

INFRASTRUCTURE OVERVIEW AND SCRUTINY COMMITTEE (SPECIAL)

WEDNESDAY 24 JULY 2002 AT 10.00 AM

PRESENT: Councillor C Rutherford (Chairman), Councillors Crookdake, Dodd, Glover, E Mallinson and Martlew.

ALSO PRESENT: Councillors Firth and L Fisher.

IOS.62/02 APOLOGIES FOR ABSENCE

Councillor Firth submitted apologies for absence on behalf of Councillors Mitchelson (Leader), G Prest (Infrastructure, Environment and Transport Portfolio Holder) and Stevenson (Finance and Resources Portfolio Holder). Councillor Firth indicated that he and Councillor L Fisher were present to represent the Executive at the meeting.

IOS.63/02 DECLARATIONS OF INTEREST

Councillor E Mallinson declared a personal interest in the call-in items as she was a Member of Cumbria County Council and sat on the Carlisle Area Committee which would deal with the highways aspects of the proposed Viaduct Development. Councillor E Mallinson participated in the meeting.

IOS.64/02 PROCEDURAL MATTER

A Member indicated that the papers for the meeting did not include any reference as to the specific reasons the matters under discussion had been called in.

The City Solicitor and Secretary indicated that under the terms of the Constitution, which had been adapted from the Model Constitution suggested by Central Government, the call in procedures did not require Councillors to give reasons for call ins. A change in the Constitution would be required to implement the Member's request.

Members suggested that the Town Clerk and Chief Executive and City Solicitor and Secretary should investigate the possibility of a voluntary protocol being established, to which all Overview and Scrutiny Members would need to agree to abide by, relating to call ins to ensure that Councillors give reasons when calling in Executive decisions.

RESOLVED – That the Town Clerk and Chief Executive, in consultation with the City Solicitor and Secretary be requested to submit a report on establishing a voluntary protocol for call ins to the Overview and Scrutiny Management Committee.

IOS.65/02 CALL-IN – VIADUCT ESTATE DEVELOPMENT BRIEF

The Chairman had called-in for scrutiny Minute EX.177/02 of the Executive meeting on

8 July 2002 dealing with the Viaduct Estate Development Brief. A copy of Minute EX.177/02 and report EN.76/02 of the Director of Environment and Development was submitted.

Councillor Firth attended the meeting on behalf of the Executive to answer questions. The Chief Local Plans Officer, the Head of Design Services and the Property Services Manager also attended the meeting to answer questions on the content of the Director's report.

Members asked a number of questions on the content of the Development Brief relating to traffic issues and the Traffic Impact Assessment carried out by the Highway Authority which had been done on the basis of a 60,000 sq ft development on the site, the need to improve junctions to ensure traffic movements were not adversely affected, the loss of public car parking in the City, improved cycle and pedestrian access and the provision of public transport to the site.

The Chief Local Plans Officer indicated that the Development Brief looked at a variety of options for mixed uses on the whole site and sought to guide potential developers as to the uses which the Local Planning Authority would find acceptable for the site. The Development Brief supplemented existing Local Plan policies and was intended to be used as a guide when considering planning applications to develop the site.

The Brief referred to the Traffic Impact Assessment undertaken by the Highway Authority based on a 60,000 sq ft food outlet at the site. This was the best information available at the present time. The Brief recognised that the impact on traffic junctions and improvements to junctions, facilities for cyclists and pedestrians, general highway safety and land contamination were particular issues which would need to be addressed as part of any development proposals for the site.

The Head of Design Services indicated that the Traffic Impact Assessment had been undertaken by the Highway Authority in accordance with national standards. He further indicated that investigations were being undertaken into identifying sites for alternative public parking in the City Centre area which would be required to compensate for the loss of parking spaces should the site be developed. Possible options for public use of car parking linked to a supermarket development would need to be the subject of detailed discussions with developers.

The Chief Local Plans Officer indicated that the Development Control Committee had recently granted planning permission for a 40,000 sq ft development on part of the site, subject to certain conditions. Any further planning applications for the site would be considered and determined by the Development Control Committee having regard to Local Plan Policies and the Development Brief.

The Development Brief referred to the Carlisle Retail Study 2000 undertaken by CB Hillier Parker. This had concluded that food retail capacity in the City Centre of approximately 53,800 square foot would be capable of being accommodated subject to the existing Tesco store at Victoria Viaduct being closed.

The Chief Local Plans Officer indicated that this did not preclude developers making applications for food stores with a larger retail capacity. Any such applications would have to be considered by the Development Control Committee in the light of Local Plan Policies and the Development Brief. Any new food store at the Viaduct site would have a knock on effect for the proposed retail provision within the Morton development and the existing out of town superstores.

Councillor Firth indicated that the Executive had considered the report of the Director of

Environment and Development (EN.76/02) at their meeting on 8 July 2002. The Executive had accepted the Director's recommendation that the Development Brief be referred to full Council for decision.

Members considered that Development Briefs for large scale developments or for sensitive sites should be referred to this Overview and Scrutiny Committee for comment at the draft stage.

A Member considered that the adoption of Development Briefs sometimes had the effect of constraining Members of the Development Control Committee in dealing with planning applications for developments on such sites.

The Chief Local Plans Officer indicated that the Council's Code of Conduct for Dealing with Planning Matters required Development Briefs to be drawn up for development sites containing Council owned land in order that the Council's role as landowner and Local Planning Authority could be kept separate.

(Note – Councillor Firth had to leave the meeting for a short time during the course of the debate to attend to a previous engagement. During his absence, Councillor L Fisher indicated that he was not prepared to answer any questions as he was not present at the meeting as a representative of the Executive. Members expressed concern that at the start of the meeting the Committee had been placed under a misapprehension that both Councillor Firth and L Fisher were present to represent the Executive and that this was not, in fact, the case.)

RESOLVED – (1) That consideration of report EN.76/02 be referred to the City Council, as recommended by the Executive.

(2) That it be a recommendation to the Executive that Development Briefs for large scale developments or for sensitive sites should be referred to the Infrastructure Overview and Scrutiny Committee for comment at the draft stage.

IOS.66/02 PUBLIC AND PRESS

RESOLVED - That in accordance with Section 100A(4) of the Local Government Act 1972, the Public and Press be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information, as defined in the Paragraph Number (as indicated in brackets against each Minute) of Part 1 of Schedule 12A of the 1972 Local Government Act.

IOS.67/02 CALL-IN – VIADUCT ESTATE DEVELOPMENT

OPPORTUNITY

(Public and Press excluded by virtue of paragraph 9 of Part 1 of Schedule 12A of the Local Government Act 1972)

The Chairman had called in for scrutiny Minute EX.206/02 of the Executive meeting on 8 July 2002 dealing with the Viaduct Estate Development opportunity. A copy of Minute

EX.206/02 and Report EN.73/02 of the Director of Environment and Development was submitted.

Councillor Firth attended the meeting on behalf of the Executive to answer questions on the decision. The Chief Local Plans Officer, the Head of Design Services and the Property Services Manager also attended the meeting to answer questions on the content of the Director's report.

Discussion arose on the content of the Director's report and the Executive's decision.

The Head of Property Services indicated that the decision of the Executive had been to commission Donaldsons to enter into negotiations with a developer interested in developing the Viaduct Site. He indicated that this was a major development and that negotiations would be lengthy and could take approximately 12 to 18 months. The outcome of the negotiations and any potential deal arising would need to be reported back to the Executive.

Councillor Firth indicated that the Executive had considered the confidential report of the Director of Environment and Development (EN.73/02) at their meeting on 8 July 2002. The Executive had been updated on the developer interest in the Viaduct site and been presented with two options –

- a. To reject the offer and retain ownership of the Council land;
- b. To advise the developer that the Council is mindful to enter into negotiations with a view to dispose of the Lower Viaduct Car Park land subject to final proposals being approved by a full meeting of the City Council.

He indicated that the Executive had chosen option (b) and authorised Donaldsons to be commissioned to undertake negotiations on the Council's behalf.

Councillor Firth indicated that no decision had been taken to sell the land. The outcome of negotiations would be reported back to the Executive and, should it be considered in the best interests of Carlisle people to sell the land, then the final decision would rest with the full City Council. He considered that many of the questions raised at the meeting by Members could not be answered until detailed negotiations had taken place with the potential developer. Should the land be sold, then any development proposed for the site would be the subject of a detailed planning application which would be considered on its merits by the Development Control Committee.

RESOLVED – That, under the circumstances, the matter be not referred back to the Executive and the decision take effect from the date of this meeting.

(The meeting ended at 11.55 am)