

To: City Executive Board

Date: 9th June 2010 **Item No: 12**

Report of: Head of Corporate Assets

Title of Report: Land at 205 Cowley Road and Manzil Way Gardens –
Consideration of Objection to the Disposal of Public Open
Space

Summary and Recommendations

Purpose of report: To allow Members to consider an objection received pursuant to the advertising of the intention to temporarily dispose of an area of public open space at Manzil Way Gardens and adjacent to 205 Cowley Road for use as a builder's compound.

Key decision? No

Executive lead member: Councillor Van Nooijen

Report approved by: Steve Sprason

Finance: Gillian Chandler
Legal: Lindsay Cane

Policy Framework: Oxford Green Spaces Strategy 2006-2011

Recommendation(s): That City Executive Board agrees that:-

- (1) Having seen and considered the objection raised, the disposal for the stated purpose of the open space land at Manzil Way Gardens and adjacent 205 Cowley Road can proceed;
- (2) Having considered the further 'out of time' objections, the disposals can proceed.

Background

1. At its meeting held on 3rd March 2010 the City Executive Board approved the principle of the disposal of a site of approximately 0.04 hectares (0.10 acres) adjoining 205 Cowley Road.
2. In addition, the Board approved the principle of the temporary disposal of a further 0.127 hectares (0.31 acres) which forms part of Manzil Way Gardens and which will be required for use as a builder's compound for a period of some 18 months. A plan is attached at Appendix 1 which shows the land subject to the freehold disposal hatched black and the proposed builder's compound edged in black.
3. The site forms part of a larger open space used for informal recreational purposes and on that basis the disposals were considered to comprise an area of public open space.
4. Under the provisions of Section 123(2A) of the Local Government Act 1972 "a principal Council may not dispose of under sub-section (1) above of any land consisting or forming part of an open space unless before disposing of the land they cause notice of their intention to do so specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed disposal which may be made to them".
5. The intended disposal was duly advertised in the Oxford Times on 25th March and 1st April and one objection was received dated 6th April 2010. The closing date was 8th April 2010.
6. The City Executive Board should be aware that two further objections have been received and, in addition, the Area Committee do not agree with the location of the builder's compound and have requested that no decision be made until this matter has been resolved to the satisfaction of the Area Committee. The appropriate minute from the EAP (17th March 2010) is attached at Appendix 3.
7. Insofar as the objection that was received within the time limit specified in the advertisement, the substance is that the proposed site access to the compound is from Manzil Way. This is stated to be a problem as:
 - Manzil Way is already heavily congested with traffic accessing the Health Centre and the Mosque.
 - Construction traffic can add to the risk for pedestrians who use Manzil Way.

A copy of the objection is attached at Appendix 4.
8. There is no objection to the (permanent) sale of the freehold land.

Report

9. City Executive Board is, therefore, now requested to consider the principle of the temporary disposal in the light of the objection received and the view of the Area Committee. In relation to the substance of the objection I would comment as follows:
10. The developer has attempted to minimise the size of the builder's compound and has considered an alternative access from Cowley Road. The County Highways Department are firmly of the opinion that access must be from Manzil Way and this requirement drives the size and location of the builder's compound.
11. Whilst planning consent has been granted for the development of 205 Cowley Road, the consent is subject to the agreement of a Construction Traffic Management Plan, the discharge of that planning condition will determine the requirement for a temporary compound and is a matter for the Local Planning Authority. As landowner the Council has no desire to permit anything more than the absolute minimum requirement in this respect.
12. There have been 2 further objections received out of time, which refer to the access issues and also a reduction in enjoyment of Manzil Way Gardens, and ongoing dirt and disruption.

Financial Implications

13. There is a possibility that without the builder's compound, the site will not be viable for development and therefore the sale of the freehold land will not proceed. There will be no capital receipt.

Legal Implications

14. There are no direct legal implications arising out of the contents of this report.

Equalities

15. There are no equalities implications arising for the purposes of this report.

Climate Change

16. No issues arising for the purposes of this report.

Risk Implications

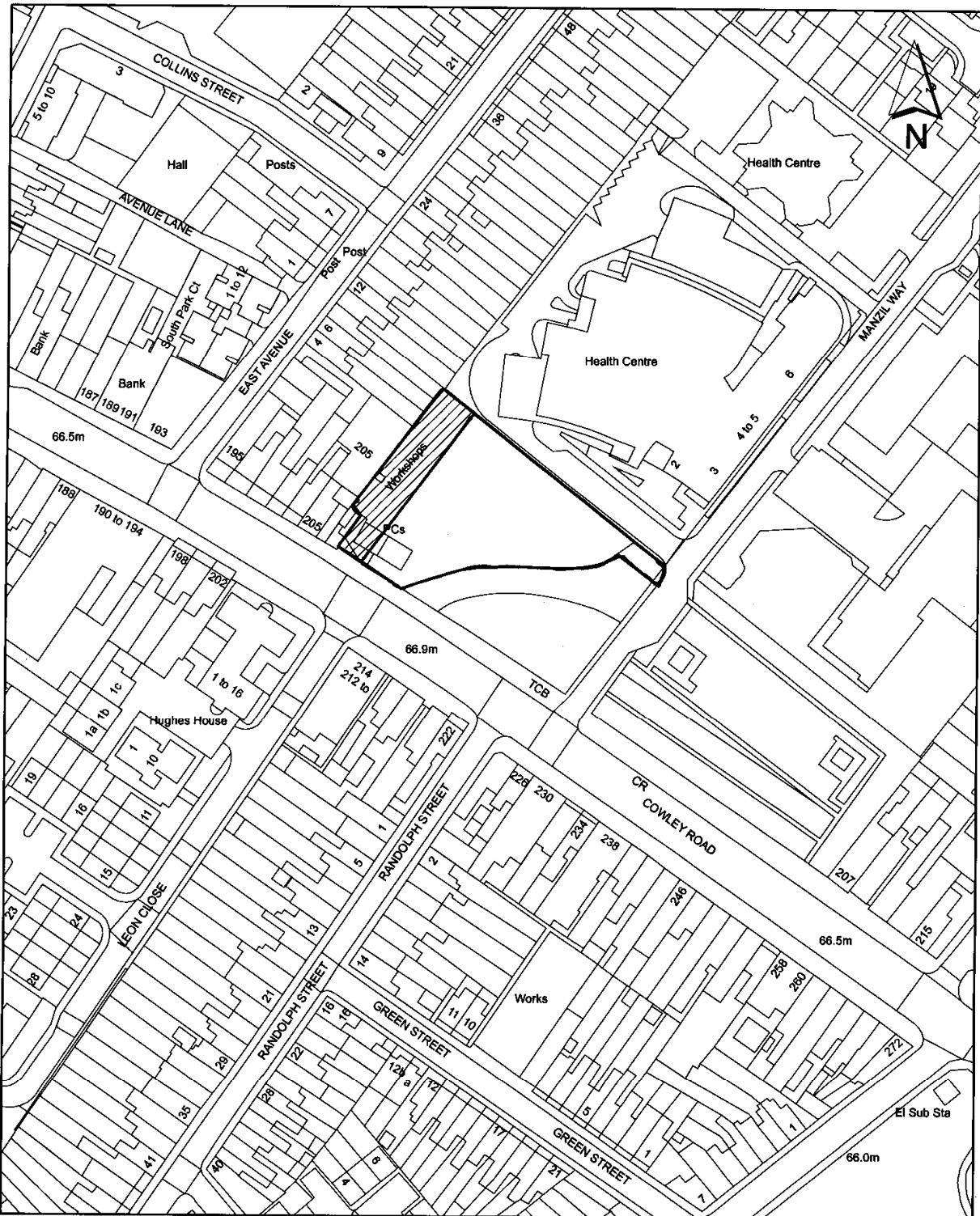
17. A risk assessment has been undertaken and the risk register is attached at Appendix 2.


Recommendations

18. That CEB agrees that having seen and considered the objection raised, the disposal for the stated purpose of the open space land at Manzil Way Gardens and adjacent 205 Cowley Road, can proceed.
19. That CEB agrees, having considered the further 'out of time' objections, that the disposals can proceed.

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Background Papers: None
Version number: 1



<p>205 Cowley Road</p>		 <p>OXFORD CITY COUNCIL</p>
<p>Scale: 1:1,250</p>		
<p>Reproduced from the 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. Licence: LA100019348</p>	<p>Corporate Assets</p>	

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 1	Q 2	Q 3	Q 4	I	P		
1.	Developer does not 'make good' Manzil Way Gardens.	3	3	Insolvency of developer.	Mitigating Control: Require bond from developer. Level of Effectiveness: (H)	1	1	Action: Compound licence to require reinstatement and bond. Action Owner: Jane Winfield Mitigating Control: Monitor with legal colleagues. Control Owner: Jane Winfield	Outcome required: Licence agree. Milestone Date: May 2010	1	2	3	4		

MINUTE OF EAP 17TH MARCH 2010

114. 205 COWLEY ROAD AND MANZIL WAY GARDENS ACCESS.

The Area Parliament welcomed Steven Roberts (Planning) and Michael Crofton-Briggs (Head of City Development) to the meeting.

Steven Roberts explained the background to this item. Planning consent was granted on 23rd July 2009 to provide a retail unit, office accommodation, 32 student study bedrooms and included replacement police office, public toilets and sweeper store. The conditions attached to the planning consent included 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 would require details of access to the builder's compound to be approved. The proposed builder's compound requires access over Manzil Way Gardens. The developer would contract to return Manzil Way Gardens fully reinstated and to protect any trees and shrubs. This will include replanting/ re-turfing where necessary. The developer would pay a deposit to the Council which would be held against any damage which was not satisfactorily reinstated. The access point would be from Manzil Way.

Members of the Area Parliament did not agree that an access point from Manzil Way was the safest route, nor did they agree with the use of Manzil Way for the purposes proposed. It was felt that any compound for the developers should be contained within the development site. This was a well used area, and the road adjacent to Manzil Way Health Centre would provide a safer route to the site. The Parliament should be asked for its consent to the placement of any construction site before it commenced.

Michael Crofton Briggs pointed out that CEB had already agreed to the use of the green space. This was not something that planning conditions could control. He added that it was not the Area Parliament's role to discharge the planning conditions; and that the comments would be taken on board in officers discussions with the developer and County Council as the Highway Authority.

Resolved that EAP opposed the use of any green area at Manzil Way for a construction compound, and requested that no decision be made until this matter has been resolved to the satisfaction of EAP.

OBJECTION FROM BARTLEMAS SURGERY

**Dr T Nicholson-Lailey
Dr P von Eichstorff
Dr Kathryn Ward
Dr A Fleischman
Dr Sheena Sharma**

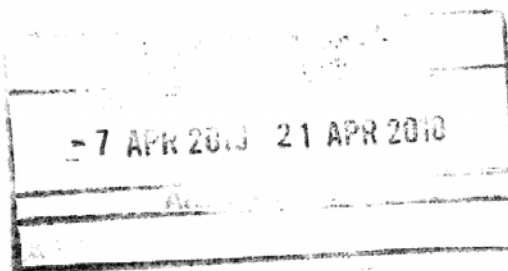
Bartlemas Surgery
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1 Manzil Way
Oxford
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Website: www.bartlemas.com
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6 April 2010

Ms P J Winfield
Corporate Assets
The Oxford City Council
St Aldate's Chambers
St Aldate's
Oxford OX1 1DS



CORPORATE
ASSETS

Dear Ms Winfield

**Re Local Government Act 1972 Section 123(1),(2A)
Land at Cowley Road and Manzil Way in the City of Oxford**

We are a GP surgery based in the East Oxford Health Centre, Manzil Way, Oxford. We have no objection to Oxford City Council disposing of 0.04 hectares of land at Manzil Way to Thomas Crampton Smith and Sandra Leigh Bowen Crampton Smith to form part of the adjoining mixed use development.

We do however object to the disposal of a further 0.127 hectares of the open space for use as a builders' compound during the proposed development.

In particular we are extremely concerned at the proposed site access to the compound. This is located immediately before the left turn into the Health Centre service road, is directly opposite disabled parking bays and is approximately 5 metres from the main entrance to the centre. Manzil Way is already heavily congested with traffic accessing the Health Centre and the Mosque, and construction traffic can only add to the risk for the large number of pedestrians who use Manzil Way.

We would suggest that if this work is to be approved site access should be from Cowley Road and not from Manzil Way.

Yours faithfully

Mrs M A Perrin
Practice Manager

**Drs Nicholson-Lailey, von Eichstorff
Ward, Fleischman, Robson & Sharma**
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