

# CITY OF DURHAM TRUST

## BULLETIN

Number 59

October 2005

---

### TRUST LECTURE

The autumn Trust lecture will be given by **Mr Brian Masterman**, who has kindly agreed to share with members his experience as a planning inspector. The Trust has been involved in many public inquiries, at times in support of, and at times in opposition to, planning applications which have gone to appeal. This will be a unique opportunity to learn of the world 'from the other side.'

The chosen title of his lecture is **In the shoes of the Secretary of State or the Man from Mars**, and will be in **Elvet Riverside 1, room 141, on Saturday 15<sup>th</sup> October at 2.15pm**.

### AMENDMENT TO TRUST'S CONSTITUTION

**Notice** is hereby given that there will be a Special General Meeting of the Trust in **Elvet Riverside 1, room 141, Durham, on Saturday 15<sup>th</sup> October at 2.15pm**. The motion for consideration is:

That the following note be attached to the Trust's Memorandum and Articles of Association:

'The Directors must prepare for each financial year accounts as required by section 226 of the Companies Act 1985. The accounts must be prepared to show a true and fair view and follow accounting standards issued or adopted by the Accounting Standards Board or its successors and adhere to the recommendations of applicable Statements of Recommended Practice.'

A note from the Trust's Treasurer appears overleaf, and it is hoped that with this explanation we can deal with this matter in five minutes or less. The lecture will follow immediately afterwards.

### TRUST CHRISTMAS CARD

This year's card reproduces an anonymous 19<sup>th</sup> century watercolour of Durham Cathedral and Castle looking east from a hill to the north-west of Old Durham. The original is in a private collection, and the Trust is grateful to the owner for permission to publish it. The card returns to a large full-colour format and to a classical landscape for the first time since 1996.

A sample card and an order form are enclosed. The card will also be on sale at our open meeting on 15<sup>th</sup> October and, in (non-member price) packs, at Cards for Good Causes from 1<sup>st</sup> November.

The **Cards for Good Causes Shop** will operate again this year, selling greetings cards from a number of charities, in the former Tourist Information Centre in the Market Place, from 1<sup>st</sup> November to 18<sup>th</sup> December. We have undertaken to staff the shop for one half-day throughout the period, and so are compiling a rota of 2 hour stints, by a two persons, in anticipation that members will, again, kindly respond to this activity. If you are able to participate, could you please telephone Mary Sales (378 1703). Duties are not onerous!

MES

### PLANNING CONSULTATIONS

The last few months have been a hectic period for consultation at various levels. Everyone, of course, was invited to respond to the extensive 2020Vision questionnaire issued by the Steering Group, a consultation exercise as part of its 'visioning' of Durham for the next 15 years.

In addition, Trustees have been busy drafting comments on (a) the North-East Submission Draft of the Regional Spatial Strategy, (b) no fewer than four draft development plan documents of the District's Local Development Framework, (c) the County's Local Transport Plan 2 (2006-11) and (d) Central Government's consultation document, Planning for Housing Provision.

### DURHAM'S SURPRISE ICON

Durham's fame on the continent has recently been spread, not by its World Heritage Site, or even the proposal of a Sky Bowl - about which, more in another Bulletin - but, on the contrary, by a townscape feature which few residents have seen.

Earlier this year the *Sddeutsche Zeitung* carried an illustrated article on what it called "das Pop-up-Klo." Urilift is the more functional-sounding term for the feature, which only appears above ground in the North Road from 11pm to 3am at weekends. Despite the foreign interest, however, the Klo has yet to feature in newspaper advertisements of weekend breaks for German visitors.

DCDP

## PROPOSED CHANGE TO CONSTITUTION

Following the audit of the Trust's Accounts in April of this year, our auditors, Pullan Barnes, suggested that we might consider having a report from a 'reporting accountant', rather than an audit. The reasons for this are varied, but overall they make it simpler and cheaper for both the accountant and ourselves to prepare and approve the accounts. On checking with our Articles and Memorandum of Association and with all the law relating to the Companies Acts and Charities Act 1993, the Trustees felt that this was possible, if we made slight changes of wording to amend both the Articles and Memorandum of Association.

We have consulted with the Charity Commission that such a change is acceptable to them and also what form the amendment should take. We have agreed with the Charity Commission that the wording in the Memorandum and Articles should be as shown in the box overleaf.

In effect, this means that the words, 'properly qualified Auditor or Auditors' in Memorandum Clause 8 will mean 'a Reporting Accountant' and the word 'Auditors' in Articles 60 to 62 will mean 'Reporting Accountant' and 'Auditors' Report' will mean 'Accountant's Report'. Although these changes in wording might seem to be more transparent than the suggested amendment overleaf, in fact by using this clause the provisions will be made clearer and keep in step with the Statements of Recommended Practice issued by the Charity Commission. In effect, it is not intended that in future the accounts would be prepared and presented to our Members any differently than they have been to date.

It is further suggested that this revision is dealt with by an attached Note to the Articles and Memorandum of Association rather than a reprint.

NJR & KT

## LICENSING MATTERS

The licensing of pubs, clubs, and places of entertainment is, as most Trust members are aware, undergoing major changes. The old system licensed a named person (the licensee) to run a specific pub or club (the premises). If either changed, they had to go back to the Magistrates' Court for a new licence; all these licences came up for renewal periodically.

Under the new system, the responsibility has shifted to local councils, in our case Durham City Council, and separate licences are issued to the person running the pub or club (a personal licence) and for the pub or club itself (a premises licence).

We have just come to the end of a transition period during which it has been possible to convert old-style licences to the new ones. If no significant changes have been sought this has been a fairly automatic process in which the Trust has not sought to intervene.

The City Council has drawn up a Licensing Policy which the Trust broadly supports. This sets a normal closing time of 11pm in residential areas and 12 midnight in the commercial City Centre, unless a later hour could be justified by the applicant. However, about half the pubs in Durham have applied for later hours, commonly to midnight

on Friday and Saturday, but quite a handful seeking 2am closing times.

We had hoped – and many local residents must have expected – that the local council would seek to implement its licensing policy. However, they have taken a neutral stance, quoting Government advice when we queried this. The result has been that unless objections were received, applications contrary to the policy have been approved for want of objection.

Although applications could be lodged any time between 7 February and 6 August, of the 599 applications received by the closing date, 187 came in during the final week and 397 in the final month. This, and the strict timescales involved, has created considerable pressure on the Council. In accordance with national guidelines, applications were advertised on the council website and in the local press, but people living nearby have not been notified as happens with planning applications and indeed under the previous system of awarding public entertainment licences. This has been a bonanza for the advertising departments of local newspapers but few people have, in practice, read assiduously through the pages of adverts.

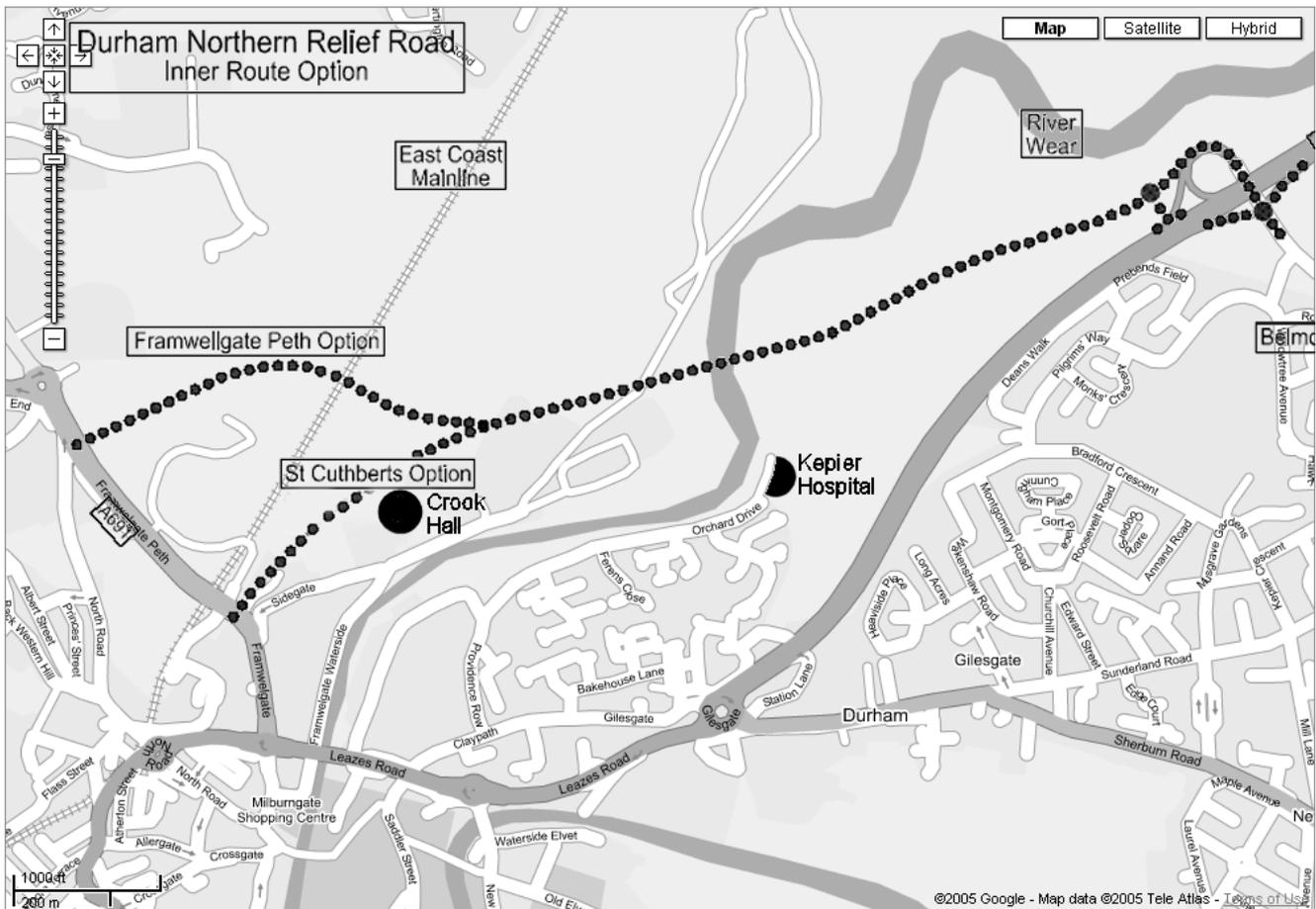
Trustees set up a subcommittee (Mrs Hepple, Mrs Taylor, and Mr Cornwell) to deal with the situation. It has objected to 15 applications, and at the time of writing 13 have been determined. We have had mixed success; in particular, although we have not necessarily won at hearings, some applicants, faced with objections, have scaled back their proposals before the hearing. Sometimes, most notably with Walkabout who decided to continue with their existing opening hours, this has been enough to meet our objections. When we have made representations in person to the licensing panel, we felt we were given a fair hearing, and on some occasions convinced the panel, for example to deny the North Road night clubs the Sunday hours they sought.

If we have a criticism of the licensing panel's decisions, it is that they have paid too much attention to the way premises are run at present. Because premises licences do not expire, our fear is that at some point in the future, different operators could exploit them to the full. Statements such as "we are going for an older clientele, and couples rather than groups of young men and women" are not binding and should not have been taken into account when determining the application.

Our other concern is that, with such a large number of applications to be dealt with, hearings involving premises in the same area have been scheduled in parallel, and objectors are unable put their case to both at the same time.

All parties in this process have been through a steep learning curve and all would accept that in the light of experience there are things they would have done differently. The rush of applications has meant that it has not been possible to consult Trust members as widely as we would have wished, and we have also had to prioritise and not object to all the proposals we might have. The new licenses are due to come into force on 24 November. We will be watching.

RJC



Route of 'Northern Relief Road. (Adapted from: Durham County Council, *Local Transport Plan 2, 2006-2011, Consultation Document*, March 2005) Map base: © Google / Tele Atlas

## A ROAD TO BE BLOCKED

Early in its existence the Trust (alone) opposed the application for a power station at Keppier, which was proposed by the industry and supported by the County Council, then the planning authority. The station's tall chimney and cooling towers would have dwarfed the nearby cathedral. Fortunately, the Trust argument triumphed at the called-in Inquiry. A similar catastrophe beckons now, as a result of the County Council's wish to build a road in the same area in the green northern collar of the City. Again, for the sake of the City, the Trust must oppose a disastrous and unnecessary project.

The scheme for a **Northern Relief Road** appeared 'out of the blue' in the County's Local Transport Plan 2, for the years 2006-11. (It was not in the County's LTP 1). Its twin aims, of relieving congestion in the City centre and helping regenerate the NW of the County, are identical to those of a **Northern Bypass**, for which a wayleave has already been reserved in the County Structure Plan. Strangely, this route was not mentioned in the LTP 2. Instead, the new proposal was given a similar name, and, without any qualification, included in the recent 2020Vision questionnaire.

Such action can only draw forth cynicism among the electorate, since very few people are aware of the proposal for the Northern Relief Road - and certainly not its route.

Consequently, any inference of support for the Road from questionnaire returns must surely be baseless. (Faced with the question of easing commuting into Durham, who wouldn't vote for a road which apparently offered 'relief' and had a 'northern' trajectory?)

In order to help disseminate knowledge of the route, a sketch map is shown above. The road takes off from the A690 at the Belmont flyover and travels down the Wear Valley doing irreparable damage to the area of High Landscape Value, Green Belt and Conservation Area, plus two other protected zones. After passing close to Keppier Hospital and Crook Hall, it disgorges its vehicles - in the City Centre! (Two alternative endings are offered: The road would either terminate just above Highgate, 200 metres from the Millburngate roundabout, or tunnel beneath the railway, through the landscaped gardens of the DLI Museum, to enter near the equally-overloaded roundabout at County Hall.)

Trustees submitted a detailed objection at the consultation stage of LPT 2 in May. In July the owners of Crook Hall were alerted to the road scheme and, with six colleagues, immediately formed an action group with a website ([www.savethevalley.org.uk](http://www.savethevalley.org.uk)). Members are invited to visit the website to register objection, and to remain alert for the consultation period which the County Council has promised.

DCDP

## WHAT EXACTLY AT WALKERGATE?



Millennium City. (Source: *City News*, Winter 1999)

The extensive structural steelwork on the Walkergate site caused Trustees to revisit the planning files to check memory against emerging reality in the vicinity of Clayport Library. (The application was lodged in November 2002, and approved in July 2003.) Letters in the file referred to "amended drawings in response to areas of concern" expressed by English Heritage (January 2003) and, following a further meeting with English Heritage, a "reduction in roof height" of the building adjacent to the Library (April 2003). The actual approved plan appeared to show no concession", being identical to the initial submission.

At the time of writing, a reply is awaited from English Heritage, which has no record beyond the agreed lowering shown in the amendment. An explanation is also awaited from the Planning Department, despite initial assurances that "all is in accordance with approved plans.

Meanwhile, a trawl of the public planning file revealed photomontages of the scheme which were not present when the Trustees submitted their comments. (Our submission had requested such illustrations, in order to envisage how the scheme would actually be experienced, but no notification of their arrival was ever received.)

The illustrations, if realistic, are highly disturbing. Thus, if - repeat, if - the montage of Walkergate as seen from across Millburngate Bridge is actually a realistic illustration, then Trustees consider its monolithic, block-like structure to be a disaster, quite as inappropriate to the fabric of our historic city as the outside elevations of the Prince Bishop scheme. There appears to be no evidence of the 'stepping down' principle, which the accompanying Statement promised. When the partial masking of the Gala Theatre is added, there is no reason to believe that the reaction of the general public will be any different. They have, after all, lived for many years with the propagated image of 'Millennium City.'



Photomontage: Walkergate from Millburngate Bridge

(Source: Public File of Planning Application 4/02/1043, 15<sup>th</sup> November 2002, by AMEC Developments Ltd)

## EXACTLY WHAT IN SOUTH STREET ?

Members can hardly fail to be aware of the buzz of activity on the constricted building site at the bottom of South Street on the former library site. A recent routine inquiry to confirm exactly what was emerging has led to confusion, or, rather, concern.

In April 2004 developers were given permission for "Demolition of existing library building and erection of 27 residential apartments and associated car parking." The actual amount of car-parking space was specified twice in the Planning Officer's Report to the Development Control (= planning) Committee, one general ("the provision of one space per apartment") and one detailed ("Access to two covered parking spaces, and to the lift accessing the remaining 25 spaces".) In March 2005 the developers returned with an "Amendment to approved residential development to increase number of apartments from 27 to 30." The key paragraph in the Planning Officer's Report read: "The applicants have now completed the working drawings and settled on an underground car park capacity of 17 spaces. This leaves space within the approved buildings for 30 apartments." The Planning Officer viewed this as a "minor amendment" and recommended approval. However, it was rejected by Committee.

A recent Trust inquiry in the Planning Office regarding the project discovered that, despite the refusal of the amendment, only 17 parking spaces were being provided, and not the 27 of the first (and only) approval. Asked when 27 became 17, the Planning Officer replied was that it always was to be 17. Prodded further, he remarked "It is our understanding that Committee were aware of the parking numbers when the two reports were considered." This does not accord with the recollection of your Secretary, who was present at both Committee meetings, and who spoke opposing the amendment; specific references to parking reduction were certainly not corrected by the Planning Officer at the meeting. Moreover, I have yet to find any member of the Committee – including the Committee Chairman – who was, in fact, "aware of the parking numbers" as claimed by the Planning Officer.

## HERITAGE OPEN DAYS 2005

This year the Trust members have again stewarded and guided visitors to buildings opened during the Heritage Open Days, Thursday to Saturday, 8<sup>th</sup>- 11<sup>th</sup> September. Thanks to all fourteen who looked after Old Durham Gardens, St Mary the Less, Bull Hole Byer, the Prison Officers' Club and Brancepeth Castle, with a special mention of Peter and Carole Lattin, first time volunteers who were literally baptised on the Friday when the heavens opened as they stewarded at Old Durham Gardens. There was some consolation on the Sunday when a record seventy visitors came to the Gardens.

## THE END OF USHAW MOOR RECREATION GROUND

A five-year saga ended in August when the County Authority refused the application by some inhabitants of Ushaw Moor to register their recreation ground as a Village Green. It had been an uneven contest between villagers and the City and County Authorities from the outset.

The City, as the planning authority, had pulled out all the stops to facilitate housing on the site with minimum delay. Thus, the initial planning application was submitted in the name of a company six months before it was formed; a petition of 350 signatures against the loss of the recreation ground was ignored in favour of its own three separate official consultations, which recorded supporters to number 57, 35 and, at the final consultation, a mere 25; when central government introduced a ruling that any development on a greenfield site of more than 150 dwellings would automatically be 'called in', the number proposed for the scheme was reduced from 180 to 148; when the Inspector's Report of the Local Plan Inquiry recommended deletion of the site for housing (and rescinding of permission, if it had been granted in the period between Inquiry and Report), the authority decided to decline the recommendation; etc.

The County, as the authority with power to grant legal status of Village Green, moved at an entirely different speed, to the continued frustration of villagers. An application was first lodged by Mr Jim Haggett in May 2000. In April 2002 - after 23 months - the County accepted that four of the five necessary criteria were met, but rejected the application on the criterion of 'as of right' - a new criterion in case law which had recently surfaced for the first time to thwart a similar application at Washington.

When the latter criterion was over-turned on appeal to the Law Lords, the application was re-submitted in November 2003. The County's initial reaction, surprisingly, was that nothing had changed; five months later the Authority stated that the application was being actively considered. Time passed as the Authority sought advice from two separate Counsels - the facts of the first were disputed by the villagers - and the opinion of the developer. When in June 2004 a dispute in Oxfordshire added another criterion to case law - recreation must continue up to the time of registration - the County took this as the moment to adjudicate on the Ushaw Moor application on case law as it then stood.

The Authority refused the suggestion of the appellant, supported by the Open Spaces Society and this Trust, that a decision be delayed until the Law Lords had ruled definitively on the Oxfordshire case.

## THE BLOCKING OF A FOOTPATH

The footpath at the end of Hall Lane, which continues in a straight line past Shincliffe Hall to the riverside, has recently been closed by the University, presumably in anticipation of selling the property. (Villagers with the longest memories recall that the University briefly barred access when it first acquired the Hall.) Although not a designated right of way, it is shown on O.S. maps, and is well used by walkers.

An informal Village Action Group has collected nearly ninety written statements of unimpeded use of the footpath, a quarter of them over a period exceeding 20 years. They are in contact with the Rights of Way Section at County Hall, and invite members who have walked the route to contact County Hall (Tel 383 4086, contact Mr N. Hall)

(Information from Mrs JM Currie)

## PUBLICATIONS AVAILABLE FOR CONSULTATION

Listed below are publications received by the Trust in recent months and an indication of contents which may be of particular interest. Members wishing to borrow any title should telephone Mary Sales on 0191 378 1703.

### Civic Trust

*Civic Focus* No. 51, Summer 2005.

Items on planned housing demolitions, designing out crime, transport, roads.

### Campaign to Protect Rural England

*Countryside Voice* Summer 2005

items on trailer-mounted advertising hoardings, Green Belts.

*Fieldwork* June 2005

items on night blight, Natural England

### RIBA/CABE

*Building Futures: The Urban Futures Game* 2005-09-26

### Northern Architecture

*Promoting better places in the North East*

## MEMBERS ARE OUR LIFEBLOOD

One of the strengths of the Trust is its large and vocal membership. Trustees can always rely on our members to let them know what the burning issues are, and how they feel about them. When the Trust makes representations on these matters, they carry weight because they clearly have the backing of a large number of people who care about Durham City.

But without new members joining, our numbers will inevitably dwindle, and with it our ability to achieve our ends. If you are already a member, would you please ask others to join, and if you have yet to join, please do so now. The membership form is in the next column ...

## APPLICATION FORM

I/We wish to become a member of the City of Durham Trust and I/We enclose cash / standing order / a cheque payable to *The City of Durham Trust*.

Full Name & Address (*capitals*) Dr/Mr/Mrs/Miss/Ms . . . .

.....  
 .....  
 ..... (postcode). . . . .

Tel. No . . . . .

Email . . . . .

**GiftAid:** I pay income tax and, unless I cease to do so and notify the Trust, I would like the tax on my subscriptions and any donations to be reclaimed by the Trust.

Signed . . . . . Date . . . . .

Annual membership subscriptions:		<i>Please tick</i>
Ordinary	£5	<input type="checkbox"/>
Joint (couple)	£7	<input type="checkbox"/>
Senior (over 60)	£2	<input type="checkbox"/>
Joint senior (both over 60)	£4	<input type="checkbox"/>
Student	£2	<input type="checkbox"/>
Dependent solely on State Benefit	£2	<input type="checkbox"/>
Life	£100	<input type="checkbox"/>

Completion of the following Standing Order form will enable your bank to make the payment now for this year and on 1 January of each subsequent year. Most members pay by this method which is convenient for them and for the Trust.

### STANDING ORDER

To: . . . . .  
 . . . . .

*(Your own bank's name and address)*

Please pay to the Co-operative Bank plc, 29 High Street, Durham DH1 3PL from 1 January 20....., and on 1st January in each year until further notice, the sum of £..... For the credit of the 'City of Durham Trust' (A/c number 50410022, sort code 08-90-70) and debit my account number . . . . .

...

Signed . . . . . Date . . . . .

Name (*in capitals*) . . . . .

Address (*in capitals*) . . . . .

.....

.....

To become a Member please post the completed form to:

**The Honorary Secretary,  
 The City of Durham Trust  
 c/o Blakett, Hart and Pratt,  
 Kepier House  
 Belmont Business Park  
 Durham. DH1 1TW**

## TRUST PUBLICATIONS : ORDER FORM

<i>Name:</i> ..... <i>Telephone:</i> .....	<b>Members'</b>	<b>Non-members'</b>	<b>No.</b>	<b>Cost</b>
<i>Address:</i> .....	<b>price each</b>	<b>price each</b>	<b>required</b>	<b>£</b>
	£	£		£
<b>2005 CHRISTMAS CARD</b> Durham Castle & Cathedral from the east. Anonymous watercolour 1800-1840, 150 x210 mm. Greetings: With best wishes for Christmas & the New Year, with envelope. Blank: with envelope.	0.45 0.45	0.70 0.70		
<b>2004 CHRISTMAS CARD</b> Durham Market Place at Christmas-time. From a water colour by Stephen Ward, 2004. 105 x148 mm. Greetings: With best wishes for Christmas & the New Year, with envelope. Blank: with envelope.	0.40 0.40	0.60 0.60		
<b>2003 CHRISTMAS CARD</b> Durham Cathedral from north west with angler. Engraving 1773-5. Black on White. 150 x 210 mm. Greetings: With best wishes for Christmas & the New Year, with envelope. Blank: with envelope.	0.35 0.35	0.55 0.55		
<b>2002 CHRISTMAS CARD</b> James I confirms 1602 Durham City charter. Full colour illuminated initial, 1606. 148 x 105 mm. Greetings: With best wishes for Christmas & the New Year, with envelope. Blank: with envelope.	0.30 0.30	0.45 0.45		
<b>1999 CHRISTMAS CARD</b> Full colour photograph of Fenwick Lawson's sculpture: <i>The Journey (work in progress)</i> 210 x 150 mm Greetings: With best wishes for Christmas & the New Year, with envelope. Blank: with envelope.	0.30 0.30	0.45 0.45		
<b>DURHAM ESSAYS ON SENSE OF PLACE</b>				
Douglas Pocock 1999. 87 pages. Colour and black-on-white illustrations Essays: Durham distilled: the quality of 'Durhamness' Durham observed: the comment of artist and traveller Durham appraised: 'one of the great architectural experiences of Europe' Durham experienced: sensing and making sense of the city Durham captured: a photographic essay Durham Cathedral: 'the best building in the world' The Galilee Chapel: sacred space The View from Prebends' Bridge: landscape and memory The Upper Room Sculpture: a trompe l'oeil in a city of illusions				
	4.00	6.00		
<b>ST. CUTHBERT AND DURHAM CATHEDRAL : A CELEBRATION</b>				
Douglas Pocock (editor) 1995 Second revised edition. Symposium. 120 pages. Colour and black-on-white illustrations. Contributions by: Rosalind Billingham (Art Historian) Sherban Cantacuzino (Sec. Royal Fine Art Commission) Ian Curry (Architect) Roger Norris (Librarian) David Park (Art Historian) Alan Piper (Archivist) Douglas Pocock (Geographer) Malcolm Thurlby (Art Historian)				
	5.20	7.75		
<b>TOTAL</b> carried forward				£ _____

over/

	<b>Members' price each £</b>	<b>Non-members' price each £</b>	<b>No. required</b>	<b>Cost £</b>
<b>VISIONS OF DURHAM</b> Douglas Pocock (editor) 1990 1989 Conference Papers. 60 pages. Colour and black-on-white illustrations Contributions by: Rt. Rev. David Jenkins (Bishop of Durham) Fenwick Lawson (Artist) Douglas Pocock (Geographer) William Whitfield (Architect) Neville Whitaker (Architect-Conservationist) Anthony Scott (Planner)	2.00	3.00		
<b>IGNATIUS BONOMI OF DURHAM : ARCHITECT</b> June Crosby 1987 Monograph. 104 pages. Black-on-white illustrations.	2.50	3.50		
<b>WALK LEAFLETS:</b> <i>Market Place to Cathedral, revised 2000</i> <i>North and South Bailey. revised 2004.</i>	0.20 0.20	0.30 0.30		
			<b>TOTAL</b>	
			<b>TOTAL brought forward</b>	_____
			<b>PLUS:</b> over-printing charge (see below)	_____
			post and packing (see below)	_____
			<b>GRAND TOTAL £</b>	_____

**CHEQUES** should be made payable to "City of Durham Trust" and sent with this order to:

Miss M. E. Sales  
The West Wing  
Holywell  
Brancepeth  
DURHAM  
DH7 8EQ

**NOTES :**

Over-printing cards with special messages, names, addresses etc can be arranged for minimum orders of 50. Send your requirements to the address above and we will obtain quotations for you.

Deliveries to addresses within the City of Durham District will be made by hand, free of charge.

Deliveries to addresses outside the District will be mailed. Please add to the total cost a contribution to post and packing on the following scale:

	<b>Postage &amp; Packing £</b>
for purchases totalling up to £10	1.50
„ „ „ between £10 and £20	2.50
„ „ „ over £20	3.50