

To: City Executive Board

Date: 3rd March 2010 **Item No:**

Report of: Head of Corporate Assets

Title of Report: Disposal of land adjoining 205 Cowley Road

Summary and Recommendations

- Purpose of report:** To seek approval to the disposal of the freehold interest in land adjoining 205 Cowley Road as shown edged on the attached plan. In addition, to seek approval for a temporary builders compound to enable the development.
- Key decision?** No
- Executive lead member:** Councillor Oscar van Nooijen – Service Transformation
- Report approved by:** Melbourne Barrett – Executive Director, City Regeneration
- Finance:** Sarah Fogden/Penny Gardner
Legal: Jeremy Thomas
- Policy Framework:** Transforming Oxford City Council by improving value for money and service performance. Improve the local environment, economy and quality of life.
- Recommendation(s):** City Executive Board is recommended to:
1. Approve in principle the freehold disposal of land adjoining 205 Cowley Road as shown hatched on the plan attached at Appendix 1.
 2. Approve in principle the granting of a licence to allow the developer to create a temporary builder's compound on the area of land shown edged black on the plan at Appendix 2.
 3. Authorise the advertising of the intended disposal of Public Open Space in accordance with the requirements Section 123 of the Local Government Act 1972.

4. Note that further reports will be submitted to City Executive Board to consider objections received (if any) resulting from (3) above, and the detailed terms of any disposal, as appropriate.
5. In the absence of there being any objections the Head of Corporate Assets, be authorised to agree the detailed terms and conditions of disposal.

Background

1. At its meeting held on 9th May 2005 the Executive Board previously approved the disposal of the site to enable a development of the adjoining property 205 Cowley Road. The land to be sold extends to approximately 0.04 hectares (0.10 acres). The land forms part of Manzil Way Gardens together with the public conveniences situated thereon.
2. Terms have been provisionally renegotiated in early October 2009. The developers' intention is to start on site as soon as possible with a 24 month development programme (to be confirmed).
3. In order to carry out the development, the purchaser will need the use of a builder's compound on part of Manzil Way Gardens, an area of existing open space and a plan of the land is attached at Appendix 2.
4. Because of the status of the land there is a need to advertise its intended disposal. This need does not appear to have been identified when the original approval to dispose was given in 2005.
5. The Board is invited to deal with this matter, in preference to the appropriate Area Committee, in order that all aspects of the disposal may be considered together..

Report

6. City Executive Board are therefore now requested to consider and agree the principles of the proposed permanent and temporary disposals, and to authorise the undertaking of the related advertising requirements.
7. The proposed builder's compound requires access over Manzil Way Gardens. Negotiations will continue to ensure that the size of the compound is kept to a minimum. The developer will contract to return Manzil Way Gardens fully reinstated and to protect any trees and shrubs. This will include replanting/ returfing where necessary. The developer will pay a deposit to the Council which will be held against any damage which is not satisfactorily reinstated.

8. The developer has provisionally agreed to provide a new toilet block and sweeper store as part of the new development. A temporary public convenience will also be provided during the construction period at the developer's expense.

Climate Change/Environmental Impact

9. No direct implications arising out of this report.

Planning Implications

10. Planning consent was granted on 23rd July 2009 to provide a retail unit, office accommodation, 32 student study bedrooms and includes for replacement police office, public toilets and sweeper store. The conditions attached to the planning consent include for the protection of trees in Manzil Gardens. In addition, a Construction Traffic Management Plan must be approved in writing by the Local Planning Authority and this will require details of access to the builder's compound to be approved.

Financial Implications

11. There are no direct financial implications arising.

Legal Implications

12. Any disposal subsequently approved will be at Best Consideration in accordance with the provisions of Section 123 of the Local Government Act 1972.

Equality Implications

13. There are no direct implications arising out of this report.

Risk Implications

14. A risk assessment has been undertaken and the risk register is attached at Appendix 4.

Recommendations

15. Approve in principle the freehold disposal of land adjoining 205 Cowley Road as shown hatched on the plan attached at Appendix 1.
16. Approve in principle the granting of a licence to allow the developer to create a temporary builder's compound on the area of land shown edged black on the plan at Appendix 3.

17. Authorise the advertising of the intended disposal of Public Open Space in accordance with Section 123 of the Local Government Act 1972.
18. Note that further reports will be submitted to City Executive Board to consider objections received (if any) resulting from (3) above, and the detailed terms of any disposal, as appropriate.
19. In the absence of there being any objections the Head of Corporate Assets, be authorised to agree the detailed terms and conditions of disposal.

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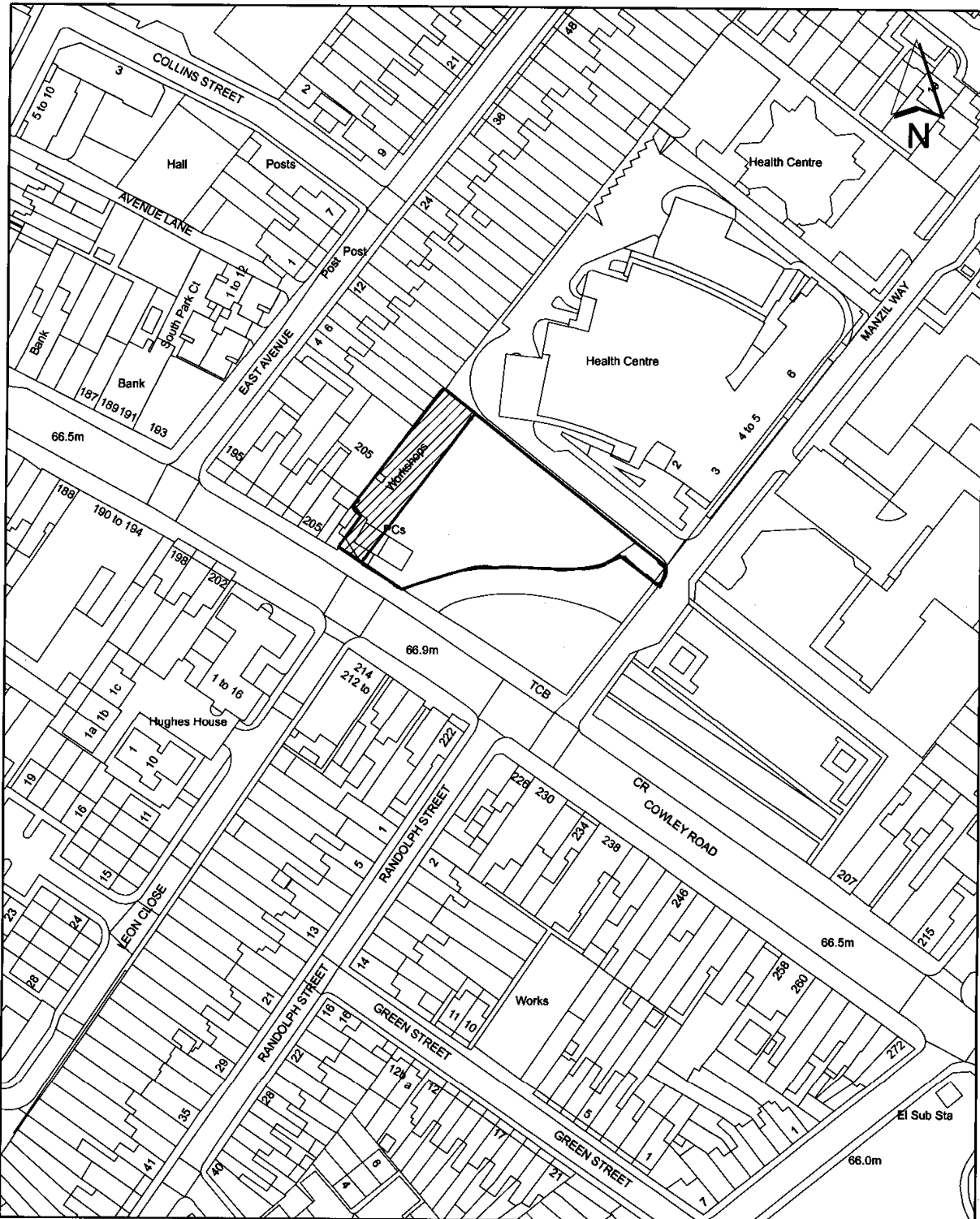
List of background papers:

Report to Former Executive Board – 9th May 2005
Manzil Way Gardens, 205 Cowley Road

Appendices

Appendix 1 – Site Plan of 205 Cowley Road
Appendix 2 – Plan of Site Compound
Appendix 3 – Risk Register

Version number: 1.2



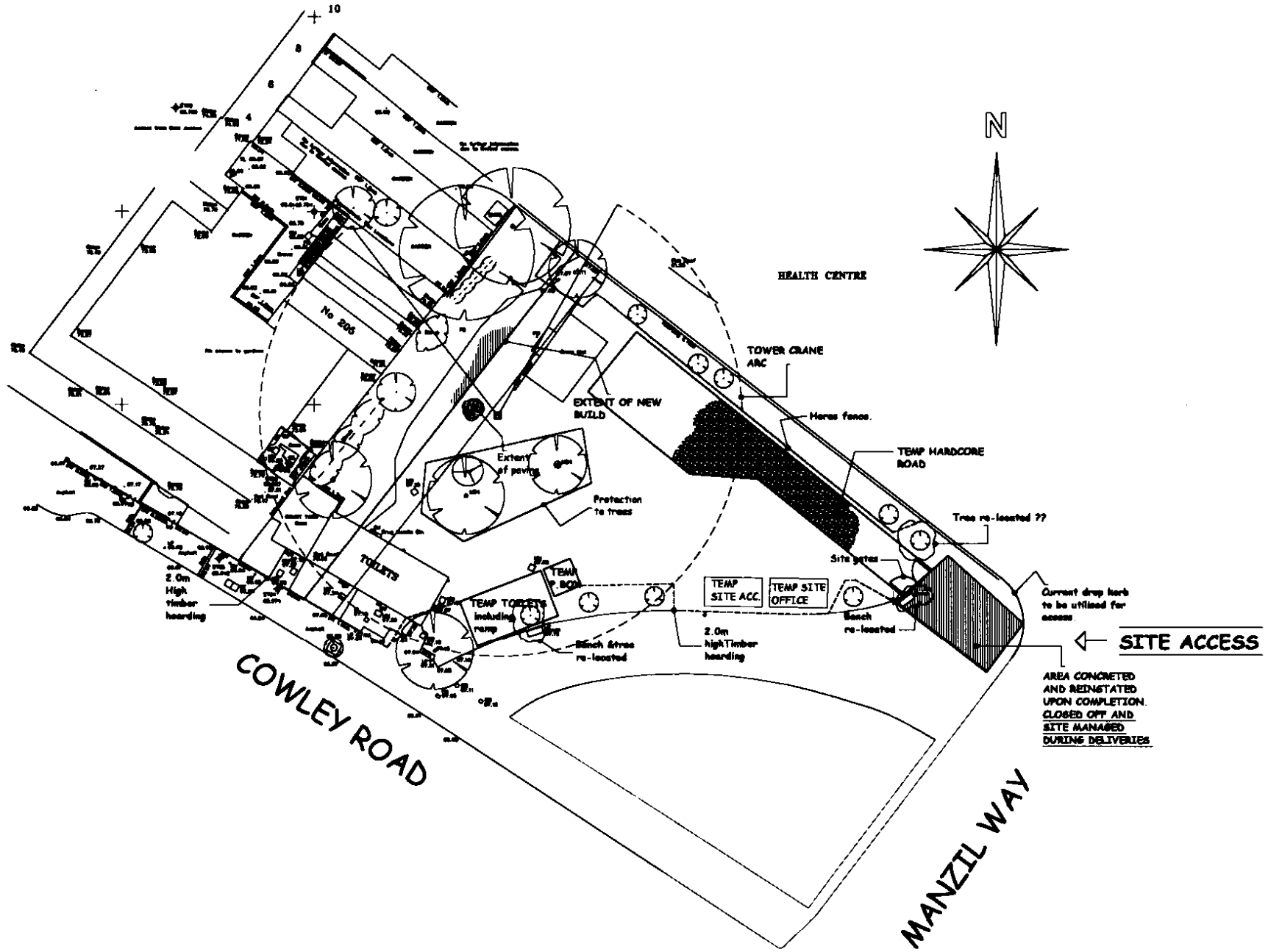
205 Cowlev Road

Scale: 1:1,250

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Corporate Assets





CEB Report Risk Register

Risk Score Impact Score: 1 =Insignificant; 2 = Minor; 3 = Moderate; 4 = Major; 5 = Catastrophic Probability Score: 1 = Rare; 2 = Unlikely; 3 = Possible; 4 = Likely; 5 = Almost Certain															
No.	Risk Description Link to Corporate Objectives	Gross Risk		Cause of Risk	Mitigation	Net Risk		Further Management of Risk: Transfer/Accept/Reduce/Avoid		Monitoring Effectiveness				Current Risk	
		I	P			I	P	Q	Q	Q	Q	I	P		
1	Scheme does not proceed which will impact on capital receipt and replacement public toilets.	3	3	CEB do not agree to the principle of disposal and/or objections are received in due course that are upheld.	Mitigating Control: Consultation with appropriate stakeholders. (L) Level of Effectiveness: Property analysis and reporting of any objections received. (H)	1	2	Action: Compound licence to include reinstatement clause/deposit will be required in due course. Action Owner: Jane Winfield Mitigating Control: Regular monitoring of progress with legal colleagues. Control Owner: Jane Winfield	Outcome required: Approval to principle of disposal/ advertising. Milestone Date: March 2010	Q 1	Q 2	Q 3	Q 4	I	P
3	Developer unable to complete.	1	2	Developer insolvency.	Mitigating Control: Close contact with developer. Level of effectiveness: M	1	2	Action: Development site would be sold to new developer subject to existing arrangement. Action Owner: Jane Winfield Mitigating Control: Monitor. Control Owner: Jane Winfield	Outcome required: No delay. Milestone Date: Ongoing						