



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

Date of Meeting: 19 July 2004

Public

Key Decision: No

Recorded in Forward Plan: Yes

Inside Policy Framework: Yes

**Title: PUBLIC PETITION IN FAVOUR OF DISPOSAL OF LAND AT
FUSEHILL STREET, CARLISLE**

Report of: HEAD OF PROPERTY SERVICES

Report reference: PS 11/04

Summary:

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

The Executive on 17 May 2004 received objections against the disposal. Today, there are petitions in favour of such a policy.

This report provides the background and context in order for Members to have appropriate information.

Recommendations: It is recommend that:

1. The Executive consider the petitions which have been received in favour of the proposed disposal for the development of a medical centre.
2. The matter be referred to Infrastructure Overview and Scrutiny Committee and then back to the Executive for a final decision.

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

1. BACKGROUND INFORMATION & OPTIONS

INTRODUCTION

- 1.1 There is a scheme to develop land owned by the City Council for a new medical practice.
- 1.2 Objections to the proposed disposal have been received both by individuals writing in to the Authority as a consequence of statutory procedures and through a public petition: both were considered by the Executive on 17 May 2004. Today, the Executive will receive public petitions in favour of disposal for the development of a medical practice.
- 1.3 This report is similar to that presented to the Executive on 17 May 2004.

BACKGROUND DETAIL

- 1.4 A medical practice at 46 / 48 London Road have significantly outgrown their existing accommodation and have been searching widely for new premises over a number years. The practice wish to remain in the locality in order to give their best service to patients and have identified, through their developer, a site at Fusehill Street which could match requirements.
- 1.5 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.
- 1.6 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 resulted in vandalism. The children's play area has facilities which need upgrading.
- 1.7 The site is shown on the attached plan. That area intended to be sold is shown hatched.
- 1.8 The scheme proposed is in two parts:
 - (1) A development of a medical practice. The developer intends to build the scheme and lease it to the medical practice, following appropriate National Health Service procurement guidelines.
 - (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 from the sale of land at Rydal Street (if Members agree).

City Council Land at Fusehill Street, CARLISLE

St Martin's
College

St Martin's
College

ST AIDANS ED

CARLISLE BORO CONST

PC

HOWE STREET

Church

Roseville Terrace

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

Reproduced from the 1986 Ordnance Survey
Mapping with the permission of
Her Majesty's Stationery Office.
Crown Copyright.

Unauthorised reproduction infringes Crown Copyright
and may lead to prosecution or Civil proceedings
Carlisle City Council Licence No LAO77429

DATE: April 2004



1:1250

- 1.9 The freehold title to the site is held by the Council under a conveyance dated 22 May 1891 between the Mayor, Alderman and citizens of the City of Carlisle, (known as the Corporation) and the then Town Clerk.
- 1.10 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.
- 1.11 This 1859 Act was available for Local Authorities to facilitate the granting of land to be made near populous places for the use as sites for the recreation of adults and as playgrounds for children.
- 1.12 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.
- 1.13 The Council has followed the procedures, including advertisements, and the matters were reported to the Executive on 17 May when both formal objections to the disposal and a public petition were received: the resolution (report PS 06/04) was:-
- (1) ***That the Leader will arrange for a meeting between relevant Members of the Executive and Officers with representatives of the petitioners to discuss the issues involved in the future use of this land and a report be submitted to a future meeting of the Executive on the outcome of these discussions prior to a final decision being made.***
- (2) ***That the report be referred to in the Infrastructure Overview and Scrutiny Committee for their input as to the preferred use of land.***
- 1.14 Since that meeting, public petitions in favour of the scheme have been received – as attached.
- 1.15 Under the Scheme of Delegation at this Council, the valuation issues are for officers to resolve. The proposal is that the site would be disposed by means of a lease for 125 years with a specific user clause intended for the purposes of a medical centre incorporating a pharmacy and related uses. An independent valuer has been instructed jointly between both the developer and the Council, through terms of engagement governed by the Royal Institution of Chartered Surveyors. The site has been valued and if sold, the Council would benefit from a capital receipt. The District Valuer has also approved the valuation for the NHS.

- 1.16 Members should also note that the Council has agreed to sell a nearby piece of open space, namely Rydal Street playground. In this case, a public petition was received by the Council to resolve antisocial behaviour issued. Capital raised from the Rydal Street sale was intended to be used to upgrade the Fusehill Street facilities – and this could be done on the land to be retained as a children's playground. The Rydal Street case is now subject to a petition against the sale, and is also reported at this Executive.
- 1.17 The medical practice wish to remain in the immediate vicinity to meet the needs of the local patients. It has the support of National Health Service funding. The practice serves a patient list of over 8,000 people. They currently occupy limited space at 46 / 48 London Road, premises which are inadequate to meet patients' needs. The new development would provide a modern facility in the locality. Planning permission for the development was approved by the Development Control Committee. The development scheme envisages the City Council retains land for a children's playground.
- 1.18 The alternative is to retain all the land for recreational purposes. Over the years, this site has suffered a proportionally higher level of vandalism compared to other open spaces. 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.
- 1.19 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. No income would be lost from the sale.

2. CONSULTATION

2.1 *Consultation to date:*

This report is written in the public part of the Executive agenda. The proposed disposal was advertised in the Cumberland News in January 2004 and objections were received. Public petitions in favour and against the scheme have been received by the Council. The medical practice undertook its own consultation for the scheme as part of its proposal. The Planning process followed statutory consultation procedures. Meetings have been arranged with representatives of petitioners for and against the scheme prior to this Executive meeting.

2.2 *Consultation proposed:* - Infrastructure Overview and Scrutiny Committee 19 July 2004.

3. RECOMMENDATIONS It is recommend that:

- 3.1 The Executive consider the petitions which have been received in favour of the proposed disposal for the development of a medical centre.
- 3.2 The matter be referred to Infrastructure Overview and Scrutiny Committee and then back to the Executive for a final decision.

4. REASONS FOR RECOMMENDATIONS

- 4.1 To receive a public petition in favour of the disposal of land.

5. IMPLICATIONS

- **STAFFING / RESOURCES :** Included.
- **LEGAL :** Section 123 of the Local Government Act 1972 provides that, prior to disposing of any land forming part of an open space, the Authority must give notice of their intentions to do so in two consecutive weeks in a local newspaper and then consider any objections which may be made. The proposed disposal of this particular piece of land was advertised in the Cumberland News on 23 and 30 January 2004. Members have a duty to consider the objections which have been received before deciding whether or not to dispose of the land.
- **CORPORATE :** The Head of Culture, Leisure and Sport Services has been consulted.
- **ENVIRONMENTAL / CRIME & DISORDER :** The site does attract vandalism and is in need of public realm investment if the Council were to retain it.
- **IMPACT ON CUSTOMERS:** The dilemma here is whether to dispose of land to assist a medical practice improve patient care or retain the site for recreational purposes, where there are now petitions in favour and against the scheme.

DR. A.R. HORNE
DR. R.J. LIGHTFOOT
DR. C E ASQUITH
DR. C L HUGGINS
DR.G M U JAYAWARDENA

Ref: AH/EL

Chief Executive
Carlisle City Council
Civic Centre
CARLISLE

22 June 2004

MEDICAL & DENTAL SERVICE	
24 JUN 2004	
PARSED TO	
ANSWERED	SH
MAIL LOC	
CIVIC CENTRE & CHIEF EXECUTIVE'S OFFICE	
FILE	
23 JUN 2004	
PARSED TO	
ANSWERED	✓

Dear Sir

RE; PROPOSED NEW MEDICAL CENTRE, FUSEHILL STREET, CARLISLE

Please find enclosed a petition of some ⁴⁷²~~421~~ names gathered in support of our proposal. This represents the views of our patients who are fully aware of the urgent need for new premises so that the practice can improve and extend services and meet standards required in Primary Care. This petition endorses a similar survey carried out in October 2003 lodged with the City Council prior to the Planning Application approval.

We respectfully ask that this petition be received into record to enable discussions to continue and to assist the Executive Committee to reach a decision.

Yours faithfully

DR A R HORNE

Carlisle and District 
Primary Care Trust

Wavell Drive
Rosehill
Carlisle
CA1 2SE

Direct Line: (01768) 245336

Direct Fax: (01768) 5326

E-mail: Ramona.Fleming@ncumbria.nhs.uk

Our Ref: NW/RF

16 July 2004

Cllr Mike Mitchelson
Leader of Carlisle City Council
Civic Centre
Carlisle

Dear Mr Mitchelson

RE: PREMISES DEVELOPMENT – LONDON ROAD SURGERY CARLISLE

As you will be aware the London Road Surgery have for some time now been seeking to relocate to more modern and accessible premises for the benefit of their patients and have submitted a planning application to Carlisle City Council for approval.

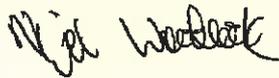
I am writing on behalf of Carlisle and District Primary Care Trust who have the statutory responsibility to identify the health needs of the local population and develop appropriate services to address them. We fully support this application and believe this will lead to a significant overall improvement to the primary care provision for the patients of London Road Surgery and have great concerns about what the potential impact of the failure of this scheme would have on patients and their health status.

The last surgery inspection highlighted the current sub standard facilities and the urgent need for them to be addressed. This is not a new issue and the practice have examined almost 30 options during the last 8 years and regard their current proposal before you as the only practical means of providing improved health care services for their patients.

Continued...

In conclusion, I am writing to formally express my serious concern if this scheme is not approved because of the adverse consequences this undoubtedly will have for the patients. I strongly urge you as a key local community partner to support the practice and the local NHS in seeking to improve the quality and provision of services for local patients in Carlisle.

Yours sincerely

A handwritten signature in black ink that reads "Nigel Woodcock". The signature is written in a cursive style with some loops and flourishes.

Nigel Woodcock
Chief Executive
Carlisle & District Primary Care Trust