

# Taunton Deane Borough Council

**Executive – 16 November 2011**

## **Development of “Maggie’s” Cancer Charity provision using a small part of Galmington Playing Field, Taunton**

### **Report of the Strategic Director**

(This matter is the responsibility of Executive Councillor Herbert)

#### **1. Executive Summary**

The Council has been approached by the Chief Executive of Musgrove Park Hospital about a potential development for a well respected national charity named “Maggie’s” which builds and operates psycho-social support centres for people with cancer and their families, friends and carers. This would sit well alongside Musgrove’s current cancer provisions. To enable this development would mean encroaching on to a very small part of the Galmington Playing field. This report outlines the issues and opportunities and requests the Executive to approve the principle of selling a small part of this land of the purpose of this development.

#### **2. The Proposal**

2.1 Maggie’s is a national charity founded by Maggie Keswick Jencks, a writer and landscape designer, who was diagnosed with breast cancer and developed a vision for a cancer caring centre that could make the experience of diagnosis and treatment easier to bear during her last 18 months of life. The president of the charity is HRH Duchess of Cornwall and patrons include Sarah Brown and Jon Snow. The architecture of their buildings is exceptional and they aim to be things of beauty in their own right. They have won many RTPI awards. The introduction in their brochure says “Maggies unique centres are located on hospital grounds to provide the very best complement to medical care. Our effective combination of practical, emotional and psychological support is available to anyone affected by any type of cancer for as long as they need it”

2.2 The philosophy of Maggie’s is:

- Maggie’s unique psychosocial support transforms the way people live with cancer;

- Maggie's inspirational architecture has a direct impact on people's well being;
- Maggie's enables people to become active participants in their treatment, which improves the quality of their lives; and
- Maggie's Centres are community beacons and give anyone affected by cancer a place to turn to.

2.3 Maggie's want to provide a centre in the south West and their preferred location is Taunton. They prefer to build in the grounds of Cancer Centres, because this ensures the greatest capture of people with cancer. Musgrove Park Hospital has looked at their site and come to the conclusion that the most appropriate location would involve encroaching on to a small part of Galmington Playing Field. It is only a corner of the field that is required and they would provide some area around the building such as a sensory garden which would be open to the public in mitigation. It is likely that further mitigation on improved facilities such as play equipment or improved sports facilities would also be required.

2.4 Aerial photographs showing the approximate footprint of the development is found at Appendix A and B. The exact amount of land required will only be known when the detailed plans are drawn up – which will not be done unless there is an in principle agreement to sell an area of land here.

### **3. The legal position re sale of land at Galmington Playing Field**

3.1 There are two restrictions affecting the land at Galmington Playing Field which means that the Council is not free to sell all or part of the land without taking some preliminary steps.

1. There is a restrictive covenant on the land which requires the land to be used only for recreational purposes. To remove this would require someone who currently has the benefit of the covenant (ie a descendant of the original vendor) to consent. A consideration would normally be paid. In 2002 such a descendant was found living locally so this might be an option.

Alternatively an application could be made to the Lands Tribunal for the covenant to be lifted. This would incur the legal costs of making such an application and could take up to a year to get a decision.

2. In addition the land is subject to a Charitable Trust and the Council as Trustee can only sell on the terms set out in the Charities Act. This requires the Council to comply with various requirements and to be satisfied that it is obtaining the best terms possible for the sale. If not, the consent of the Charity Commissioners would be needed.

3.3 Both of the restrictions can be overcome, but it means that the period prior to sale is likely to be considerably longer than for a normal transaction.

The monies arising from any sale would have to be used for the original purpose of the charity, the provision of recreational facilities, and it may well be that such provision would need to be elsewhere on the Galmington Playing Field if only part of the field were to be sold.

#### **4. Parking and Access**

- 4.1 One of the key issues for the community around the Musgrove site is parking on the local streets. The development should not cause significant deterioration to the current position. A transport strategy and travel plan will be required as part of the development process and will form part of the planning application. The number of staff will be in the region of 5 – 6 fte so will not greatly add to the number currently employed on the site. Therefore, whilst the concerns of the local residents are well understood, this development on its own, is not likely to have a significant negative impact on the current position and as above, will be picked up in detail through the planning process.

#### **5. Community Scrutiny**

- 5.1 This matter was discussed at Community Scrutiny on 11 October 2011. The Committee supported the principle of selling the land for this development but were very concerned about the implications for on street parking for local residents and the impact that this development might have on that. The Scrutiny Committee therefore agreed to the principle of selling off a small part of the Galmington Playing Field to Maggie's Cancer Charity and recommended that the Executive proceed with the next steps towards a sale, with the proviso that careful consideration should be given to local parking issues and providing access to the new centre exclusively through the hospital grounds.

#### **6. Finance Comments**

- 6.1 The legal work will be picked up in house, however should external fees be required (for example if we have to make an application to the Lands Tribunal) then we would expect the purchaser to cover these.
- 6.2 The monies arising from any sale would have to be used for the original purpose of the charity, the provision of recreational facilities elsewhere on the Galmington Playing Field.

#### **7. Legal Comments**

As in Paragraph 3.

#### **8. Links to Corporate Aims**

This links to the Corporate Aim Regeneration (Economic Development)

## **9. Environmental Implications**

A small area of green space would be used for this development.

## **10. Community Safety Implications**

No issues identified.

## **11. Equalities Impact**

No equality issues identified.

## **12. Risk Management**

- 12.1 There is a risk around getting the approvals required to move forward with the sale of this land which is likely to make the process longer than in normal transactions. However, the opinion at the moment is that these restrictions can be overcome.

## **13. Partnership Implications**

- 13.1 Musgrove Park Hospital is an important partner for the Borough Council and a key part of the economic make up of Taunton and the borough. Maggie's centres work alongside other partners including:-

- The clinical nurse specialists and clinical teams
- Local hospices
- Other independent cancer support organisations
- Site specific support groups
- Support groups
- Other district general hospitals in the area
- Local authorities
- Cancer networks
- The Department of Health

## **14. Recommendations**

- 13.1 That Members of the Executive consider this request from Musgrove Park Hospital and Maggie's Cancer Charity and:-

(1) agree the principle of selling a small part of the Galmington Playing Field to Maggie's for this development; and

(2) Request Maggie's and Musgrove Park Hospital to give careful

consideration at the design stage to the potential impact on local parking issues and the provision of access to the new centre through the hospital grounds.

**Contact:** Joy Wishlade, Strategic Director  
Tel: 01823 356403  
[e-mail joywishlade@tauntondeane.gov.uk](mailto:joywishlade@tauntondeane.gov.uk)



