

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/21/01319/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	External alterations including amendment to fenestrations and new plant to facilitate change to a job centre.
<b>NAME OF APPLICANT:</b>	Department of Work and Pensions
<b>ADDRESS:</b>	8, 9 And 10 Newgate Centre, Bishop Auckland DL14 7JQ
<b>ELECTORAL DIVISION:</b>	Bishop Auckland Town
<b>CASE OFFICER:</b>	Susan Hyde, Planning Officer, 03000 263961, <a href="mailto:susan.hyde@durham.gov.uk">susan.hyde@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application relates to Unit 8, 9 and 10 of the Newgate Shopping Centre, located to the west of Newgate Street within Bishop Auckland Town Centre. This unit lies adjacent to Finkle Street and is surrounded by a range of town centre uses and located just outside of the Bishop Auckland Conservation Area.
2. The Newgate Shopping Centre is a modern brick-built shopping centre of generic design dating from the 1980's. The building is orientated so that its front elevation faces west towards Bishop Auckland Bus Station and the public transport links it provides. The main entrances into the shopping centre are on this west elevation and the east elevation which provides pedestrian access from Newgate Street and there is a further pedestrian access to the north of the site that links to Fore Bondgate.
3. The application involves external alterations to two ground floor units, 9 and 10 and first floor unit 8. The alterations relate to additional and amended windows details and doors at ground floor and first floor level on the west and north elevations including a staff entrance and provision of external plant on the north elevation. This proposal would lead to the loss of the existing pedestrian access on the north elevation and pedestrians that currently use this link would need to walk approximately 60 metres round the building to access the (front) west entrance as the nearest alternative.
4. The change of use of units 8, 9 and 10 from retail use to a Health Assessment and Job Centre for the Department of Work and Pensions (DWP) is a permitted change within The Town and County Planning (Use Classes) Order 1987 (as amended) and therefore does not require planning permission or form part of this planning application. The submitted application relates only to the external alterations of the building and associated plant.

5. The application is being reported to the Planning Committee at the request of (former) Councillor Joy Allen and Councillor Sam Zair because of concerns relating to the loss of the pedestrian link from Fore Bondgate that has been in operation since 1982 and the potentially detrimental effect on footfall to / from the Bondgate Centre and Fore Bondgate with the associated potential impact on jobs and businesses.

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## **PLANNING HISTORY**

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6. In 2020 planning permission was granted for the change of use of the retail unit 12 (that historically was Argos) to a cinema (DM/20/03086/FPA). This consent has not been implemented.
7. In 2014 planning permission was granted for the erection and display of internally illuminated and non illuminated signage around and on elevations of the centre including car park facing the bus station (DM/14/02546/AD)
8. Planning permission for the Newgate Centre was originally granted in 1980 (reference 3/80/836/DL) subject to conditions. (although it is noted that none of the conditions referred to the ongoing access arrangements at the Centre including any requirements regarding the retention of the pedestrian access on the north elevation).

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

9. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. In accordance with Paragraph 213 of the National Planning Policy Framework, the following elements of the NPPF are considered relevant to this proposal.
10. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
11. *NPPF Part 4 Decision-Making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
12. *NPPF Part 6 Building a Strong, Competitive Economy - The Government is committed to securing economic growth in order to create jobs and prosperity,*

*building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.*

13. *NPPF Part 7 Ensuring the vitality of town centres* - Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation
14. *NPPF Part 8 Promoting Healthy and Safe 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.
15. *NPPF Part 9 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.
16. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.
17. *NPPF Part 12 Achieving Well-Designed Places* - 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.
18. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
19. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

20. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air design process and tools; determining a planning application; flood risk; healthy and safe communities; historic environment; housing supply and delivery; land affected

by contamination, land stability, natural environment; noise; public rights of way and local green space; and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

## LOCAL PLAN POLICY:

The County Durham Plan (CDP)

21. *Policy 9 – Retail Hierarchy and Town Centre Development.* This policy seeks to protect and enhance the hierarchy of Sub Regional, Large Town, Small Town, District and Local retail centres in the county.
22. *Policy 21 Delivering Sustainable Transport* - states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
23. *Policy 29 Sustainable Design* - requires all development proposals to achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
24. *Policy 31 Amenity and Pollution* - development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated.
25. *Policy 44 Historic Environment* - seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

26. *Bishop Auckland Town Council* – Object to the proposals as they consider the closure of the pedestrian link will detrimentally impact on Fore Bondgate as well as future investment in the town. The Town Council recognise that investment is needed in the Newgate Centre and the town as a whole, to reduce the number of vacant units but consider that using one of the many vacant retail units on the main shopping thoroughfares throughout Bishop Auckland would be more appropriate. Using such a prominent retail space and cutting off access to the historic Fore Bondgate shops, for use as a Job Centre, does not provide a good fit with the aspirations of the County Council Bishop Auckland Masterplan or the Town Council Plan.
27. It is felt that the current Job Centre, in Vinovium House is ideally located for all members of the community as it is close to good public transport networks and offers a degree of confidentiality to the service users. Moving the Job Centre to the

proposed site in the Newgate Centre not only reduces the access for pedestrians to Fore Bondgate, it reduces the accessibility to the whole Newgate Shopping centre by removing the disabled car parking spaces located in the area of the proposed closure. Additionally, moving to a more central location may negatively affect the service users needing access to the Job Centre.

28. Members are strongly opposed to the planned external alterations as they feel this would create many detrimental barriers for residents and visitors to Bishop Auckland, particularly disabled persons, as they access the centre via the pedestrian access and the Fore Bondgate shops from the disabled parking bays, in Finkle Street.
29. The Town Council is supportive of the partnership work in Bishop Auckland and welcomed the success of the Future High Streets Fund Bid, however they are greatly concerned that this proposal may negatively impact upon the Stronger Towns funding bid which looks to further revitalise the town.
30. They also note that the proposed relocation of the job centre will not bring additional jobs into Bishop Auckland as these jobs are already located in the current DWP facility in the Town Centre. The Town Council urge cooperative working to find an alternative location for the use to protect the pedestrian access and the retail element within the Newgate Centre.
31. *Local Highway Authority (LHA)* – The Council's Spatial Policy Team, it's Bishop Auckland Town Centre Regeneration Programme Manager, and Bishop Auckland Town Council, have each advanced comments against the proposal, including reference to the proposed removal of the historical public access to the Centre at the Finkle Street elevation. The LHA share these latter views. It is noted that the Centre has prominently direction signed the Centre to pedestrians from Fore Bondgate, down the path leading to the Finkle Street Centre entrance. DCC has aspirations to improve north-south links to the Centre, which, as the aforementioned commentators to the application have outlined, the proposals would serve to undermine.
32. The applicant's agent, and the agent for the Centre, have indicated, inter alia, that they do not wish to retain a public pedestrian entrance to the Newgate Centre at the northern elevation (Finkle Street). The agents have pointed out that the new tenants will greatly increase footfall, including from those requiring medical assessments. It is noted that the closest at-grade disabled car park bays are in Finkle Street. In that context, but also acknowledging that a staff entrance is proposed at the Finkle Street elevation, pedestrians to and from Fore Bondgate will walk in increased numbers along Finkle Street to the Centre, and application site public entrance, at George Street elevation. Accordingly, the Finkle Street pedestrian footway (south side), linking west from the position of the existing Centre pedestrian entrance, will be required to have direct connectivity to the George Street public footway (via dropped kerbs at the Newgate Centre car park entrance, removal of raised block paving at car park entrance and replacement with footway construction, and relocation of street light no. 4438). These works to be secured by condition.
33. Section 153 of the Highways Act 1980 requires that doors, gates and windows do not open outwards over the public highway. This is relevant in particular regarding the Finkle Street footway. It is questioned whether existing doors at ground floor level, as depicted, do currently open outwards however any doors not mandatorily required, and identified solely as, Fire Exit doors (ie service and staff entrances) must be shown opening inwards only, not outwards over the public footway.
34. The public footway on the George Street elevation would be required to be 'stopped up', ie have public highway rights legally extinguished, under s.247 of the T & CP Act

1990. On the basis that part of the public highway at the northern elevation (at the entrance to the centre), is also proposed to be enclosed (walled across), the s.247 application would also be required to include this area. The applicant should note that this s.247 method of extinguishing public highway rights as part of development is ordinarily only possible prior to development taking place.

35. Full details of the proposed entrance ramp at George Street elevation must be conditioned in order to ensure it does not prejudice the George Street public footway unaffected by the s.247 procedure.

#### **INTERNAL CONSULTEE RESPONSES:**

36. *Design and Conservation* – The application site lies slightly outside the boundary of the conservation area and by virtue of its scale, massing, design and materials already has an adverse impact on the setting of one of the most historically significant sections of the conservation area. The proposed alterations will not change this arrangement and therefore this element of the proposal is likely to have a neutral impact.
37. The closure of the pedestrian link between Fore Bondgate and the Newgate Centre is likely to have a hugely detrimental impact on footfall to the area which has taken many years to improve and build an identity and quantum of businesses and services which makes it what it is today. Removing this link is the very reverse of the regeneration initiatives for the area which promote improved linkages. Anything which places businesses at risk or in due course increases vacancy rates will be harmful to the character, appearance and significance of the conservation area and is strongly opposed.
38. *Environmental Health (nuisance)* – Advise that the 'Plant Noise Assessment Report' report demonstrate that noise from the operation of the plant is unlikely to have an impact on the nearest sensitive receptor. subject to this being installed in accordance with the details indicated including recommendations in respect to vibrations controls. In addition, conditions are required that restrict the use of the plant so no plant should operate between 2100 – 0700 on any day and so the noise level between 07.00 – 21.00 does not exceed 42dBA.. Subject to the above conditions the development should not cause a statutory nuisance.
39. *Heritage Action Zone* - No response received
40. *Spatial Policy* – The site is located in Bishop Auckland Town Centre which identified as a Sub Regional Centre in the CDP, this reflects its importance in serving a wide catchment within South Durham. Policy 9 states that support will be given to new town centre development that will improve choice and bring about regeneration and environmental improvements. In this case the site is located within the defined Primary Shopping Area. Policy 9 seeks to support other uses outside of retail uses where they preserve the vitality and viability of the Primary Shopping Area. Whilst it is recognised that recent changes to the use class order now classifies a Job Centre under Use Class E(c), and therefore there is now no requirement for a change of use application, the need to preserve the vitality and viability of this area remains.
41. The supporting text to Policy 9 recognises that a masterplan for Bishop Auckland town centre has been developed that seeks to build on recent investment in the town. Alongside this, the plan seeks to support proposals that will deliver the aims of the masterplan, increase footfall within the town centre and improve its vitality and viability.

42. Considering all the above, it is noted that the proposals will see the closure of the existing pedestrian access at the north of the site, replaced with a staff entrance. This existing access point provides a link from Fore Bondgate to the Newgate Centre and its removal could undermine the ability of pedestrians to easily navigate their way around this area of the town centre, potentially impacting on the vitality and viability.
43. *Acting Programme Manager on the Council's Bishop Auckland Town Centre Regeneration* – raises concern that a funding bid for Bishop Auckland from the Future High Street Fund for nearly £2 million has been successful and one of the key aims identified is to increase footfall into Bishop Auckland and the linger time within the town. The package seeking Government support also included proposals which form part of the masterplan for the town to improve the linkages between the access between the Newgate Centre at the Finkel Street entrance through to Fore Bondgate. This will encourage footfall from the street of independent shops on Fore Bondgate through to the Newgate Centre and vice-versa. However, the proposal contained within the planning application to close public access at this location and make it accessible for staff only effectively undermines the Council's proposal as established within the masterplan. It is believed that this will have a detrimental impact upon the aims and objectives of the Council's programme of improvements in the area and adversely impact upon local business and thus the vitality and viability of Bishop Auckland town centre
44. *Regeneration* – No response received.

#### **PUBLIC RESPONSES:**

45. The application has been advertised by way of neighbour notification letters site notice and a press notice. 5 letters of objection and 2 letters of support have been received.
46. In addition, an on-line petition has generated 694 signatures (as at 01.06.2021) objecting to the application on the following grounds:

*"We, the undersigned, are against the closure of the entrance of the Newgate Centre leading to Fore Bondgate. These plans, submitted by the Department for Work and Pensions (DWP) have the potential to detrimentally impact our local traders and businesses, one issue being the effect on the flow of people and accessibility to the area.*

*Bishop Auckland's high street and traders are already struggling, especially after the pandemic, and proposals such as this that may threaten our local traders and businesses should be thoroughly opposed. Many local businesses have already spoken out about the potential risks to their business and noted the footfall through the Newgate Centre's Fore Bondgate entrance does help attract potential customers to their stores. On this basis, it would be a blow to our retailers and traders to threaten this route and potentially jeopardise the trade our businesses require to keep our high street alive.*

*The DWP's move of the local JobCentre should be done in a way that protects local business and does not threaten our High Street, Potential Jobs, and Local Economy. We call upon the MP for Bishop Auckland and Durham County Council to reject these plans and help protect our local businesses."*

47. The 5 letters of objections have raised the following concerns:

- The proposed development would cut off a key thoroughfare which customers use regularly to access shops and restaurants to Fore Bondgate. This is in addition to the shop owners having to face disruption from being forced out of their units when it is made more difficult to access the street.
- There are also parking spaces next to the entrance that people use to access the shopping centre and are used regularly.
- The closure of the pedestrian link will hinder access to the disabled parking area.
- There are many other shops that are unoccupied in the town centre that the DWP could bring back to life instead of closing shops that are open and trading.
- There is a great deal of work being put in to renovating and regenerating our historic market town. Putting the jobcentre in the Newgate Centre will discourage tourism as tourists want shops, history, art and leisure facilities, not a jobcentre in a mall.
- A better use of the Newgate centre would be a cinema with a food court and perhaps a bowling alley/ laser quest
- The jobcentre could stay in Vinovium House or be built on cheap land away from the town centre. Perhaps on the land near Woodhouse close swimming baths

#### 48. Support

- The occupant of unit 10 has written in support of the application saying their charity shop business has been relocated in the Newgate Shopping Centre and consider that DWP being in the building will help increase footfall to the centre which will assist their business.
- The owners of the Shopping Centre have submitted a letter of support from a planning agent including the following key points.
- Bringing the Job Centre into the heart of the town centre will allow nearby traders to capitalise upon that footfall, generating additional expenditure in the town centre and helping secure its long-term viability.
- The proposal will involve a £3 million investment in Bishop Auckland town centre, providing modern fit-for-purpose facilities for its customers and 101 full time equivalent staff, which will be located at the site from day 1.
- Currently the DWP has a lease over Vivonium House, located west of the application site on the edge of the town centre which is not fit for purpose due to the service being delivered over multiple floors which is inefficient for operations and inconvenient for customers, especially those with health issues visiting the site.
- Medical assessments also form a significant proportion of the work undertaken at the Job Centre and it is important that these, and other services, are undertaken within a modern environment at ground floor level for ease of access. It is also crucial that the Health Assessment and Job Centre is located centrally with good access to public transport. The application site meets all of these criteria.
- With regard to the concerns raised about the closure of the northern pedestrian access to the Newgate Shopping Centre which connects to Fore Bondgate having a negative impact on the vitality and trading on Fore Bondgate and be contrary to the approved masterplan they make the following comments:



- Another main access to the Newgate Centre is located only 60m away and thus they do not consider that the removal of this access would substantially affect the levels of pedestrian footfall.
- While the proposals in the May 2019 Bishop Auckland Masterplan Report masterplan suggest that there should be an enhancement to the lane connecting the northern access of the Newgate Centre to Fore Bondgate, it is unclear what this would entail or how a substantive improvement could be made.
- As the affected access is into a privately owned and operated building, and is closed each day, there is no public right of way over this area. As such, and notwithstanding the terms of this application, the access could be closed at any time without the Council's permission.
- The natural pedestrian flow through the shopping centre is east – west and vice versa between Newgate Street and George Street entrances, as the Multi Storey Car Park sits on top of the centre, surface car parking outside B&M and the bus station outside the George Street entrance. Finkle Street is primarily a service road to the service yards /bin stores of the shopping centre and loading areas for shops fronting Newgate Street and Bondgate.
- The masterplan was produced without consultation of Estama, as manager of the Newgate Centre, or with DWP as far as we are aware who are a major employer in the area. This lack of consultation and stakeholder buy-in calls into question the validity and ultimate delivery of the masterplan proposals.
- The masterplan outlines the vision for a town centre '*which balances the needs of residents, businesses, visitors and investors*'. One of the main opportunities and facilities the masterplan report states it should provide are '*employment and training opportunities*.' The Job Centre will support this aim with the existing 101 staff positions and helping those who are looking for work to find employment in County Durham.
- The masterplan also states that it will address high vacancy rates. This development would reduce vacancy rates within the town centre which would add to its vitality, with the displaced shops being relocated to vacant units elsewhere in the Newgate Centre.
- The masterplan further notes that it will facilitate '*a rise in economic activity, benefitting local businesses*.' As noted above, the application will help to achieve this by bring the footfall associated with the Job Centre (9,360 visitors per month plus 101 existing staff employed at DWP)

#### **APPLICANTS STATEMENT:**

49. We provide the following comments in support of the application DM/21/01319/FPA. In addition, we would seek the opportunity to speak at Planning Committee in support of the application.
50. The Department of Work & Pensions (DWP) is on the leading edge in response to the economic impact of COVID-19, with unprecedented demand on the benefits system, with those in society with the greatest need for support accessing DWP services in very significant numbers. Alongside this urgent and significant increase in

demand, there is also a requirement to relocate from DWP's existing local site at Vinovium House. Vinovium House is not fit-for-purpose, situated over multiple floors and presents a particular issue for those with disabilities visiting the site for medical assessments.

51. A site search took place for suitable premises in Bishop Auckland which could meet both the existing and forecast increased demand. Units 8-10 at Newgate Shopping Centre was the only suitable site identified in Bishop Auckland which met the key requirements of being available, easily accessible by public transport, a suitable size (at least 12,000 sq ft) and capable of adaptation to provide level access. It was also in the correct use class (Class E) and therefore did not require a change of use application.
52. The proposed site provides better accessibility to disabled clients attending the site for medical assessments, thus offering an improved service to existing and future users of the site. Accessibility for all staff and customers is a key consideration for DWP with the distance required to travel to the site a business need when assessing sites. Further, the central location ensures that the public can easily access the site, as it is only a short walk from the bus station and main shopping streets and with a public car park attached to the shopping centre.
53. A Noise Report has been submitted in support of the application to demonstrate it will not impact neighbouring amenity. New jobs will be created for local people, whilst the significant monthly footfall from both staff and visitors to the Job Centre will benefit the town centre and local retailers, generating additional expenditure. DWP's occupation of Units 8-10 and the relocation of existing tenants to other vacant units will mean that the ground floor of the centre is 100% occupied. As the landlord's representation set out, DWP's move to the Newgate Shopping Centre will enable the realisation of wider investment into the Shopping Centre including a new cinema and land for the relocated bus station, which comprise significant indirect regeneration benefits in favour of granting permission.
54. The site lies outside of but adjacent to the Conservation Area. The works proposed have been designed sensitively to minimise their visual impact on existing amenity. The proposed works have been kept to a minimum but are necessary to support the internal use of the property as a Job Centre.

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

<https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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55. 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 relate to the principle of development, residential amenity, impact on the street scene/visual impact and highways.

The principle of the development:

56. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise with the NPPF representing a material planning consideration in this regard. The County Durham Plan (CDP) was adopted in October 2020 and as such

represents the up to date local plan for the area and the starting point for the determination of this planning application. Consequently, the application is to be determined in accordance with relevant policies set out within the CDP. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.

57. The proposal would therefore need to be assessed for conformity with the CDP unless material considerations dictated otherwise. One such material consideration is the National Planning Policy Framework (NPPF).
58. Part 7 of the NPPF seeks to support the vitality of the town centres to: 'create the conditions in which businesses can invest, expand and adapt.' It goes on to say that 'Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'
59. The site is located in Bishop Auckland Town Centre as defined by Policy 9 (Retail Hierarchy and Town Centre Development) of the CDP. Bishop Auckland is located at the top of the retail hierarchy, identified as a Sub Regional Centre, this reflects its importance in serving a wide catchment within South Durham. The policy states that support will be given to new town centre development that will improve choice and bring about regeneration and environmental improvements.
60. The unit is located within the Newgate Shopping Centre which is also within the defined Primary Shopping Area. Policy 9 seeks to support other uses outside of retail uses where they preserve the vitality and viability of the Primary Shopping Area. It is noted that recent changes to the use class order classify a Job Centre under Use Class E(c), and there is now no requirement for planning permission to move from A1 retail to job centre as they are within the same use class. Policy 9 does however continue to seek to ensure planning applications preserve the vitality and viability of this area.
61. Comments regarding the impact of the development on pedestrian access is considered below under the Access and Highways subheading. However, the agent for the application has clarified that Newgate Centre currently has a 22% vacancy rate and this proposal will lead to 2 existing units in 9 and 10 being relocated to existing vacant units within the centre (units 5 and 12). If DWP occupy the units 8, 9 and 10 as proposed there would be no ground floor vacancies within the Newgate Centre which would improve the vitality of the shopping centre. The letter of support from the asset manager of the Newgate Centre also states that 'financial investment by the DWP into the centre would allow wider investment objectives to be realised. This includes planned investment in a new cinema in the centre and making land available for the relocated bus station.' Such investment would assist in the vitality of the town.
62. The change of use of existing units within the application site to a Job Centre does not require planning permission and this application only relates to the proposed external alterations on the commercial units in association with the proposed move and intended reconfiguration of the space. Accordingly, the principle of the development in terms of the use of the floorspace is considered to be established and in accord with the County Durham Plan and the NPPF subject to detailed consideration of the detailed matters raised below.

Impact on the street scene/ Visual impact

63. Part 12 of the NPPF seeks high quality design, with paragraph 30 stating 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents' CDP policy 29 (Sustainable Design) seeks to ensure that all development proposals will achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions.
64. The application relates to external alterations on the north and west elevation of the Newgate Centre, that was constructed in the 1980's and is located beyond the boundary of the conservation area. The County Conservation Officer has noted that the shopping centre, by virtue of its scale, massing, design and materials already has an adverse impact on the setting of one of the most historically significant sections of Bishop Auckland Conservation Area. The proposed alterations to the building include changes to the ground floor doors and windows and addition of new windows at first floor level. New air conditioning units, and electronic switch units on the rear elevation are also proposed to be relocated to the rear of an extended 2 metre high boundary wall. Pedestrian access on the northern elevation (Finkle Street) from Fore Bondgate would be altered to form a staff entrance only.
65. In terms of the impact of the external alterations on the appearance and integrity of the Centre it is considered that there would be a neutral impact as the building currently has limited architectural merit. The design of the windows would retain a vertical emphasis and replicate other windows in the complex so visually the amendments appear architecturally coherent on the Newgate Centre. The additional external plant proposed on the north elevation and 2 metre high boundary wall would shield these units from view. The Conservation Officer has confirmed that the physical alterations to the fenestrations would not adversely impact on the setting of the conservation area in accordance with Policy 44 and the changes are not considered to detrimentally affect the street scene generally in accordance with Policy 29 of the CDP and Part 12 of the NPPF
66. Subject to conditions requiring the further agreement of precise detailing the impact of the alterations on the host building and the street scene is therefore considered to be acceptable.

#### Access and Highway Implications

67. NPPF Part 9 seeks to ensure that development is only prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
68. Policy 21 of the CDP seeks to ensure that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements. New developments should provide for appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.

69. Policy 29 (Sustainable Design) also places great importance on safe sustainable modes of transport, in the following order of priority: those with mobility issues or disabilities, walking, cycling, bus and rail transport, car sharing and alternative fuel vehicles.
70. In terms of access a new pedestrian access door is proposed on the west elevation of the building to provide a direct entrance for DWP clients attending for health assessments. Potential changes to the highway surfacing are also proposed to facilitate disabled access and the Highway Officer has requested that these be covered by a planning condition requiring details of the disabled access to be submitted for further consideration to ensure the wider public footway is not detrimentally affected. In addition, a separate pedestrian access is proposed to the job centre utilising the existing entrance. No objections are raised to amendments to facilitate access into the west elevation.
71. The Highway Officer has advised that there has been some historical encroachment into the public highway from previous alterations to the Newgate Centre and that part of the public footway on the George Street elevation would be required to be 'stopped up', (ie have public highway rights legally extinguished, under s.247 of the T & CP Act 1990). In addition, the extension of the boundary wall on the north elevation to screen the plant area would also need to be covered by 'stopping up' of the affected land. The applicant is aware of this separate legal requirement and an informative can be added to the decision notice as a reminder of these requirements.
72. The most controversial aspect of the application involves the proposed closure of the existing pedestrian access at the north of the site and its replacement with a staff entrance. This existing access point provides a signposted public link between Fore Bondgate and the Newgate Centre through an existing archway from Fore Bondgate to Finkle Street. Consultation responses from the Highway Authority, the Spatial Planning Team, Bishop Auckland Town Council and the acting Programme Manager for Bishop Auckland have all raised objections / concerns about the loss of this link. The Bishop Auckland Master Plan also seeks to improve pedestrian connectivity in the town and the link from the Newgate Centre to Fore Bondgate forms a key pedestrian link that they would wish to see retained and improved.
73. Officers have been in contact with the planning agent during the course of the application to see if this established pedestrian link could be retained and the internal floorspace of the DWP reconfigured to accommodate the retention of the pedestrian access. Unfortunately, the planning agent has stated that such an alteration to the ground floor layout could not be achieved in a way that still fulfils the required internal layout for DWP.
74. The loss of this pedestrian link is also considered in the letter from the asset manager for the shopping centre. This letter of support highlights the economic benefit of DWP moving into the Newgate Centre arising from a £3 million pound investment into the centre and occupation of 3 units, 1 of which forms a vacant unit. In addition, the two units that are currently occupied would be relocated into 2 vacant units leading to the shopping centre having full ground floor occupation. The increased footfall of 101 full time equivalent DWP staff and over 940 clients a month to the Newgate Centre should also assist businesses in Newgate Centre and the Town Centre generally. The letter of support also points out that the pedestrian access on the north elevation could be closed at any time by the Newgate Centre. Officers have checked the original 1980 planning consent for the Newgate Centre

and can confirm that there are no conditions that require this pedestrian entrance to be retained for public use.

75. The loss of the pedestrian access to the north would mean that pedestrians approaching the centre from this direction would need to make a 60 metres detour from the Fore Bondgate link round the existing building to the front elevation. The Highway Authority has noted that if consent was granted then an improvement to the existing pavement on Finkle Street would need to include dropped crossings to facilitate disabled access and the re positioning of a lamp post that is currently within the footway to improve the pedestrian connectivity. These requirements would need to be covered by planning condition and carried out prior to the commencement of the use/building works. It is also suggested that the existing signage on the north elevation should include a directional arrow to signpost the pedestrian entrance into the Newgate Centre and this is conditioned accordingly.
76. Officers acknowledge the concerns raised about the loss of the pedestrian link and that it is unfortunate that it has not been possible to negotiate its retention as part of this application. However, it is not considered that there would be sufficient reason to refuse the application on the basis of this element of the proposed external alterations only. It is also noted that the applicant/centre management could close the doorway on the north elevation for public access at any time. It is also relevant that the economic investment in the Newgate Centre from the proposed use would provide a significant financial investment into Centre, including a beneficial use for vacant units and a significant footfall from both the employees and the clients accessing the building. Good connectivity from the shopping centre main entrances to Newgate Street to the east and bus station area would be retained and to the north there would continue to be reasonable access along Finkle Street to Fore Bondgate both through the pedestrian arch and along the road (Finkle Street). Officers therefore consider that on balance the proposal would satisfy the provisions of Part 7 and 9 of the NPPF and policy 21 of the CDP.

#### Residential Amenity

77. Paragraph 127 of the NPPF states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Para. 180 of the NPPF specifies that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
78. Policy 29 of the CDP seeks to secure high standards of amenity and privacy and minimise the impact of development upon the occupants of existing adjacent and nearby properties.
79. In this case the proposal involves the addition of noise generating plant to the rear of the premises, that contains air conditioning plant and electric switch gear, and the introduction of louvres and outlets on the north elevation. The Environmental Health Officer has commented that whilst the development is within a mainly commercial area there are residential properties within 16 metres of the proposed the plant. As such during the course of the application a Plant Noise Assessment was submitted by RBA consultants with regard to the associated noise from the proposed plant etc and the associated background noise from the town centre. The report has been assessed by the Environmental Health Officer and he has concluded that subject to

conditions, which control the noise levels from the plant to 42dBA and requires the plant to be switched off every evening / night between the hours of 2100 and 0700 the noise associated with the plant will not detrimentally affect noise sensitive receptors and raises no objection to the application. Subject to conditions the application the proposal would therefore satisfy Policy 29 of the CDP and Part 15 of the NPPF.

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## **CONCLUSIONS**

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80. The application is to be determined in accordance with relevant policies set out within the CDP and therefore the application falls to be determined in accordance with Paragraph 11c of the NPPF which requires applications which accord with an up to date development plan to be approved without delay. The application proposes external alterations on the north and west elevations of the Newgate Shopping Centre and external plant adjacent to the north elevation on Finkle Street.
81. The proposed external alterations on the west elevation that forms the front elevation of the Newgate Centre facing the bus station and the north elevation facing Finkle Street are not considered to detract from the appearance of the shopping centre which in design terms is a functional modern building of its time and type that has limited architectural merit. The building is located outside the boundary of the Bishop Auckland Conservation Area and the alterations do not materially impact on the setting of the Conservation Area. Whilst plant, louvres and electronic switching gear are proposed to be located to the north of the building the submitted Plant Noise Assessment has demonstrated that noise sensitive receptors will be protected to the satisfaction of the County Environmental Health Officer subject to conditions limiting the hours of operation and noise levels from the plant.
82. With regard to pedestrian connectivity it is disappointing that the pedestrian access link into the Newgate Centre from the north (Finkle Street – and then onto Fore Bondgate) would be lost by the proposed changes. However, this loss has to be balanced against the continued availability of existing main access points to the centre and the level of inconvenience and impact on town centre users and business that would actually be caused by the revised arrangements. The economic benefit of the increased occupancy and investment in the Newgate Centre from the DWP occupation and associated footfall from its employees and clients into the centre and Bishop Auckland commercial centre would also be significant. It is also a material point that this entrance could be closed at any time without any control under the planning system
83. Objections from businesses, residents and consultees have primarily related to the loss of the public access link and have been taken into consideration. As discussed earlier, officers have tried to negotiate the retention of the link but as this is considered to form an essential part of the operational requirements of the DWP it was not possible to reach agreement. On the balance of material planning considerations, it is not considered that the loss of the footpath link would be a sustainable reason for refusal of the overall proposals.
84. The proposals are therefore considered to satisfy the provisions of Parts 2, 4, 6, 8, 9, 12, and 16 of the NPPF and in particular policies 21, 29, 31, and 44 of the CDP. The application is recommended for approval subject to the following conditions.

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## **RECOMMENDATION**

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85. That the application be **APPROVED** subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

PROPOSED GROUND FLOOR, DWP45-MCB-XX-00-DR-A-0111-D5-P1(1), 14<sup>th</sup> April 2021

PROPOSED FIRST FLOOR PLAN DWP45-MCB-XX-01-DR-A-0111-D5-P1(1), 14<sup>th</sup> April 2021

SITE LOCATION AND LAYOUT PLAN - DWP45-MCB-XX-SI-DR-A-0200-D5-P1 – 14<sup>th</sup> April 2020

PROPOSED ELEVATIONS - DWP45-MCB-XX-ZZ-DR-A-0121-D5-P1 - 14<sup>th</sup> April 2020

*Reason: To define the consent and ensure that a satisfactory form of development is obtained Policies 21 and 29 of the County Durham Plan and Parts 12 and 15 of the NPPF.*

3. Before the external development commences full engineering details of an improvement to the Finkle Street pedestrian footway (south side), linking west from the existing Newgate Centre pedestrian entrance to the George Street public footway shall be submitted to the Local Planning Authority and approved in writing. The submitted details shall include dropped kerbs at the Newgate Centre car park entrance, removal of raised block paving at car park entrance and replacement with footway construction, and relocation of streetlight no. 4438. The approved details shall then be implemented before the external alterations to the Newgate Centre are substantially completed.

*Reason: In the interests of pedestrian access to the Newgate Centre as the application will result in the closure of the northern pedestrian access into the shopping centre in accordance with Policy 29 of the County Durham Plan.*

4. Before the development commences, full engineering details of the proposed external entrance ramp on the George Street elevation shall be submitted to the Local planning Authority and approved in writing. The access ramp shall then be completed in accordance with the approved details within a period of 12 month from the commencement of the development hereby approved.

*Reason: To ensure the public footway is not detrimentally affected in accordance with Policies 21 and 29 of the County Durham Plan.*

5. The alterations to the boundary wall to the north of the site on Finkle Street shall be undertaken in bricks to match those on the existing wall in colour coursing and texture.

*Reason: In the interests of visual amenity in accordance with Policy 29 of the County Durham Plan.*



6. The plant to installed as part of this application is restricted to the plant described in the 'Plant Noise Assessment Report' reference 10978.RP01.PNA.0 dated 24 May 2021 and the operation of the plant shall be in accordance with Section 6.0 Vibration Control at all times.

*Reason: In the interests of the amenity of noise sensitive receptors in accordance with Policy 31 of the County Durham Plan and Part 15 of the NPPF.*

7. The plant described within Table 2 in section 5.1 the 'Plant Noise Assessment Report' reference 10978.RP01.PNA.0 dated 24 May 2021 shall not be in operation between the hours of 2100 to 0700hrs on any day.

*Reason: In the interests of the amenity of noise sensitive receptors in accordance with Policy 31 of the County Durham Plan and Part 15 of the NPPF.*

8. The rating level of noise emitted from the plant described within Table 2 in section 5.1 the 'Plant Noise Assessment Report' reference 10978.RP01.PNA.0 dated 24 May 2021 shall not exceed 42dB LAeq (1 hour) between the hours of 07.00-21.00 on any day. The measurement and assessment shall be made according to BS 4142: 2014+A1: 2019. On written request by the local planning authority the operator shall, within 28 days, produce a report to be submitted to the Local Planning Authority to demonstrate adherence with the above rating level for a requested time period.

*Reason: In the interests of the amenity of noise sensitive receptors in accordance with Policy 31 of the County Durham Plan and Part 15 of the NPPF.*

9. Before the pedestrian access on the north elevation of the Newgate Centre is closed for public pedestrian use details of a scheme of amended signage that includes directional information to the Newgate Centre shall be submitted to the Local planning Authority and approved in writing. The amended signage shall then be completed before the pedestrian access is closed to the public (excluding staff access).

*Reason: In the interests of pedestrian connectivity in the town centre in accordance with Policy 21 of the County Durham Plan and Part 9 of the NPPF.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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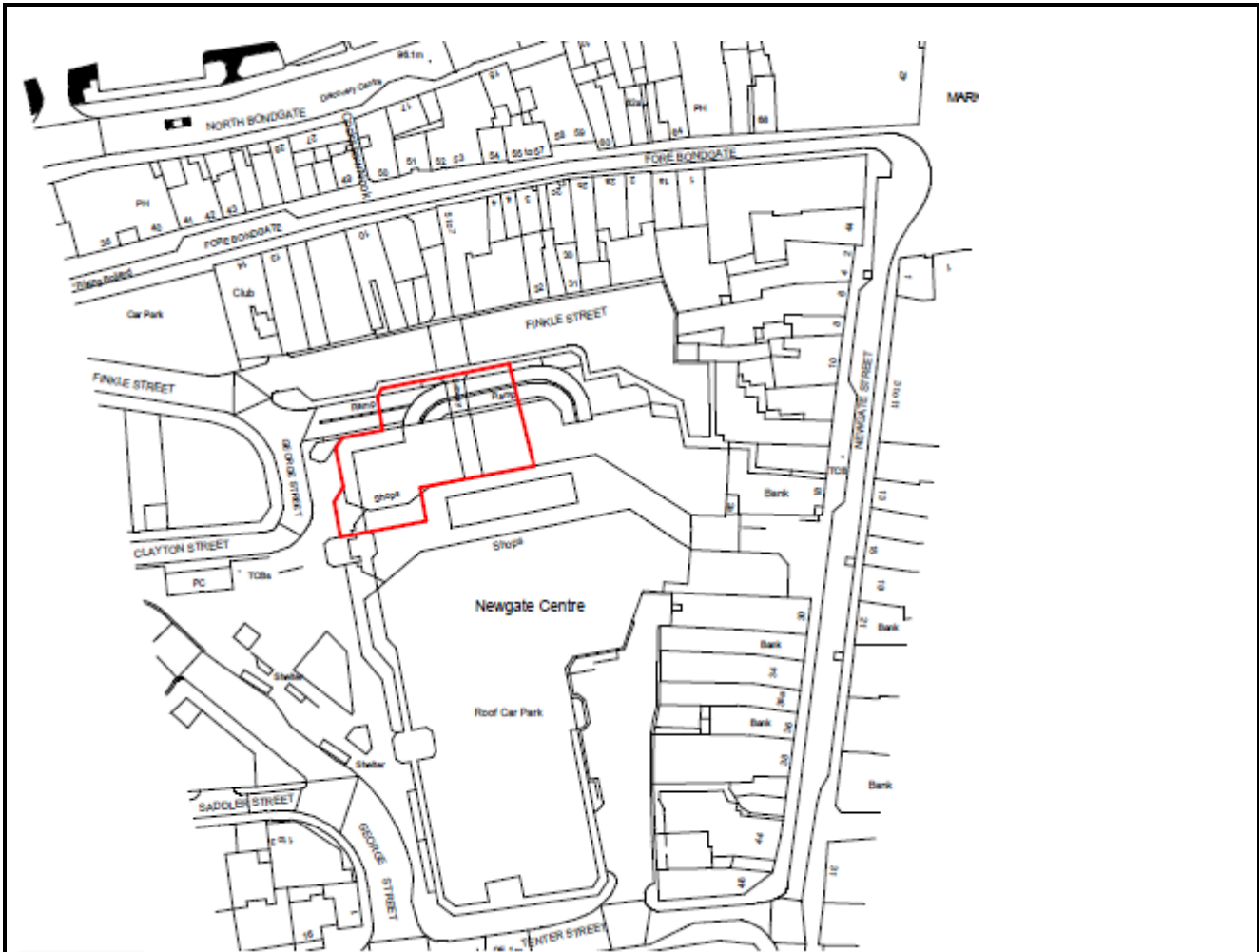
The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.) It has been necessary to use pre commencement conditions in this instance for matters that cannot be left to as later stage in the development

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
The County Durham Plan (CDP)  
Statutory consultation responses  
Internal consultation responses  
External consultation responses



<p><b>Planning Services</b></p>	<p>DM/21/01319/FPA          Extension to the school, relocation of external gym area, additional parking and extensions to car park</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p><b>Comments</b></p>	<p><b>Date</b> June 2021</p>