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# CARLISLE CITY COUNCIL



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## REPORT TO EXECUTIVE

### PORTFOLIO AREA: POLICY, PERFORMANCE MANAGEMENT, FINANCE & RESOURCES

Date of Meeting: 17 May 2004

Public

Key Decision: No

Recorded in Forward Plan: Yes

Inside Policy Framework: Yes

Title: PUBLIC OBJECTIONS AGAINST THE PROPOSED LEASEHOLD  
DISPOSAL OF LAND AT FUSEHILL STREET, CARLISLE

Report of: HEAD OF PROPERTY SERVICES

Report reference: PS 06/04

#### Summary:

The Council is considering the leasehold disposal of land at Fusehill Street. It is currently used as a community garden and play area. There is a scheme to develop part of the site as a new medical centre whilst retaining the remainder for an upgraded children's playground.

Through a statutory process, the Council has received objections to the disposal. There is also a public petition to be considered.

This report provides the background and context in order for Members to have appropriate information in order to make a decision about whether to sell the site for development or retain it as open space.

#### Recommendations: It is recommend that:

1. The Executive consider the objections which have been received to the proposed disposal and decide either to dispose of land at Fusehill Street for the development of a medical centre or retain it for recreational purposes.

Contact Officer: David Atkinson

Ext: 7420

Note: in compliance with Section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: PS 09/03

## **1. BACKGROUND INFORMATION & OPTIONS**

### **INTRODUCTION**

- 1.1 There is a scheme to develop land owned by the City Council for a new medical practice.
- 1.2 Because the land is held for and used as a public recreation ground, a statutory process has been administered to ascertain any public objections to the proposal.
- 1.3 Objections to the proposed disposal have been received both by individuals writing in to the Authority and through a public petition.
- 1.4 This report seeks a decision from the Executive about whether or not, having carefully considered the objections, to dispose of the site for the specific use proposed, or that the site should be retained by the Local Authority.

### **BACKGROUND DETAIL**

- 1.5 A medical practice at 46 / 48 London Road have significantly outgrown their existing accommodation and have been searching widely for new premises over a number years. The practice wish to remain in the locality in order to give their best service to patients and have identified, through their developer, a site at Fusehill Street which could match requirements.
- 1.6 The site, as shown on the attached plan, is located approximately half a mile south from Carlisle City Centre. The surrounding area contains a mix of late-Victorian terraced housing, community uses such as schools and various small shops and business uses. It is the only area of public open space with a play area in the immediate locality.
- 1.7 This land is known as Fusehill Street Community Gardens. The gardens are separated into two distinct areas by a high security fence. There is a children's play area where access is only possible from Bowman Street or Grey Street. The remainder of the area, that being proposed to be sold, is fenced with iron railings. This front part of the gardens has been subject to both neglect and vandalism, resulting in an uninviting environment. The children's play area to the rear is subject to a higher level of maintenance although the play facilities are limited in range and need upgrading.
- 1.8 The site is shown on the attached plan. That area intended to be sold is shown hatched.
- 1.9 The scheme proposed is in two parts:
  - (1) A development of a 2-story medical practice on the site which is currently securely locked with no public access. The developer intends to build the scheme and lease it to the medical practice, following appropriate National Health Service procurement guidelines.

- 1.10 The upgrading of the adjoining playground facilities, partly funded by the development, which would be retained by the City Council as a children's facility.
- 1.11 The freehold title to the site is held by the Council under a conveyance dated 22 May 1891 between the Mayor, Alderman and citizens of the City of Carlisle, (known as the Corporation) and the then Town Clerk.
- 1.12 The land was conveyed in the Council's municipal capacity. Once the Council took the conveyance of the land it resolved, under the powers of the Recreation Ground Act 1859, to dedicate the land as public recreation ground.
- 1.13 This 1859 Act was available for Local Authorities to facilitate the granting of land to be made near populous places for the use as sites for the recreation of adults and as playgrounds for children.
- 1.14 Having taken Counsel's advice on the matter, Officers can report that Carlisle City Council is free to sell the land providing it follows the relevant procedures set out in the Local Government Act 1972 in respect to its disposal. This being that the land should be sold for no less than the best consideration that can be reasonably achieved and that a statutory advertisement process be administered in order to ascertain whether there are any objections to the sale because it is open space. The Council then needs to consider such objections as part of its decision making process.
- 1.15 The Council has followed the procedures.
- 1.16 There are objections as outlined in the attached appendix. They take the form of both formal written objections as a consequence of the Council giving notice in the Cumberland News seeking any written representation of the intent to dispose of the site. Additionally, there is a public petition attached. The petitioners have been invited to make their case at this Executive.
- 1.17 Under the Scheme of Delegation at this Council, the valuation issues are delegated to Officers to resolve. The proposal is that the site would be disposed of by means of a lease for 125 years with a specific user clause intended for the purposes of a medical centre incorporating a pharmacy and related uses. An independent valuer has been instructed jointly between both the developer and the Council, through terms of engagement governed by the Royal Institution of Chartered Surveyors. The site has been valued and if sold, the Council would benefit from a capital receipt.
- 1.18 Members should also note that the Council has agreed to sell a nearby piece of open space, namely Rydal Street playground. In this case, a public petition was received by the Council to sell it for development because it was attracting antisocial behaviour. Capital raised from the Rydal Street sale was intended to be used to upgrade the Fusehill Street facilities – and this could be done on the land to be retained as a children's playground in conjunction with the development contributions.

## **2. DECISION REQUESTED**

- 2.1 The decision requested by Members is whether, having considered the objections, to retain the land in its entirety for recreational use or sell part of it as a medical practice but retain the remainder for recreational use.
- 2.2 The medical practice wish to remain in the immediate vicinity to meet the needs of the local patients. It has the support of National Health Service funding. The practice serves a patient list of over 8,000 people. They currently occupy limited space at 46 / 48 London Road, premises which are inadequate to meet patients' needs. The new development would provide a modern facility in the locality. Planning permission for the development was approved by the Development Control Committee. The development scheme envisages the City Council retains land for a children's playground.
- 2.3 The alternative is to retain all the land for recreational purposes. This would require additional investment to upgrade the facilities, as over half the site is currently locked and suffering neglect.
- 2.4 The capital receipt from the disposal could be used for other Council priorities – however it is not strictly necessary as the capital receipt position for the Council generally is healthy. No income would be lost from the sale.

## **3. CONSULTATION**

### **3.1 *Consultation to date:***

This report is written in the public part of the Executive agenda. The proposed disposal was advertised in the Cumberland News in January 2004 and objections were received. A public petition has been received by the Council.

One of the petitioners asked to view the deeds to the site and this was made available.

The medical practice undertook its own consultation for the scheme as part of its proposal.

The Planning process followed statutory consultation procedures.

### **3.2 *Consultation proposed:* - None**

## **4. RECOMMENDATIONS    It is recommend that:**

- 4.1 The Executive consider the objections which have been received to the proposed disposal and decide either to dispose of land at Fusehill Street for the development of a medical centre or retain it for recreational purposes.

## **5. REASONS FOR RECOMMENDATIONS**

- 5.1 To make a decision about whether to dispose or retain land.

## 6. IMPLICATIONS

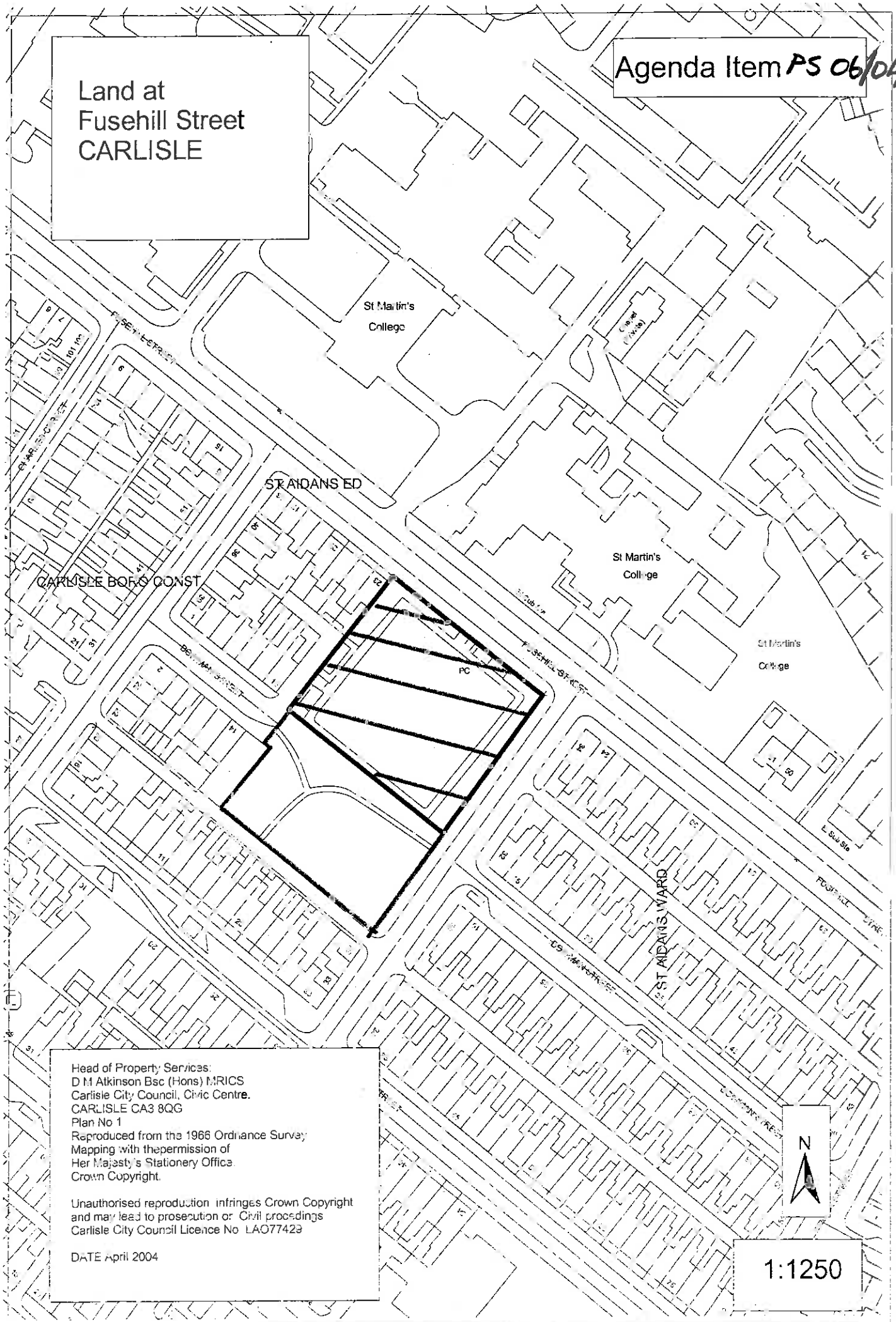
- *STAFFING / RESOURCES* : Included.
- *FINANCIAL*: The Head of Finance has been consulted.

*LEGAL* : The Head of Legal has been consulted. Section 123 of the Local Government Act 1972 provides that, prior to disposing of any land forming part of an open space, the Authority must give notice of their intentions to do so in two consecutive weeks in a local newspaper and then consider any objections which may be made. The proposed disposal of this particular piece of land was advertised in the Cumberland News on 23 and 30 January 2004. It is now a matter for the Executive to carefully consider the objections which have been received and decided how to proceed.

- *CORPORATE* : The Head of Culture, Leisure and Sport Services has been consulted.
- *RISK MANAGEMENT*: Not relevant.
- *EQUALITY ISSUES* : Not relevant.
- *ENVIRONMENTAL* : The site does attract vandalism and is in need of public realm investment if the Council were to retain it.
- *CRIME & DISORDER* : As above.
- *IMPACT ON CUSTOMERS*: The dilemma here is whether to dispose of land to assist a medical practice improve patient care or retain the site for recreational purposes.

Land at  
Fusehill Street  
CARLISLE

Agenda Item *PS 06/04*



Head of Property Services:  
D M Atkinson Bsc (Hons) MRICS  
Carlisle City Council, Civic Centre,  
CARLISLE CA3 8QG  
Plan No 1

Reproduced from the 1966 Ordnance Survey  
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DATE April 2004

1:1250

## **CARLISLE CITY COUNCIL**

**LOCAL GOVERNMENT ACT 1972 SECTION 123(1), (2A)**

**LAND KNOWN AS FUSEHILL STREET COMMUNITY GARDEN**

**DISPOSAL OF PUBLIC OPEN SPACE**

Notice is hereby given that the Council of the City of Carlisle of Civic Centre Carlisle CA3 8QG intends to dispose of land having an area of .22 hectares or thereabouts and known as Fusehill Community Garden Fusehill Street Carlisle which forms part of an open space and is to be used for the erection thereon of a Medical Centre.

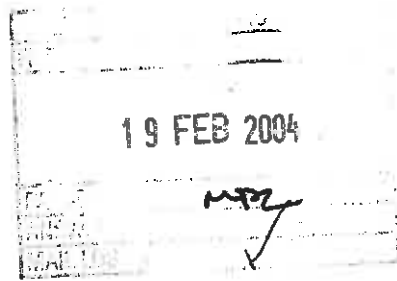
Objections to the intended disposal must be made in writing and addressed to:

J M Egan  
Head of Legal and Democratic Services  
Carlisle City Council  
Civic Centre  
Rickergate  
CARLISLE CA2 8QG

by no later than 20 February 2004.

Dated the 19 day of January 2004

J M Egan  
Head of Legal and Democratic Services



J.M. Egan,  
Head of Legal and Democratic Service  
Civic Centre,  
Rickergate,  
Carlisle,  
Cumbria

Dear Mr Egan

Disposal of Public Open Space

I am writing to object to the above proposal regarding the DISPOSAL of the COMMUNITY GARDENS in Fusehill Street.

As you might be aware I am one of the campaigners to stop the building on this site, but we were overruled at the planning meeting due to the fact of the microphones not switched on when our representative was called to the stand.

We are appalled by the sheer audacity of the council to even put a planning of this building in our area. According to the report from the doctor's surgery, it states that our area is already below the amount of land per person, so where do the council propose to put more land for the people in our area.

When this first came about, we as a community were expecting a PUBLIC MEETING regarding the building as it was of such a monumental development for the area. But the only 'Public Consultation' we received was the application for planning pinned to the gates of the area to be developed.

I now bring to your attention the fact that the community has got more than 15 against the development, this was supposed to have come out at the planning meeting. We did try to appeal against this; we have been up against the council, press and the media. We have actually got a petition with approx 152 names on.

Very angry resident.



20 FEB 2004

19.02.04

J.M. Egan,  
Head of Legal and Democratic Service  
Civic Centre,  
Rickergate,  
Carlisle,  
Cumbria

Dear Mr Egan

Disposal of Public Open Space

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Very angry resident.

FAO

12-5-4  
Agenda item A1

Steven Halstead

LEGAL & DEMOCRATIC SERVICE	
FILE	
13 MAY 2004	
PASSED TO	
ANSWERED	
MAIL LOG	

refers

Committee Clerk to the Executive

Dear Steven,

My apologies for lack of appropriate paper.

Please find a copy of papers given to each member of the Executive for 17<sup>th</sup> May '04.

Included is a letter without addressee.

It is a copy of a letter sent to

Mr Peter Stykelski and

Mr Mike Mitchelson.

If you wish every member of the Exec. to have a copy, please would you furnish them.

Sincerely,

11<sup>th</sup> May 2004

Civic Centre  
Carlisle  
CA3 8QG

Dear

**WITH REFERENCE TO THE PROPOSED DISPOSAL OF FUSEHILL STREET  
COMMUNITY GARDENS 03/1100**

I have communicated my objections to the proposals for the change of use of Fusehill Street Community Gardens (FSCG) to building land on numerous occasions:

- a) via a Residents Survey Form, estimated to be dated early November 2003. Reply received from Keith Poole, Head of Commercial and Technical Services 12.11.03.,
- b) letter dated 7<sup>th</sup> November 2003 to Roads Department, Cumbria County Council. Reply received from Rob Lewis, Capita 13.11.03.,
- c) letter dated 11<sup>th</sup> November 2003 to Dr Horne and Partners. Reply received 14.11.03., and
- d) letter dated 7<sup>th</sup> November 2003 to Head of Planning. Acknowledgement from Richard Maunsell, 10.11.03.,
- e) letter dated 8<sup>th</sup> April 2004 to David Atkinson, Head of Property Services. Meeting of objectors with Mr Atkinson on 21.04.04.

Also I telephoned all 3 Ward Councillors around 13<sup>th</sup> October 2003. At this time, Anne Quilter put me in touch with Chris Berry. Later, John Mallinson attended our meeting on 6<sup>th</sup> November 2003. Recently Reg Watson sat at a Full Council Meeting and omitted to represent his constituents' views regarding the proposal to misappropriate green sites as brownfield sites when the subject of brown sites was aired.

On 5<sup>th</sup> May 2003, telephone calls to Reg Watson, John Mallinson and Anne Quilter via wife or answer machine to ask what representation, if any, was

made to Council regarding objections on behalf of constituents and requesting a reply, produced no response whatsoever. During a telephone call to Anne Quilter, 8<sup>th</sup> May, she appeared to take on board that expectations on representation had not been met - particularly considering the problems with microphones experienced at the relevant Control and Development Committee Meeting attended by Chris Berry, resulting in the objectors' points not being heard.

Although it may well have been unintentional, it is also unfortunate that when the Gardens were still open, they were left with the gates looking locked, were intermittently left locked (thereby discouraging usage and natural surveillance) and were not maintained (thereby actively encouraging vandalism). Generally they were subjected to a parallel course of a site being purposely run down.

Owing to other commitments and general debility, I was unable to go further at this time and resigned from the group. Other objectors had similar problems and the group disintegrated over Christmas and New Year with only a few streets being covered by the petition. The petition of 152 was handed in to David Atkinson on 21<sup>st</sup> April 2004. Petition signatures are still being submitted in fragments.

I have deep concerns about the low level of communication between all groups at all stages of the process and therefore about resulting standards of efficiency. I am aware that members of the public are just trying to get their views fairly represented and that elected and appointed members of Council are just trying to get on with their work but I recognise that the influences of the adversarial legal system permeating the Council's process is being counterproductive. In my view it causes the Council to perceive the public as apathetic and/or aggressive and it causes the public to perceive the Council as impervious and severely lacking in credibility. I recognise that you have begun to address this issue and would like to express support for any proactive measures taken to break down this barrier of cynicism.

In the following document, I submit considerations regarding the proposal to dispose of the green space, Fusehill Street Community Gardens, and change its use to building land.

Yours sincerely

Cc to all members of the Executive in accordance with Members Planning Code of Good Practice, page 387, 5.7.

## **FUSEHILL STREET COMMUNITY GARDEN**

The Fusehill Street Community Garden (FSCG) green site amenity already has Planning Permission. It is therefore reasonable to assume that disposal of the land by the Council would lead to loss of the green site amenity and the building of the proposed medical centre.

This document is for your consideration, in accordance with Carlisle City Council's Code of Conduct for Members, March 2002, page 387, Lobbying of Councillors 5.7. It puts forward some points for retaining the green site amenity as Council property and for assessing the value of the proposed building development in terms of whether its advantages could be considered to outweigh the substantive loss of amenity in the Primary Residential Area (PRA) of Botchergate.

### **CONTENTS**

<b><u>PART 1</u></b>	<b>Page</b>
1. CHANGE OF LAND USE.	1.
2. AVAILABLE INFORMATION.	2.
3. IS LOSS OF AMENITY OUTWEIGHED BY ADVANTAGES OF THE NEW DEVELOPMENT?	3.
4. THE EFFECT OF BROWN SITE USAGE.	4.
5. SUBSTANTIVE LOSS OF AMENITY AND IMPACT.	5.
6. THE NEED FOR RETENTION OF AMENITY.	7.
7. CONCLUSION	9.

### **PART 2**

REFERENCES.

Relevant  
References

## FUSEHILL STREET COMMUNITY GARDENS

### 1. CHANGE OF LAND USE.

1.1. The advice received from the independent solicitor to the Council in response to the query "are the Council entitled to dispose of the land on the basis that it will be put to a new use" states that..

"(13) The trusts declared in the 1891 conveyance were trusts for "sanitary purposes as defined by the Public Health Act 1875 namely for Public Walks and Pleasure Grounds". In my opinion this must be taken to be a reference to the power in *Section 164 of the 1875 Act* for an urban authority to "purchase or take on lease lay out plant improve and maintain lands **for the purpose of being used as public walks or pleasure grounds**" and the trusts would have required the Corporation and their successors in title to hold the land for those purposes. However no other trusts were declared in the conveyance and I am thus of the opinion that **the trusts would be limited to the purposes specified in Section 164 of the 1875 Act.**

(14) I am thus of the opinion that if, as I anticipate, freehold title to the material land is vested in the City Council, they are entitled to dispose of it free from trusts in the 1891 conveyance provided that they observe the provisions of Section 123 of the Local Government Act 1972 in doing so. This means that:

14.1. Except with the consent of the Secretary of State, they would not be entitled to dispose of the land otherwise than by way of a **short tenancy for a considerations less than the best that could reasonably be obtained;**"

1.2. The proposal (1.17. Report to the Executive) is that "the site would be disposed of by means of a lease for **125 years** with a specific user clause intended for the purposes of a medical centre..."

1.3. Can **125 years** reasonably be considered a short tenancy?

1.4. If the medical practice were unwilling to pay the going rate for other sites and therefore missed, they say, alternatives over a period of **8 years**, it seems probable that they are now paying considerations less than the best that could reasonably be obtained. As a matter of public interest and concern, the amount offered now should be disclosed.

1.5. We are currently seeking advice from the Environmental Law Centre who are renowned for a keen interest in retaining green sites and we will communicate when more is known.

Report to  
Executive, A1  
PS 06/04 1.14.

## 2. AVAILABLE INFORMATION

2.1. Has sufficient information been made available to the Executive to enable them to come to an intelligent and objective decision on the proposed disposal of the green site?

Carlisle District  
Local Plan (CDLP)  
T 7 - T 11.

2.2. The **Highways Report** was awaited. Has it now been delivered and made available for the Executive and public to view?

2.3. Is the **proposed lay out plan for the Grey Street playground** available so that consideration may be given to the full impact of the loss of amenity in the Inset Map area?

CCC  
Code of Conduct  
for Members,  
March 2002

Corporate Plan  
draft  
2004 ~ 2007

2.4. Likewise, has the Local Authority provided the necessary **Open Space Audit** so that a full assessment on this Primary Residential Area can be made? There is a requirement to produce an **Open Space Strategy**, too, but the least information needed to come to an objective decision would be the Audit.

Code of Conduct  
Town and Country  
Planning Act 1990,  
Section 54 A

2.5. The **sum of money offered** for this particular site is critical regarding the right of the Council to sell the lease for building without Secretary of State permission - according to the advice from the independent solicitor. Therefore the sum should be made public.

Town and Country  
Planning Act.

Planning Policy  
Guidance (PPG)  
17

2.6. If council is minded to adopt the assertion from Rol Designs Architects in Pieter Rol's letter of 19<sup>th</sup> November 2003,

"6. Loss of Amenity - This has already occurred prior to this application, due to aggravated vandalism...." then effectively, it is to treat the site as derelict in which case there is an obligation to monitor the site for a 12 month period. If this has been done the **results of the monitored 12 month period** should be made available to all.

CDLP H2

2.7. The Site Appraisal discusses lack of reference to open space under L18 and PPG3, however, open space is dealt with under H2.

Code of Conduct  
Town and Country  
Planning Act

2.8. To come to a decision on the very sensitive issue of disposal of green sites against statutory policy without adequate knowledge would place the members in a position where they were negligent of their duty and where they might bring their authority into disrepute.

Deposit  
Structure Plan Policy  
Policy L53

### 3. IS LOSS OF AMENITY OUTWEIGHED BY GAIN OF NEW DEVELOPMENT?

Deposit Structure  
Plan Policy - L53  
PPG 3.

3.1. As the medical practice that moved from Warwick Road to Port Road has already demonstrated, it is quite feasible for a medical practice to relocate successfully.

CDLP - H2

3.2 There are at least 17 doctors practising around the vicinity of this Primary Residential Area currently. So this area has no shortfall of doctors but it does have a shortfall of green space.

PPG 17

3.3. Botchergate used to be a slum area. By creating green sites, Carlisle City Council upgraded it very successfully in the 1980s. Loss of green space amenities where there is already shortfall would be to invite a return to slum area. This could be regarded as a sad waste.

Draft Corporate  
Plan 2004-2007.

3.4. Whilst doctors may alleviate some conditions, they do little by way of maintaining well-being. Green spaces underpin the quality of life and promote good health in the individual and in the community. To withdraw green sites which are recognised by the Corporate Development Plan as enabling, would actively promote poor health.

Town and Country  
Planning Act 1990,  
Section 54 A

3.5. The London Road Medical Practice has many patients at Currock as well as Botchergate. Currock is also on a good bus route. Whatever the location, one set of patients will be obliged to travel, therefore it cannot be said that the FSCG site would help the elderly and infirm as one set of patients will be obliged to travel from Currock to Botchergate or visa versa.

CDLP: H2  
E50  
E56  
L8  
L10  
L20

3.6. The proposed landscaping and seating for the area surrounding the building would, for as long as the practice felt inclined to do so, afford use of a scrap of green space and views of traffic and buildings when the practice was open. It is envisaged that its opening hours will be 08.00 hours to 18.30 hours, Monday to Friday, i.e. securely locked in the early evening and on weekends when the majority of people would be inclined to use a leisure facility.

CDLP: H7  
H11

3.7. Ambulances running from the centre which would be at the junction of 2 busy roads and right alongside, constitute a safety hazard.



PFG 17.  
Code of Conduct.  
Town and Country  
Planning Act 1990,  
Section 54A.  
Planning Cumbria,  
ST2 ST3.  
CDLP - H2.  
draft Corporate  
Plan.  
Independent Solicitor's  
advice.

Planning Cumbria  
(deposited structure  
Plan)  
ST2 ST3  
CDLP: H2

Town and Country  
Planning Act 1990  
draft  
Corporate Plan

CDLP: L8  
L10.

3.8. Parking is already a problem in the area and the usage of brown sites for housing is yet to fully impact. Customers and staff with vehicles would increase the difficulties.

3.9. The consultation conducted by the doctors asked respondents to choose between a new medical centre or the "present unsatisfactory use of the location", rendering it invalid as a genuine consultation exercise since it omits to offer the choice of a maintained green site.

3.10. It is hoped that the medical practice will be fortunate in finding a suitable site within the price they hope to pay. However, it is inconceivable to seemingly most residents that the provision of yet more doctors in this area could be construed to outweigh the loss of amenity and the future impact of this loss in terms of sustainable community.

#### 4. THE EFFECT OF BROWN SITE USAGE

4.1. Following the Barker Review, there has been a strong drive to utilise brownfield sites for housing. The change of land use in this respect is commendable and in Botchergate, it has resulted in all available sites being put to good purpose or at very least gaining planning permission. The noticeable improvement is remarked upon by residents and greatly appreciated. It should be fully appreciated by the members however, that this highly successful strategy has now resulted in Botchergate's open spaces being completely utilised or allotted with the exception of the 3 green sites - Rydal Street Green Space, Grey Street Play Area and Fusehill Street Community Garden. Despite the long term neglect and misallocated functions, these green spaces were still well-used and held to be valuable amenities by the locals in this Primary Residential Area until 2 of the 3 areas were closed. The success of the brown site strategy means that any green site amenities could not be replaced by any other area and the amenities which are due to be safeguarded, will be lost and also be irreplaceable.

4.2. There are no replacement sites available, and the area is both Primary Residential Area and Inset Map. The loss of green site amenity in these circumstances would be substantive.

4.3. Although the site has been declared available by Carlisle City Council's asset management plan, it cannot really be regarded as surplus to requirement as Carlisle has only 1.37 hectares per 1000 population. This is below the set standard in the Carlisle District Local Plan (CDLP) by the National Playing Field Association. There is a shortfall of open space.

## 5. SUBSTANTIVE LOSS OF AMENITY AND IMPACT.

PPG 17.

5.1. The report from Steven O'Keefe, Crime and Disorder Officer, draws attention to the increase of reporting and the increase of reported minor incidents. Relating to criminal disorder offences, he stated that "Powers are already existing, but we're not using them." The anti-social co-ordinator is now in place.

5.2. If Council is withdrawing an amenity as an objection to vandalism, it may well be regarded as usurping Police powers.

Best Value,  
draft  
Corporate Plan.

5.3. If Council disposes of green site in Primary Residential Area now, it withdraws the resource for connecting and engaging with hard to reach youth and loses the opportunity for channelling their energies in more sociable directions.

5.4. The Carlisle and Eden Crime and Reduction Partnership, Strategy 2002-2005, page 9, identifies a link between domestic violence and prolific offending behaviour - 33% of persistent Young Offenders come from homes with a background of domestic violence.

draft  
Corporate Plan.  
PPG 17.

5.5. In Carlisle, there is a recognised problem with violence relating to estranged fathers, especially young ones on low income. Some authorities provide play equipment suitable for adults and children. This provision has a lot to recommend it.

CDLP H2

PPG 17

5.6. There have been reports of needles being found at Fusehill Street Community Gardens. Alongside vandalism, this has been given as a reason towards closing it. It could well be true but despite visiting often over a sustained length of time until it was permanently locked, I personally have not yet seen a needle there even when picking up litter. Is it a realistic response to try to close areas, streets, etc if needle litter is found? Might a more pragmatic approach serve better?

Code of Conduct.  
PPG 3.

Town and Country  
Planning Act.

CDLP H2

5.7. It is unfortunate that we have not had access to information, if it exists, on the various requirements of the residents in the locality. There has been a lack of meaningful consultation. As it stands, a handful of individuals, some in the Council and some living in the locality, are speaking for all despite our lack of relevant knowledge on this sensitive issue.

5.8. However, it is evident that if the Council wish to successfully implement the Corporate Plan 2004-2007 when it is deposited and the Best Value Review, they will have lost the necessary resource if they are minded to dispose of green spaces like Fusehill Street Community Gardens in Inset Map areas. Owing to the lack of replacement sites, green or brown, the Council would be severely disadvantaged in carrying out their work and the ensuing problems would be the type that self-perpetuate.

5.9. The Corporate Plan makes "promises" to Carlisle and prioritises:

- To ensure Carlisle is a safe and attractive place to live where people feel they belong and are included
- To manage our environment responsibly
- To improve local people's health and well-being
- To provide sound Council management

PPG 17.

CDLP L8  
L10  
L20

5.10. These would be extremely difficult to put into practise in an area that has been deprived of its green space with the exception of provision for the very youngest of children.

5.11. To engage youth democratically, it will surely be thought advantageous to connect initially with them on a theme that is important to them such as leisure. Here, they could learn the rudiments of democracy, have a real input in decision making on provision and maintenance and could gain confidence and learn trust. It would be lacking in realism to expect disenfranchised youth to connect with democratic engagement when their leisure needs have previously been discounted and ignored. Inclusion cannot be founded on disenfranchisement.

Best Value  
draft Corporate  
Plan.

## 6. NEED FOR RETENTION OF AMENITY.

*Draft  
Corporate Plan.*

6.1. As the old saying goes, "Make an urban jungle and animals is what you'll get."

*CDLP L8  
L10  
T11*

*PPG 3  
PPG 17*

*Town and Country  
Planning Act  
1990.*

6.2. Cumbria Police and the "News and Star" are currently running a campaign to impress upon parents the need to know where their children are. If the young people, in the Primary Residential Area of Botchergate lose the existing green space, then the next available play area is more than 0.5 km away, across 2 main roads and in an area renowned for burnt out cars and bullying - and where there is a river. Existing green space in Botchergate lacks a ball game area although theoretically there is the possibility of providing an area suitable for use by the elderly, an area for young children and an area for ball games plus. Youngsters play ball games now on the street lined with parked cars, with parental approval, because there is nowhere suitable to play. (This obviously increases reported criminal damage statistics to the detriment of the neighbourhood's reputation.)

*Draft  
Corporate Plan*

6.3. Educationalists are expressing concerns about the lessening ability of young people to adequately assess risks. One might reasonably assume that these skills develop when children play in a risky but not dangerous environment, without too much adult interference but with close access to rescue by adults when required.

*Draft  
Corporate Plan*

6.4. Physicians are expressing concerns about obesity and lack of exercise. Play equipment that is suitable for children and adults may well be helpful for this situation?

*deposit  
Structure Plan  
Policy L 53.*

*PPG 3  
PPG 17*

*Planning Cumbria  
ST 2. ST 3.*

*Town and Country  
Planning Act  
Section 54 A*

6.5. Carlisle people depend upon the Council to protect green space from development and enhance existing spaces, especially where there is a shortfall. After approximately 2 decades and given the lack of maintenance, it must be coming up to time for a renaissance for the green sites in Botchergate - allowing for time to re-connect with the residents and rediscover apt uses of these green sites. It would be nice to "stop throwing good money after bad" as happens now. When there are incidents of vandalism, the damage is sometimes repeatedly repaired when the type of item being repaired is in the first instance unsuitable. Nevertheless the site is still valued and the most popular grumble has been that the efforts made to look after it have dropped but this is normally accompanied by high praise on what FSCG used to be like and memories about how the person actually used it.

*Code of Conduct.*

CDLP H2.

6.6. The raised flowerbeds tended by residents are an aid to social cohesion and it would be good to see more of this. The landscaping of this PRA is visually attractive and valuable but it is no substitute for land that is actually green and usable. The small shrubberies on either side of the road on Rydal Street are a visual asset but proximity of noisy cars and goods vehicles over the sets road surface and sleeping policeman plus the inevitable exhaust fumes and the lack of grass render it unsuitable for replenishing naturally after the stresses of modern day life. The open space between Aglionby Street and Portland Square has traffic halting and revving up, glinting and smelling as it moves around it which causes similar irritations and limitations. The PRA predominantly has backyards not gardens. The Christchurch Cemetery at the bottom of Botchergate has a formal layout and, being a churchyard, is not used for ball games. When the penthouse flats are built to overlook it, it's major assets, sunshine and solitude, will be much diminished.

CDLP: L8

L10

L20

6.7. Botchergate residential area houses a fair quantity of people such as pensioners, who are on low income. There are a lot of Careline flats and so mobility and accessibility issues are also considerations. This makes the need for accessible green site amenities like Fusehill Street Community Gardens even more potent because many people will have fewer or even an absence of holidays or short breaks. The need for usable green space close by is stronger. Plus there is a necessity to have somewhere to go to e.g. if an elderly man needs to follow medical advice to take exercise, he needs to **aim** for somewhere where he can sit down and recuperate before setting off again for the next location. Lose green site amenity and his health goes downhill. Green sites do underpin the quality of life. The "development" referred to in Carlisle Local District Plan, Policy L20, presumably means, to have any sense or reason, sustained as well as new development.

CDLP: H2

E50

E56

L20

PPG 3

PPG 17

6.8. Fusehill Street Community Gardens is like a world of its own protected by trees and shrubs from traffic. The amazing design allows a surprising amount of exercise and an astonishing variety of vistas in such a small space and the scented garden early evening after the rain is unforgettable. It is undoubtedly an enabling amenity. Users, before it was locked permanently, included people having lunch, youths, lasses (clearing rubbish out of the pond), workers enjoying a break, older schoolchildren appreciating the natural environment, responsible dog walkers, elderly people in wheelchairs (as it has good access for the disabled), students, school children on educational visits and grandparents picnicking with their grandchildren.

## 7. CONCLUSION

CDLP: H2.

Town and Country  
Planning Act 1990,  
Section 54 A.

Code of Conduct  
for Members,  
March 2002.

PPG 3

Town and Country  
Planning Act 1990.

Code of Conduct  
for Members.

CDLP: H2

ES0

ES6

L 8

L 10

L 20

T 7

T 11

PPG 17

Deposit  
Structure Plan  
Policy L53

Planning Cumbria  
(Deposit Structure  
Plan)

ST1

ST2 ST3

Draft Corporate Plan

Best Value

Code of Conduct  
for Members.

7.1. There is insufficient information available to fairly and responsibly dispose of this amenity.

7.2. With at least 17 doctors in the vicinity, there is no shortfall of doctors. There is a shortfall of green space.

7.3. It is proven to be feasible for medical centres to relocate.

7.4. There is no overall advantage to the medical practice's patients who have mobility difficulties by relocating to the proposed site as either those from Currock or those from Botchergate will have to travel.

7.5. The loss of amenity cannot be said to be outweighed by the supply of yet more doctors and more traffic and parking problems.

7.6. Despite lack of maintenance, lack of predictable opening times since it was often locked when it should have been open and was allowed to look locked when it was open, vandalism, etc., the amenity was still well used which is a very strong indicator that it is a substantive amenity, the loss of which would have considerable adverse impact on the community.

7.7. Whether Fusehill Street Community Garden is used for ball games plus or as a garden, there is a clear need for Councillors to retain it as a green site in the Primary Residential Area of Botchergate. It lies in the Inset Map and is irreplaceable as all other brown or green sites which might have been used for replacement, have already been allocated or used.

7.8. It is accepted wisdom that the impact of such a loss of amenity, would be critically detrimental to health of individuals, community and the Council's Corporate and Best Value Plans.

**Sustainable communities need green space.**

## **PART 2**

### **REFERENCES**

#### **Carlisle City Council's CODE OF CONDUCT FOR MEMBERS**

Lobbying of Councillors, page 387

5.7 “Do note that, unless you have a personal and prejudicial interest, you will not have fettered your discretion or breached this Planning Code of Good Practice through:

Listening and receiving viewpoints from residents or other interested parties:”

Decision Making, page 390

10.3 “Do comply with Section 54A of the Town and Country Planning Act 1990 and make decisions in accordance with the Development Plan, unless material considerations indicate otherwise.”

#### **Draft CORPORATE PLAN 2004-2007**

Page 3 To ensure Carlisle is a safe and attractive place to live where people feel they belong and are included.

Page 5 Manage our environment responsibly.

Page 6 To improve local people's housing, health and wellbeing.  
(re young people's activities, people taking moderate exercise, etc)

Page 7 Provide sound Council Management.  
(re increasing customer satisfaction, SMART, )

Page 15 Putting customers first.

Page 16 Managing effectively.  
(Our organisation will be characterised by clear leadership, informed decision making, robust scrutiny and an honest appraisal of risk.)

#### **TOWN AND COUNTRY PLANNING ACT**

Section 54A (source of reference -FSCG Site Appraisal, page 8)

“All new development must be in accordance with development policy, unless material considerations indicate otherwise.”

#### **deposit STRUCTURE PLAN POLICY**

Policy L53 Leisure and Recreational spaces  
(source of reference -FSCG Site Appraisal, page 15)

“Formal and informal recreation and leisure space will be met through:

- the provision to an appropriate standard in new residential development and in areas where a shortfall exists;
- protection from development in areas where a shortfall can be demonstrated or the space contributes to the quality of the built environment;
- enhancing the quality of existing open spaces; and
- bringing forward new sites to address community needs including local nature reserves and amenity uses.”

## **PLANNING CUMBRIA (Deposit Structure Plan)**

(source of reference -Site Appraisal, page 13)

“Policy ST1- Promoting sustainable development:

All proposals for development including alterations to existing buildings and land use change will be required to promote sustainable development. They should make proper provision for access by disabled persons.”

-“seeking locations consistent with policy ST2 and ST3 in the following order of priority:

- a. the appropriate re-use of existing buildings worthy of retention, followed by
- b. the re-use of previously developed land and only then
- c. the use of previously .....land.” *the Appraisal states “developed” but common sense says this is a typing error and should state “undeveloped land.”*

- “Avoiding the loss of, or damage to, important conservation features, including ..... and visually important public and private open spaces.”

## **PLANNING POLICY GUIDANCE**

(source of reference -Site Appraisal, page 6)

PPG 1, third theme;

“The third theme of design states that good design should be the aim of all those involved in the development process and should be encouraged everywhere. Good design can help promote sustainable development, improve the quality of the environment, and reinforce civic pride and sense of place.”

PPG 3;

“It states that the Government is committed to maximising the re-use of land being taken for development.”

PPG 17;

“sets out advice on planning for open space, sport and recreation. It states that open space underpins people’s quality of life, and that local networks of high quality, well managed and maintained open spaces can help deliver various Government objectives including supporting an urban renaissance, health and wellbeing and the promotion of social inclusion and community cohesion.

“PPG 17 states that where recreational land and facilities are of poor quality or under-used, this should not be taken as necessarily indicating an absence of need in the area. Local authorities should seek opportunities to improve the value of existing facilities. Usage might be better improved by better management or by capital investment to secure improvements.”

The PPG makes the requirement that local authorities should undertake robust assessments of both existing and future needs of their communities for open space (and sports and recreation facilities), and should also undertake audits of existing open space, sports and recreational facilities. Such assessments and audits will allow local authorities to identify specific needs and quantitative and qualitative deficits or surpluses of open space in their areas. The assessments required by PPG 17 are currently being undertaken for the Carlisle area. Until the assessment is completed the Council is unable to state whether this piece of open space is surplus, or whether there is a deficit in the area.”



**POLICY E50**

**Open Spaces within Settlements**

**The loss to built development of significant public and private open spaces within settlements will not be permitted.**

**Reasons/Explanations**

(2.198 This Policy recognises the need to retain open spaces which contribute to the character of the settlements, whether or not there is public access. Planning Policy Guidance, contained in PPG 3: *Housing*, and PPG 17: *Sport and Recreation*, identifies the need to retain valuable amenity open space which can include parks, playing fields, informal open space, allotments and private gardens.

2.199 In Carlisle, Brampton, Dalston and Longtown, where there are inset Proposals Maps, these areas are usually identified as Primary Leisure Areas (Policy L2) or Areas of Local Landscape Significance (Policy E5). Other areas, however, such as school playing fields as well as large well landscaped gardens, which make a valuable contribution to the character of the settlement, even though not specifically identified, will be subject to this Policy.

2.200 In other settlements where there are no inset Proposals Maps, open sites which make a significant contribution to the form or character of the settlement will be subject to this Policy. Such sites often provide important views within villages or from villages to the open countryside. Other sites such as those with mature trees, gardens or orchards are often important features which contribute to the character of the village.

(2.201 The range of open space that is covered by this Policy can provide significant opportunities for enhancing the value of an area for wildlife through, for example, such measures as small scale planting, mowing regimes or the creation of wildlife gardens as a recreational and educational resource.

(2.202 Reference must also be made to Government advice, as given in PPG 17: *Sport and Recreation*, issued in September 1991. The retention of open spaces within built-up areas, particularly playing fields, is seen as an important issue. The advice states that:

*"playing fields...are of special significance both for their recreational and amenity value and, in towns and cities, for their contribution to the green space of an urban environment. When not required for their original purpose they may be able to meet the growing need for recreational land in the wider community".*

(2.203 The advice goes on to state that playing fields should normally be protected except in certain circumstances (e.g. where the local authority demonstrates a surplus of playing field capacity). The Policy will ensure that the existing level of provision is maintained during the Plan period.

2.204 This does not mean that every open space within a settlement will be subject to Policy E50. Many areas of open land within settlements can be regarded as infill sites, suitable for development, and in these cases, there will be no objection in principle to their development

E 56

will be required for proposals that are likely to have a substantial impact on the landscape. It is considered that the north east of the District is the area where most planning applications are likely to be received, as it is an area subject to high wind speeds, has a low population, and is not covered by any national landscape designation, (although part of the area falls within the County Landscape designation under Policy E4). However, parts of this area are very prominent, and some of the unforested areas are of considerable ecological value. Therefore proposals will be critically assessed against the above criteria. In particular, under criterion 1, the visual impact of the whole development will be considered. This will include all access roads, the transformer station and grid connection.

**2.213** Renewable energy developments concerning the incineration of waste to produce power or heat are best sited adjacent to industrial areas on the edge of settlements. Such proposals will be expected to be supported by environmental information to enable the Local Planning Authority to assess the likely impacts of such a development. The City Council will produce Supplementary Planning Guidance on renewable energy developments.

#### **POLICY E55** **Derelict Land**

Proposals for the reclamation of derelict, redundant and vacant land and buildings will be permitted provided that the use is appropriate to the location, and the development and landscaping are in keeping with the surroundings.

##### **Reasons/Explanations**

**2.214** Reclamation of derelict land, apart from bringing about positive environmental enhancement, can provide development opportunities within the District, and help to minimise the loss of agricultural

land in accordance with the Derelict Land Act 1982 and Structure Plan Policy 28.

**2.215** Considerable progress has been made by the City Council in the reclamation of derelict land, both with and without the aid of DoE Grant. In 1993 over seven hectares of derelict railway land were reclaimed at Engine Lonning and turned into a recreation and leisure area, and land at the derelict Brewery on Caldewgate was developed for student accommodation. Several schemes were also implemented in the rural area involving reclamation of land for agriculture, open space and car parking.

**2.216** It is important that when reclamation is carried out, any new development and associated landscaping and infrastructure integrates well with its surroundings. In addition, areas that have been derelict for some time, may provide important wildlife habitats. Where appropriate, the City Council will encourage developers to safeguard such habitats.

#### **POLICY E56** **Access and Mobility**

When considering proposals for new development including changes of use where the public are to have access, the provisions of Part M of the Building Regulations will apply. Beyond this requirement, the City Council will seek to negotiate the extent of provision for disabled people to, from and within buildings. In addition the City Council will seek to ensure that pedestrianisation schemes and the general pedestrian environment are designed to accommodate the needs of the disabled, elderly, blind and partially sighted and others with mobility problems.

##### **Reasons/Explanations**

**2.217** The City Council has a statutory obligation to consider the needs of the disabled in all new devel-

E56  
(cont.)

opment, including extensions and changes of use. The Disabled Persons Act 1981 requires that appropriate provision should be made for access by disabled people. This Policy ensures that the needs of the disabled and others with restricted mobility are taken into account when proposals for development are considered. Highway improvements, pedestrianisation schemes, and the general pedestrian environment should be designed to facilitate access for the disabled, elderly, blind and partially sighted and others with mobility problems. Measures should include the consistent positioning of street furniture (which should be kept to a minimum) so that it is detectable with a cane and does not cause a nuisance to people in wheelchairs and those with pushchairs. The use of

dropped kerbs and tactile surfaces at road crossings will be safer for blind people.

**2.218** In addition, the City Council will seek to adapt existing outdoor recreational or leisure facilities such as nature reserves, footpaths and other designated primary leisure areas, and design any such new facilities to accommodate where possible disabled users. Examples of this are the disabled fishing platform in Rickerby Park which allows wheelchair access directly from a path adjacent to a parking area, and Kingmoor Nature Reserve with its network of wheelchair accessible paths, trails for the blind and partially sighted, and variety of seats for those who need to take frequent rests.

## MONITORING

**2.219** In order to assess the success and effectiveness of the Policies in this chapter, an annual system of monitoring and evaluation will be applied.

**2.220** The take up of planning permissions will be the most frequent form of monitoring, as from this the success of Policies which seek to protect the environment such as those relating to the landscape, agricultural land, nature conservation sites or Conservation Areas and listed buildings can be judged by measuring the amount of land in those categories that is lost to development.

**2.221** For those Policies which seek to designate additional areas for protection, for example Conservation Areas, local nature reserves or Tree Preservation Orders (TPOs), the number of new designations will be monitored, using existing base data such as aerial photographs.

**2.222** In addition, the monitoring of appeal decisions relating to a range of development such as that in the rural areas, Conservation Areas, AONBs and other landscape or nature conservation designations, in addition to those relating to TPOs, listed buildings, open spaces within settlements etc. will be undertaken.

H2

## POLICY H2

### Primary Residential Areas

within the Primary Residential Areas defined on the Inset Maps for Carlisle, Brompton, Longtown and Dalston, proposals for new residential development will be acceptable provided that:

- (1) existing areas of open space and other amenity areas are safeguarded; and
- (2) the proposed development does not adversely affect the amenity of adjacent residential property; and
- (3) the proposed development complements or enhances existing adjacent residential areas and their amenity; and
- (4) satisfactory access and appropriate parking arrangements can be achieved.

Proposals for uses other than residential will not be permitted in Primary Residential Areas other than where they do not adversely affect residential amenity. Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. Such schemes falling within the scope of this Policy will be considered against the above criteria as well as other Policies of the Plan appropriate for the proposed use.

#### Reasons/Explanations

(4.31 Existing housing areas within Carlisle, Longtown, Brompton and Dalston, for which Inset Plans have been prepared, have been defined as Primary Residential Areas. Whilst these areas are predominantly residential, they contain a number of other uses normally acceptable in housing areas, such

as churches, small local shops, doctor's and dentist's surgeries, public houses, small areas of open space, allotments and the occasional small business use.

4.32 Major areas of future residential development, either with planning permission or land allocated under Proposal H1 are also included.

4.33 Within these existing housing areas there will be opportunities for small scale housing development, including the development of individual plots, and conversion of non residential property. Such residential development will be acceptable, subject to the criteria stated.

(4.34 Applications for other than non residential development may be acceptable providing they are commercial and industrial activities of an appropriate scale which would not adversely affect residential amenity. Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. Such applications will be considered against the criteria of this Policy together with other Policies of the Plan that are appropriate for the use.

L8

## **POLICY L7**

### **Disused Railway Lines**

Within the Plan area, the lines of disused railways which have potential for future recreation use will be safeguarded from development which would prejudice that future use.

#### **Reasons/Explanations**

7.37 Disused railway lines can play an important role in offering recreational opportunities; the disused lines may have the potential of being developed into footpaths, cycleways or bridle ways, providing easy access to the countryside. They can also act as wildlife corridors and support valuable habitats including herb rich grassland. In the rural area both the former Waverley and Port Carlisle lines may have potential.

7.38 In the urban area they may also provide a safer alternative to roads for pedestrians and cyclists. Larger areas of disused railway land; such as goods yards or maintenance depots can also provide ideal opportunities for development, thus reducing the need for greenfield sites. These sites are therefore excluded from this Policy.

7.39 Further work will need to be carried out in partnership with other bodies, to assess and develop this potential, and in the meantime it is considered appropriate that the former lines be safeguarded for recreation purposes.

## **POLICY L8**

### **Open Space**

The City Council will seek to ensure a suitable area of open space is available for public use, for passive and active recreation within walking distance of every house in Carlisle and the principal settlements, and wherever possible within 0.5km of every home and not separated from it by a busy road. This includes appropriate provision in new developments, which should be dedicated to the Council for maintenance.

#### **Reasons/Explanations**

7.40 In the City there is approximately 327 hectares of open space, and an area of at least two hectares is within a walking distance of 0.5km, of each house. The amount of open space available for public use and its value for passive and active recreation is an important characteristic of the built environment. Green space should be available for all, including the elderly and young children. In accordance with PPG's 3 and 17, appropriate amenity open space will be required in new developments. For maintenance purposes, the City Council will require these areas to be dedicated to the City Council. As well as providing space for active recreation, open space can also provide the opportunity to learn about and enjoy wildlife. These opportunities will be enhanced where appropriate.

should be suitably landscaped to provide a safe and pleasant environment and have safe pedestrian access. Any play equipment provided is to be sited at least 30 metres from the nearest dwelling so as not to cause nuisance to nearby residents. The City Council will expect developers to contribute to the future maintenance of small areas of play space that are principally of benefit to the new development. This will be secured through a commuted payment equivalent to 10 years maintenance costs, based on costs applicable in the year of completion.

7.44 The standards of open space are based on the The National Playing Field Association requirements of 0.6 - 0.8 hectares of playing space and 1.6 - 1.8 hectares of land for outdoor sport per 1000 population, based on a density of 25 dwellings per hectare, with the average number of people in each dwelling being 2.3 (the average in Carlisle). The standards will be implemented with some flexibility and factors such as high or low densities and the presence of dwellings for the elderly/ single people may be taken into account when determining the exact amount of open space provision.

### **POLICY L10** **Playing Fields**

Development which will result in the loss or encroachment upon school or private playing fields or play space will not be permitted unless:

1. adequate provision is made elsewhere;  
or
2. an oversupply of provision can be demonstrated.

#### **Reasons/Explanations**

7.45 Public playing fields are allocated as Primary Leisure Areas and are therefore protected under Policy L2. This Policy refers to those playing fields which are in private ownership and school playing fields. If provision is made elsewhere, it should be of an equivalent quality, be equally accessible and within the same local area.

7.46 The NPFA advises Local Authorities that for every 1,000 population an allocation of 1.6 - 1.8 hectares for play space and 0.6 - 0.8 hectares for childrens play area should be made. It also advises that the areas of play space and play area are not just open space and playgrounds with play equipment, respectively, but areas of sport playing fields.

7.47 In the urban area there is a total of 96.41 hectares of playing field space providing an allocation of 1.377 hectares per 1,000 population of play space and play area. This is very slightly below the guidance level. This figure however, does not take into consideration the dual use of playing fields which are under school ownership, many of which the community can use as a recreational facility outside of school hours. The dual use of facilities in this way provides the community with the desired level of playing field provision. A similar assessment of the amount of play area to population will be undertaken and where shortfalls exist these areas will be protected from development.

L20

localised branch surgeries. This has been reinforced following the successful implementation of a branch surgery at Morton.

7.65 Appropriate areas are considered to be Lowry Hill, Botcherby, Denton Holme and Yewdale/Bell Vue, although proposals in other areas will be considered and assessed against the given criteria. New build or conversion of existing retail and residential units or council houses may all be suitable for branch surgeries.

#### **POLICY L19** **Allotments**

**The City Council will seek to retain all existing allotment sites unless :**

1. **it can be clearly demonstrated that the site is permanently surplus to requirements; or**
2. **satisfactory alternative provision is made within the neighbourhood.**

#### **Reasons/Explanations**

7.66 Within Carlisle District there are currently 14 hectares of allotments, and occupancy rates are approximately 94%. Demand for allotments varies over time. Predicting the scale of future demand for allotment plots is difficult, but in view of the continued growth in population and the general increase in leisure time, it seems likely that demand will increase. Existing levels of provision should therefore be maintained. Demand is possibly greater in areas of higher housing density as gardens tend to be smaller.

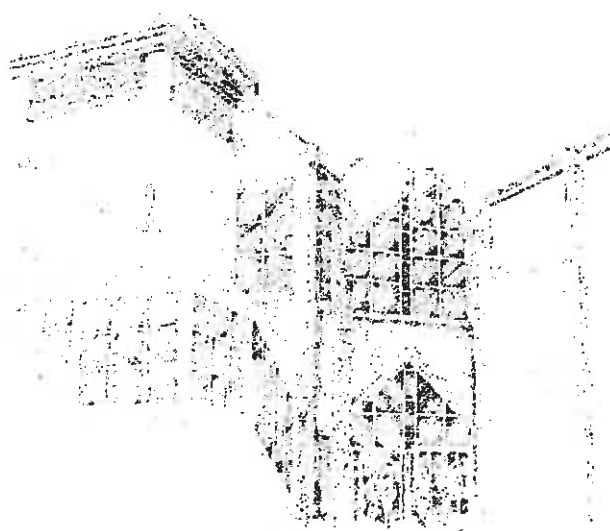
#### **POLICY L20** **Access**

*include, sustainable ?*

**Proposals for the development of leisure, recreation and community facilities should seek to take account of the needs of the disabled for parking, access to and from the building and circulation within the building.**

#### **Reasons/Explanations**

7.67 Access to leisure, recreation and community facilities play an important part in peoples' everyday life, whether able bodied or disabled. It is therefore important to ensure that facilities and equipment for people with disabilities are provided and that adequate access into the building can be achieved by all sections of the community. In addition, a network of facilities which reflects the distribution of the residential population in the District will be encouraged so as to minimise travel distances and maximise access opportunities for people with disabilities.



people. Access for and movement within the City Centre for disabled people will be facilitated by such measures as dropped kerbs and features to assist the partially sighted.

3.44 In certain circumstances, where it is appropriate, it will also be necessary to provide additional off-street car parking facilities to replace on-street spaces lost as a result of the environmental improvements.

### POLICY T7

#### Parking Guidelines

The level of car parking provision for development will be determined on the basis of the following factors:

1. the Parking Guidelines for Cumbria as detailed in Appendix 2;
2. the availability of public car parking in the vicinity;
3. the impact of parking provision on the environment of the surrounding area;
4. the likely impact on the surrounding road network; and
5. accessibility by, and availability of, other forms of transport.

#### Reasons/Explanations

3.45 The City Council has adopted *Parking Guidelines in Cumbria* (September 1997) as a basis to determine car parking requirements within developments. These Guidelines are detailed in Appendix 2. The Council operates the guidelines flexibly, particularly in the City Centre and other conservation areas where their implementation could have a serious environmental impact.

3.46 The Guidelines have been adopted by all the planning authorities in Cumbria and reflect advice in PPG13. This suggests that land use policies should

aim to promote development that is less reliant on the private car and that the availability of car parking is one of the major influences on people's choice of transport. PPG13 also suggests that the level of car parking charges may also be used to influence alternative modes of transport and restrain certain types of journeys such as commuting. The City Council already uses pricing policy to reserve City Centre parking space for short term parking.

3.47 The Guidelines set a range of maximum and operational minimum amounts of parking for broad classes of development and location.

### POLICY T8

#### Commuted Payments

Proposals for development that does not provide the required parking standards, as set out in Policy T7, will not be permitted except for:

1. retail or commercial development proposals within Carlisle City centre; or
2. proposals where full on-site car parking provision would be environmentally damaging, in particular proposals within conservation areas.

In which case commuted payments in lieu of the shortfall of parking spaces may be required.

#### Reasons/Explanations

3.48 Development proposals are required to provide appropriate car parking provision in accordance with the Council's Car Parking Standards and Policy detailed in Policy T7.

3.49 There are, however, instances where full on-site car parking provision is inappropriate. This is particularly true in respect of Carlisle City centre or within conservation areas where full on-site car



**POLICY T10****Parking Outside Conservation Areas**

Within the Plan area, outside the conservation areas, proposals for the development of car, coach and lorry off-street parking will be permitted subject to the following criteria:

1. there is an inadequate supply of existing vehicle parking provision in the locality to meet the need for off street parking for public use in the locality; and
2. the site is well related to the existing road network and there is sufficient capacity to accommodate the increased vehicular activity generated by the use; and
3. the proposal does not adversely affect the amenity of the surrounding area.

**Reasons/Explanations**

**3.55** There is a need for adequate public vehicle parking throughout the Plan area, but its provision will be guided by the principles outlined in the Policy and the sustainable strategy of the Plan.

**3.56** The Policy's criteria seek to ensure that additional vehicle parks are provided only where there is a genuine need for additional parking. If this need can be shown additional parking facilities will only be permitted where there is no detrimental effect to the occupation of adjoining properties, where the existing road capacity is sufficient to accommodate the increased traffic and where acceptable access arrangements can be made.

**3.57** The Council does recognise the benefits of creating rural lay-bys in appropriate locations for recreation visitor management and will seek to promote the opportunities to develop such facilities in conjunction with Cumbria County Council. This will help to avoid the indiscriminate use of soft road side

verges for parking which often result in a damaging impact on the surrounding landscape.

**3.58** The amount of car parking required will be assessed on the basis of the adopted guidelines, together with the above criteria and, in certain situations, schemes which provide alternative parking arrangements will be acceptable.

**POLICY T11****On-Street Car Parking**

Within the Plan area the control of on-street car parking will be considered in locations where parking:

1. results in an unacceptable reduction in the capacity of the road network; or
2. reduces the amenity of a conservation or residential area; or
3. is a safety hazard.

**Reasons/Explanations**

**3.59** Inappropriate parking on the highway can interfere with the operation of the network, be dangerous to pedestrians and road users, reduce amenity and cause congestion. This Policy facilitates the control of on-street car parking by the use of Traffic Regulation Orders, which will be considered in consultation with Cumbria County Council in streets where the criteria apply.