



**CITY OF DURHAM
PARISH COUNCIL**

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14 June 2021

Dear Mr Russell,

DM/21/01442/FPA and DM/21/01443/LB | Erection of sandstone wall under 1m high with wrought iron railings above | Leazes Cottage Leazes Place Durham DH1 1RE

The City of Durham Parish Council Planning Committee considered the above applications at its meeting on 11th June 2021 and agreed to object to these applications.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) operates under a presumption in favour of sustainable development. It states that development proposals, which accord with the development plan, should be approved without delay. The adopted Development Plan where the site is located comprises the planning policies of the County Durham Plan (CDP). In addition, the Durham City Neighbourhood Plan successfully passed Referendum stage on 6th May 2021 with 85.6% in favour and is now expected to be formally adopted by the County Council in July 2021. The Neighbourhood Plan policies are therefore a material planning consideration in so far as they relate to these applications.

Firstly, as per the details on the Durham County Council Planning Portal, the amended plan titled "AMENDMENT SKETCH TO ILLUSTRATE WALL WITH GATES" includes a Site Location Plan (no scale included) and the 21st April 2021 plan titled "PLANS AS PROPOSED" at a scale of 1:50 @ A1 has the application site outlined in red. Planning Guidance: 024 Reference ID: 14-024-20140306 (Revision Date: 06.03.2014) clearly states:

"A location plan should be based on an up-to-date map. The scale should typically be 1:1250 or 1:2500, but wherever possible the plan should be scaled to fit onto A4 or A3 size paper. A location plan should identify sufficient roads and/or buildings on land adjoining the application site to ensure that the exact location of the application site is clear.

The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (e.g. land required for access to the site from the public highway, visibility splays, landscaping, car parking and open areas around buildings). A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site”

The Parish Council draws your attention to Image 1 (title deeds for Leazes Cottage) below which clearly indicates that land immediately West of the application site is also within the ownership of the applicant. No plans indicating this land with a blue line are included in the documentation submitted with this application.

Image 1 – Title deeds for Leazes Cottage (Land Registry, 14th June 2021)



It should also be noted that whilst the applicant states the intention of this application is to provide a safe and secure area for the applicant’s grandchildren to use and play when visiting, this property is currently used as an AirBnB let.

Notwithstanding the above, it is clear from both the plans and the neighbourhood objections submitted that the introduction of this wall with gates has the potential to impede access to adjacent dwellings and give rise to neighbourhood parking disputes. The land to the East of the application site is clearly used as a legitimate parking area for the occupants of The Old Stables and The Old Coach House and this land is within the ownership of the owners of Leazes House.

Paragraph 127 of the NPPF advises that planning decisions should create places that have a high standard of amenity for existing and future users. In line with this, criterion e) of CDP

Policy 29 is clear that all development proposals will be required to provide high standards of amenity and minimise the impact of development upon the occupants of existing adjacent and nearby properties.

Furthermore, Neighbourhood Plan policy T1 clearly states that: "*adverse transport impacts should be avoided wherever possible.*" This application clearly fails this test and the Parish Council is further concerned at how the proposed gates are intended to be opened and closed. Should the gates be intended to open outwards, this will further give rise to the potential for this proposal adversely impacting on highways safety as well as access and egress to and from this part of Leazes Place by existing and future occupants of adjacent dwellings.

The Parish Council therefore urges the County Council to refuse these applications as they are clearly in direct conflict with the NPPF, CDP Policy 29 and Neighbourhood Plan Policy T1.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council