An Ecology Survey of the site has been submitted with the application. This survey concludes that the site has low potential to support any hibernation or bat roosting. The submitted survey has been analysed by the County Ecologist. The County Ecologist has confirmed that there are no objections to the findings of the survey. Subsequently it is not considered that the proposed development would have an adverse impact on protected species or their habitats and would be in accordance with part 11 of the NPPF. Notwithstanding the above, a condition will be required which would ensure care is taken during construction in accordance with the recommendations in the submitted habitat survey. Subject to this mitigation, it is considered that the proposals would be in accordance with part 11 of the NPPF.
108. Overall it is considered that the proposed development would not have an adverse impact on drainage and flooding in and around the site; and protected species or habitats would not be compromised. The proposal would be in accordance with part 11 of the NPPF.
109. In terms of residential amenity, it is noted that the application is made in outline therefore the layout and positioning of properties is reserved for future consideration. The illustrative layout does indicate that 93 properties can be accommodated on the site which provides sufficient separation distance with the properties at Low Moor Cottages and also provides adequate amenity space between the proposed units.
110. It is noted that the proposed site is directly adjacent to the east coast railway line. There is therefore the potential for noise and vibration disturbance to prospective buyers of the proposed properties. This has been recognised by the applicant and a noise and vibration assessment was undertaken and submitted with the application. The Council's Environmental Management Officer has highlighted the location of the site in relation to the east coast railway line, and there is the potential for future occupiers of the development to be adversely affected by noise and vibration from the railway. The Environmental Management Officer has not raised any significant objections to the proposed scheme and conditions are recommended for further controls at reserved matters stage. Allowing residential properties to be located near railway lines is not uncommon and there are various examples, including nearby in Newton Hall where properties are located just as close to the railway. It is also noted that the social and economic benefits (detailed in other sections of this report) of developing on this site can override the noise and vibration issues in this instance.
111. Overall, it is considered that the proposed development would not have an adverse impact on the residential amenities of existing and future occupiers of neighbouring properties and the proposed dwellings. The proposal would be in accordance with policies H13 and Q8 of the local plan.

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## **CONCLUSION**

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112. Following a rigorous assessment of every aspect of the viability appraisal and business case put forward by the applicants in support of their scheme, it is considered that substantial social and economic benefits for residents of County Durham would be brought about as a result of the relocation of the Finchale College Charity. The proposed enabling development of a residential scheme of 93 properties would secure the relocation of the Charity and the future of the training and employment programmes which have been long running from this

Charity. It is considered that the weight apportioned to these benefits would amount to very special circumstances necessary to justify inappropriate development in the form of new housing in the Green Belt.

113. It is accepted that the proposal would result in the loss of some open areas within the site however given the existing woodland coverage within the site and the size and quantum of existing buildings on the site, it is not considered that the impact on openness would be significantly harmful to justify refusal in this instance.
114. Whilst direct linkages to shops, services and public facilities are not ideal, it is considered that the site is still within close distance to these facilities. The proposal would be the redevelopment of a brownfield land which adds to the sustainability credentials, and the development would also lead to contributions towards the improvement of surrounding footpaths and lighting to the benefit of existing residents in the area.
115. Adequate separation distances can be achieved between proposed properties and existing neighbouring dwellings, ensuring that there would be no loss of privacy or outlook and no adverse overbearing or overshadowing concerns would be created. The close proximity of the east coast railway line is noted and that noise and vibration could be an issue, however it is noted that there are other examples of properties within close proximity to railway lines and therefore this issue is not sufficient to warrant refusal of the application. Overall, the proposed development would not have an adverse impact on the residential amenities of existing and future occupiers of the proposed properties and existing neighbouring dwellings. The development is considered to be in accordance with policies H13 and Q8 of City of Durham Local Plan.
116. The Highways Authority has confirmed that the access into the site would be acceptable and the impact on the surrounding road network would not be compromised as a result of the development. The proposal therefore accords with policies T1 and T10 of the City of Durham Local Plan.
117. The development would provide a mix of affordable housing which would contribute to the local housing mix. The local community would also benefit from the development arising from developer contributions that would enhance green infrastructure in the locality; contribute towards public art, contribute to educational facilities, and improve pedestrian links near to the site.
118. The Environment Agency, Northumbrian Water and the Council's Drainage Officer have been consulted and they have not raised any objections to the proposed development. It is not considered that the proposal would create any flooding or drainage issues in the near locality.
119. Detailed ecology surveys have been submitted with the application and these surveys have found that no protected species would be adversely affected by the proposals, and ecology officers concur with this conclusion. The development would be in accordance with part 11 of the NPPF.
120. It is acknowledged that the proposal has generated some opposition from local residents, groups and organisations. These concerns have been considered in the report and notwithstanding the points raised it is felt that sufficient benefits and mitigation measures are contained within the scheme to render it acceptable in planning terms and worthy of support.

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## RECOMMENDATION

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That Members are minded to **APPROVE** the application subject to the completion of a Section 106 Legal Agreement to secure the relocation of the Finchale College Charity prior to development commencing within County Durham; secure 20% affordable housing; a financial contribution of £1000 per unit towards green infrastructure in the locality; and a financial contribution of 1% of build costs towards public art in the locality; a financial contribution of £343,875 towards education; a financial contribution towards the upgrade and improvements of highway footpaths and street lighting; and subject to the following conditions;

1. Approval of the details of appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) for the development shall be obtained from the local planning authority before the development is commenced. Approval of the reserved matters for the development thereafter shall be obtained from the local planning authority before development is commenced.

*Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

2. Application for approval of reserved matters for the development must be made not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the first approval of the reserved matters.

*Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

3. The development hereby approved shall be carried out in strict accordance with the following approved plans:

<b>Plan Ref No.</b>	<b>Description</b>	<b>Date Received</b>
SD-00.01	Site Location Plan	16/12/2016

*Reason: To define the consent and ensure that a satisfactory form of development is obtained.*

4. No development shall take place until a detailed scheme including site investigations to confirm remedial works to treat areas of shallow mine workings has been submitted to and approved in writing by the local planning authority. Any identified remedial works shall be undertaken prior to commencement of development and the development shall be carried out in accordance with the approved details.

*Reason: To ensure the stability of the land and to comply with policy U13 of the City of Durham Local Plan.*

5. No development shall take place until a detailed scheme for the widening and resurfacing of the footway and upgrade of street lighting along Low Chester Road from the development site to Rotary Way roundabout has been submitted to and approved in writing. The approved scheme shall be implemented prior to the occupation of the development.

*Reason: In the interests of highway safety and to comply with policy T1 of the City of Durham Local Plan.*

6. The development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c, or d are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 2 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

#### Pre-Commencement

(a) A Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.

(b) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

#### Completion

(c) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.

(d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

*Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 11.*

7. No development shall take place until a detailed scheme for the disposal of surface and foul water from the development hereby approved has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

*Reason: In the interests of the amenity of the area and to comply with policy U8a of the City of Durham Local Plan.*

8. The development hereby approved shall be carried out in full accordance with all mitigation measures within the Desktop Noise and Vibration Assessment dated March 2016, Noise Assessment dated February 2017 and Vibration Assessment dated February 2017 prepared by Wardell Armstrong.

*Reason: In the interests of residential amenity for future occupiers and to comply with policies H13 and Q8 of the City of Durham Local Plan.*

9. No development shall take place until a woodland management plan has been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in full accordance with the Approved Woodland Management Plan and all ecological mitigation measures, advice and recommendations within the Ecological Report prepared by E3 Ecology Ltd dated December 2016 and the Ecological Impact Assessment dated February 2017.

*Reason: To conserve protected species and their habitat in accordance with the objectives of part 11 of the NPPF.*

10. The development hereby approved shall not exceed 93 residential properties.

*Reason: For the avoidance of doubt and to comply with policy E1 of the City of Durham Local Plan and Part 9 of the National Planning Policy Framework.*

11. No development shall take place until the applicant has secured the implementation of the programme of archaeological work in accordance with a written scheme of investigation, which has been approved in writing by the local planning authority as follows:

- i. Methodologies for a Historic England-style building record prior to any conversion works or stripping out of fixtures and fittings.
- ii. A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the approved strategy.
- iii. Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- iv. A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The development shall then be carried out in full accordance with the approved details.

*Reason: To comply with para 135 & 141 of the NPPF because the site is of archaeological interest.*

12. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

*Reason: To comply with para. 141 of the NPPF which ensures information gathered becomes publicly accessible.*

13. Prior to the commencement of any part of the development or any works of demolition, hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction
2. Details of methods and means of noise reduction
3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;
5. Designation, layout and design of construction access and egress points;
6. Details for the provision of directional signage (on and off site);
7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
10. Routing agreements for construction traffic.
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

*Reason: In the interests of residential amenity having regards to policy H13 of the City of Durham Local Plan.*

14. No development works (including demolition) shall be undertaken outside the hours of 8am and 6pm Monday to Friday and 8am and 1pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

*Reason: In the interests of residential amenity having regards to policy H13 of the City of Durham Local Plan.*

15. All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which within a period of 5 years from the completion die, are removed or become seriously

damaged or diseased shall be replaced in the next planting season with others of similar size and species.

*Reason: In the interests of the appearance of the area and to comply with policies E1, E2, E2A, and H13 of the City of Durham Local Plan.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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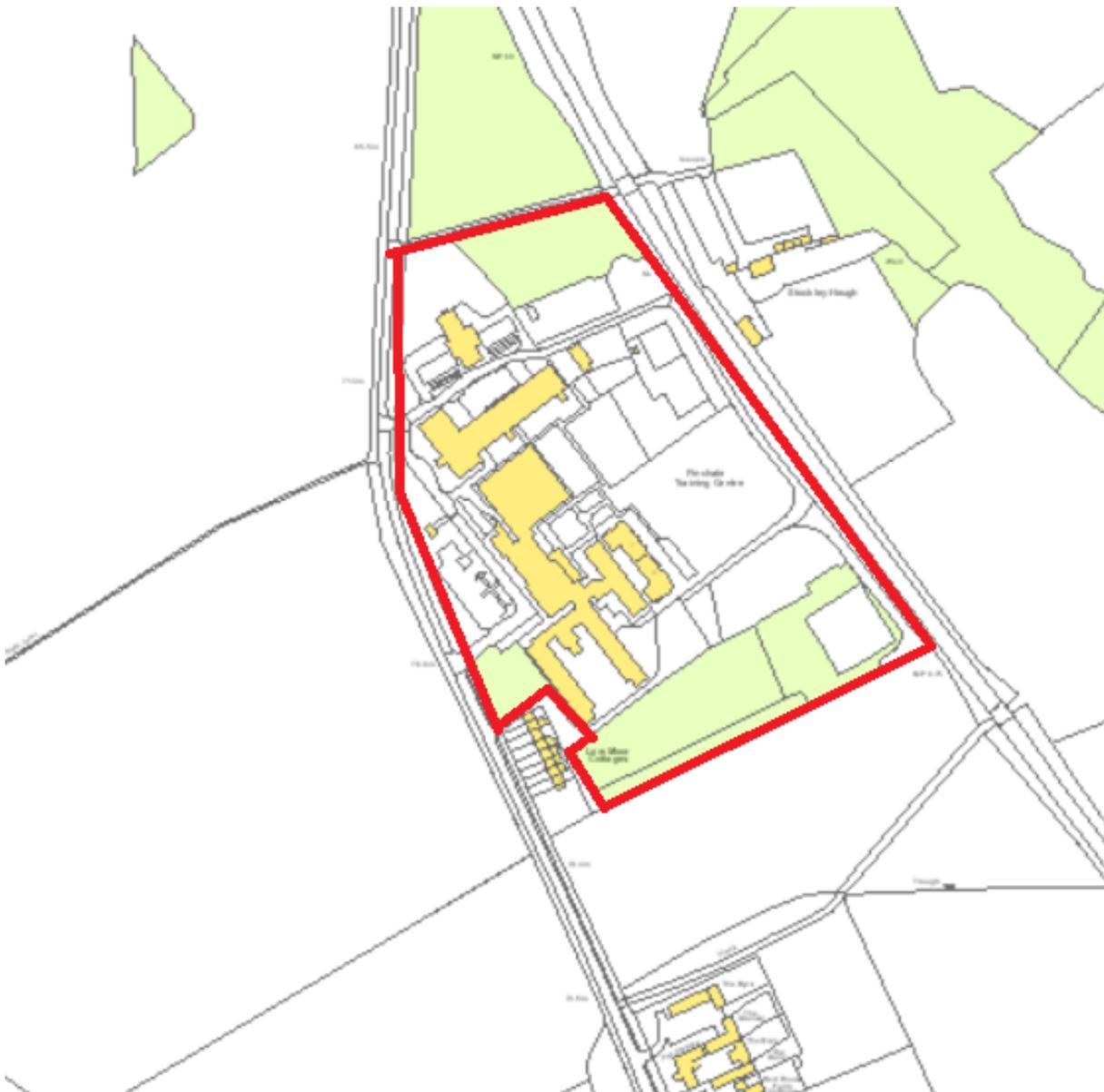
In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made within target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans.
- Design and Access Statement
- Environmental Statement
- City of Durham Local Plan
- National Planning Policy Framework
- Consultation Responses



**Planning Services**

**Outline planning permission for the demolition of existing buildings and construction of up to 100 new homes (Use Class C3) and associated works at Finchale Training College, Newton Hall, Durham, DH1 5RX  
Ref: DM/16/03998/OUT**

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**Date 14<sup>th</sup> March 2017**