

# THE CITY OF DURHAM TRUST

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c/o Blakett, Hart & Pratt, LLP  
Aire House  
Mandale Business Park  
Belmont  
Durham, DH1 1TH  
18 May 2022

Dear Ms Teasdale,

**DM/22/01005/FPA Durham County Council, The Waterside Building, Riverside Place, Durham**  
*Change of use of office headquarters (sui generis) to higher education (Durham University Business School) (Use Class F1a)*

1. The Trust notes the change of use but has substantial concerns about aspects of the change and its implications.

## Context

2. The building, constructed as the new Headquarters for the County Council, was opposed by the Trust as was the absorption of the adjacent car park and its release from the Sands Common area.

3. The building remains a concern because of the continuing potential for flood and the impact of the roof terrace, a late introduction in the approval process.

4. The information submitted to the Sands Common Inquiry by the County Council confirmed that there is public access across the released common area under Section 193 of the Law of Property Act 1925. This is the car park now included in the change of use application.

## Proposal and Impact

5. The reassurance about growth of the University was particularly welcome in the applicant's Planning Statement (Para 2.24) '*... For the avoidance of doubt, the search for a new site is not related to an anticipated growth in student numbers, rather the need to improve facilities and remain competitive.*'

6. It is hoped that this proposal will subsequently remove the threat of the unsuitable high impact development at Elvet Waterside and create the opportunity for more sensitive regeneration of the former Swimming Pool site.

7. Notwithstanding the current flood mitigation measures and the submission of a flood risk assessment, it remains of significant concern that the Environment Agency continues to identify danger resulting from flood - '*We have considered the findings of the flood risk assessment in relation to the likely duration, depths, velocities, and flood hazard rating against the design flood for the proposal. We agree that this indicates that there will be a danger for all people (e.g., there will be danger of loss of life for the general public and the emergency services).*' It remains an issue for the Trust and, in relation to this proposal, it seeks reassurance that there will be no further changes to the external spaces to counter the risk and that public users are adequately protected.

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8. An important change from the previous consented use is that 24/7 use of the building is proposed - Planning Statement Para. 3.13 *'It is anticipated that the building would have a capacity for up to 2,300 students and staff and would be open 24 hours and 7 days a week during term time.'* The Trust seeks reassurance that this will not result in further as yet unidentified changes to the building or greater impacts on surrounding users.

9. The University proposes to continue using the surface level car park next to the building – Planning Statement Para. 3.6. *'Whilst the surface level car parking is included in the application boundary, there are no proposed changes of use to either surface level parking....'* The essential landscape surrounds that should screen the car park to minimise the impact of this use from the west and the south are excluded (to the west and part south) from the application. The application boundary makes little sense and will subdivide future responsibility for its upkeep. The car park and the potential exclusion of the public from it coupled with its release from Commons status, were very sensitive and contested issues. It appears that public access across the car park is confirmed under Section 193 of the Law of Property Act 1925. The extent of tree removal and quality and extent of landscaping were associated key concerns. It is a problem for the Trust that parts of the landscaping are confusingly omitted from the application and its future care unreferenced. It is unfortunate that landscaping has been approved under condition for the surrounds, but this is not available for public scrutiny. It is not clear what the southern section of landscape screening the car park included in this application is to be. The application therefore fails on this particular point, offering no certainty of screening for the car park or whether the public are to be excluded.

10. The roof terrace was another sensitive introduction that would have been counted under adverse impacts identified against the building had it been included in the original application. Given that the change of use is significant, and the building is in 24/7 use, the Trust seeks reassurance that this negative impact from terrace use will not be increased.

11. The building includes site specific art related to the County Council and this was a welcome part of the building proposals. This included etched glass panels. As these will no longer appropriate to the new use, the Trust seeks clarification on their future.

## Conclusion

12. It seems to the Trust that there are loose ends yet to be resolved and the application appears a little rushed. It is concerned that there may be unidentified changes necessary to accommodate the new use. The issues that the Trust identifies should be resolved at this application stage, at least in principle, rather than being held over to be dealt with under planning conditions

13. The Trust is submitting with this letter a separate document analysing the *Transport Statement* and the *Travel Plan* associated with this application.

Yours sincerely

John Lowe,  
Chair, City of Durham Trust