

# QUESTIONS FROM THE PUBLIC AND OFFICERS' RESPONSES FOR CITY EXECUTIVE BOARD - WEDNESDAY 10 DECEMBER 2014

Agenda No Item

## 3. Public Questions

Questions from: Nigel Gibson, Sue Brough, Judith Harley, Sarah Lazenby and Patricia Wright



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# Agenda Item 3

## Questions from the Public – CEB 10 December Officer's Responses are in the tables

### Questions from:

**Sue Brough**  
[sue.brough@tesco.net](mailto:sue.brough@tesco.net)  
**56 Raymund Road, Oxford**

Question relating to the Report of the Executive Director of City Regeneration and Housing: *Disposal of the Temple Cowley Pool Site*

(report downloaded from City Council website on Thursday 4 December)

Paragraph 54 states: *Simply on the basis that Catalyst Housing's bid for the Site is £3.6m.*

However a letter from Catalyst Housing dated 15 April for the attention of David Fenton states *Catalyst Housing Ltd are pleased to offer the amount of £3,500,000 (Three Million and Five Hundred Thousand Pound) for the unencumbered freehold interest of the site.*

### QUESTIONS

1. Did Catalyst increase their offer from £3.5m in April to £3.6m by December? Alternatively, is the Catalyst offer still £3.5m but the Report includes a **careless mistake of £100,000 in Catalyst's favour?**

**The Catalyst offer is at £3.6 million – the original submission from Catalyst contained a typographical error at £3.5 million, and they have confirmed that this figure was submitted in error. The bid price has always been £3.6m.**

2. If Catalyst builds 47 units, will there be any room for residents to have parking space within the site?

**The indicative layout by Catalyst provides for 53 car parking spaces.**

Paragraph 11 states:

[The Catalyst] scheme proposes the provision of 47 residential units consisting of 15 x 1 bed dwellings, 19 x2 bed dwellings, 12 x 3 bed dwellings, and 1 x 4 bed dwelling, of which 50 % will be affordable.

3. Please clarify the meaning of affordable in the Catalyst bid? - 100% rent private rent / council rent / shared ownership / 100% owner occupied, etc. Expected % below market price?

**50% Affordable housing will be split as social rent at 80% and intermediate tenures at 20 % ,intermediate tenures are affordable rent (up to 80% of market rental value ) and low cost home ownership ( Eg Shared ownership )**

4. Please give an example of at least one development where Catalyst has promised and delivered 50% affordable residential units for Oxford City Council?

**As a local example, Catalyst developed 1-113 Owens Way which is in the same ward as Temple Cowley Pool .It provided 100% affordable housing.**

5. Has risk / sensitivity analysis been carried out on the cashflows expected if the Catalyst bid is accepted?

**Yes**

Risks include:

1. That 47 units is an unacceptably high density which does not gain planning permission.
2. That 50% affordable housing becomes 40% or less.

It should be noted that the SaveTCP bid with 8 units of social housing has generous space allowances and provides some parking for residents so is unlikely to be reduced.

**These are matters to be considered during the planning process, but all indications from City Development suggest that the Catalyst proposal is deliverable.**

Paragraph 33 states

Each unit of affordable housing to which the Council has nomination rights has a value which has been estimated, based on current market value elsewhere, as being of the order of £120K per unit.

6. If possible, please indicate the actual source or justification for the figure of £120K.

**From market knowledge of affordable housing on comparable schemes**

**Questions from:**

**Judith Harley,  
Planning Representative, Old Temple Cowley Residents' Association,  
44, Temple Road, Cowley, Oxford, OX4 2HB.**

**Question for Wednesday 10 December Special City Executive Board  
Regarding Temple Cowley Pools and Fitness Centre**

**Policy CS21 (Green spaces, Leisure and Sport) of the Oxford Core Strategy 2026 (Adopted March 2011) states:**

***"Planning permission will only be granted for development resulting in the loss of existing sports and leisure facilities if alternative facilities can be provided and if no deficiency is created in the area. Alternative facilities should be provided in a location equally or more accessible by walking, cycling and public transport ... "***

I appreciate that the City Council's view is that alternative facilities to the Temple Cowley Pools and Fitness Centre (TCP) have been provided at the new Blackbird Leys Pool, so the first test of the grant of planning permission requirement in Policy CS21 could be regarded as being met. However, the loss of TCP will create an enormous deficiency in Temple Cowley, Cowley, and the broader surrounding area, so the second test of the grant of planning permission requirement in Policy CS21 will fail if TCP facilities are lost. In addition, the location of the Blackbird Leys Pool is NOT "... in a location equally or more accessible by walking, cycling and public transport ..." for the residents of Temple Cowley, or for Cowley in general, which has an ever-increasing population in need of community-accessible fitness provision (rather than private provision).

**QUESTION**

**How can a commercial bid for only high-density dwellings be considered for the TCP Site when any planning consideration for such will clearly be in breach of Policy CS21?**

**Please see paragraph 31 of the report, in which the Head of City Development has stated that the risk of failing to meet Policy SR2 is minimal. CS21 is a similar Policy and he stated, when the proposal to build the pool at Blackbird Leys was originally considered, that the new facility would fully meet the requirement of the Council's policies.**

**The Sites and Housing DPD Background Paper 21, Open Spaces and Greenfield Sites, dated February 2012, identifies the Temple Cowley Pools site as having a capacity of 25 dwellings on a site of 0.53 ha. requiring a provision of 10% of the site as public open space.**

The report to the Special CEB for Wednesday 10<sup>th</sup> December on the disposal of the Temple Cowley Pools site (TCP) states in paragraph 11:

*" ... As a result of this open market selection process the top scoring bidder is Catalyst Housing. The Catalyst Housing submission offers an excellent financial receipt and has satisfactorily addressed all the requirements set in the open market bidding process. Their scheme proposes the provision of 47 residential units consisting of 15 x 1 bed dwellings, 19 x 2 bed dwellings, 12 x 3 bed dwellings, and 1 x 4 bed dwelling, of which 50 % will be affordable, within a high quality well designed environment, which will enhance the existing streetscape."*

This site is immediately next to the Temple Cowley Conservation Area, and one of the requirements of developments adjoining Conservation Areas is that they should not be detrimental to the Conservation Area. **Policy HP9, Design, Character, and Context, of the adopted Sites and Housing Plan (February 2013)** states:  
*"Planning permission will only be granted for residential development that responds to the overall character of the area, including its built and natural features, and meets [various] criteria ... "*

I have several questions around these statements and policies, as follows:

1. How can a commercial bid for 47 dwellings be considered suitable for this site when this is almost twice as dense as suggested in Background Paper 21?

The Housing Plan addresses the delivery of housing across the City. The number of houses that individual sites, outside the City and District centres, may provide is based on a generic City wide density of 55 dwellings per hectare, to provide a broad indication of the scale of dwellings that could be delivered across Oxford. Some sites will be capable of delivering higher numbers, for example if they can support a scheme of flats. This is the case at the Temple Cowley Pool site.

2. How can a development this dense in any way " ... enhance the existing streetscape ... ", which consists mainly of two-storey residential dwellings, or comply with Policy HP9?

The detail of the design will be dealt with through the Planning process. However because the indicative layout is based on flats and houses the report author believes that the density is capable of enhancing the existing street scape.

3. How can a development this dense not be detrimental to the adjoining Temple Cowley Conservation Area?

This is a matter for the Planning Application, but there is no reason to believe that the proposed development will be detrimental to the conservation area.

**Question from:**

**Sarah Lasenby Ox 725991**

Deprivation and poverty are both important things to improve inclusiveness. If the Council agree to demolish the Temple Cowley Leisure Centre this will deprive large swathes of people, specifically those in Wood Farm and Rose Hill but also those in Cowley and E Ox from having convenient access to Leisure facilities amounting to them being seriously deprived by the loss of these facilities.

Is this what the Council wants to do?

**What the Council wants to do is to provide world class leisure facilities by way of a new pool which will be accessible to all .**

**Question from:**

**Patricia Wright  
(80 next year)**

Aren't Executive Board Members aware that many older people like myself, as well as busy working people/parents rely on Temple Cowley Pool for regular non-weight-bearing exercise to keep arthritis/heart problems/diabetes (up over 40% in Oxon, see report in current Oxford Times) at bay, and that occasional fun days out in distant Blackbird Leys won't work for health?

**Officers believe that people's concerns that existing users will not transfer to the new pool are unduly pessimistic. In fact, information from Fusion Leisure is that 657 (IE 74%) have already taken up transfer of membership to the new pool. In addition 500 children and adults have registered and paid for swim sessions in the new pool.**

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## Public Questions for CEB Relating to Agenda Item 5

### Officer's Responses are in the tables

Nigel Gibson  
Director  
SaveTCPcic

All questions relate to the Officer Report issued in relation to this agenda item; areas of the report are referenced by the corresponding Paragraphnumber.

**Paragraph2.**Can you please explain in detail how the new Blackbird Leys swimming pool has been funded, and how and why any contribution to this funding from the sale of the Temple Cowley Pools site was determined and included, given that there remains at this time no certainty of any funding?

From the outset of this matter, the Council has been clear that a linkage existed between the funding required to deliver the new pool facility at Blackbird Leys and the disposal of The Temple Cowley pool site. However, in the event that the disposal of the Temple Cowley site fails to raise a capital contribution, the BBL pool would have to be funded through borrowing or other capital sources.

**Paragraph4.**Why was the SaveTCPcic proposal included in the supporting information incomplete (omissions comprising an appendix with several hundred letters of support, detailed plans of the build and an appendix that assesses the impact on the community of the removal of leisure facilities), the wrong version and excluding the clarifications as this could be seen as extremely misleading?

The CiC proposal as set out in the report provides all necessary information to enable the CEB to reach a proper decision on the matter in hand .However ,as a result of your request immediately after report publication , the Council issued 2 further CiC documents , namely the clarification document and the Appendix dealing with community health assessment . For information , the appendices which were not reproduced in the report were : "A" plans (substantially included in submission) and associated images , "B" details of the process of registering the site as an asset of community value (now largely irrelevant) , "C" letters of support (referred to in the report ) , "D" no content .

How does the omission of critical bid information assist the members of the CEB in properly evaluating the benefits offered by SaveTCPcic?

Sufficient information from the bid has been submitted to allow the CEB properly to evaluate the CiC submission and make an informed decision.

**Paragraph10.** Why were the commercial bidders offered more time, more meetings and a higher level of engagement from officers after their bid submission than SaveTCPcic?

This is not in fact the case. City Council officers spent much longer with the

CiC representatives, and dealing with their many questions, than with the open market bidders. It is disappointing that the support offered by Council officers to assist an inexperienced bidder has not been properly recognised and acknowledged.

**Paragraph11.** How is the affordable housing being offered by the Catalyst bid, whereby the Council can purchase the dwellings at 80% of market value, a better option for the Council than the SaveTCPcic proposal for social housing, which in contrast will be owned and operated by a Housing Association and will not require the Council to make any capital purchase?

The Catalyst submission is policy compliant and meets the adopted policy criteria of an overall provision of 50% of the housing being affordable housing. . The Council is not required to make any capital purchases as it will hold nomination rights in perpetuity to the affordable housing.

**Paragraph12.** Why has a similar table to the one listed here not been included for the SaveTCPcic proposal to enable a more effective comparison?

The details of the CiC proposal were comprehensively described in the Stage 2 section of the report. In contrast, the Catalyst submission was merely summarised in the report. Both submissions are set out in more detail in the appendices.

**Paragraph13.** What specific Corporate Plan priorities will the Catalyst bid deliver against and how? Why isn't there a similar comparison with the SaveTCP proposal?

Paragraph 13 sets out the Corporate plan priorities and how acceptance of the preferred commercial bid (if selected) would deliver against these. The results of acceptance of the CiC proposal against key Council priorities are fully set out in the report

**Paragraph14.** Can you please supply a site plan for the Catalyst bid, showing the layout of the housing and also the car parking, including the three car park spaces allocated for library use?

A detailed plan would form part of a planning application in the event that the commercial bidder's proposal is accepted. It is not the remit of the CEB to go into the planning merits of the detail of plans which may or may not be submitted. However, in general terms City Development has indicated that, in planning terms, the submission by Catalyst is broadly policy compliant.

**Paragraph15.** Why is the dependency on achieving planning permission not included in the Risk Register, given that the report highlights the dependency of the Catalyst bid on recognition as part of planning permission that the Blackbird Leys swimming pool provides an adequate replacement for the Temple Cowley Pools and Fitness Centre?

**Paragraph 31** of the report deals with whether the new pool at Blackbird Leys will meet the requirements of Planning Policy SR2. The representation made by the Head of City Development suggests that the risk of it failing to meet the requirements of SR2 are minimal.

**Paragraph 18.** Why does the officer report not fully explain the context of the CiC bid – that the Disposal team was unable to provide any evaluation criteria for a proposal, and that the Council/Fusion took many weeks to provide even the most basic information concerning the current operation at Temple Cowley Pools?

The context of the CiC proposal is in fact well explained in the report. While the methodology of evaluating the commercial bids has always been very clear, the Council took the view at any early stage that rather than simply judging the CiC proposal against the existing “commercial” criteria (against which the CiC proposal would obviously score very poorly), it would be fairer to allow the CiC proposal to be assessed by the City Executive Board in the round, unfettered by a strict adherence to the original evaluation criteria. This position is set out in the CEB report, and that is why in the report recommendations, the CEB is asked to judge the merits of the preferred “commercial” bid against the merits of the CiC proposal.

In contrast to the statement made in the question in regard to the provision of information, Council officers in fact made every effort to supply the CiC with the information requested by it .in practice the information given to the CiC was significantly greater than that given to any commercial bidder.

**Paragraph 20.** Why is there an implication in the list in this Paragraph that all works need completion before the centre can be operated, as in doing so it misrepresents the SaveTCPcic approach, which is to demonstrate successful operation of the centre’s current facilities before redevelopment of the dryside, housing and community aspects?

There is no statement in paragraph 20 that all works would need to be completed before the facility could be open for partial operation.

**Paragraph 21.** Why does the report not specifically state that the SaveTCPcic proposal specifically includes a Community Asset Transfer, or reference the phasing options that would ensure demonstrable viability and implications that the proposal benefits both council and community by remaining in public ownership and contributing to minimising the risk?

The question confuses a Community Asset Transfer with the Community Right to Bid. The CiC held an extended right to bid for the Temple Cowley Site, as the site was registered as an asset of community value. This process does not, however, mean that the normal obligations placed on a local authority (eg the need to obtain the best consideration reasonably obtainable on disposal of property) will cease to apply.  
The benefits and risks, as far as they could be ascertained from the proposal and

clarifications, are reflected in the report.

**Paragraph22.** What evidence does the council have that the scale of benefit of the SaveTCPcic proposal would be reduced by ‘competing’ facilities, as the clear intention of both Council and SaveTCPcic is to increase overall participation in exercise?

These are basic market forces – an oversupply of provision would inevitably lead to underused and unsustainable facilities. This was evidenced in the exercise that led up to the adoption of the Leisure facilities Strategy in 2009.

**Paragraph23.** How many times have Swimming Club Galas closed Temple Cowley Pools at weekends during 2014, and what swimming provision will there for the public in 2015 when the new swimming pool is closed for Galas if Temple Cowley Pools is closed

Temple Cowley has been closed for five days in 2014 to hold swimming competitions. The current position is that in 2015 COSC can only book four all day, two day galas per year.

These will be advertised in advance and in good time

Whilst these are taking place, swimming will be available as per pool programme at Barton Leisure Centre, Ferry Leisure Centre and Hinksey Pools

**Paragraph24.** Can you please explain why officers believe that the SaveTCPcic proposals will require a “substantial public subsidy”, and why this concern was not brought to the attention of the SaveTCPcic as part of the clarification process?

The CiC has clearly acknowledged the need for a public subsidy in requesting the transfer of the site for nil capital receipt and at nominal rental value as opposed to the market value demonstrated by the disposal exercise referred to in the report

The fact that there was an expectation of a significant capital receipt from the proposal to dispose of the site for housing has been referred to by the City Council on numerous occasions.

**Paragraph25.** Why was this information included here, with no mention made of the Save Temple Cowley Pools Campaign and all the evidence that has been provided to Council over the last six years as to the viability of the centre, which already combines wet and dry side facilities?

This information was included as it was key to the development of the Council’s adopted leisure strategy. It is supported by evidence held by the Council.

**Paragraph26.** Why does the report not focus on the benefits and viability of the cic proposal, rather than previous conclusions of the Council?

This paragraph simply sets out the original intentions of the Council's leisure strategy. This is clearly important as it explains why the Council is now seeking to dispose of the Temple Cowley pool site.

**Paragraph28.**How are the outdoor activities referenced here relevant to the SaveTCPcicproposal, which will provide indoor activities (and will be able to integrate with outdoor leisure offerings) and is focused on a combination of offerings for the whole community – leisure, health, exercise, community activities and housing?

The report seeks to outline the Council's interests in addressing the wider issues of leisure provision to meet evolving needs of the local community.

**Paragraph29.**What evidence is there for the report to include the very dismissive assertion that the SaveTCPcic proposal is of "limited leisure utility", when in the past with the existing facilities (and so excluding the proposed improvements) the footfall at Temple Cowley Pools has been 350,000 pa?

The report is not intended to be at all dismissive. Instead, it seeks to give a dispassionate explanation of the value of the retention of a pool/leisure facility at the Temple Cowley pool site in addition to the existing leisure facilities in the City. The Council is aware, through many years of experience, that for the pool to achieve a break-even status it would require either a significant increase in income or a reduction in costs. The CiC acknowledges that a significant public subsidy is required for its continued operation, as it is seeking a waiver of any land payment or rent for use of the site.

The assertion that footfall at the site has been 350,000 is incorrect and must be a concern if that figure is being used to underpin the CICs business case.

The correct figures are given below:-

2004/05	215,934
2005/06	190,261
2006/07	163,487
2007/08	164,852
2008/09	164,708
2009/10	197,503
2010/11	227,809
2011/12	194,163
2012/13	183,807
2013/14	142,268
2014/15 (Apr to Oct)	87,383

If a deduction is made for visits associated with the City of Oxford Swimming Club the attendance would be:-

2009/10	149,503
2010/11	179,809
2011/12	146,163
2012/13	135,807

2013/14

94,268

This is on a par with usage at typical community pools eg Barton which for 2013/14 was circa 120,000

Why was the Council not prepared at any point (even after a preferred commercial developer had been selected) to discuss what capital receipt it would require of a community bid, to enable SaveTCPcic to look at funding options for a specific amount?

It was clearly stated to the CiC that the capital receipt is a product of the bidding process. Any bidder in such circumstance should be able to calculate their own land value based on the thorough due diligence that they would need to undertake. If the CiC business case does not support a capital purchase price, which appears to be a prudent approach, that is the basis on which members should weigh the proposal.

**Paragraph30.** Why does the report ask members to consider only the leisure aspects of the SaveTCPcic proposal, when there are clear benefits against the council priorities relating to community, health, housing and reduction in crime?

In terms of the delivery of key housing requirements within the City, the report explains that the CiC bid falls short of the commercial bid. Any other benefits which the CiC believes would be deliverable by its proposal are fully set out therein.

**Paragraph31.** Can you please explain how the SaveTCPcic proposal is non-compliant with planning policy, since the housing provision at 17-20+ dwellings is within the 26 maximum proscribed for this site, and discussions with the Council Planning department raised no objection to redeveloping the community and leisure facilities along with housing?

To be clear the report states that the CiC proposal “is not fully compliant” with planning policy. The Local Plan allocates this site for “housing”. The CiC bid does not optimise the potential of the site for housing. Can you also please explain how the Catalyst bid of 47 dwellings achieved compliance with planning policy given the 26 dwelling limit? What is the car parking provision for this proposal and who will it be policed? The Sites and Housing Plan Document does not set a maximum for each site. It instead indicates the number of houses that individual sites, outside the City and District centres, may provide is based on a generic City wide density of 55 dwellings per hectare. This provides a broad indication of the scale of dwellings that could be delivered across Oxford. Some sites will be capable of delivering higher numbers, for example if they can support a scheme of flats. This is the case at the Temple Cowley Pool site.

**Paragraph32.** Why has the report not used the correct term of ‘Housing Register’, and why does it not use the latest figures, provided at a recent scrutiny meeting?

The statistics referred to in the report are sufficiently up to date for the purposes of this report. To be pedantic the correct term is the Oxford Register for Affordable Housing –

however, the choice of term used in the report is not material.

**Paragraph 34.** Why does the report only highlight housing in the findings of this survey, when the SaveTCPcic proposal clearly supports and directly addresses many other issues of concern to people in Oxford, including health, crime, activities for teens, sports/leisure, community, facilities for kids, education and “people get on well” as well as affordable decent housing?

**As this section indicates the matter of greatest concern identified by the survey was the lack of affordable housing available in the city, this is clearly key. Any further potential benefits created by the CiC bid area available for members to view in appendix 4.**

**Paragraph 35.** Why does the report seem to grudgingly acknowledge that “there is a level of public support to retain TCP”, and yet fails to recognise the many benefits (that directly address Council policies) of retaining and developing Temple Cowley Pools for the city as a whole?

**The intention of this section is to acknowledge the support that exists for the retention of the pool. There is nothing “grudging” about it. However, these matters do need to be viewed in context of the Council’s overall responsibilities across the City.**

**Paragraphs 36-40.** Why is this Assessment clearly incomplete, not addressing for example the real needs of minority groups, or the real impact on disabled groups unable to travel far or use mobile steps rather than those in Temple Cowley Pools?

Why is the provision of women only sessions in Barton considered acceptable for people in Cowley who will have to travel so much further and travel back often alone late at night?

Why is there no mention of the effect of removing leisure centres from a community?

**The Equalities Impact Assessment is not incomplete. It is a thorough and fair description of the impact of the closure of the Temple Cowley Pool and the opening of the new Blackbird Leys pool on individuals with protected characteristics. Paragraphs 36-40 are a summary of the full equalities impact assessment set out in appendix 6**

**Paragraphs 41-45.** Why has this risk assessment not included the clarifications provided by SaveTCPcic?

Why is there no acknowledgement that the SaveTCPcic proposal was developed with a qualified architect, a reputable leisure provider and a range of appropriate professionals?

**It is the report author’s view that the CiC’s clarifications made no material impact on the Risk Assessment. At no time has the CiC been able to identify the specific leisure provider who would play an active part in the delivery of the CiC’s proposal, nor have any firm proposals been made about how the residential element would be funded or delivered.**

**Paragraphs 46-48.** At a consultation meeting in April 2010 the MACE project manager estimated that remediation of the Temple Cowley Pools site for residential development may be as much as £5m – who bears the cost of any remediation that may be required, what further assessment has been made of this risk, and why has it not been referenced in this report?

The report Pool Facilities Appraisal and Options Report August 2010 produced by Mace acting as lead consultant to the Council sets out on page 64 that the allowance made in their estimates of cost for the options around Temple Cowley Pools that the allowance made for Preparation/ contamination allowance was £300,000. This report has been made freely available to you and is published on the Council's website.

Before marketing commenced a ground investigation was commissioned which indicated limited requirements for remediation. The ground investigation report was provided to all bidders and formed part of their pre -submission due diligence. Officers do not expect the costs of remediation to come close to the sum indicated in the question, but in any event an appropriate sum has been budgeted by Catalyst within its assessment of viability.

**Paragraph 50.** Why have rigid pool covers not been installed at Temple Cowley Pools since 1986, when the cost (at today's prices) of approximately £25,000 for supply/fitting is immediately outweighed by annual savings of £25,000?

Why was the recommendation of the MACE report (August 2010) to correct the power matching and so save up to 20% of electricity cost not implemented?

Why does the report not reference the DEC ratings in comparison with other leisure centres, in particular the emissions per square metre that demonstrated that it was more efficient than either Ferry or Barton?

What will be the additional carbon emissions from transport if Temple Cowley Pools is closed and people are forced to go elsewhere?

What will be the carbon emission construction cost if the Catalyst proposal is implemented and 47 dwellings are built on the site?

From the point that the CEB agreed the strategy for the leisure provision in the south of the City - which involved the closure of the Temple Cowley Pool and the construction of the new Blackbird Leys Pool, it would have been a clear misuse of public funds to invest significant sums in upgrading the Temple Cowley Pool. The purpose of paragraph 50 is to summarise the environmental impact of the proposals under consideration.

As has been explained to you on a number of occasions, the DEC ratings you refer to were simply wrong and were corrected the correct position is clearly set out in the report produced by Mace referenced above.

It would be inappropriate and inevitably inaccurate to estimate carbon emissions of a scheme that has not even been subject to a planning application.