

19th December 2023



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Durham County Council
County Hall
County Durham
DH1 5UL

Martin.Bonner

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Dear Lisa,

Applicant: Durham University
Address: Durham University Boldon House, Pity Me, Durham, DH1 5FA

Proposal: 2no S73 applications to planning consents DM/23/01452/FPA and DM/23/01405/FPA to vary condition wording and update approved landscaping and tree plans to facilitate construction.

On behalf of our client, Durham University, we hereby enclose 2 no. S73 planning applications to vary approved documents associated with the external works at Boldon House and its associated private car park, Pity Me, Durham ('the Site').

By way of context, the Proposed Developments were granted planning consent in September 2023 and a contractor, Bowmer and Kirkland was subsequently brought onto the project to undertake the fit out and consented external amendments. As this process has progressed, it has become necessary to make minor material amendments to existing conditions and approved documents to facilitate construction work. The changes to construction processes relate to Boldon House rather than the car park. However, as approved documents are listed on both planning consents, it is necessary to vary both planning approvals. Furthermore, some non material changes to EV charging point locations and entrance gates in the car park are also included on an updated masterplan for completeness.

The description of development for each proposed development at Boldon House, which would remain unchanged, comprise:

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“Demolition of existing entrance and storage building, external building alterations and associated works including new entrance and first floor alterations (permitted development) replacement of windows and doors, alterations to mullions, repair of roof tiles, installation of Air Source Heat Pump and associated compound fence, hard surfacing, installation of 1 no. cycle storage shelter and electric charging, refuse storage area, landscaping, external lighting and CCTV, access ramp and steps, erection of electrical substation, boundary treatments and any other associated infrastructure.”

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“Reconfiguration of car park comprising the reduction of bays; installation of EV charging points, cycle storage shelter, bollard and column lighting, CCTV columns; replacement of hard surfacing, fencing, gates, smoking shelter; landscaping and other associated infrastructure works”

Proposed Amendments and Construction Details

Internal Courtyard

The internal courtyard within Boldon House is enclosed on all four sides and it was agreed during pre-application correspondence that any work in this part of the building would be permitted development. Nonetheless, some minor landscaping changes to this part of the building were shown on plans for completeness. For clarity, it is no longer proposed to make any changes to the hard and soft landscaping in the courtyard and this is reflected on a revised landscaping plan which shows this area as opaque and “as existing” (subject to tree removal below). Wider work to the building fronting onto the courtyard such as the creation of a new access (as per approved plans) would remain, hence the need for construction scaffolding.

Trees and Landscaping

A review of site construction works and the impact upon trees and hedges has been necessary following appointment of Bowmer and Kirkland. To enable required scaffolding and construction access, some tree pruning and removal is necessary. Where trees have been removed, an updated soft landscaping plan is provided to demonstrate that these trees have been replaced to the west of Boldon House

Four trees T603, T604, T607, T608 are subject to work within the internal courtyard. An updated arboricultural report and impact assessment has advised Durham University that T603, T607 and T608 will require removal to facilitate the erection of construction scaffolding. The preferred option of pruning is discounted due to their proximity to internal walls which also reduces their potential for longer term retention. T604 could potentially be retained via crown reduction (3-3.5m) and would be the objective with removal the last resort. Following pruning protective fencing could be erected for that internal tree.

The only tree removal external to the building comprises T623 along the southern boundary of the building adjacent to the approved entrance location. The original design sought to retain as many trees as possible, however, it has been advised that root damage is evident to paving slabs in the area where a new entrance is created. As such, it would be proposed to remove this tree. The tree is also in close proximity to the building where scaffolds and construction activity would be required.

It is understood that some areas of low value shrub planting to the North East corner and South of the main building will also require removal or cutting back to allow erection of scaffolding and other site access. These are not shown on tree survey due to their low quality and as the size does not meet the requirements for a BS5837 survey. As such they do not constitute a tree or hedge as defined in the consent.

To replace the loss of 4 to 5 trees, six extra heavy standard *Acer campestre* or *Prunus padus* trees are proposed externally to the building between the western elevation and Wheatlands Way. The approved landscaping scheme already provided replacement planting on the southern elevation to retain the amenity and character of this space and this remains in situ on the revised landscape masterplan, albeit with T623 no longer part of the proposal given its proximity to the building.

EV charging and Entrance Gates

Landscape masterplan P04 for the car park consent is updated to reflect a reduced number of EV charging points. These were previously located around the periphery of the site but it is no longer necessary to provide as many and as such a smaller number are now located more centrally within the car park. These could be provided using permitted development rights, but the plans are updated for completeness.

The approved entrance gates would remain as electric double leaf gates, however, the alignment of the gates opening into the car park for entry have changed position. This is a non-material change included for completeness and to avoid the need for a separate NMA. At 2m high they comprise permitted development.

Planning Policy Assessment

Whilst some policies were discounted from the original Planning Statement due to the soft landscaping proposals and other external works at ground floor level comprising permitted development, given the nature of this proposed minor material amendment and the approved documents the following policies are considered in turn:

- Policy 26 – Green Infrastructure - Development proposals should incorporate appropriate Green Infrastructure (GI) that is integrated into the wider network, which maintains and improves biodiversity, landscape character, increases opportunities for healthy living.
- Policy 29 – Sustainable Design – landscape proposals should respect and where appropriate take opportunities to create attractive views of and from the site;. reflect in the detailed design any features characteristic of the locality such as boundaries, paving materials and plant species; create opportunities for wildlife including though the use of locally native species; and make appropriate provision for maintenance and long term management.
- Policy 39 – Landscape - Proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects
- Policy 40 – Trees, Woodlands and Hedges - Clarifies that new development will be expected to retain existing trees where they can make a positive contribution to the locality or development, maintain adequate stand-off distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts. Where trees are lost, suitable replacement planting will be required. Proposals for new development will be expected to retain existing hedgerows where appropriate.
- Policy 41- Biodiversity - States that proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity.

Tree Loss and Retention

As noted above and in the accompanying arboricultural statement, only 1 of the 4 trees identified for removal are external to the building and as such the proposed changes would have no material impact on the locality. The trees to be removed are identified as conflicting with existing built development and external amendments which have planning consent. A policy consideration of Policy 40 is whether retained trees would maintain adequate distances and avoid future conflicts with built development. The relevant trees identified by the Arboricultural Impact Assessment would not. Where it has been possible to retain trees and manage the requirements through crown reduction (T604) this has been proposed. Furthermore, as required by Policy 40 any trees to be lost have been subsequently replaced by six extra heavy standard Acer campestre and Prunus padus trees. In light of the above and through re-planting an increased number of trees than those lost, all of which would be external to the building the amendments would result in a positive impact on the locality and fully comply with Policy 40.

Green Infrastructure & Biodiversity

The approved developments included a landscape strategy and landscape masterplan which has been updated as part of this submission. The key features of this landscaping strategy that are external to the building and influence the landscape character are retained and enhanced through additional tree planting to the west of Boldon House comprising six mature trees. Whilst we maintain that BNG is not applicable to permitted development, or indeed external alterations to elevations, this did become a consideration of the two planning consents and Durham University have included Boldon House within the wider University enhancement strategy. An updated BNG report and DEFRA metric has concluded that the loss of trees in the courtyard and adjacent to the new entrance would result in a net gain of 70% which remains well in excess of current policy requirements of some marginal net gain and forthcoming statutory requirements of 10%. As such the proposed amendment would demonstrably accord with policies 26 and 41.

Landscape and Design

Policy 29 also permits a consideration of long term maintenance in landscape proposals, together with established boundaries and paving. Given the conflicts with existing hard landscaping and an existing building, the reasons for removing individual trees relate to those cited as design considerations in Policy 29.

As noted above, the proposed tree removal is predominantly internal and there will be a net increase in tree cover provided in compensation and external to the building. Whilst one tree on the southern elevation is proposed for removal in a visible location, the approved soft landscaping proposal to be delivered following construction already retains T624 and T625 and proposes additional planting in the form of six replacement trees this area. As such, the removal of T623 is already screened and there would be no material change to the external appearance of the building as a result or the character of Boldon House and its surroundings which are already enhanced by the approved landscaping. Indeed, the proposed landscaping proposals enhance this further through additional planting to the west of Boldon House creating more attractive views to and from the site and avoid any adverse visual effects. The proposed amendments therefore also accord with Policies 29 and 40 of the County Durham Plan.

In summary therefore, it is evident that these proposed amendments via S73 do not materially change the development already approved and would enhance the external appearance of the Boldon House premises in the longer term. There are no additional policy issues raised that would prevent the grant of a revised planning consent for both Sites via S73. No policy matters are raised by amended EV charging and gate locations in the car park.

Proposed Variations

Based upon the policy justification outlined above these two applications seek to vary Conditions 2 and 3 of both planning consents together with the relevant approved plans and documents for each. The proposed amendments are set out below in red. As stated above, amendments are necessary for the car park consent to ensure consistency in approved landscaping and BNG documentation and its also allows for non material amendments to gates and EV charging be included in this process.

DM/23/01452/FPA – Boldon House

Condition 2 and Part 3

The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Part 3 – relevant additions and updates.

Landscape Design Document Stage 3 Application A Building 9th Issue December 23 (update)

Detailed Landscape Layout - Sheet 1 Rev 2000 – PO9 December 2023 (update)
Detailed Landscape Layout - Sheet 2 Rev 2001– PO9 December 2023 (update)
Landscape Masterplan 1000 - PO9 December 2023 (update)
BS 5837 Tree Survey AIA AMS TPP – December 2023 (update)
AIA Access Facilitation Tree works 30th November 23 – December 2023 (new document)
Biodiversity Net Gain OS Ecology V2 – December 2023 (update)
Site Plan Trees Requiring Removal 7.7 – December 2023 (update)
Amended Tree Protection Plan 7.5 – December 2023 (update)
Site Sections 4000 PO6 – December 2023 (updated to reflect courtyard as existing)

Condition 3

No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree *other than works identified in the approved documents.*

No removal of *trees*, limbs of trees or other tree work shall be carried out unless in accordance *with the approved BS 5837 Tree Survey AIA AMS TPP – December 2023 and AIA Access Facilitation Tree works 30th November 23 – December 2023*

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

DM/23/01405/FPA- Boldon House Car Park

Condition 2 and Part 3

The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Part 3 – relevant additions and updates.

Post construction habitat plan 04 - Biodiversity Net Gain OS Ecology V2 – December 2023 (update)
Pre Development Habitat Plan 03 - Biodiversity Net Gain OS Ecology V2 – December 2023 (update)
BS 5837 Tree Survey AIA AMS TPP – December 2023 (update)
AIA Access Facilitation Tree works 30th November 23 – December 2023 (new document)
Landscape Design Document Stage 3 Application B Car Park Issue 4 December 23 (update)
Detailed Landscape Layout - Sheet 1 Rev 2002 – PO4 December 2023 (update)
Detailed Landscape Layout - Sheet 2 Rev 2003– PO4 December 2023 (update)
Landscape Masterplan 1001 – PO4 December 2023 (update)
Site Plan Trees Requiring Removal 7.7 – December 2023 (update)
Amended Tree Protection Plan 7.5 – December 2023 (update)

Condition 3

No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010.

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*No removal of **trees**, limbs of trees or other tree work shall be carried out unless in accordance **with the approved BS 5837 Tree Survey AIA AMS TPP – December 2023 and AIA Access Facilitation Tree works 30th November 23 – December 2023***

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

Submission Documents

To facilitate the above amendments, the submission documentation for each S73 comprises:

DM/23/01452/FPA – Boldon House

Document	Prepared By
1. S73 Application Forms & Policy Assessment	Savills (UK) Ltd
2. Landscape Design Document Stage 3 Application A Building 9th Issue December 23	Colour
3. Landscape Masterplan 1000 - PO9 December 2023	Colour
4. Detailed Landscape Layout - Sheet 1 Rev 2000 – PO9 December 2023	Colour
5. Detailed Landscape Layout - Sheet 2 Rev 2001– PO9 December 2023	Colour
6. Site Sections 4000 PO6 – December 2023	Colour
7. Biodiversity Net Gain OS Ecology V2 – December 2023	OS Ecology
8. Biodiversity Net Gain METRIC V2 – December 2023	OS Ecology
9. AIA Access Facilitation Tree works 30 th November 23	Andrew Burden Tree Surveys
10. BS 5837 Tree Survey AIA AMS TPP	Andrew Burden Tree Surveys
11. Site Plan Trees Requiring Removal 7.7 – December 2023	Andrew Burden Tree Surveys
12. Amended Tree Protection Plan 7.5 – December 2023	Andrew Burden Tree Surveys

DM/23/01405/FPA– Boldon House Car Park

Document	Prepared By
1. S73 Application Forms & Policy Assessment	Savills (UK) Ltd
2. Landscape Design Document Stage 3 Application B Car Park 4th Issue December 23	Colour
3. Landscape Masterplan 1001 – PO4 December 2023	Colour
4. Detailed Landscape Layout - Sheet 1 Rev 2002 – PO4 December 2023	Colour
5. Detailed Landscape Layout - Sheet 2 Rev 2003– PO4 December 2023	Colour
6. Biodiversity Net Gain OS Ecology V2 – December 2023	OS Ecology
7. Biodiversity Net Gain METRIC V2 – December 2023	OS Ecology
8. AIA Access Facilitation Tree works 30 th November 23	Andrew Burden Tree Surveys
9. BS 5837 Tree Survey AIA AMS TPP	Andrew Burden Tree Surveys
10. Site Plan Trees Requiring Removal 7.7 – December 2023	Andrew Burden Tree Surveys
11. Amended Tree Protection Plan 7.5 – December 2023	Andrew Burden Tree Surveys

The applications have been submitted online via the Planning Portal and have been prepared in line with national and local planning application validation requirements.

A planning fee of £357 has been calculated based on a variation of condition application. This has been paid electronically to Durham County Council via the planning portal for each application.

I trust that the application is all in order, however, please do contact me if you require any further information.

Yours faithfully,



Martin Bonner MRTPI
Associate Director

Enclosures. As detailed above