



Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER: 3H

APPLICATION DETAILS

APPLICATION NO: 3/2010/0252LB AND 3/2010/0253

FULL APPLICATION DESCRIPTION: LISTED BUILDING CONSENT FOR DE-CONSTRUCTION (RELOCATION OF THE TOW LAW AUCTION MART BUILDING OFF SITE) AND RESIDENTIAL DEVELOPMENT OF 15 NO. DWELLING HOUSES

NAME OF APPLICANT: MCINERNEY HOMES

ADDRESS: TOW LAW MARKET AUCTION RING CASTLE BANK, TOW LAW, BISHOP AUCKLAND, DL13 4AD

ELECTORAL DIVISION: CROOK NORTH AND TOW LAW

CASE OFFICER: Sinead Turnbull
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1.0 DESCRIPTION OF THE SITE AND PROPOSALS

1.1 Context

1.2 The above applications are reported to committee as the listed building consent application constitutes the complete demolition of a grade II listed building and the planning application is for more than 10 dwellings. These applications are being reported to committee as a single committee item as the proposals constitute a comprehensive redevelopment of the site and should be considered jointly and co-dependent.

1.3 Proposal

1.4 Listed building consent is sought for the de-construction, relocation and reconstruction, off site, on third party land, of the grade II listed Tow Law Auction Mart.

- 1.5 The Auction Mart is located in the central part of Tow Law village on the former cattle market site, which is now being redeveloped for housing. The building is over 200 years old. The use of the building has ceased due to a significant decline in agricultural activity. Planning permission has already been granted to erect the relocated grade II listed Auction Mart building in the Teesdale area by virtue of planning permission 6/2009/0240 which was approved under delegated powers 28/10/2009. The building shall be relocated to Cross Lanes Farm, A66, Barnard Castle.
- 1.6 The proposed relocation of the listed building is a decision which has been reached after extensive pre-application negotiation with English Heritage, the developer, the local authority and the owner of the site where the building will be relocated to. The option to relocate the building is not ideal in terms of the historic significance of the building, however it would prevent the total loss of the building. The building shall remain listed during deconstruction, relocation, storage and reconstruction. The building shall retain its listing when it has been fully reconstructed in the approved location at Cross Lanes Farm, Barnard Castle.
- 1.7 Subject to the removal of the listed building the site is to be redeveloped for housing. Planning permission is sought for the construction of 15 No. dwelling houses on the site. The application site constitutes primarily cleared land with the Tow Law Auction Mart sited in the south east of the development site. The site forms the final stage of the Valley Rise development, Tow Law.
- 1.8 The housing development would utilise 4 different house types including the 'Walden' house type which has a double frontage to maximize the appearance of corner plots. The site would have a mix of detached and semi-detached, 3 and 4 bed, two storey dwellings, some of which would make use of the roof space to provide additional accommodation. The dwellings would be of a modern appearance, brick built and with white U.P.V.C fenestration which would tie in with the appearance of the constructed phases of the Valley Rise development, Tow Law.
- 1.9 To the north of the site is an established housing development, to the east is the near completed Valley Rise development, to the south of the site is highway and an established housing development and to the west of the application site is the A68 highway, the main thoroughfare through Tow Law, beyond which is the Co-operative supermarket, shops and a public house.
- 1.10 The site would be accessed via Church Lane off the main road, the A68. A link through the site frontage has been included in the scheme to allow for easy access from the housing development to shops and services directly opposite the site.

2.0 PLANNING HISTORY

2.1 The following planning applications have been received in respect of this site:

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|---------------|--|----------------------|
| • 3/2005/0069 | 65 Dwellings (Subject to a Section 106 Agreement) | Approved 29.09.2005 |
| • 3/2005/0437 | Listed Building Consent for Previously Approved Permission 3/2005/0069 | Withdrawn 13.07.2005 |
| • 3/2005/0673 | Amendment to Application | Approved 22.09.2005 |
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3/2005/0069 Reducing Number of Dwellings from 65 to 63 to Accommodate an On-site Pumping Station

- 3/2005/0831 LBC to previously approved Housing Development adjacent To Tow Law Auction Mart Withdrawn 18.11.2005
- 3/2007/0183 To Demolish Grade II Listed Cattle Mart Building Withdrawn 22.2.2008
- 3/2007/0288 Substitution of House Types Relating to Existing Permission 3/2005/0673 for 28 Units and the Creation of an Additional 14 Units (Plot 19-46 No's 12-40 Highfields) Approved 3.8.2007

3.0 PLANNING POLICY

3.1 NATIONAL POLICY:

- **Planning Policy Statement 1:** Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
- **Planning Policy Statement 3:** Housing underpins the Government's strategic housing policy objectives and the Government's goal to ensure that everyone has the opportunity to live in a decent home which they can afford in a community where they want to live.
- **Planning Policy Statement 5:** Planning for the Historic Environment sets out the Government's planning policies on the conservation of the historic environment.
- **Planning Policy Statement 22:** Renewable Energy sets out the Government's policies for renewable energy, which planning authorities should have regard to when preparing local development documents and when taking planning decisions.

3.2 REGIONAL POLICY:

- **Policy 2: Sustainable Development**
Planning proposals should support sustainable development and construction through the delivery of key environmental, social and economic objectives.
- **Policy 4: Sequential Development**
New development should be directed to the most sustainable locations.
- **Policy 32 Historic Environment**
Planning proposals should seek to conserve and enhance the historic environment.

– **Policy 39 Renewable Energy Generation**

Planning proposals should make provision for the generation of energy from renewable resources.

3.3 LOCAL PLAN POLICY:

– **Policy GD1 (General Development Criteria):**

All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.

– **Policy BE1 (Protection of Historic Heritage):**

The District Council will seek to conserve the historic heritage of the District by the maintenance, protection and enhancement of features and areas of particular historic, architectural or archaeological interest.

– **Policy BE4 (Setting of a Listed Building):**

Development which impacts upon the setting of a listed building and adversely affects its special architectural, historical or landscape character will not be allowed.

– **Policy H3 (Distribution of Development):**

New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.

– **Policy H15 (Affordable Housing):**

The District Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing.

– **Policy H24 (Residential Design Criteria):**

New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.

– **Policy T1 (General Policy – Highways):**

All developments which generate additional traffic will be required to fulfil Policy GD1 and :

1. provide adequate access to the developments;
2. not exceed the capacity of the local road network; and
3. be capable of access by public transport networks.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.planningportal.gov.uk/england/government/en/1020432881271.html> for national policies; <http://www2.sedgefield.gov.uk/planning/WVCindex.htm> for Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

4.0 CONSULTATION AND PUBLICITY RESPONSES

4.1 STATUTORY RESPONSES:

- 4.2 English Heritage: The removal of the building from its historic location would have a harmful impact upon its significance. However, as a position of last resort, this course of action is in preference to the building's total loss. It is against this background, but with some regret, that English Heritage has therefore accepted the principle of the proposed dismantling and reconstruction. English Heritage have made no adverse comments concerning the redevelopment of the site.
- 4.3 Northumbrian Water: No objection.
- 4.4 Environment Agency: As the proposal falls outside of the scope of matters on which the Environment Agency is a statutory consultee, we have no comment to make on this application.
- 4.5 Natural England: Insufficient information contained in the application to offer comments, has referred it to the local authority's in-house ecologist.
- 4.6 DCC Highways Authority: No objections were raised to the previous application for the site, no further comments have been offered relating to this development.
- 4.7 INTERNAL CONSULTEE RESPONSES:**
- 4.8 DCC Ecology: Due to the type of building/construction, as well as the surrounding habitat, the existing Auction Mart is likely to be of low risk for the presence of bats. No survey will therefore be required to support this application. However, due to the mobile nature of bats, it is very difficult to categorically state that they are not present. It is therefore recommended, in order to address this residual risk, the following informative be included if planning permission is awarded for the site:
- 4.9 *All British bats are protected by both UK and European legislation. This legal protection extends to any place that a bat uses for shelter or protection.*
- 4.10 *It is unlikely that the proposed development will disturb any bats. However, bats are mobile creatures and there is a residual risk that a small number of individuals may be disturbed which was not anticipated. Should bats or evidence of bats be discovered at any stage during the development, work must stop immediately and urgent advice be sought from the Ecology Team, County Hall. Failure to do so may result in an offence being committed. This is regardless of whether planning permission has been acquired.*
- 4.11 Finally, it is noted that the proposed site lies within 500m of a pond. However, due to the high number of barriers separating the pond from the proposed site, the risk of presence of great crested newts on site (if they are present in the pond) is very low. No survey will therefore be required to support this application.
- 4.12 DCC Design and Conservation: As the building is listed, what is essentially demolition should only be granted in exceptional circumstances following a robust justification of the proposals when tested against policy HE9 of PPS5 Planning for the Historic Environment.
- 4.13 Options to continue the use of the structure on its original site, which gives the building its context and places it firmly in the social history of Tow Law, have now been in my opinion fully explored. The building has been marketed for alternative uses, has been offered to local community groups for use and has also been offered as an item of social history to local museum operation, all without success. There is clearly no likelihood of the mart being brought back into use for its original purpose and, given its

ever deteriorating state, due in no small part to its construction materials and exposed location, a new use and potentially new site must be found for the building.

- 4.14 Consent has been granted to reconstruct the building as part of the Cross Lanes Sustainability Centre and therefore a new home has been identified for the structure, it now remains to be established whether allowing its demolition to facilitate this has been justified.
- 4.15 Having considered all the submitted information I am of the opinion that the tests of Policy HE9 of PPS5 have been all but met. It is clear that the nature of the heritage asset prevents all reasonable uses of the site and that no viable use of the heritage asset can be found in the medium term, conservation through grant-funding or some for charitable or public ownership has proved fruitless and I believe there are significant public benefits both in the reconstruction of the building on a more secure sustainable site and its use by a wider cross section of the public.
- 4.16 I note English Heritage suggest that the financial viability of the proposed new ownership arrangement to facilitate future maintenance be tested, however, given the status of the site which is currently to be established this would be extremely difficult and given the commitment of the current owner and recipient to pursue the work immediately I consider that future maintenance can be adequately controlled through the statutory powers of the authority.
- 4.17 Based on the above I reluctantly accept that the current proposal provides the brightest future for the building, however, only accept this on the basis that the current owner (or whoever is considered to be the appropriate party) is willing to enter into a legally binding agreement which secures the reconstruction of the building in an appropriate manner. In addition to this I would suggest a number of detailed conditions.
- 4.18 No objection to the housing development subject to a legal agreement and suitable conditions attached to the listed building consent.
- 4.19 DCC Senior Low Carbon Officer: The development fails to take into account policy 38 of the RSS (10% renewable energy).
- 4.20 Further confirmation at this stage is therefore requested on:
- Any potential Code for Sustainable Homes rating being targeted.
 - How the development will meet the energy hierarchy.
 - Total baseline energy consumption of the proposed development.
 - Total energy consumption post renewable technologies.
 - BER and TER.
- 4.21 Note: The issues raised by the senior low carbon officer will be addressed through suitable conditions.**
- 4.22 DCC Forward Planning: No reason to dispute the affordable housing appraisal submitted by the developer. In view of this their obligation to provide affordable housing on their scheme can be discharged. In the event that the developer doesn't start the development straight away, a condition should be attached to the planning permission setting out the mechanisms where affordability can be reviewed periodically, for example in 3 years time if they haven't completed the scheme by then.

4.23 PUBLIC RESPONSES:

4.24 There have been no public responses received.

5.0 APPLICANT'S STATEMENT

5.1 Taken from the planning statement:

- The Tow Law Auction Mart was founded in 1882 and was an active facility until it closed in September 2005; it is now semi derelict and stands alone within a new residential development.
- Over the life time of what was a very functional building, alterations and improvements have taken place.
- The building was listed on the 5th June 1987.
- After the closure of the mart, there was some local interest in the future of the mart 'to do something' with the building, but no feasible solutions to create a viable long term future for the mart located within a residential development were forthcoming.
- Strong opinion was voiced from both local residents and councillors alike for the demolition of the mart, which was seen as an ugly blight upon an improving Tow Law landscape and there was considered to be little or no merit in its retention.
- In order to conserve the mart structure, the former Wear Valley District Council investigated options which included, in tandem with private organisations and individuals, the commercial viability to relocate the mart structure to a new location.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at Crook Area Office.

6.0 PLANNING CONSIDERATIONS AND ASSESSMENT

6.1 The main issues for consideration are:

- Impact on the Historic Heritage
- The Process of Deconstructing, Relocating and Reconstructing the Grade II Listed Tow Law Auction Mart
- Principle of the Housing Development
- Design
- Impact on the Listed Building
- Residential Amenity
- Affordable Housing
- Recreational provision
- Parking and Access

6.2 Impact on the Historic Heritage

6.3 The grade II listed building was constructed in 1882 as the focus of the town's cattle mart, 20th Century alterations have been made to the building to improve its functionality and in line with increasing demands of health and safety and also to address decay. The building was identified as being of special historic and architectural interest and was listed on the 5th June 1987. The building was noted for being a "good intact example of this characteristic form of border auction mart" and

particularly interesting for “the survival of a complete interior including animal ring, seating and auctioneers desk”. The listing of the building was primarily based on its function as an important community facility. The building closed as an auction mart in 2005 due to the significant decline in the agricultural industry.

- 6.4 The listed building now sits on a site surrounded by housing. The land surrounding the auction mart has been cleared of all former mart related ancillary structures, concrete car park and hard standing areas and the holding pens.
- 6.5 The grade II listed Auction Mart is a building of historic significance that has been unused since 2005 and is now in decline due to its vacancy and exposed location. In order to preserve listed buildings it is often necessary to ensure their continued active use. In the case of the Auction Mart building its continued use would be the most positive means of its preservation. An extensive marketing programme has been carried out to attempt to find a new use for the building as its use as a cattle mart has been demonstrated to be no longer viable. After all reasonable possibilities for the future use of the building had been explored in its current location it was decided to re-locate the building. Options to secure the future of this listed building formed the subject of detailed discussions between the owners, the local planning authority and English Heritage over an extended period. Those discussions concluded, exceptionally, that the option to dismantle and reconstruct the listed building in a new location provided the only appropriate and viable means of securing the future of this nationally important heritage asset in the long-term. The removal of the building from its historic location would have a harmful impact upon its significance. However, as a position of last resort, this course of action is in preference to the building’s total loss.
- 6.6 English Heritage have accepted the principle of the proposed dismantling and reconstruction of the building with some regret.
- 6.7 As all reasonable alternative solutions have been explored for the preservation of the building it is considered that the proposed deconstruction, relocation and reconstruction (off site) of the building would be in accordance with policies GD1, BE1 and BE4 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
- 6.8 The Process of Deconstructing, Relocating and Reconstructing the Grade II Listed Tow Law Auction Mart
- 6.9 Full details of the dismantling and reconstruction of the Auction Mart building have been set out in a method statement dated May 2010. Further detail is provided in an historic appraisal and dismantling assessment dated June 2009. The details of these method statements are considered to be acceptable and robust. The building shall be deconstructed, transported and reconstructed by a specialist contractor with experience of historic structures; the works shall be overseen by an independent historic building specialist.
- 6.10 The Auction Mart building is to be dismantled into a large number of individual sections which shall be numbered to allow for a full documentary record of which pieces require repair and to inform the reconstruction process. The building shall be transported by lorry and shall be stored for a short period of time. Full details of transit and storage shall be a condition of the listed building consent to ensure the protection of the listed building during these processes.
- 6.11 The obligation to reconstruct the building to the correct standard on the third party owned site shall be controlled by a legal agreement.
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6.12 Principle of the Housing Development

- 6.13 Following the removal of the Tow Law Auction Mart the site will be redeveloped for housing. The housing development will form the final stage of the Valley Rise development. The site is a brownfield site located within the settlement limits for Tow Law as identified in the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007. The site is located in a primarily residential area not allocated for any specific use. Tow Law is identified as an area where development will be directed to under policy H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
- 6.14 National Planning Policy guidance applies a presumption in favour of securing sustainable development by directing new housing to those areas best able to support it in terms of provision of services and facilities and good public transport links. The settlement in question is well served by facilities and services within walking distance of the site. Tow Law is also serviced by good public transport links. Therefore the site is considered acceptable for residential development and generally conforms to PPS3 'Housing'.
- 6.15 The principle of development of the site has already been established to an extent by virtue of planning permission 3/2007/0288 which proposed the development of 13 no. dwelling houses on the site along with the retention of the auction mart. The site is part of a larger development site, the majority of which has now been constructed. This final phase of the development could be considered to be the most important phase of the development as it involves the dismantling and re-location of the grade II listed building and the construction of the street scene which will face onto the main thoroughfare through Tow Law, the A68.
- 6.16 It is considered that the development site is in a sustainable location where new development is currently directed to and the proposal would improve the environmental quality of the area by providing a street frontage along this section of Tow Law and through the preservation of the Tow Law Auction Mart, a building of historic significance. The proposal is considered to be acceptable in principle and in accordance with GD1 and H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007, PPS1, PPS3 and general sustainable development principles.

6.17 Design

- 6.18 The proposed new dwelling houses would be constructed in materials which tie in with the materials already utilised in earlier phases of the development. The corner plots on the site would be occupied by a double fronted house type which would add interest to corners and contribute to the character and appearance of the site. Features such as lintels above windows and doors would add interest to front elevations. Three double detached garages would be incorporated into the street scene and would be screened by landscaping. The development would have an area of landscaping along the site frontage at Castle Bank and Church Lane, which would soften the impact of the development on the surrounding area and aid its absorption into the built form of Tow Law and adjacent established residential areas.
- 6.19 The proposed contemporary design of the development, and the ensuing streetscene it would create, is considered to be in accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
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6.20 Residential Amenity

6.21 The overall Valley Rise development sits between two established housing developments; therefore the residential development of this site has been a logical use with potentially the most limited impact on surrounding land uses. Within the application site each of the proposed new dwellings would meet minimum privacy distances of 21 metres separation distances between windowed elevations and 15 metres separation distances between windowed elevations and opposing gable walls.

6.22 Each of the new dwelling houses would have a private enclosed rear or side garden and each of the dwellings would have a small amount of amenity space to the front of their properties. It is considered that the development would provide adequate private amenity space for each of the dwelling houses.

6.23 Affordable Housing

6.24 Normally, for schemes of 15 or more dwellings on sites within the Wear Valley Area inclusive of Tow Law, having regard to PPS3 and the Strategic Housing Market Assessment, it would be appropriate for the local planning authority to request a minimum of 20% affordable housing. The developers have provided an affordable housing appraisal which demonstrates that affordable housing would not be viable on the site. Durham County Council's forward planning team have assessed the affordable housing appraisal and have confirmed that they can find no reason to dispute its findings. In view of this outcome the forward planning team have discharged the obligation to provide affordable housing. A condition has been recommended to review affordability periodically if the development is not started immediately.

6.25 Recreational Provision

6.26 A Section 106 Agreement for a financial contribution towards play and recreational provision within the area was signed for the previous planning permission 3/2005/0673, this permission included this site within its red line boundary. The agreement has been completed and all of the financial contributions have been received. Therefore there is no requirement for any further financial contributions from the developer for play and recreational space in the area in respect of this site.

6.27 Parking and Access

6.28 Access to the site would be taken from Church Lane; this is the main access for the Valley Rise development. The estate road would be extended to serve this final phase of the development. The proposal would provide 21 parking spaces for 15 dwellings, which is a parking rate of 1.4 spaces per unit. Durham County Council's Highways Authority raised no objections to the previous application for the site which was approved. It is considered that the proposed access and parking details for the scheme would be in accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

7.0 CONCLUSION

7.1 The proposal is considered to be acceptable as it is in accordance with policies GD1, H3, H24, BE1, BE4 and T1 of the Wear Valley District local Plan as amended by the Saved and Expired Policies September 2007 as well as national planning policy guidance in PPS1, PPS3, PPS5 and PPS22 and Regional Policies 2, 4, 32 and 39 of the North East of England Plan Regional Spatial Strategy to 2021 as it:

1. The removal of the building from its historic location would have a harmful impact upon its significance. However, as a position of last resort, this course of action is in preference to the building's total loss. It is against this background, but with some regret, that the principle of the proposed dismantling and reconstruction of the building has been accepted. The development is considered to be in accordance with policies GD1, BE1 and BE4 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007, PPS1 and PPS5.
2. Would represent effective and efficient use of brownfield land.
3. Would be situated in a sustainable location within walking distance to services and facilities and public transport links.
4. The site is located within a settlement where new housing will be directed to in accordance with national and local planning policy.
5. Would be suitably designed in terms of layout and appearance of the dwellings.
6. Would offer suitable levels of amenity and security within the development as well as preventing harm to the living conditions of neighbouring properties.
7. Would provide adequate amenity space for each unit.
8. Would be acceptable in terms of highway safety, access and parking.
9. It is acknowledged that the removal of the listed building from its historic location would have a harmful impact upon its significance. However as a position of last resort, this course of action is in preference to the building's total loss.

8.0 RECOMMENDATION

8.1 That the applications be APPROVED subject to the following conditions and a Section 106 Agreement:

Conditions 3/2009/0252LB

1. The development should not be begun later than the expiration of 12 months from the date of this permission.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

3/2009/0252

Plan Ref No.	Description	Date Received
	Site Location Plan	27/05/2010
	Tow Law Auction Mart Building, Tow Law Dismantling and Re-Erection Method Statement May 2010	02/06/2010
	Tow Law Auction Mart, Tow Law Historic Appraisal and Dismantling Assessment June 2009	27/05/2010

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3. Development shall not commence until a detailed programme of photographic recording is undertaken in accordance with a brief to be provided by the local planning authority, such works shall include the recording of both the interior and exterior of the building. On completion of the work a copy of the report which shall be fully annotated shall be deposited with the local planning authority.
 4. Development shall not commence until details of the method, location, protection and security arrangements for storage of the structure are provided in writing and agreed by the local planning authority. The development shall be undertaken in accordance with the approved details.
 5. Development shall not commence until details of the method, times and procedures for the transport of the structure are submitted in writing to and agreed by the local planning authority, such details shall include an identified route to the reconstruction site. The development shall be undertaken in accordance with the approved details.
 6. Development shall not commence until a detailed method statement is developed which identifies the nature and extent of repairs, this shall include details of any new fixing which will be required to facilitate the reconstruction. This information shall be submitted to and agreed in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.
 7. Development shall not commence until details of all new services, including materials, fixings and locations to be brought in to or fixed to the structure are provided to and agreed in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.
 8. Development shall not commence until samples of all replacement materials to be used in the reconstruction and repair of the structure are provided to and agreed in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.
 9. Development shall not commence until a full specification for the new ground slab to receive the structure shall be provided to and agreed in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.
 10. Development shall not commence until details of the colour finish of any wood stain to be used are submitted to and agreed in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

Reasons 3/2010/0252LB:

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. To define the consent and ensure that a satisfactory form of development is obtained in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
3. To safeguard the character of the listed building in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

4. To safeguard the character of the listed building in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
5. To safeguard the character of the listed building in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
6. To safeguard the character of the listed building in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
7. To safeguard the character of the listed building in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
8. To safeguard the character of the listed building in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
9. To safeguard the character of the listed building in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
10. To safeguard the character of the listed building in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

Conditions 3/2009/0253FUL

1. The development should not be begun later than the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

3/2009/0253

Plan Ref No.	Description	Date Received
	Site Location Plan	27/5/2010
SD07-Argyll	Argyll house type	27/5/2010
SD07-Pinewood	Pinewood house type	27/5/2010
SD07-Redwood	Redwood house type	27/5/2010
SD07-Walden	Walden house type	27/5/2010
SD07-Walden (type 2)	Walden (type 2) house type	27/5/2010
SD07-G05	Standard garages single garage	27/5/2010
SD07-G22	Standard garages double garage	27/5/2010
SD07-G22H	Standard garages hipped double garage	27/5/2010
	Wall & fence details	1/7/2010
	Street scenes	1/7/2010

WF/D21	Wall & railing detail fronting plot no's 15-18	27/5/2010
WF/D11	Wall and fence details	1/7/2010
	Roof plans	27/5/2010
	Proposed materials schedule	27/5/2010
001/1	Engineering layout	27/5/2010

3. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.
4. Prior to the commencement of the development details of the surface treatment and construction of all hardsurfaced areas shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.
5. Notwithstanding the details submitted with the application, prior to the commencement of the development a scheme of landscaping shall be submitted to and approved in writing by the local planning authority which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection.
6. All planting seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed, are severely damaged or become seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
7. The development hereby approved shall achieve a Code for Sustainable Homes rating of level 3 or above. Evidence shall be provided to the Local Authority that:
 - a. Prior to the commencement of development, the development has been registered for formal assessment by a licensed Code assessor to achieve a Code for Sustainable Homes Design Certificate level 3 or above; and
 - b. Prior to the occupation of the development, the development has achieved a Code for Sustainable Homes post construction certificate level 3 or above, or alternative as agreed in writing by the Local Planning Authority.
8. Prior to commencement of development details showing the measures to be taken to produce a minimum of 10% of the total energy requirements of the development hereby approved by means of renewable energy sources shall be submitted to and approved in writing by the local planning authority. Thereafter the approved details shall be implemented prior to first occupation of the development and retained operational in perpetuity.
9. Before the development hereby approved is commenced wheel washing equipment shall be provided and retained at all egress points to ensure that site vehicles are cleansed of mud so that mud is not trailed onto the public carriageway. The wheel washing equipment shall be used on all vehicles leaving the site during the period of construction works throughout all development activities on any part of the site.

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10. The garages hereby approved shall be used for purposes incidental to the enjoyment of the dwelling houses only, and shall not be used for any trade or business purposes.
 11. Before the occupation of any building, the estate roads, footways and footpaths, turning spaces and parking areas relating to that building, shall be properly consolidated and surfaced to the satisfaction of the Local Planning Authority.
 12. The grade II listed Tow Law Auction Mart shall be protected during on site construction works, its de-construction, relocation, reconstruction and any periods of storage. Details of the protection measures shall be submitted to and approved in writing by the local planning authority. Thereafter works shall be in accordance with the approved details.
 13. Development shall not commence on site until 6 weeks after the grade II listed Tow Law Auction Mart has been relocated as per planning permission 6/2009/0240 and reconstructed as per Tow Law Auction Mart Building, Tow Law. Dismantling and Re-Erection Method Statement May 2010.
 14. Following commencement of the development hereby approved, the applicant shall at a date not later than 3 years from the date of this planning permission submit to the Local Planning Authority an assessment of the need for, and viability of the provision of affordable housing within the scheme. The assessment shall be in accordance with Planning Policy Statement 3 (Housing) or any successor national policy document and shall apply only to dwellings where foundations have not been laid at the time of the assessment. For so long as the approved development remains incomplete, further assessments shall be made at intervals no longer than 3 years from the date of the previous assessment in accordance with national policy in force at that time and shall apply only to the remaining number of dwellings where foundations have not been laid. Subsequent to any assessment, any affordable housing shall be provided in full accordance with a scheme to be agreed in writing beforehand by the Local Planning Authority.

Reasons 3/2010/0253FUL

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. To define the consent and ensure that a satisfactory form of development is obtained in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
3. In the interests of the appearance of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
4. In the interests of the appearance of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
5. In the interests of the visual amenity of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
6. In the interests of the visual amenity of the area and to comply with policy GD1 of

the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

7. In the interests of environmental sustainability and reducing the effects of climate change as supported in PPS1, PPS3 and PPS22, as well as policy GD1 of the Wear Valley District Local Plan as Amended by Saved and Expired Policies September 2007.
8. In the interests of environmental sustainability and reducing the effects of climate change as supported in PPS1, PPS3 and PPS22, as well as policy GD1 of the Wear Valley District Local Plan as Amended by Saved and Expired Policies September 2007.
9. In the interests of traffic safety and general amenity. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
10. In the interests of residential amenity and to comply with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
11. In the interests of highway safety and to comply with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
12. To protect and preserve the listed building and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
13. To protect and preserve the listed building and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
14. To ensure that the need for and viability of providing affordable housing reflects the market and economic changes during development of the site in accordance with Planning Policy Statement 3.

9.0 REASONS FOR THE RECOMMENDATION

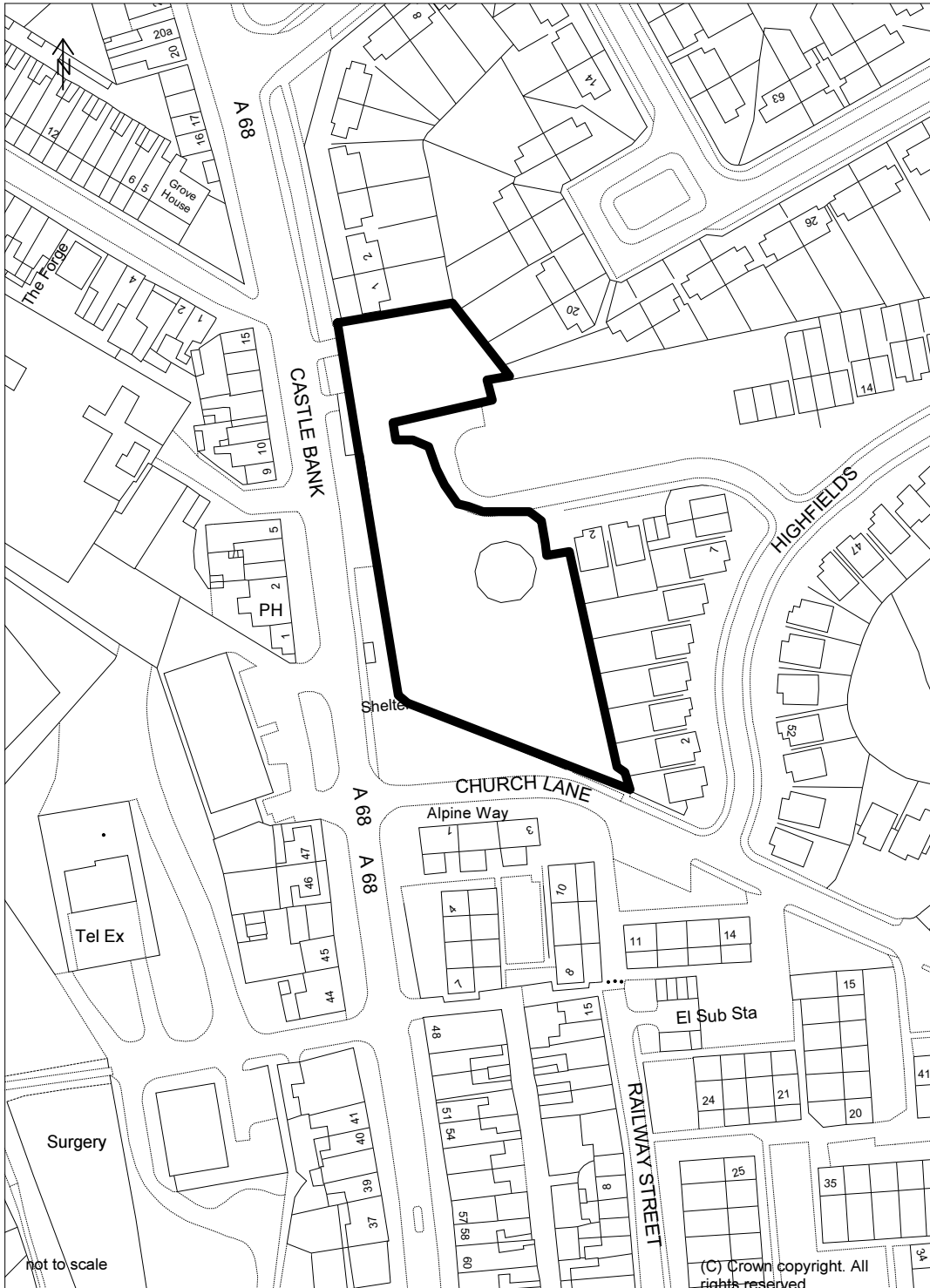
- 9.1 The proposal is considered to be acceptable as it is in accordance with policies GD1, H3, H24, BE1, BE4 and T1 of the Wear Valley District local Plan as amended by the Saved and Expired Policies September 2007 as well as national planning policy guidance in PPS1, PPS3, PPS5 and PPS22 and Regional Policies 2, 4, 32 and 39 of the North East of England Plan Regional Spatial Strategy to 2021 as it:
1. The removal of the building from its historic location would have a harmful impact upon its significance. However as a position of last resort, this course of action is in preference to the building's total loss. It is against this background, but with some regret that the principle of the proposed dismantling and reconstruction of the building has been accepted. The development is considered to be in accordance with policies GD1, BE1 and BE4 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007, PPS1 and PPS5.
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2. Would represent effective and efficient use of brownfield land.
 3. Would be situated in a sustainable location within walking distance to services and facilities and public transport links.
 4. The site is located within a settlement where new housing will be directed to in accordance with national and local planning policy.
 5. Would be suitably designed in terms of layout and appearance of the dwellings.
 6. Would offer suitable levels of amenity and security within the development as well as preventing harm to the living conditions of neighbouring properties.
 7. Would provide adequate amenity space for each unit.
 8. Would be acceptable in terms of highway safety, access and parking.
 9. It is acknowledged that the removal of the listed building from its historic location would have a harmful impact upon its significance. However as a position of last resort, this course of action is in preference to the building's total loss.

10.0 BACKGROUND PAPERS

- Submitted Application Forms and Plans
- Design and Access Statement
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
- Planning Policy Statements/Guidance, PPS1, PPS3, PPS5, PPS22
- RSS Policies 2, 4, 32, 39
- Consultation Responses
- Public Consultation Responses

3/2010/0252LB AND 3/2010/0253 - LISTED BUILDING CONSENT FOR DE-CONSTRUCTION (RELOCATION OF THE TOW LAW AUCTION MART BUILDING OFF SITE) AND RESIDENTIAL DEVELOPMENT OF 15 NO. DWELLING HOUSES AT TOW LAW MARKET AUCTION RING, CASTLE BANK, TOW LAW FOR MCINERNEY HOMES



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