



# REPORT TO SPECIAL EXECUTIVE

AI

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

Date of Meeting: 16 SEPTEMBER 2004

Public

Key Decision: No

Recorded in Forward Plan:

No

Inside Policy Framework: Yes

**Title:** PROPOSED DISPOSAL OF LAND AT FUSEHILL STREET  
COMMUNITY GARDENS

**Report of:** HEAD OF PROPERTY SERVICES

**Report reference:** PS 18/04

### Summary:

This report provides Members with an overview of the case, including detail of further consultation that has taken place with the local community. The report seeks a decision from Members of the Executive about whether to retain all of the site or dispose of some of it for a medical practice.

**Recommendations:** It is recommend that:

1. The Executive consider this report;
2. The Executive decide whether to retain all the site for open space or dispose a 125 year leasehold interest of part of it for the development of a medical practice.

**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; PS 06/04; PS11/04; PS14/04; Asset Management Plan; Responses received from public consultation exercise and statutory advertisements.

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

### **INTRODUCTION**

- 1.1** There is a scheme to develop land owned by the City Council for a new medical practice in the St Aidan's ward of the City.
- 1.2** Objections and public petitions have been received by the Council which have taken various forms. Individuals have written in; there have been public petitions both in favour and against the scheme; also, there have been formal objections to both the planning application and as a consequence of a statutory process in relation to the disposal of land.
- 1.3** Planning permission for the scheme has been approved, but as landowner, the Council is free to decide whether to sell the land for development or retain it as open space.
- 1.4** The Executive are asked to decide whether to retain all of the site for open space or dispose of part of it for the development of a medical practice and retain part as a children's play area.

## **2. BACKGROUND**

- 2.1** As reported previously, a medical practice at 46 / 48 London Road have 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.
- 2.2** The site 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.
- 2.3** 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 the subject of vandalism. The children's play area has facilities which need upgrading.
- 2.4** The site is shown on the attached plan. That area which might be sold is shown hatched.

# City Council Land at Fusehill Street, Carlisle

File Reference 4/195

ST AIDANS RD

St Mary's  
College

SITE AREA 0.22 HA (0.54ACRES)

Head of Property Services:  
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Carlisle City Council, Civic Centre,  
CARLISLE CA3 8QG

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DATE: May 2003



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**2.5** The scheme proposed is in two parts:

- (1) A development of a medical practice. The developer (chosen through National Health Service procurement) intends to build the scheme and lease it to the medical practice.
- (2) 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 (with the remaining funding coming from the sale of land which has just been completed at Rydal Street).

**2.6** 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.

**2.7** 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 it as public recreation ground.

**2.8** 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.

**2.9** Having taken Counsel's advice on the matter, officers report that Carlisle City Council is able 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.

**2.10** 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 has been approved by the Development Control Committee. The development scheme envisages that the City Council retains adjoining land for a children's playground – with an investment proposed of about £61,000.

- 2.11 The alternative is to retain all the land for recreational purposes. The land has been held for this use since 1891. The area is most certainly no less populous than at that time but over the years, the gardens have suffered vandalism. One reason for this is due to the buildings on site which are unused and a magnet for anti-social behaviour. If the land were to be retained, the buildings need to be demolished and the area landscaped although the cost of this is not significant if it is just to be grassed.
- 2.12 The capital receipt from the disposal could be used for other Council priorities -- however it is not strictly necessary as the receipt position is good from other sales under the Council's surplus land policy. No income would be lost from the sale.

### **3. PLANNING POSITION**

- 3.1 Planning permission has been approved at the Development Control Committee on 21 November 2003. The permission was issued on 24 December 2003.
- 3.2 This followed the production of a site appraisal required under the Council's Code of Conduct and included in the Development Control Committee Report - which concluded that although the matter was finely balanced, the benefits of allowing the development of the medical centre were considered to outweigh the loss of the open space.
- 3.3 The statutory process for obtaining planning permission was followed, including public consultation.
- 3.4 The details of the scheme, including architect's plans, and the site appraisal are attached at Appendix A.

### **4. PUBLIC OPEN SPACE**

- 4.1 Many objections received relate to the loss of what local residents consider to be an important piece of green open space in this densely developed area of Carlisle.
- 4.2 Importantly, the Council has just agreed its new priorities, including:
- ★ Manage our environment responsibly
- Target improvements in residential areas and green spaces for community use.*
- 4.3 This area is one of only a handful of open spaces in an area of housing that do not have gardens. Therefore it is of high importance as an amenity area as it acts as a green lung for the local residents. However, this site also attracts vandalism and other antisocial behaviour - with hypodermic needles found on a number of occasions.
- 4.4 The Council keeps no formal records of acts of antisocial behaviour or vandalism, although the police will log all incidents/complaints if the public report them.

- 4.5 When the site changed from a bowling green to the proposed garden some years ago, a public meeting was held to try to gain support for a garden. Since then, the Council have tried initiatives including working with the former hospital and community support to try to get schemes off the ground.
- 4.6 The existing budget is within the overall park's budget and will be used if the area remains open.
- 4.7 Members should also note that the Council has sold a nearby piece of open space, namely Rydal Street playground. Capital raised from the Rydal Street sale is intended to be used to upgrade the Fusehill Street facilities.

## **5. LAND DISPOSAL AND VALUATION ISSUES**

- 5.1 The Council has a surplus land disposal policy that was adopted in 2002 which has followed Audit Commission guidance.
- 5.2 A number of sites were identified and have been successfully sold since then which have resulted in both new development for the benefit of Carlisle generally and a good flow of additional capital receipts. The Fusehill Street site was not identified in this original review but was then included in later advice to the Executive.
- 5.3 The medical practice approached the Council direct in order to acquire the land in question.
- 5.4 Consequently, a valuation has been placed on the site by an independent Chartered Surveyor in accordance with appropriate professional guidance under the Royal Institution of Chartered Surveyors (acting as a Single Joint Expert). The District Valuer was consulted and has also approved the valuation for the NHS.
- 5.5 The proposal is that the site would be disposed by means of a lease for 125 years with a user clause intended for the purposes of a medical centre incorporating a pharmacy and related uses. Therefore, in addition to the substantial capital receipt, the Council will be able to control future uses on the site if the situation changes during the term of the lease.
- 5.6 The proposed disposal of this particular piece of land was advertised in the Cumberland News on 23 and 30 January 2004 to follow S123 of the Local Government Act 1972. Members have a duty to consider the objections that have been received before deciding whether or not to dispose of the land. These objections are attached at Appendix B.
- 5.7 As a general rule, this Council disposes of land for the best available consideration, (being the purchase price plus the retained value of any voluntarily imposed terms/conditions) that can reasonably be obtained.

- 5.8** This is stated explicitly in the Asset Management Plan approved by Council which says:
- "To obtain best consideration in accordance with Section 123 of the Local Government Act 1972 by the most appropriate method of sale or lease, following proper disposal procedures"
- 5.9** It is considered in this case that open market testing is not appropriate in order to achieve a development of a medical practice within the funding timeframe. The developer has been chosen to provide the facility through NHS procurement. It is considered to be more effective in the interests of the Council in securing the best terms reasonably obtainable, to negotiate direct with the developer – subject to an independent valuation being placed on the land by a Joint Single Expert.
- 5.10** Indeed, it is considered there would be a positive disadvantage to the Council in exposing the property to the market. This is because there is effectively only one bidder available to procure the development within the timeframe required by the NHS to fund the scheme (it is understood that the backstop date is March 2005).
- 5.11** The original terms of reference for the valuation were agreed between the parties in the latter part of 2003, resulting in the valuation certificate being signed at 23 December 2003. This included the Joint Single Expert consulting with the District Valuer's regional office who have specialists in this area of NHS work.
- 5.12** However, since that time, the property market has seen a number of changed dynamics that may influence the final valuation figure. The independent valuer has been asked to consider the matter in the light of these changes and report.
- 5.13** The Council will be able to demonstrate that it is acting reasonably in achieving best consideration for the disposal of the leasehold interest through the appointment of an independent valuer acting as a Single Joint Expert. Furthermore, the Council will be retaining the freehold interest.
- 5.14** The Council, therefore, will not only be achieving best consideration for the sale of the leasehold but in addition, will be retaining the value of the freehold interest. The Council is then free to retain the freehold and manage the uses on site or sell it at a later date.
- 5.15** The disposal of a leasehold is a best practice method as the most legally enforceable way of achieving development.
- 5.16** The Head of Property Services is delegated to agree final terms for a 125 year or less leasehold under the Leader's Scheme of Delegation.

## **6. CONCLUSIONS**

- 6.1** The Executive has a decision about whether to retain all the land for open space as it was originally intended or dispose of part of it as a new medical practice according to the approved planning decision and retain the remainder of the site as an improved children's playground facility (using the receipts from the sale of both Fusehill Street site and the nearby Rydal Street site to pay for such improvements).

## **7. OPTIONS**

- 7.1** The Executive is asked to consider its preference for the following options:-

### **Option 1**

Retain the whole site for public open space and try and involve the community in running it again.

### **Option 2**

Dispose of part of the site as a new medical practice and retain part of it for a children's play facility.

## **8. CONSULTATION**

- 8.1** This report is written in the public part of the Executive's agenda. The proposed disposal was advertised in the Cumberland News in January 2004 and objections were received. Public petitions in favour and against the scheme have been received by the Council. The medical practice has undertaken its own consultation for the scheme as part of the proposal. The planning process followed the statutory consultation procedures. Meetings have been arranged with representatives of the petitioners on more than one occasion for and against the scheme prior to this Executive meeting.
- 8.2** The Executive meeting on 17 May 2004 considered a report enclosing a petition from 152 local residents and other written representations objecting to the proposed building of a medical centre on the site. The Executive decided to refer the report to Infrastructure Overview and Scrutiny Committee for their input. This Committee met on 29 July and recommended that the Executive undertake further public consultations.



- 8.3 At its meeting on 17 August, the Executive gave consideration of the recommendations of the Infrastructure Overview and Scrutiny Committee and decided to further consult with the community. The Executive asked officers to send a letter to all residents in the adjoining streets seeking their views on the two options under consideration and to arrange a public display inviting comments at Greystone Community Centre.
- 8.4 Members of the Executive were also to visit the site before a final decision was made.
- 8.5 Letters were sent out to 795 addresses within a 250 metre radius of the Fusehill Street Gardens on Friday 20 August. A small display was created and put on show at the Greystone Community Centre, Close Street on Tuesday 24 August until 3pm on Friday 3 September and 100 reply forms were left for people to fill in there. Residents were given until 5pm on Friday 3 September to respond. There has also been substantial coverage of the public consultation in the local newspaper so local residents have been made fully aware of this consultation.
- 8.6 There were 255 respondents (a response rate of 28%). 198 of these were in favour of the new doctor's surgery and play facility (78%) and 56 (22%) wanted the whole site to be kept as a community garden and play facility. There was one spoiled questionnaire. The narrative comments from local residents are attached at Appendix C.
- 8.7 For completeness a file of all the various responses to the consultations shall be placed in the Executive room for Members' perusal and the Customer Contact Centre for Members of the public to view.

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

- 9.1 The Executive consider this report;
- 9.2 The Executive decide whether to retain all the site for open space or dispose a 125 year leasehold interest of part of it for the development of a medical practice.

## **10. REASONS FOR RECOMMENDATIONS**

- 10.1 To allow the Executive to decide whether to retain land for open space or dispose of part of it as a medical practice and retain the remainder as open space.

## **11. OTHER IMPLICATIONS**

### **➤ LEGAL :**

### **1. DISPOSAL POWERS AND STATUTORY REQUIREMENTS**

- 1.1 Section 123 of the Local Government Act 1972 ("the Act") provides that the Council may dispose of land in its ownership. The Act requires that any land so sold shall not (except for a short tenancy) be disposed of for a consideration less than the best that can reasonably be obtained except with the consent of the Secretary of State.

- 1.2 Before the Council can dispose of land forming any open space, Section 123 (2A) of the Act provides that the Council must give notice of its intention to dispose of the land in two consecutive weeks in a local newspaper and then consider any objections which may be made. This process has been followed and the disposal of this particular piece of land was advertised in the Cumberland News on the 23 and 30 January 2004. Objections to the disposal have been received as a result of the statutory advertisements and they are attached to this report. Members have a duty to consider the said objections before deciding whether or not to proceed to dispose of the land.
- 1.3 The Council has also undertaken a more extensive consultation exercise with the local community in addition to the statutory advertisement requirements referred to above. Details of the extent of this additional consultation exercise are set out elsewhere in this report. The responses received as a result of the public consultation are summarised in this report and the Executive should, when determining whether or not to dispose of the land, also take into account and carefully weigh those responses as well.
- 2. CONSTITUTIONAL ISSUES ON LAND DISPOSAL**
- 2.1 Under the Council's current Constitutional arrangements, the Executive are responsible for making decisions in respect of the majority of the Council's functions, including decisions on whether or not to dispose of land, in accordance with the overall policy framework set by the Council.
- 2.2 The Head of Property Services has advised that the Council will obtain best consideration on this land disposal and that it is to be disposed of in accordance with the Council's Asset Management Plan and therefore it is within the powers of the Executive to determine whether or not the land should be sold.
- **CORPORATE** : Appropriate colleagues have been consulted.
  - **ENVIRONMENTAL / CRIME & DISORDER** : The site does attract vandalism and is in need of public realm investment. The medical practice proposal includes CCTV cameras.
  - **IMPACT ON CUSTOMERS**: The dilemma here is whether to dispose of land to assist a medical practice to improve patient care in Carlisle or retain the site for recreational and open space purposes, where there have been petitions both in favour and against the scheme.

## **APPENDIX A**

### **Site Appraisal and Site Layout**

# Site Appraisal: Planning

for City Council land at Fusehill Street community gardens



**CARLISLE**  
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**www.carlisle.gov.uk**

Site Appraisal for Fusehill Street community gardens, Carlisle  
Prepared by Planning Services, Carlisle City Council

This site has been declared available by Carlisle City Council's Property Services asset management plan. Under the Council's code of conduct for planning matters, a site appraisal is required to provide the planning policy position that applies to the site.

The information in this document sets out the matters which must be taken into account when considering potential future uses of the site. Contact names and addresses are given at the end of the document.

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## Site and surroundings

Fusehill Street community gardens extend to 0.2 hectares (1/2 acre). The gardens are separated into two distinct areas by a high security fence. Access to the children's play area at the rear of the site is only possible from Bowman Street or Grey Street. The remainder of the area is fenced with iron railings. It is the only area of public open space with a play area in the locality, although the western edge of Melbourne Park is within a reasonable walking distance.

The front part of the gardens has been subject to both neglect and vandalism, resulting in an uninviting environment. The access gates are currently securely locked, and there is no public access to the site. There are broken seats, litter (including broken glass), graffiti, and unofficial skateboard ramps. The pavilion buildings in the gardens are boarded up and the central pond has had bricks and stones dumped within it. The only positive features within this part of the site are a range of mature trees around the edges.

The children's play area is clearly subject to a higher level of maintenance than the rest of the site, and is more open and inviting to use, although the play facilities are both limited in range and in need of upgrading.

The surrounding area contains a mix of older style terrace housing and community uses including schools, St Martin's college and various small shops and business uses. The site is well served by public transport, including a bus route along Fusehill Street and Grey Street.

Site at Fusehill Street



SCALE 1:1250

## Planning Policy Guidance Note Advice

Planning Policy Guidance notes, (PPGs), set out the Government's policies on different aspects of planning. They can be a material consideration when making decisions on planning applications.

**PPG 1** focuses on general policy and principles, and amongst other factors sets out the Government's approach to sustainable development, mixed use and design. Advice in the PPG which is relevant to this site is that urban regeneration and the re-use of previously developed land are important supporting objectives for creating a more sustainable pattern of development. In addition the planning system should use already developed land in the most efficient way, and build attractive places in which to live and work.

In relation to mixed use, the second theme of the PPG, it is stated that what will be appropriate on a particular site will be determined by the characteristics of the area, and that schemes will need to fit in with, and be complementary to, their surroundings.

**Development principle:** when considering development proposals for the site, an assessment should be made of the likely impact on sustainability, overall travel patterns and car use. The character of existing residential areas should not be undermined by inappropriate new uses.



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.

**Development principle:** applicants for planning permission should be able to demonstrate how they have taken account of the need for good design in their development proposals. As a minimum they should provide a short written statement setting out the design principles adopted as well as illustrative material in plan and elevation. The wider context should be shown and not just the development site and its immediately adjacent buildings.

The site is identified on the Local Plan Proposals Map as being within a Primary Residential Area. **PPG 3** deals specifically with planning for housing. It states that the Government is committed to maximising the re-use of previously developed land in order to promote regeneration and minimise the amount of greenfield land being taken for development. However, there is no specific advice that is relevant to small sites such as this where the current or previous use is public open space.

**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.

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.

However, a brief examination of the local area shows that this is the only piece of open space in the immediate residential area. The nearby Rydal Street play area is to be disbanded and the site sold for residential development, due to problems associated with the site's location adjacent to elderly persons' accommodation, and resulting noise and disturbance created thereof. It is a condition of sale that part of the capital receipt from the sale of the site is used to improve the play facilities at Fusehill Street community gardens.

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 improved by better management or by capital investment to secure improvements.

**Development principle:** the development of the site will be subject to a legal agreement that the developer will provide a sum of money to invest in the improvement and maintenance of the adjacent play area to be of benefit to the local community.

The PPG sets out brief advice on development within open spaces, and states that when considering planning applications either within or adjoining open spaces local authorities should weigh any benefits being offered to the community against the loss of open space that will occur.

## Development Plan Policy

The Development Plan for Carlisle District comprises the Cumbria and the Lake District joint Structure Plan, 1991-2006, (currently being revised and has reached post deposit stage) and the Carlisle District Local Plan, 1997. Relevant policies from these plans are attached in full at Appendix A.

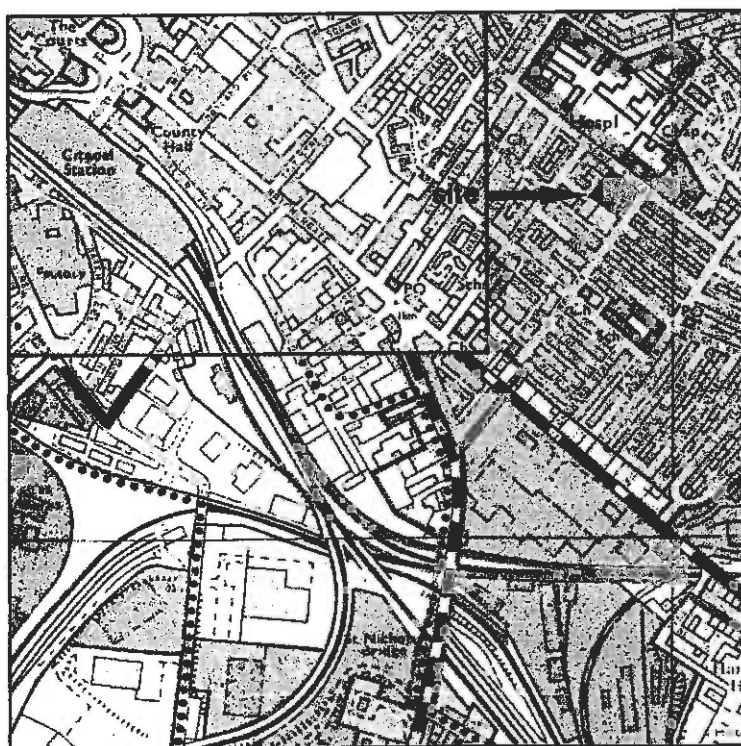
Under Section 54A of the Town and Country Planning Act, all new development must be in accordance with development plan policy, unless material considerations indicate otherwise.

The deposit Structure Plan contains Policy L53 which relates to leisure and recreation spaces. It states that leisure and recreation spaces provide a valuable resource in urban locations, and reiterates the advice in PPG 17 that local authorities should carry out assessments of needs and audits of existing open space. Where facilities are required by the community it is important that they are protected from development.

On the Carlisle District Local Plan Proposals Map, the site is shown as being within a Primary Residential Area. Policy H2 relates to such areas, and although this policy deals primarily with proposals for new residential development, it also provides guidance on proposals for non-residential uses. The policy states that such uses will generally be acceptable provided that they do not adversely affect residential amenity, and that "existing areas of open space and other amenity areas are safeguarded".

This continuing thread of policy intent that there should be no loss of open space needs to be finely balanced with the current state of the open space and the potential benefits that could result if part of the site was developed and the children's play area remodelled and improved. The current neglected state of the site is not to be accepted as the sole reason for its development.

If this was the case it would set a precedent that every neglected piece of open space could be ripe for development.



Extract from Carlisle District Local Plan - site indicated in red

#### Site Specific Issues

It is recommended that a public consultation exercise is undertaken with surrounding residents to assess the level of support for the proposed loss of the front part of the community

gardens to development and the potential improvement to the children's play area.

There are a number of attractive semi mature trees around the perimeter of the site. These trees provide an important green focal point in this heavily built up area.

**Development principle:** if the site is to be developed, a significant number of these trees should be retained to provide immediate structural landscaping.

#### Potential uses / current interest in the site

A local medical practice have outgrown their current premises and have identified a clear operational need for the development of a new medical centre. Their site search has lead them to identify part of Fusehill Street community gardens as suitable for such premises. Informal plans have been submitted for discussion, which indicate that the proposed development would be located towards the Fusehill side of the site, and that as part of a trade off the development would provide investment to secure the remodelling, improvement and enlargement of the adjacent play area.

Policy L18 makes provision for the establishment of branch doctors' surgeries, and states that such development will be acceptable subject to certain criteria. Criteria 3 states that there should be no significant detriment to the amenities of nearby residents. Whilst the reasons/explanations to the policy state that new build or conversion of existing retail and residential units or council houses may all be suitable for branch surgeries, it does not make reference to development of open space.

The submitted informal layout plans show the proposed doctor's surgery located at the Fusehill Street end of the site, with the remodelled play area to the rear of the site. However, the potential for reversing this layout should be explored. This would result in a play area that is more open and overlooked, and therefore less likely to attract vandalism or other unwanted behaviour, whilst still maintaining easy access to the medical centre.

**Development principle:** negotiations should be undertaken to explore alternative layouts within the scope of the site to achieve an optimum layout and maximise the safety of all users.

The current Local Plan parking standards are out of date and have been superseded by new advice. This advice states that in certain locations such as those where services are readily accessible by walking, cycling or public transport, local authorities should revise their parking standards to allow for significantly lower levels of off street parking provision.

**Development principle:** it is considered that the development should make adequate provision for parking spaces for practitioners and other staff, and provide disabled parking spaces. The site may also need to provide adequate access and turning space for an ambulance.

## Conclusions

With no clear policy stance on the proposed use of the site the best focus for a policy steer is the advice in PPG 17 which 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 improved by better management or by capital investment to secure improvements.

The PPG sets out brief advice on development within open spaces, and states that when considering planning applications either within or adjoining open spaces local authorities should weigh any benefits being offered to the community against the loss of open space that will occur.

On balance, the benefits that could be brought by the development of a community facility on the site outweigh the loss of the open space, bearing in mind its long term neglected state and the potential improvements to the adjacent children's play area.

However, it is considered that these are exceptional circumstances, and that the development of the site for non-community uses would be unacceptable.

## Appendix A Development Plan Policies

### Cumbria and the Lake District Joint Structure Plan 1991 - 2006

#### Policy 25 - The Quality of Development

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

### Planning Cumbria (Deposit Structure Plan)

#### 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 protect the quality of the environment, ensure prudent use of resources and maintain social progress and economic growth by:

- 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 developed land,
- giving priority to sites that are or can be made accessible by public transport, walking or cycling,



- avoiding the loss of, or damage to, important conservation features, including nature conservation interests, landscapes, buildings, archaeological sites, historic parks and gardens and visually important public and private open spaces,
- ensuring high standards of design including siting, scale, use of materials and landscaping which respect and contribute to the distinctive character of townscape and landscape,
- using energy efficient design and the use of recycled materials and renewable energy technology,
- promoting good practice in the efficient disposal of waste water and sewage particularly the provision of sustainable drainage systems,
- avoiding reductions in air or water quality and avoiding the loss of the best and most versatile agricultural land,
- ensuring development is within environmental, infrastructure, community and service constraints, including the road and transport hierarchy and water supply, or that these can be satisfactorily overcome at the developer's expense without an adverse effect on the environment,
- reducing the risk of flooding within the development and elsewhere by a choice of location in the following order of priority:
  - a sites with little or no flood risk, followed by
  - b. sites with low or medium flood risk, and only then
  - c. sites in areas of high flood risk subject to a design which minimises or mitigates any risk,
- making proper provision for access by pedestrians, cyclists, people with restricted mobility and people with special needs, and

- promoting a safe and secure environment that designs out crime.

**Policy L53: Leisure and recreation spaces**

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.

**Carlisle District Local Plan 1997.**

**Policy H2 - Primary Residential Areas**

Within the Primary Residential Areas defined on the inset maps for Carlisle, Brampton, Longtown and Dalston, proposals for new residential development will be acceptable provided that:

- existing areas of open space and other amenity areas are safeguarded; and
- the proposed development does not adversely affect the amenity of adjacent residential property; and
- the proposed development complements or enhances existing adjacent residential areas and their amenity; and

- 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.

#### Policy H16 - Design Considerations

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: the layout of roads and buildings, footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; and the relationship to adjacent development.

#### Policy L18 – Branch Surgeries

Proposals for the establishment of branch doctors' surgeries within established or proposed urban neighbourhoods or rural settlements will be acceptable provided that:

- appropriate car parking standards can be achieved;
- the proposal has a satisfactory relationship to the highway network;

- there would be no significant detriment to the amenities of nearby residents;
- concentration of several such developments is avoided in one area.

**Policy L20 – Access**

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.

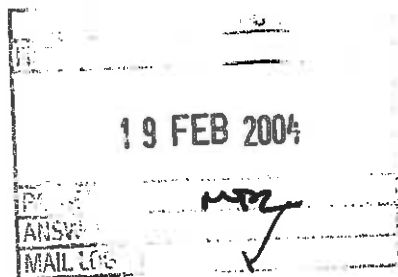
**Contact names and addresses**

For **Planning Application** advice contact the Development Control Section of the Planning Services Division, Civic Centre, Carlisle, CA3 8QG, 01228 81717 (1) (2) (3) or (4).

For **Planning Policy** advice contact the Local Plans Section of the Planning Services Division, Civic Centre, Carlisle, CA3 8QG, 01228 81719 (0) (1) or (2)

## **APPENDIX B**

Letters received after statutory notice placed in Cumberland News



27 Grey Street,  
Carlisle,  
Cumbria  
CA1 2JP  
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

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.

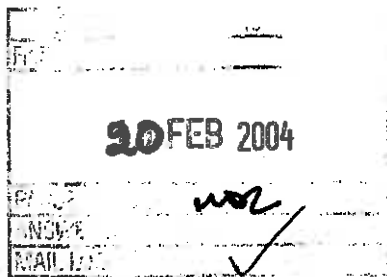
We are appalled by the sheer audacity of the council to even put a planning of this building in our area. According to the report from the doctor's surgery, it states that our area is already below the amount of land per person, so where do the council propose to put more land for the people in our area.

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.

Linda Mc Neil  
Very angry resident.

A handwritten signature in black ink, appearing to be 'Linda Mc Neil', written over a horizontal line.



43 Edward Street,  
Carlisle,  
Cumbria  
CA1 2JF  
19.02.04

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

Dear Mr Egan

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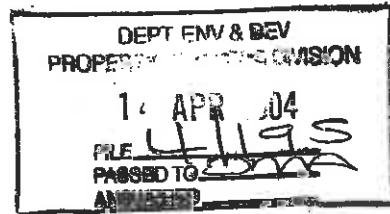
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Chris Berry  
Very angry resident.

C. Berry

Ref: FSCG 080404/1 DA

8<sup>th</sup> April 2004



53 Rydal Street  
Carlisle  
CA1 1SQ

Mr David Atkinson  
Head of Property Services  
Civic Centre  
Carlisle

Dear Mr Atkinson

Further to our telephone conversation today.

Please take this letter as a formal objection to the change of use of

**FUSHILL STREET COMMUNITY GARDENS**

to land with any new building upon it.

I wish to register my strong belief that this land is best used as a peaceful green site in the surrounding primary residential area.

Yours sincerely

Marian E Smith



## **APPENDIX C**

Comments from latest consultation

## **Executive Director**

Jason Gooding

Civic Centre Carlisle CA3 8QG • Telephone (01228) 817470 • Fax (01228) 817009

Document Exchange DX 63037 Carlisle • Type talk 18001 01228 817000 •

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<b>Please ask for:</b>	Jason Gooding
<b>Direct Line:</b>	01228 817000
<b>E-mail:</b>	<a href="mailto:JasonG@carlisle-city.gov.uk">JasonG@carlisle-city.gov.uk</a>
<b>Your ref:</b>	
<b>Our ref:</b>	

20 August 2004

Dear Resident

### **Your views on the future use of Fusehill Street Community Gardens**

The Executive at its meeting on 1<sup>st</sup> September 2003 agreed that the land at Fusehill Street Community Gardens was surplus to requirements and could be released to developers who want to create a new building for a medical practice. The practice has outgrown its current London Road premises.

The proposed scheme is in two parts:

- the development of a medical practice on part of the site, including a pharmacy, parking (including disabled parking) the retention of the sensory garden with some outdoor seating and
- the upgrading of the adjoining playground facilities, partly funded by the development. This would be retained by the City Council as a children's play facility.

The statutory consultation process was completed by the Executive. However, the Executive is now being asked to refuse the building of the medical practice and provide a play area for children (including a ball games area) to enable young people to play in a safer environment off the streets.

Because of this, the Executive will review the decision to sell part of the land at a special Executive meeting on 16 September. You now have the chance to make your views known.

Letters are being sent to residents living in the immediate area of the Gardens. A display giving details of the medical practice proposals is on show at Greystone Community Centre, Close Street, Carlisle, for you to view from Tuesday, 24 August until Friday, 3 September. We need your comments by 5pm on Friday, 3 September.

Because we want to make sure this additional consultation takes into account the views of people in the area, it is important that if you respond, you include your name and address.

Yours faithfully



**J Gooding**  
Executive Director



INVESTOR IN PEOPLE



**Fusehill Street Community Gardens**

**Please complete this form and return it before 5pm on Friday, 3 September 2004. Please ensure you include your name and address.**

**Please tick one box**

I would like to see a new doctors' surgery on the site and the City Council retain and refurbish the children's play facility

☐

I want the whole site to be kept by the City Council as a Community Garden and children's play facility

☐

Name .....

Address.....  
.....

Telephone Number.....

Comments.....  
.....  
.....  
.....  
.....

Please return this form to:

**Fusehill Street Consultation, Carlisle City Council, FREEPOST CE98,  
Civic Centre, Carlisle CA3 8QG**

### **Fusehill Street –Results**

No. of respondents 255

Fore 198

Against 56

Neither 1

### **Parking & Traffic**

The community gardens were nice when first made, now it's a mess with the state of the area now makes the development a good idea. My main concern is parking due to the problems we already have in this area and keeping a good play and green area for local people to use.

Parking facilities for the doctors surgery is a must

It needs a tidy up, but I would rather you sorted out the parking out on the old park of Furze street before some poor child from Norman Street School is KILLED!

I believe it would be fitting for the community to have the surgery plus parking slots. The park does not look tidy the way it is now.

London Road Surgery needs refurbished so they would be better off on the site than have derelict land and the eyesore that is there at the present. Any surplus land could be used for off road parking.

There is enough traffic using Fusehill Street without creating any more.

Easier for parking for the doctors

Better parking also it will keep all the drugies out

### **Safety**

I think it would be better to have a doctor's surgery on Fusehill Street as London Road is very busy, it would be safer for the elderly and children to get to. I hope it goes ahead.

It would save people having to cross the very busy London Road.

Being confined to a wheelchair I would find the new surgery site most beneficial as I find the old one very awkward to negotiate inside. Also the main road is a nightmare to cross. The gardens on Fusehill St have been locked for ages. I have never seen anyone sitting in there.

### **Green Area Environment**

It is a shame to lose a green space especially as it's the only one in the area. However the present garden is becoming an eye sore, if it's not going to be kept tidy I would back the surgery.

As long as some of the gardens are kept

This site is of no use to the community as it stands because it is run down and inaccessible. A doctor's surgery would benefit the community and utilise a wasted area. Please retain as much of the trees and grounds as possible

Proposed dev is on site, which is under used & often locked up to prevent public access. It's been poorly maintained by the council and houses a visually unappealing derelict boarded up pavilion & shed. I would welcome new medical facility providing, 1) as many trees & greenery as possible be retained around site perimeter bordering Grey St & Fusehill St (I was very disappointed when consent was granted for a housing development in Rydal St children's play park with the proviso some trees be retained & 3 of the 5 were chopped down by the developer. I am very pessimistic that the consent will be broken and the 2 remaining trees removed) 2) the children's play area adjoining the proposed dev receives a major upgrade, inc ball games area & picnic tables.

This "open green space" should be retained for the children and adults alike. An alternative medical centre sit should be sought, perhaps within the old Fusehill Hospital Grounds. The land at present is untidy and subject to vandalism I would welcome the planned development and feel it would benefit the local community.

The gardens are beautiful and a rare city 'green site'. A sports area for adults / children open air exercise would be excellent.

What I would really like to see is a well-managed "green" space with recreational opportunities for all ages but given the councils (cynical?) inability or unwillingness to manage this area properly in the past, but rather leaving it as a haven for vandals and drug addicts, then the surgery seems to be the lesser of the two evils.

As the land concerned was bequeathed to the people of the City of Carlisle. I cannot see how the city council can now release this land to be built on. This is not what was intended. As the land is the only green space in the area, due to building on Rydal Street play area, where else will the children go. I used to take my daughter for walks round the garden to look at flowers, bushes and on occasions found tadpoles & frogs in the pond. The Greystone Road Playgroup also used the gardens. Over the last few years the gardens have become delapidated, due to under funding by the council. This never happened when it was a bowling green. The doctors practice have been looking for premises for 10 years is it more than a coincidence the council have left the gardens to become an eyesore or

I would like to see the play area and community gardens re-furbished (perhaps using the money as promised from the sale of Rydal Street play area), retaining a green and growing site but accessible to the community. Also if sold to the doctors for surgery/pharmacy/consultancy, it would only serve the minority of the community who use this doctors. The doctors can build elsewhere on a brown site. Will you create another garden & play area here for me and my children.

As well as a community garden and children's playarea it should be kept and cared for to keep it in good condition and used for ball games as well as a park to play in using its facilities.

#### **Last play-area in the area (Rydal Street)**

A children's play area is long overdue in this area. The park on South Street has been bulldozed to make way for more housing, lining people's pockets at the expense of the children having a play area

If this site is no more a park where will the children of this area have to play, the park on Edward Street is no longer we need this park.

Our children already have too few areas for recreation - is the council aware of health issues stemming from the lack of activity in young people?

#### **Good use of space / improvement to area**

It would be a good idea for a doctor's surgery as it is now I will not allow my children at the park, as it is dirty and not safe. All these do-gooders who are against it make me sick, as they don't live here it would make the area tidy & benefit everyone. I hope it goes ahead.

A doctors surgery would be a better use of the land

We didn't see any opposition when they closed the park in Rydal Street to build houses. The only people benefiting there are the builders. The medical centre will benefit the community and keep the doctors from maybe moving out of town.

The land may as well be put to good use, as presently it is full of used syringes and condoms and not a suitable environment for children. I think it would be an improvement to the area. Go ahead, it can not be the eye sore it is at the moment. Any time I have gone past it has always been locked I'm sure it will be an improvement.



For the past few years this location has been an eyesore & locked up, so you couldn't get in if you wanted to. I think it should be put to better use and have proper security in force.

A new doctor's surgery can only enhance the area, and benefit the people, easy access, parking etc. And hopefully will also keep the so-called "Wildlife" out.

I have lived here for 34 years & since the change of use from a bowling green to a community garden (jungle more like). It has not been used. Far better as a doctor surgery because my practice at 76 Warwick Road moved to the infirmary. I think the site is ideal for a doctors surgery. I am also in favour of a children's play area, the existing one is ok but need CCTV & upgraded facilities.

I used to live in Howe Street (overlooking the Play Park) and took my husband in a wheelchair into the "community Park", there was so much broken glass & rubbish that he would not go back again. That was his one & only outing in years. I think the new plans will be ideal for this site.

The community garden was hardly ever used. The site would be more useful as a medical practice.

I think this service favours everyone

Having seen the results of vandalism in these gardens for a number of years, I think the medical centre would be a great asset to the area. The Extra security in the play area would be welcomed by the residents.

Think this a well balanced worthy community project for all. Much needed practical project to improve quality of life, plus other much needed projects partly funded by this dev. New Doctors surgery would bring more security to this area, day & night. More lights. Not in this terrible state it is in now. Security cameras would reduce vandalism caused to this area. But it must be properly maintained & cleaned regularly, not like now - a terrible eyesore to people!

The current Community Garden is a disgrace, which needs to be looked after in a better fashion than it has been. A doctor's surgery would be a much better use for the land. I think there should still be a children's play facility for the local younger children, that is properly maintained

This will be a much better use for this area

I genuinely believe that, if the site is retained as a community garden, sooner or later it will return to the same abused and vandalised state it is in now and will be a drain on local Council Taxpayers contributions

I think the community as a whole would find a huge benefit in having a Doctors Surgery in an area where so many disabled and elderly people live. It would be better to make it a useful site as well as a play area. There are quite a few other parks in the area so the children are not missing out. e.g. Melbourne Park

Here there are very few children living anywhere near the park as most of the houses have been sold off for buy to let and it is an eyesore. What is proposed is much better & will benefit many more people.

At present the site is a dangerous and very unsightly area. The proposed development can only improve the whole district. I am wholly in agreement with the Doctor's wishes to have their surgery there

I think I know that the garden has been neglected and abused. Fusehill St can only benefit from having new doctors' surgery

The planned area has become an eyesore, we feel it would benefit the area greatly

It will be a very good place for a new doctor's surgery on the site and will hope for the best for them. It will make a big difference to the area, so I am all for it

A doctors surgery on this site can only be of great benefit to the whole community. It is also obvious that the children's playground will benefit from the supervision.

Play areas unless supervised all the time become dens for drug abuse and vandalism. This has been proved in other areas e.g. Hammonds Park. The play facility should be enough, as it was not used when open in the past, the surgery and pharmacy would be a big benefit to the whole of the community

A new surgery can only benefit everyone concerned

We need to have a doctor's surgery close by. I think it is a brilliant idea to refurbish the old park & if there is going to be a new park as well I think it is great.

Using the site for both the doctors' surgery and a children's play area, would serve all members of the community.

A lovely bowling green years ago. A pleasure to go to. Now a disgraceful place, overgrown and rubbish. Also locked up. What a benefit a Doctors Surgery would be here.

This option would enable the site to be used to benefit both the children with a play centre and the residents with medical facilities

I would very much like to see our Doctors getting this site for their new surgery. It is badly needed. I came to Carlisle in 1949 when there was only the one house as surgery. Young mums coming in with prams have a job getting in and out. Doctors don't have their own rooms. They really do need this site. I hope common sense prevails and our Drs get the site for a new building

I'm registered at London Road Surgery & I'm all for the move as it would be closer for me plus the surgery is too small for the amount of patients

I think this will be the best result for all the people.

If you made the community gardens into a ball area I think it would encourage the wrong teenagers, the surgery will benefit a lot of people.

This is a house that is let to students, I am answering on their behalf and I think a local new surgery would serve them well. I think children's' needs would be addressed as well if the play facility was to be updated

I am in favour of new doctors' surgery being built on the above site. This would enable me to visit the surgery on my own continuing my independence, instead of asking my daughter or friends to drive me to the London Road surgery where my doctor is currently situated. This would also eliminate the need to request a house call from a doctor other than in an emergency. I am 88 yrs old and my daughter (my only relative in Carlisle) works full time. Thank you.

A lot of time & money was spent converting the old bowling green into the current community garden, but nobody ever used it. It is hogwash to suggest that local residents are up in arms about the current plans. The site is an eyesore, give it to the doctors and upgrade the kid's playground

A must for local and other people

This will be a real sight as the Bowling Green and Play Area has not been used for years.

Best thing that could happen. Everything else that has been put on that land is neglected. Having a new doctor's surgery would be the best thing.

Building a doctors surgery on the Fusehill garden site would be greatly appreciated by the public, especially the elderly in the neighbourhood who have to cross the busy London Rd to reach their doctors surgery. The Fusehill garden have hardly ever been used over the years due to the vandals, wino's and drug addicts.

A medical centre would be much more beneficial to the area as there is already a play area behind the site

Don't know what all the fuss is about. The garden is always locked, so is of no use and it is a tip! Too many bushes! Get the surgery built & pharmacy that will benefit all the community, not just the drug users and thugs

It will benefit both elderly and children

I believe a doctor's surgery would be better for people round about locally.

Best thing that could happen to here and the doctor's surgery

I think it would be very useful to everyone

I think it is a good idea for a doctor's surgery as long as they refurbish the play area. I take my granddaughter to the park and she loves it. The CCTV would be a good idea to keep out vandals.

### **Drugs antisocial behaviour**

The gardens are not used as they should be they are used for smoking drugs & for other bad behaviour. The doctor's surgery will be very useful and is badly needed

As a patient of the doctor's surgery I am in favour. As a mother of a 13yr old, I feel if this area was turned into a children's play area, drugs users and gangs at night would get more use of the area. Melbourne Park is only 100 yards away. As it is the smaller park as to be locked at night. My daughter stays in at night, as it is not safe! For these reasons a smaller park would be sufficient for mother & toddlers, Melbourne Park offers everything else.

At present this area is not safe for children due to the alcoholics & drug users. We need the doctor's surgery to stay local. This would also protect the play area & make it safer.

The council spent a fortune on the original park, which druggies & vandals over-ran. The existing play area is unsafe. A modern doctor's surgery would help many people and would help the areas appearance. The proposed CCTV covered children's area would be safer & would discourage the drug users & vandals. Council backing & money would be better spent putting gates on local lanes to stop fly tipping.

At present the gardens are a haven for vandals & drug addicts, a new surgery etc. A new surgery would be a boon to the area. Many people have to cross London Road this is not very safe & disabled people in wheelchairs find the existing surgery difficult to negotiate. There will also be a play area in my opinion nothing could surpass the first option.

I think the doctor's surgery on the site will be an improvement. This area has never been used, syringes were found in this area which is not safe for children. I think it is a good idea to refurbish the children's play area, as I sometimes take my son there.

At the moment the Community Gardens are overgrown & an eyesore to the area. I think to redevelop the area would make it 100% improvement to the site it will stop the vandalism of the community gardens.

I have lived in Bowman Street most of my life and know the existing Community Garden has not be used as intended apparently it is a hide-out for wino's and drug users certainly not an attractive place for the local residents to use. The new doctor's practice would be the best option in my opinion. There is Melbourne Park for youths to play ball games, but this must be improved and made more secure.

I have voted for the above because I feel it would only end up as being vandalised again and a haven for drug dealers & users if it was turned into the second option

This area was not used by the children it was vandalised and an eyesore and would be again if made into a playground.

I support whole-heartedly the new doctor's surgery & refurbishment of the children's play area. The community garden has been problematic for the last 8 years because of anti-social behaviour & constant vandalism. It has not

been used at all by the public because it is in a permanent state of neglect and is actually dangerous for children.

Having lived in the area for 32 years we strongly believe that the doctors surgery would be an asset. It would also take away the area, which the drug users have taken up residence in.

When the gardens were first opened they were lovely now the vandals have taken over and people no longer feel safe there. So let us see something built that would be of benefit to all the community and the children would have their play-area updated.

As I understand the Fusehill Play area is permanently closed therefore benefiting no one. The Rydal Street play area was closed and subsequently built on, due to noise and vandalism and drugs. If the Fusehill site remains as a park, it will in my opinion, become just another area for vandalism & noise

Although it is good to have a place for children to play in, the area will attract abuse and end up as a place to avoid

The children who live near us play ball games in front of our flat, when I suggested they go and play in the Rydal Street play area (now being built upon). They said "we are not going there it is full of druggies" and Fusehill Street Gardens & play area would be the same.

I have lived in the area for 20 years and never seen the children's area used except as a dog toilet and drug / drinks den and vandalised every day/week. Get rid of the whole thing.

The community garden at present is little used and attracts anti-social behaviour from youth's etc.

Kids don't use the play-area young adult's abuse it.

Play areas are always vandalised by older children at night.

The kind of people who will use the site (as a community garden) will be the same ones who are a nuisance now. Picnic tables will be an added gift for the drug users to sniff & roll-up from. The people opposing the surgery do not live in the immediate locality to know how bad a problem we have.

I used to live in Edward St in the early 1990's. I used to visit often and soon found that awful things happened. Frogs etc were killed by youngsters who congregated on the little bridge, polluting the water. Soon people were reluctant to go in, as it felt unsafe (I was 42 at the time!). Since then I went in just before it closed & felt very unnerved to find two young men sitting in the old pavilion looking very shifty & I concluded this was a case of drug abuse, I never went in again. Despite youth involvement in setting up the garden it was a complete failure. The very people it was designed for e.g. elderly did not feel safe at all. The wildlife was all killed & young kids ran riot. Plans for the new surgery are excellent. I fully endorse the plans for the new surgery.

I am in total agreement with the proposed development on this site. It is presently in a disgusting state and open to all kinds of vandalism. A doctor's surgery can only be an improvement

As I live close by the site I witness a lot of anti-social behaviour by the children/youths who gather there. The site is used for drug activity, a get away route when youngsters are lobbing obstacles at cars, pulling trees/branches down etc. I would like to see a Community Garden, but we live in the real world whom live close by, NOT streets away like the leaders opposing the surgery!! Bad language, drinking, you name it some nights, the noise and going's on is unacceptable and after midnight at that!

I would not allow my child to play on the current play facility due to the drug addicts and drinkers that frequent the park

These Doctors have a great practice between them and I think that they deserve to have a new surgery in the park that is not even used for anything but vandals

I think the adjoining playground is of sufficient size, and would be more easily maintained and upgraded. A medical Centre and pharmacy would improve the facilities of the area and would be of potential use to all households not just the children. I also think a new garden would just be an invitation for vandals to damage, in the same way that the current one has been.

The gardens have been closed for months it was just used by teenagers and was an eyesore with the vandalism & drug users. Using it as a doctor's surgery would benefit the community.

The children's park is just a dumping ground for people's rubbish. It is also covered in dog fouling. The garden is full of drug addicts' needles and it is a danger to children so they can't play there.

The sooner this area is cleared the better, no child can play in safety because of empty syringes from drug addicts scattered about. Most children of today are not interested in play areas only to vandalise the same. The Doctors' surgery would make the area presentable for the people who live near - I sincerely hope you will grant this request to build on the site

At present just a den for all types of drug users and bully boys who but in on the young under 10's who are supposed to play there and during night I am woken up at least 3 of 4 nights a week with people drunk or drugged, shouting and banging about

The gardens are an eyesore covered in dog mess, rubbish and used needles. So children don't play in the area.

The second option would be vandalised very quickly, making it another eye sore!

Living in Bowman Street (right next to the park), I wish to point out that my quality of life and my neighbours is adversely affected by the current state of the gardens on a regular basis. It is unsightly with overgrown shrubbery and derelict buildings acting as a magnet for youths that I see regularly acting in an anti social manner. I am all for youths in the area having facilities but feel their behaviour should contribute to the area not degrade it. There is a community centre in the area that constantly works to provide services for them and there have recently been opportunities for those youths to have a say in what they want. I believe the proposed development is a viable option and an opportunity not only to remove a long-standing problem but also to provide a much-needed facility

In an ideal world I would prefer a garden and play area but every open space attracts vandals, drug users, drinkers, thugs and litter louts for whom a bush is something to be uprooted and most other things set alight.

The community gardens are never used by the public, except by gangs of youths.

#### **Miscellaneous in favour**

A new surgery is needed

A new surgery is needed

The sooner it is done the better the people who are wanting it left don't even live in the area, it is an etc sore on Fusehill Street. What was wrong with the Bowling Green, at the time it was always clean & tidy not as it is now. We hope this is not a waste of time sending this as you have already made your minds up on the outcome. The doctor's surgery will help more people than a community garden that is no use to anyone.



Children's play area needs improving

It is really what is needed.  
Its an Excellent Idea.

Because it would be a better location

Ok Good

It will not cost the council as much to run if the surgery were built. I see the Parks Dept. most days opening and locking gates.

Keep children's parks for young children, youths play football on the park at the moment with no thought to youngsters. Youths can play football on Melbourne Park

There is an ample park close to Fusehill Street, it is call Melbourne Park, just a few minutes walk away. They also have the main park Bitts Park 10-15 minutes walk away, which I think is enough.

Doctor's surgery sounds good to me

The way the gardens are now is disgraceful. No one uses them as a garden and the sooner it goes the better

For New Doctors Surgery

Children don't use the play area as they just play on the roads annoying pensioners

Carlisle resident since 1968. New surgery needed.

I think it would be a great idea to be used as a Doctor's Surgery

I would be very pleased to see a doctor's surgery on the Fusehill Gardens site

I'm satisfied with doctor's surgery

Drs surgery beneficial

We have yet to see anyone using the gardens and most of the time they are locked and it just looks a mess. We are all for the Doctors' surgery and keeping the children's play area

I do NOT want this area for ball games

I prefer to see it as a surgery rather than the way it is now. Just please leave a small area for children.

At the moment the site is a mess and it is no use to anyone as the gates have been locked for years

The present facilities at the London Rd surgery are cramped and do need to be replaced.

The general consensus talking to people in the area is for the first option above. The council cannot continue to pour money into the park/garden area. The Melbourne Park area is not too far away to reach on foot.

I think that there should be a doctors surgery and a young children's playground up to 9 years of age.

It would be safer for children. The way it is now I wouldn't allow any of my Grandchildren to play down there, even going with them.

I cannot see the need for a pharmacy as Lightfoots Chemist is only a few minutes away. Could the site be split 50/50 to allow more space for the play area.

We support a new doctors surgery on the site

I would like to see a nice medical practice and there would still be a play area for children.



## **Legal and Democratic Services**

### **Head of Legal & Democratic Services: J M Egan LLB**

Civic Centre Carlisle CA3 8QG Telephone (01228) 817000 Fax (01228) 817048

Document Exchange Quote DX 63037 Carlisle Type talk 18001 01228 817000

Council Web Site [www.carlisle.gov.uk](http://www.carlisle.gov.uk)

TO ALL MEMBERS OF THE EXECUTIVE

Please ask for:

Mr Halstead

Direct Line:

01228 817035

E-mail:

[StephenH@carlisle-city.gov.uk](mailto:StephenH@carlisle-city.gov.uk)

Your ref:

Our ref:

SH/

15 September 2004

Dear Member

### **LAND AT FUSEHILL STREET COMMUNITY GARDENS EXECUTIVE – 16 SEPTEMBER 2004**

I attach, for consideration at the special meeting of the Executive to be held on 16 September 2004 copies of the following letters of representation which have been received after the deadline for responses to the consultation undertaken into the future of the Fusehill Street Community Gardens:-

- a letter from a member of public dated 3 September 2004;
- a letter dated 10 September 2004 from the Head of Campus Services, St Martin's College;
- a letter from a member of public dated 13 September 2004;

I also attach, for consideration, a Minute Excerpt from the meeting of the Infrastructure Overview and Scrutiny Committee held on Thursday 9 September 2004.

Yours sincerely

Head of Legal and Democratic Services

Ref 030904/1/1 ~~MS~~ Ms

3<sup>rd</sup> September 2004

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CUSTOMER AND INFORMATION SERVICES

Maggie Mooney, Acting Chief Executive  
Carlisle City Council CA3 8QG

Copies to: Carolyn Taylor, Communications Manager  
Dr David Taylor, Clerk to Infrastructure Overview and Scrutiny Committee  
Mr Stephen Halstead, Clerk to the Executive Committee

Dear Ms Mooney

Please would you ensure that the public consultation questionnaires by Carlisle City Council are available for public inspection and assessment - that is, the questionnaires themselves, not the Council assessment of the same.

As you may be aware, we have conducted our own survey. Our assessment is to be checked by an impartial and objective organisation today for verification. Council is welcome to view the questionnaires. Should you wish to do so, please arrange for viewing (telephone number 01228 531311).

**The results are as follows:-**

60% want consultation from Carlisle City Council to be of better quality in future,

56% want to see the Council invest in the gardens and play area and make it into a decent neighbourhood space,

44% wanted Council to sell it for building a large medical centre on - which only the 76 bus, Belah - Durranhill, would serve.

**Therefore the majority want to retain Fusehill Street Community Garden.**

Of that majority, the following would like to see Council provide:-

56% a small ball game area,

66% an adventure play area with equipment for both children and adults to get open air exercise,

46% a quiet green space with picnic tables,

32% a separate perimeter path for local dog walkers.

We trust that Council will be interested in these results.

Yours sincerely



CARLISLE

Direct line (01228) 616215

E Mail [F.Robson@ucsm.ac.uk](mailto:F.Robson@ucsm.ac.uk)

10<sup>th</sup> September, 2004

Councillor Mike Mitchelson  
Leader, Carlisle City Council  
Civic Centre  
CARLISLE  
CA3 8QG

Dear Councillor Mitchelson

**Re Proposed Development – Fusehill Street Medical Centre**

Further to my recent telephone conversations with members of your staff, and messages left on your own answering service, I wish to confirm the College's support, in principle, for the above development.

The medical centre would be of great benefit to the student community living on campus and in the surrounding area. Its close proximity to the College would encourage students to use the facilities and seek medical advice more readily, to promote their health and well-being.

I understand that there is argument within the community to develop this space to create a sports/recreation facility. You will be aware that last year the College built a multipurpose Sports Hall on campus. During this year the College has hosted many sports-based initiatives run by the City Council, Carlisle United and local clubs and these have been attended by youngsters from the local community. Perhaps this point would be useful to raise at your decision making meeting on Thursday, 16<sup>th</sup>.

If you wish to discuss this issue further, please do not hesitate to contact me on the above telephone number or e mail address.

Yours sincerely

**Fiona Robson**  
**Head of Campus Services**

Copy            Dr Greg Lodge, Campus Principal  
                 Neil Harris, College Secretary



13<sup>th</sup> September

To whom it may concern -

My husband and I would like to take this opportunity to write a letter of support, for the application by the London Road Medical Practice, requesting planning permission to build a new surgery on the Tusdill Site.

I suffer from a chronic illness and have needed the service of the doctors at home and at the surgery many times. Even though I know that they are stretched to the limit, I have never been made to feel that they didn't have enough time for me to talk over my physical problems and the fear this caused me.

The surgery is usually packed but I have never had to wait more than 10 minutes. The last practice our family belonged to, was quieter but we often waited for 40-45 minutes. How the London Road Surgery runs so smoothly is a mystery. There can be 4 receptionists in the Reception Area, the telephones ring constantly, patients are waiting to get booked in

or to see either a doctor or nurse or other health professional, patients are being called for their turn and the whole place is a hive of activity. It's a testimony to their hard work and professionalism that everything runs so smoothly. They deserve the chance to work in a decent environment. You can't help but wonder what could be achieved if a new practice was built with modern, up to date equipment.

The present building smells musty and old and yet we all get 1<sup>st</sup> class care, including minor surgery. I had to have minor surgery there which has saved me waiting months to go to a clinic at the infirmary.

My doctor doesn't even have her own room, yet she is always attentive and cheerful. She really listens to me. I have had several doctors in the past who were less stretched, stressed or busy and they never really listened. As a result I nearly died. Since joining London Rd, they have pushed until I got the right care, diagnosis then major surgery and they have supported my family during this time too.

My husband has had a heart attack since we moved here and the surgery has seen us through the tough time, including after care treatment.

I know that the new surgery won't affect our view or take up a peak area we use but it will give the staff and the patients both, the opportunity

to give and get the best possible care. Surely the wellbeing of over 8,000 people and the working conditions of the staff should carry a lot of weight when considering this application.

Please grant the permission

Yours faithfully



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## EXCERPT FROM THE MINUTES OF THE INFRASTRUCTURE OVERVIEW AND SCRUTINY COMMITTEE HELD ON 9 SEPTEMBER 2004

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### IOS.111/04 FUTURE OPTIONS FOR FUSEHILL STREET COMMUNITY GARDENS

Councillor Mrs Mallinson (Chairman), having declared a prejudicial interest in the matter, vacated the Chair and retired from the meeting room during consideration thereof.

Councillors Allison, Miss Martlew and Mrs Rutherford, having declared prejudicial interests, remained within the meeting room and took part in the discussion.

Councillor Dodd (Vice-Chairman) in the Chair.

There was submitted Minute Excerpt EX.160/04 of the Executive meeting on 17 August 2004 detailing the outcome of the Executive's deliberations on this Committee's recommendations on the future of the Fusehill Street Community Gardens. The decision of the Executive was:

1. That the Town Clerk and Chief Executive be requested to arrange for Officers to make arrangements to undertake further consultation with the community by way of -
  - (a) sending a letter to all residents in the adjoining streets to the Fusehill Street site outlining the proposals and seeking their views;
  - (b) arranging a public display of the proposals for the Fusehill Street site at Greystone Community Centre for a period of one week and inviting comments.
2. That all Members of the Executive will make arrangements to visit the site at Fusehill Street and surrounding area.
3. That the outcome of the further consultation be reported to a meeting of the Executive in September 2004 when a decision will be taken on the future of the site.

Further, and at the request of the Chairman, a letter dated 20 August 2004 from Miss Marian E Smith, 53 Rydal Street, Carlisle concerning the above decision was submitted for consideration.

Referring to the Executive decision, Ms Mooney (Acting Town Clerk and Chief Executive) reported that –

- A letter had been sent to residents on 25 August, the deadline for responses being 3 September 2004.

- A Public display of the proposals had been established at Greystone Community Centre on 24 August and closed on 3 September. Also included was 100 reply forms in order that members of the public could submit their views.
- Members of the Executive had visited the site.
- A decision on the matter would be taken at a special meeting of the Executive to be held on 16 September 2004.

Discussion arose, during which Members raised the following concerns -

1. One of this Committee's recommendations had been that a public meeting be held to afford people the opportunity to ask questions of the Executive and Officers, obtain further information and make their views known. That had not been undertaken.

In response, Ms Mooney advised that the Executive and Officers had considered the matter of a public meeting. However, based on experience of consultation, prior such meetings and the particular circumstances in question, it was considered that such a meeting would have limited benefits (i.e. not many people would turn up and it would not serve to include hard to reach members of the public). The provision of a public display was felt to be more accessible and less intimidating to local people.

2. The second recommendation of this Committee was that the Executive investigate the manner by which public consultation was undertaken across the Authority, particularly regarding community issues, with a view to making such consultation as wide ranging as possible. Confirmation that the Executive would take that on board was sought.

The Portfolio Holder for Environment, Infrastructure and Transport responded that the Executive was prepared to look at that issue and Officers would be bringing forward suggestions for consideration. He further understood that the responses coming from the public display were quite encouraging.

Councillor Bloxham did, however, wish it to be placed on record that the above statement in no way implied that he agreed that the Council had not undertaken proper consultation in the matter.

3. Reference was made to the Minutes of the meeting held on 29 July 2004 and, in particular, the representations made by the Ward Member that "the lack of consultation is the main problem as locals perceive it. ....", and to the comment contained in Miss Smith's letter that "clearly this is more of the usual gesture consultation used to push through biased proposals quickly."

A Member believed that consultation should mean that people were furnished with information and options, had the opportunity to discuss and respond to the same, and had a sincere and transparent perception that their views would count. He considered that the consultation had been undertaken in a clumsy manner, which was a shame, and questioned whether it would not have been better to hold a public meeting in any case.

In response, Ms Mooney expressed regret that the Member felt that way. She stressed that the process had been lengthy and the consultation referred to was additional to the statutory consultation process. Meetings had also been held with the Petitioners who felt most strongly about the options. Clearly lessons could be learnt from the matter, but it was felt that the right course of action had been taken.

The Head of Strategic and Performance Services advised that the response rate from the latest consultation was +27% which was good. Public perception was, of course, very important. The consultation document itself had been developed by an Officer in her Unit who was a qualified member of the Market Research Unit and had been very careful to ensure that the questions posed were impartial.

A Member asked if Miss Smith could explain why she considered the consultation to be biased and Ms Mooney read out to the meeting the content of consultation letter and questionnaire by way of a reminder.

At the invitation of the Chairman Miss Smith, who was in attendance at the meeting, stated that she had been advised that the questions put to the public were biased. They should have asked whether the public wished to see any building on the site or to have it retained as open space. Because of the questions asked the play area upgrade was now associated with the development of the Medical Centre in the minds of the public. The phraseology had been designed to get people to say yes.

In conclusion, Members asked that their disappointment that this Committee's recommendations had not been fully followed be conveyed to the Executive.

RESOLVED – (1) That the decision of the Executive be noted.

(2) That the Executive be advised of this Committee's disappointment that its recommendations contained in Minute IOS.95/04 had not been fully implemented.

**EXECUTIVE**  
**16 September 2004**

Additional correspondence relating to Land at Fusehill Street (Agenda Item A.1) received on Wednesday 15 September 2004.

J M Egan  
Head of Legal and Democratic Services  
16 September 2004

15th September 2004

RECEIVED

15 SEP 2004

Cllr Mitchelson, Cnrz Centre CA3 8QG

CUSTOMER AND INFORMATION SERVICES

Dear Cllr Mitchelson

RE FUSEHILL STREET COMMUNITY GARDENS

Please consider the following points and ensure that other members of the Executive have the opportunity to consider them, too, if possible before tomorrow's Special Meeting to decide on FSC Gardens fate.

- 1) David Atkinson's earlier report stated that the gardens had a relatively high level of vandalism. This was not possible to substantiate plus the design of the gardens was allowed to be the antithesis of the "design-out-crime" model and was tantamount to "design-in-crime".
- 2) The doctors developers "consultation" was either a "new medical centre" or "present unsatisfactory use of the location" - divisive, biased and omitting the offer of green space with design-out-crime which Council has an obligation to do. (The Planning Services only reached 38 dwellings.)
- 3) The recent "further consultation" recommended to the Executive in August resulted in the introduction of a false deadline and the attitude that the result of the consultation questionnaire should dictate whether or not to dispose of the gardens, which are the last bit of <sup>community</sup> green space in a densely urban area (Primary Residential Area, InsBt map). This would constitute loss of councillors' impartiality.
- 4) The Questionnaire used different wording for the questions and ~~also~~ omitted to ask if people wanted the green space improved or the green space built upon before going on to demolish. It was loaded in other ways, too, as was the display & letter & the reach of the letter.
- 5) Above all else, the questionnaire, although very subtle and sophisticated in many ways, did not include the necessary clause to allow it to be checked and validated by a third party. Clearly an adverse assessment must be drawn from this lack of validation.

Yours Sincerely,

P5 The doctor's do need new premises. Botchergate desperately needs its last piece ( $\approx 50m \times 75m$ ) of communal green space for social inclusion, community cohesion & health. It might be a good thing if Carlisle had a new medical centre.

BUT since the social fabric of Botchergate and the centre of Carlisle would be severely damaged by the loss of this last communal green space, the new medical centre needs to be built on another site.

The practice has many patients in Curock and Stranix and Curock still has brownfield site available plus good bus services.

I wish the doctors well in their search but I do not want further loss of health that would be guaranteed by continued lack of safe and accessible green space in Botchergate.

Ref: 15904/2/EXEC / Mrs Durham / Mr Halstead

15<sup>th</sup> September 2004

RECEIVED

15 SEP 2004

Mrs Durham and Mr Halstead, CA3 8QG  
Legal & Democratic Services

CUSTOMER AND INFORMATION SERVICES

COPY TO: M. MOONEY, Asst 'Chief  
Executive

Dear Mrs Durham

Thank you for supplying me with copies of letters and the Infrastructure  
O&S Committee's Minutes from 9<sup>th</sup> September 2004 - as supplied to  
the Executive.

Please would you see to it that the letter dated 13<sup>th</sup> September  
is withdrawn as it is anonymous and is therefore unacceptable  
as it cannot be verified?

In the interests of objectivity and impartiality, it should not even  
have been seen by the Executive.

Generally:

When it is a matter of a public consultation exercise by the  
Council, like a questionnaire, that requires the respondent to supply  
personal details, such as name and address, the item should display  
a notification that it may be viewed by a third party. If an  
item has the possibility to verify it, programmed out, then  
an adverse assessment of its validity must be drawn.

Yours sincerely

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## **EXCERPT FROM THE MINUTES OF THE INFRASTRUCTURE OVERVIEW AND SCRUTINY COMMITTEE HELD ON 9 SEPTEMBER 2004**

---

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Discussion arose, during which Members raised the following concerns -

1. One of this Committee's recommendations had been that a public meeting be held to afford people the opportunity to ask questions of the Executive and Officers, obtain further information and make their views known. That had not been undertaken.

In response, Ms Mooney advised that the Executive and Officers had considered the matter of a public meeting. However, based on experience of consultation, prior such meetings and the particular circumstances in question, it was considered that such a meeting would have limited benefits (i.e. not many people would turn up and it would not serve to include hard to reach members of the public). The provision of a public display was felt to be more accessible and less intimidating to local people.

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**A Member commented that the proposal for a public meeting had been brushed aside.** He believed that consultation should mean that people were furnished with information and options, had the opportunity to discuss and respond to the same, and had a sincere and transparent perception that their views would count. He considered that the consultation had been undertaken in a clumsy

manner, which was a shame, and questioned whether it would not have been better to hold a public meeting in any case.

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