



**PORTFOLIO AREA: POLICY, PERFORMANCE MANAGEMENT,
FINANCE & RESOURCES / HEALTH & COMMUNITY ACTIVITIES**

Date of Meeting: 19 July 2004

Public

Key Decision: No

Recorded in Forward Plan:

No

Inside Policy Framework: Yes

Title: PUBLIC PETITION AGAINST DISPOSAL OF
LAND AT RYDAL STREET, CARLISLE

Report of: HEAD OF PROPERTY SERVICES

Report reference: PS 12/04

Summary:

The Council has received recent objections against the disposal of land at Rydal Street. This report appraises Members of the position.

Recommendations: It is recommend that:

1. The Executive note the report in the context of the objections received.

Contact Officer: David Atkinson

Ext: 7420

1. BACKGROUND INFORMATION & OPTIONS

- 1.1 There has been a recent public petition against the disposal of land at Rydal Street. This report provides background information for Members to consider.
- 1.2 Previously, the Council received a public petition on 15 January 2002 seeking that it resolve problems caused to local residents adjacent to the Rydal Street playground.
- 1.3 This site is shown on the attached plan.
- 1.4 The Council resolution was (minute C5 / 02):-
 - (1) ***That the petition be received.***
 - (2) ***That subject to a favourable response from a public consultation, a developer be sought to provide residential development on the site of the Rydal Street play area.***
 - (3) ***The site be closed down when a developer has bought the site.***
 - (4) ***Some or all of the proceeds of sale are used to provide additional play facilities on the Fusehill Street site, subject to local planning conditions relating to the siting of the play facilities.***
- 1.5 A public consultation was carried out: 750 questionnaires were sent out and 50 returned. Of those returned, results were about 2 to 1 in favour of proceeding along the lines outlined by the Council.
- 1.6 The following process then took place:-
 - (1) Formal declaration that the land was surplus to Council requirements was decided at Executive on 2 September 2002 (EX 273/02)
 - (2) A site appraisal was prepared by Planning Services to follow the Council's Code of Conduct on such matters.
 - (3) The appointment of a firm of Chartered Surveyors to market the freehold site.
 - (4) Marketing of the site, including a site board, particulars of sale, and advertising in the local newspapers.
 - (5) Final offers were received. On 28 April 2003, (EX 098/03) the Executive resolved to sell the site on the terms agreed.
 - (6) Solicitors were instructed by both parties.
 - (7) Formal notice was placed in the Cumberland News on 28 September 2003 and 3 October 2003 in accordance with Section 123 of the Local Government Act 1972 – to ascertain if there were any formal public objections against the disposal of the site because it was public open space.

Former Children's Play Area Rydal Street CARLISLE



Head of Property Services:
D M Atkinson Bsc (Hons) MRICS
Carlisle City Council, Civic Centre,
CARLISLE CA3 8QG

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DATE: April 2004

1:1250

- (8) One objection was received which was reported to the Executive on 24 November 2003 (EX 281/03): the objection was withdrawn and the Executive decided to proceed with the disposal.
 - (9) A separate planning process through the Council's Development Control Committee, seeking planning permission for residential development was granted on 4 June 2004.
 - (10) Legal contracts were exchanged on 26 March 2004 and the sale was completed on 7 June 2004.
- 1.7 The Council in its original resolution on 15 January 2002 agreed that part of the capital receipts raised should be expended on play facilities at Fusehill Street. The cost of the works is £61,000. This is not the full amount received from the sale of the site.

2. DECISION REQUESTED

- 2.1 Members are asked to consider this report and the public petition raised.

3. CONSULTATION

- 3.1 *Consultation to date:* As outlined in the report. It should be noted that Officers consider that all the statutory process have been adopted in relation to the sale of the land.
- 3.2 *Consultation proposed:* - No more consultation in relation to Rydal Street is proposed because the land is now sold.

4. RECOMMENDATIONS It is recommend that:

- 4.1 The Executive note the report in the context of the objections received.

5. REASONS FOR RECOMMENDATIONS

- 5.1 To make a decision in the light of the public petition received.

6. IMPLICATIONS

- **FINANCIAL:** The Council have already approved that proceeds of sale are to be used to provide additional play facilities on the Fusehill Street site.
LEGAL : The Head of Legal and Democratic Services has been consulted on this report. The sale of the land was advertised in accordance with the requirements of Section 123 of Local Government Act 1972 and, following approval by the Executive, the sale has now been completed.
- **CORPORATE :** The Head of Culture, Leisure and Sport Services has been involved in the preparation of this report.
- **ENVIRONMENTAL / CRIME & DISORDER:** The site used to attract a degree of antisocial behaviour which was the main reason for the original public petition in favour of resolving local difficulties in the area.
- **IMPACT ON CUSTOMERS:** The dilemma has been, as is the case with many of these of issues, that some members of the public have been in favour of disposal for residential development and some have not.
- **BACKGROUND PAPERS:** Attached are the relevant minutes of meetings referred to and a copy of the statutory notice placed in the Cumberland News.

award of an MBE.

The Leader also congratulated Mrs Jenny Wilkinson, the Chairman of the Carlisle Parish Council's Association, for her recent award in the New Year's Honours List for her work in providing support services throughout the recent Foot and Mouth crisis.

Pursuant to Minute C.180/01(b), the Leader informed Members that a Special Meeting of the Council was to be arranged to receive a number of Presentations and he anticipated that a Special Meeting of the City Council would be arranged for Tuesday, 26 February 2002.

(c) Members of the Executive

There were no further announcements from Members of the Executive.

(d) Town Clerk and Chief Executive

There were no announcements from the Town Clerk and Chief Executive.

C.5/02 QUESTIONS BY MEMBERS OF THE PUBLIC

AND PRESENTATION OF PETITIONS AND DEPUTATIONS

(a) Questions

The Town Clerk and Chief Executive reported that no questions had been submitted by members of the public.

(b) Rydal Street Petition

Pursuant to Procedure Rule 10.11, the Town Clerk and Chief Executive reported the receipt of a petition containing more than 30 signatures submitted by residents of Rydal Street calling on the City Council to resolve the problems caused to residents adjacent to the Rydal Street Playground.

PC Maguire addressed the City Council on the subject of the petition and called upon the City Council to consider ways of

removing the playground from Rydal Street to improve the quality of life of the surrounding residents particularly the elderly residents who wished to live in peace and quiet.

Councillors Fisher (L), Ms Furneaux and Mallinson (J), as Ward Members for St Aidan's, spoke on the subject of the petition. Ward Members expressed their sympathy with the petitioners but felt that the playground should not be closed until such time as the site could be used for some other purpose. They also added that should the site be sold, then it should be for a housing development and not for a commercial/retail outlet. Ward Members noted the proposal to improve the Fusehill Street play area and added that there was a need to improve the facilities in the Fusehill Street gardens. Members commented on a petition from the children of Brook Street School requesting the retention of the play area but added that the play area had been used as a meeting place for groups of young people and did make life uncomfortable for elderly residents. The area had been a source of a considerable number of complaints over recent years with very few young people using the play area as a play area. They added that, if the site could not be marketed for housing development, then it should not just be left either abandoned or as a play area, as the elderly people in the area were suffering.

Councillor Mrs Pattinson, the Portfolio Holder for Community Activities, presented Report LD.1/02. She informed Members that a questionnaire on the future of the play area had been sent to residents in the play area catchment area and she reported the outcome of that questionnaire. She set out for Members the options available to the City Council in closing down the play area and developing the land or removing the equipment and leaving the empty space although it was felt that this would not resolve the problems experienced by residents, and added that the closure of the play area would mean the loss of play facilities for children in the Botcherby East area.

RESOLVED - (1) That the petition be received.

(2) That, subject to a favourable response from the Public Consultation, a developer be sought to provide residential development on the site of Rydal Street Play Area.

(3) The site be closed down when a developer has bought the site.

(4) Some or all of the proceeds from the sale are used to provide additional play facilities on the Fusehill Street Site, subject to local planning conditions relating to the siting of play facilities.

(c) Animal Health Bill Petition - Procedure

The Town Clerk and Chief Executive reported the receipt of a petition calling on the City Council to oppose the Animal Health Bill. He informed Members that whilst the petition contained more than 30 signatures there were only 27 signatures which were registered electors of the district.

Councillor Mitchelson moved under Standing Order 24.1 a suspension of the Council's Rules of Procedure 10.11(b) to enable the Council to hear a petition which was signed by only 27 registered electors of the district.

Councillor Firth seconded the suspension. Councillor Furneaux, noted that the petition related to legislation which was enforced by the Trading Standards Officers of the County Council and highlighted decisions which had been taken by the Leader to refer petitions relating to highway matters direct to the County Council as the City Council did not have direct responsibility for highway matters. Councillor Mrs Bradley expressed concern that the Council were to consider a petition which did not have the number of signatures of registered electors as required by the Council's Procedure Rules.

Councillor Mitchelson informed Members that the petitions relating to highway matters had been referred direct to the County Council to avoid a significant time delay in considering the issues contained in the Petitions.

RESOLVED - That in accordance with Council Procedure Rule 24.1, the Council Procedure Rule 10.11(b) be suspended to enable the City Council to consider a petition which had been received and which included the signatures of 27 registered electors of the District.

Reasons for Decision

The applications were considered having regard to the policy criteria previously approved by the City Council.

EX.273/02 LAND AND PROPERTY TRANSACTIONS (Non Key Decision)

(Public and Press excluded by virtue of Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972)

Portfolio Finance and Resources

Subject Matter

To consider a report from the Director of Environment and Development (██████) seeking the Executive's consent to operational land and property transactions and providing an update on the capital and rental financial position. Details of rent arrears were also reported along with action being taken to pursue these debts.

Summary of options rejected

None

DECISION

1. That the capital receipts position as detailed in Appendix 1 of Report EN.96/02 be noted.
2. That the rent review position as outlined in Appendix 2 of Report EN.96/02 be noted.
3. That the rent arrears position be noted.
4. That the Newtown Bowling Green and the Rydal Street Play Area be declared surplus to requirements, whilst land at Georgian Way be considered potentially surplus subject to further advice being received.
5. That the major property settlements for Rosehill, the Airport, Market Hall, John Johnston Court and Parkhouse be noted.

Reasons for Decision

In order to make decisions on various operational land and property transactions.

EXECUTIVE DECISION – 28 APRIL 2003

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ser... implementation service which was top of the range and should increase the chances of a successful implementation. Given the offer of the system upgrade from the existing system supplier Radius, and the inherent risks associated with changing suppliers for such a crucial system, together with the budget and staff resource limitations and target implementation date, the Head of Finance considered that the most beneficial option for the Council was to proceed with a system upgrade with the existing supplier rather than pursue a formal tendering procedure. Approval was sought to pursue and agree contractual arrangements with Radius under Section 4(2)(b) of the Contracts Procedures Rules.

Summary of options rejected

An option to invite open tenders for a replacement ledger system was rejected.

DECISION

That, under the circumstances, the Executive accept that inviting Radius to upgrade the financial ledgers system rather than invite open tenders for a replacement system was the best option for the City Council and, in accordance with Section 4(2)(b) of the Contract Procedure Rules, the Head of Finance be authorised, subject to satisfactory negotiation and discussion on system requirements, to invite Radius to upgrade the existing ledger system with their new product 'Radius Financials.'

Reasons for Decision

To enable the Head of Finance to commence the implementation of an improved financial information system for the Authority.

EX.098/03 LAND AND PROPERTY TRANSACTIONS (Key Decision)
(Public and Press excluded by virtue of Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972)

Portfolio Economic Prosperity, Finance and Resources

Subject Matter

To consider a report from the Head of Property Services (PS.3/03) seeking the Executive's approval, where appropriate, to operational land and property transactions. Details of savings made as a result of the Council's rating and Council Tax assessments being appealed were also submitted.

Summary of options rejected

None

DECISION

1. That the Uniform Business Rate decision made by Officers be noted.
2. That the terms to lease various pieces of land at Parkhouse to Lloyd Motors, Gladman Developments (Phases 1 and 2), Carlisle Glass and Stuart Williamson be noted.
3. That the terms to sell freehold land at Rydal Street be agreed.
4. That the terms to sell freehold land at Newtown Bowling Club be agreed.

Reasons for Decision

To authorise the Head of Property Services to proceed with certain land sales which were in accordance with Corporate Plan priorities.

EX.099/03 CATERING CONTRACT – TULLIE HOUSE (Non-Key Decision)

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

Portfolio Health and Wellbeing

Subject Matter

To consider a report from the Head of Culture, Leisure and Sport (CLS.46/03) informing Members of negotiations to extend the contract for catering services at Tullie House for a two year period from 12 April 2003 when the existing five year contract had expired.

Summary of options rejected

None

DECISION

That the action taken by the Head of Culture, Leisure and Sport to enter into an extension of the catering contract for Tullie House for up to two years be approved.

Reasons for Decision

To maintain a catering service at Tullie House.

(The meeting ended at 1.50 pm)

LOTTERY GAME

***** THE WINNERS *****

WEEK ENDING 26/09/03

1st PRIZE OF £2000

95455 KIRKBAMPTON, CARLISLE

2nd PRIZE OF £125

07735 LOW HESKET, CARLISLE

3rd PRIZE OF £75

73735 HEADS NOOK, CARLISLE

4th PRIZE OF £50

16859, WIGTON ROAD, CARLISLE

5th PRIZE OF £25

19235 CARLETON, CARLISLE

10 PRIZES AT £10 • 125 PRIZES AT £5

The only lottery run for and by the Hospice.

Eden Valley Hospice is not responsible for any printing errors.

C.A.D.A.S

Cumbria Alcohol and Drug Advisory Service

ANNUAL GENERAL MEETING

CADAS Invite you to attend their
24th AGM

to be held in

**The Assembly Room, Town Hall, Carlisle,
on Friday 10th October 2003 at 2.00pm.**

Reg. Charity No 1002201

Reg. Company Ltd by Guarantee No 2585199

**Are you
using yours?**

**LOCAL
Pages**

**Cumbria's local
directory**

01768 866 797

**NOTICE OF GENERAL
MEETING
of the Cumbria
Jumbulance Appeal
Friday October 3rd 2003,
7.30pm**

at Westways, Capon Tree
Road, Brampton.

**ADVERTISE IN
The Cumberland News
CLASSIFIEDS
EVERY FRIDAY**

Alzheimer's
Dementia care & research
Carlisle Branch

**FAMILY
SUPPORT
GROUP**

**Beverley House
80/82 Beverley Rise
Harraby, Carlisle**

**Monday 6 October
2pm - 3.30pm**

**Speaker:
Jackie Ruddick
from the Animal Refuge**

Charity No. 296846

ABBEYFIELD SOCIETY

11 GOSCHEN ROAD, CARLISLE

The Abbeyfield Society provides 'Home from Home'
sheltered accommodation for up to
6 elderly single residents.

The accommodation provided consists of large en-suite
rooms with en-suite facilities. Residents furnish their own
rooms to their own taste.

We have, at present 2 vacancies and invite applications
from elderly persons who no longer wish to maintain their
own home, but wish to live independently within a safe,
supportive environment.

Two meals are provided each day by the resident
housekeeper in the communal dining room and there is a
pleasant garden and garden room for use by the residents.

Further information available from The Organising
Secretary, 11 Goschen Road, Carlisle.
Tel. 01228 520585.

Piccadilly Plaza
Manchester M1 4BE

CARLISLE CITY COUNCIL

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

**LAND ON THE SOUTH SIDE OF
RYDAL STREET CARLISLE**

Notice is hereby given that the Council of the City of Carlisle of Civic
Centre, Carlisle CA3 8QG intends to dispose of open space land
comprising a play area and having an area of 576 square metres or
thereabouts on the south side of Rydal Street Carlisle for the purpose of
housing development

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

J M Egan, Head of Legal and Democratic Services
Carlisle City Council, Civic Centre,
Rickergate, CARLISLE CA3 8QG

by no later than 13 October 2003

Dated the 3 day of October 2003.

Borough of Allerdale

**PLANNING (LISTED
BUILDING &
CONSERVATION
AREAS) ACT 1990**

Applications for Listed
Building Consent &
Planning Applications
Affecting the Setting of a
Listed Building
or

Applications for
Conservation Area
Consent & Planning
Applications Affecting
the Character of a
Conservation Area

I give notice that the following
is applying to Allerdale
Borough Council for planning
permission:

Ref Number 2/2003/1105

Applicant/Agent:
Mr J. Pigg. Erection of
porches to front and rear.
7 Donaldson Cottages,
Water Street, Wigton.

Ref Number 2/2003/1109

Applicant/Agent: W. W.
Builders. Change of use of
redundant farm buildings
to 4 no. dwellings. New
Cowper Farm, New
Cowper, Aspatria.

Ref Number 2/2003/1113

Applicant/Agent: W. W.
Builders. Listed building
consent for change of use
of redundant farm
buildings to 4 no.
dwellings. New Cowper
Farm, New Cowper,
Aspatria.

Documents relating to the
applications can be inspected
during normal office hours
at Allerdale House,
Workington CA14 3YJ. Any
representations must be sent,
in writing, to the Development
& Property Services Manager
at the same address within
21 days from the date of
this notice. Representations
received after this period may
not be taken into account.

MR R. OUTHWAITE
HEAD OF PLANNING SERVICES
3 OCTOBER 2003

Cumbria County Council

**THE COUNTY OF
CUMBRIA (U1016
NETHERHIRST ROAD,
LONGTOWN)
(TEMPORARY
PROHIBITION OF
THROUGH TRAFFIC)
ORDER, 2003**

NOTICE IS HEREBY
GIVEN that to enable
carriageway strengthening
works to be carried out, the
County Council of Cumbria
intends to make an Order the
effect of which is to prohibit
any vehicle from proceeding
along that section of the U1016
Netherhirst Road, Longtown
from the junction with the
C1006, extending in a
northerly direction for a
distance of 885 metres.

A pedestrian way will be
maintained at all times and a
suitable alternative route for
vehicles will be available as
follows:

Southbound Vehicles
From the northern side of
the closure proceed along the
U1016 in a north westerly
direction to the junction with the
C1007. Turn left onto the
C1007 and proceed in a south
westerly direction into Easton.
Travel through Easton to the
junction with the C1006.
Turn left onto the C1006 and
proceed in a north easterly
direction for approx 2km to
the junction with the U1016
and the opposite side of the
closure.

Northbound Vehicles
Travel in the reverse
direction of the above.

The Order will come into
operation on 21st October
2003 and continue in force for
a period of up to eighteen
months from that date and
when the relevant traffic signs
are displayed, although it is
anticipated that it will only be
required for 1 week.

Dated the 3rd day
of October 2003

B.WALKER
Head of Legal Services
The Courts, Carlisle.

Proposed Development at:
Land at Kingmoor
Estate,
Kingmoor Road, Carlisle.

I give notice that TW Fell
Property Services is applying
to Cumbria County Council
for planning permission in
respect of:

Use of land for B8 storage
purposes and landscaping;

**Planning Application
Reference No. 1/03/9015**

Members of the public may
inspect copies of
application(s), plans and any
other documents submitted
with application(s), at the
offices of Planning Services,
Carlisle City Council, Civic
Centre, Carlisle, during
normal office hours.

**Anyone who wishes to
make representations
about any application(s)
should WRITE, quoting the
Application Reference
No(s), (1/03/9015), to the
Head of Environment,
Community Economy &
Environment Directorate,
Cumbria County Council,
County Offices, Kendal,
Cumbria LA9 4RQ, by 28th
OCTOBER 2003.**

Signed: Shaun Gorman
Head of Environment,
Community Economy &
Environment Directorate,
on behalf of
Cumbria County Council

Date: 3rd October, 2003

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CUMBERLAND NEWS 28/9/03 and 3/10/03

EXECUTIVE DECISION – 24 NOVEMBER 2003

Portfolio Holder reported that he was re-assured to note that all three Overview and Scrutiny Committees had endorsed, either totally or in principle, all of the budget bids brought forward by the Executive.

Summary of options rejected

None

DECISION

That the Minutes of the Overview and Scrutiny Committees be noted and considered as part of the Executive's budget deliberations.

Reasons for Decision

To make arrangements to consider the views of the Overview and Scrutiny Committees as part of the Executive's Budget deliberations.

EX.281/03 PROPOSED DISPOSAL OF PLAY AREA LAND AT RYDAL STREET, CARLISLE (Key Decision)

Portfolio Policy, Performance Management, Finance and Resources

Subject Matter

To consider a report from the Head of Legal and Democratic Services (LDS.65/03) detailing an objection received in relation to the proposed disposal of play area land at Rydal Street, Carlisle for residential purposes.

He further reported that the objector had since withdrawn the objection.

The Executive was requested to consider the position and decide whether to proceed with this land disposal.

Summary of options rejected

None

DECISION

That, having regard to the fact that the objection has been withdrawn, the Head of Property Services be authorised to proceed with the disposal of the play area land at Rydal Street, Carlisle.

Reasons for Decision

In view of the fact that the objection to the sale of land at Rydal Street had been withdrawn, the Executive agreed to proceed with the disposal.