

THE CITY OF DURHAM TRUST

Phone (0191) 3861140

Email Douglas.Pocock@lineone.net

Web site: <http://www.DurhamCity.org>

c/o Blackett, Hart & Pratt, LLP

Kepier House

Belmont Business Park

Belmont

Durham, DH1 1TW

Mr R.M.Hope

Chief Planning Officer

Durham County Council

17, Claypath

Durham, DH1 1RH

12th August 2009

BY HAND

Dear Mr Hope,

Durham City Market Place (4.9.533/LB, 534/LB. 535/FPA)

Before discussing the content of the above application(s), Trustees have **several initial concerns**. The applications themselves are the most important lodged for several decades – more significant, for example, than the (called-in) applications for the former Ice Rink or Brown's Boathouse. Besides being the gateway to the World Heritage Site, which boundary it adjoins, the proposed changes to the Market Place will have implications for everyone entering Durham.

Firstly, Trustees note the context of the application, which is an 'internal' application, submitted in the name of the County Authority, which will itself determine the outcome. On the other hand, in the submitted papers Durham City Vision [DCV] refers to itself as the applicant. Whichever is correct, DCV is working for the benefit of the Authority, with which it enjoys close links, including in one instance an interchange of personnel. The *Design and Access Statement*, in fact, admits to "close dialogue with officers of Durham City Vision and Durham County Council" (p.7). This appears to raise questions of partiality.

It is further noted that DCV has been working to a very tight schedule. Its website (still) mentions that comments will be welcomed to 8th May and "tenders issued to the main contractors on 15th May 2009." (How is/was the latter possible ahead of received planning permission?) Moreover, this statement was issued soon after a change of consultants in March 2009. Haste in bringing forward the applications is evident in the submission (see below).

Trustees also note that several items are mentioned, and perhaps colourfully illustrated in the *Design and Access Statement*, *Heritage Statement* and *Statement of Community Involvement*, but few detailed, scaled plans given. Application 4/09/535/FPA 'Environmental Enhancements' therefore might be more appropriately headed 'Outline'. Trustees would urge the Authority to request much more information before considering full planning approval.

The final concern relates to consultation. DCV has undoubtedly undertaken an impressive PR exercise. Thus, its website talks of "showcasing" new plans and its two meetings being "hosted by TV design guru John Grundy." In practice, Trustees found it a dialogue of the deaf, largely because DCV was set on moving the Lord Londonderry Statue - also that of Neptune - in order to clear the space for "events." To this end DCV initially wanted to remove the Statue altogether. Then, after the first public consultation, it was pleased to announce that 54.7% were actually in favour of moving the "statues" to new locations within the Market Place. Note the use of the plural: no separate figure was produced for the Equestrian Statue, then or since. After the second public consultation, no figures at all were issued, even though cards for comments were again issued and collected. Then, lastly, in June, a "Lord Londonderry Proposed Re-siting

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Event” was held – at the Trust’s suggestion – and, although listed as a ‘Consultation Event’ alongside others in *The Statement of Community Involvement* (p.4), DCV declined the further suggestion to take a record of public reaction to the mock-up of the Statue in its proposed position (DCV actually deleted the invitation to respond to the new position, when it was discovered such existed on their display boards specially erected for the occasion.) The alleged majority in favour of relocation, in fact, never remotely corresponded to common experience (see below).

Turning now to the content of the application, an initial general point to be made is to welcome the promise of regeneration of the Market Place: attention to much of its fabric is long overdue. Within this general context, **several of its specific proposals are welcomed**. Thus:

(1) The restriction of traffic in and through the Market Place will produce a more pleasant environment, although more details of traffic management and servicing provision are required. - It is appreciated that a separate traffic order will be required.

(2) Renewed paving is urgently needed. (Sawn/close-jointed stone is appropriate, but attention must be given to thermal movement, and appropriate engineering advice should be engaged. Moreover, how will provision be made for the proposed new sandstone slabs to withstand the weight of service vehicles along the west side of the Market Place?) The application should show how it will link/continue out of the Market Place into streets which are part of the City Centre Regeneration, but excluded from this first part of the project. It is hoped that the historical ambience of the award-winning floorscape designed in the late 1970s by Anthony Scott, the then head of planning in the City, will be retained.

(3) A Shopfront scheme is welcome, but no details are given

(4) An integrated Signage scheme is welcome, but no details are given.

(5) A lighting scheme is welcome, but only one illustration is given – that of the Market Place, where ground-level lighting from the modern seating pods is completely at odds with the historic ‘square’. (This type of lighting belongs, if anywhere, in Millennium Place.) Trustees have previously expressed their general confidence in the *Lighting and Darkness Strategy for Durham* (2007) by Speirs and Major. Here they would point to pp.76-77 of the *Strategy* which has two illustrations of night-time illumination of the Market Place which is much less fussy: much more appropriate to the historic core.

The following proposals are considered inappropriate.

(1) Lord Londonderry Statue.

This is the single most important question. DCV insist that “The statue specifically restricts improving the potential for the Market Place in its current position” and that moving it will “unlock reallocation of space “ (*Design & Access Statement*, pp. 16, 20). Trustees are equally adamant that the Statue is central to the Market Place and that the goals of DCV can be achieved without moving it. Moreover, the DCV proposal surely contravenes Local Plan policy E23.

Trustees consider the Statue to be the pivotal component from the point of view of urban design, heritage and experience. Its importance may be summarised as follows:

1. In terms of architectural grouping, it belongs to the Town Hall and Church. (This is well shown in illustrations, including in DCV literature, which refute DCV’s claim that the Horse impedes appreciation of the two buildings.)
2. As a component of the history of City and County, it belongs to the historic part of the Market Place. (It is the reminder of the era when our small county

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- town was at the centre of the country's largest coalfield.)
3. By association it belongs to the civic part of the Market Place, not the commercial end (where the backdrop will be the big Tesco store).
 4. As a focal point from all three entrances, it belongs where it is, thereby giving coherence to the 'square'.
 5. From the point of view of its size, it sits most comfortably near the lowest part of the Market Place.
 6. In addition, the 'Horse' has an important social role, for generations being a meeting place for young and old alike. (Its relocation would break this continuity.)

Strangely, DCV agrees with the bulk of these points. Thus, "The statue due to its central location and its position on a number of key views is a key Durham image with the backdrop of the Guildhall, Town Hall and St Nicholas' Church being a key panorama" (*Design & Access Statement*, p.15). Similarly, "The statue contributes to the significant grouping of Grade 2 and 2* listed structures within the space, specifically to the backdrop of the Guildhall, Town Hall and St Nicholas Church" (*Heritage Statement*, 2.4.2). Other positive points of significance are listed, before DCV turns to its negative points, all of which are puny in comparison – the 'heroic' scale of the statue, its diminishment when surrounded by market stalls and preventing achievement of a DDA-compliant slope to the square. The method of assessing the statue's worth as a "heritage asset" (*Heritage Statement*, Table 5.6), which purports to show that relocation would sum overall to +2, is naïve in the extreme. Weights could be variously assigned to different factors to achieve whatever result is desired. The underlying aim, of course, is to clear the Market Place for events. Trustees, on the other hand, expect a market place to be the hub of activities, with a multiplicity of things happening.

The DCV proposal puts the Horse near the top/southern end, riding high, its back to Silver Street, towering over a cleared Market Place. He will be, as it were, behind the 'stalls', the edges of which will be marked by seating pods, all facing towards the 'stage' in front of the Church. However, this 'theatre', designed to allow major events, will in fact be little used. The *Design & Access Statement* (p.54) expects there to be approximately 22 events a year. If one adds the weekly market and monthly farmers' market, it leaves some 280 days a year when the space will be bereft of 'theatre.' (Deserted, empty spaces created by recent market place 'regeneration' in Chester-le-Street and Darlington should give pause for thought.)

Fixed seating, and fixed bench seating, all facing the Church with its stage in front, moreover, will prove to be inflexible space for certain major events. For instance, the Town Hall will be a westerly focus when major personages, from royalty to Christmas Light celebrities, appear on its balcony. Again, an easterly focus will operate with the passage of important persons or groups through the Market Place.

Trustees consider that there will be ample space for events and market – though it is by no means certain that the stall market wishes to expand - when the quite extensive area at the top/south end, currently devoted to service vehicles, is brought into pedestrian use, as DCV intends. (There will be no bollards to break up the space.) Besides, great open-air opera is not envisaged in front of St Nicholas: completely unimpeded vision will not be required for the events proposed. (There are, anyway, other large open spaces in the Centre which can be, and are, used for major events, not only Millennium Place, but also Palace Green and the Race Course.)

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One final point with regard to the seating pods and the bench steps or terraces is their association with the desire to “reduce the slope of the market area” from 1:17 to 1:22. The present slope poses no problem; it is certainly more flexible and surely less of a hazard to less able persons. Moreover, how will the new slopes relate to the premises lining the west side of the Market Place?

(2) Statue of Neptune.

Trustees would prefer the Statue to remain where he is, reasonably near to his original position. It needs space around to look up; he blends well with the Equestrian Statue from several angles. He is certainly not seen to best effect with St Nicholas at his back in the DCV montage. He would not interfere with the flexible use of space suggested above. DCV has ‘relocated’ Neptune three times: in the NW corner, Back Silver Street and now – with no reason given – in the NE corner of the square.

(3) Seating Pods.

These are completely inappropriate. Reference to taking Durham into the 21st century notwithstanding, low granite blocks with low backs are an ergonomic disaster, quite unsuitable for elderly people or any with mobility problems. (Granite is hardly an appropriate material for Durham’s climate.) As permanent features, they would define service vehicle access and, with bench steps, mitigate against a flexible use of the square (see above). Almost all the present seats were donated and carry appropriate plaques. Their design harmonises with the ambience of the surroundings. Being movable, they provide flexible definition of the space, while their popularity announces they are comfortable.

(4) Artwork.

The proposed artwork, entirely dependent on clearing the Market Place, including relocation of statues and provision of stone seating pods, is gratuitous and unnecessary. (It has been heavily criticised by Durham’s own distinguished artist, Fenwick Lawson, who last year received the Freedom of the City and honorary doctorate for his work.)

(5) Claypath Bridge.

The proposed glazing across the Bridge is too flimsy. In any case, such a barrier is unlikely to resolve the wind problem, as it would deflect the wind up, over and down again. Wind tunnel tests could be helpful in arriving at a workable solution. (It is worth repeating that the wide pavement on the west side would permit some more robust structure(s). Also, that Arups did report that the Bridge was able in fact to carry such a structure).

Conclusion: Near-Universal Opposition.

Although the application is multifaceted, it all hinges on the insistence of DCV that the Lord Londonderry Statue be relocated in order to create an open space for events. Reaction to this proposal may therefore be taken as the touchstone of approval or rejection. On this basis, Trustees suggest that opposition is widespread, if not near universal.

In order to refute the repeated claim of DCV that it had the backing of a majority of citizens, the Trust organised a petition against relocation of the Statue. (See sample to show the reasonableness of the wording.) In three weeks more than 5,500 signatures were obtained. There has never before been anything on this scale in the City. Among the signatories are several former mayors of the City. (The forms are submitted in a separate folder.)

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The opinion of the 'general public' might be gauged also from the correspondence columns of the weekly *Durham Times*, where, this year up to 7th August, there have been 27 letters of objection compared to one in favour of relocation. Again, besides this Trust, the three community associations of the City are also opposed to the application as it stands, and objections have also been lodged by Sir William Whitfield (doyen of British architects, and a person with intimate knowledge of the City), Anthony Scott (distinguished former City chief planner), five local architect/planners (in a joint letter) and Fenwick Lawson (artist).

Trustees therefore ask the Authority, either to reject the application or to return it to DCV for revision. - We would look forward to a re-submission incorporating the essence of what has been conveyed above.

Yours sincerely,

D.C.D.Pocock (Dr)
(Hon Sec)

cc Government Office for the North East
English Heritage