

**To:** Cowley Area Committee

**Date:** 2<sup>nd</sup> December 2009 **Item No:**

**Report of:** Interim Head of Property & Facilities Management

**Title of Report:** Crescent Rd Kickabout area –proposed disposal

### Summary and Recommendations

**Purpose of report:** To confirm approval to the principle of disposal of the Crescent road kickabout area on terms to be agreed.

**Key decision** No

**Executive lead member:** Councillor Antonia Bance, Social Inclusion and Young People.  
Councillor Oscar Van Nooijen - Service Transformation  
Councillor Bob Timbs - Leisure

**Report approved by:** Mel Barrett, Executive Director, City Regeneration

**Finance:** Anna Hedges  
**Legal:** Daniel Smith

**Policy Framework:** Improve the local environment, economy and quality of life.  
Transform Oxford City Council by improving value for money and Service Improvement

**Recommendation(s):** Area Committee is recommended to:

1. Note the report
2. To approve the freehold disposal of approximately 0.067 hectares (0.166 acres) shown edged red on the plan attached at Appendix A to Oxford Brookes University on detailed terms and conditions to be approved by the Interim Head of Property & Facilities Management.

## Background

1. This report concerns the proposal to dispose of the land shown edged black on the plan appended. It has an area of 0.067 hectares (0.166acres). The land was transferred to the City Council in 1997 by Oxford Brookes University ('Brookes') following the completion of Crescent Hall. It is currently used as an unsupervised informal games/kickabout area .
2. At its meeting on 3 October, 2007, the Cowley Area Committee considered a report on future options for the site. This followed representations from nearby residents and from Brookes about increasing anti-social behaviour from users of the facility, and the ensuing problems in managing the site.
3. The Area Committee resolved that the facility should be moved to another location and the site should be sold for redevelopment

## Report

4. The Head of City Leisure is in the course of undertaking a review of sports, recreation and open spaces and is charged with reporting on this by the end of 2009. This will set the context within which any replacement facility (if any) should be provided, and it will also consider what improvements should be made to other facilities in the Cowley area.
5. Pending the outcome of the review, discussions have taken place with Brookes on the possible sale of the site, (which adjoins its Crescent Hall student accommodation.) Brookes controls the vehicular access to the Councils land, and furthermore the land is subject to a covenant restricting its use to a play area, which cannot be discharged without Brookes' agreement .
6. Terms have provisionally been agreed with Brookes for the sale of the site, subject to planning consent. These terms assume that any planning consent will trigger a number of S106 payments, one of which will reflect the cost of providing a new equivalent replacement facility,
7. In addition to any receipts from s106 payments the Council will receive a capital receipt upon grant of planning permission, with provision for an additional payment if permission is granted for a development comprising more than 36 student units.

## Environmental Implications

8. There are no direct environmental implications arising out of this report. Any new development on the site will be constructed in accordance with planning and building regulation requirements.

### Planning Implications

9. This transaction is conditional upon planning consent being granted for a redevelopment incorporating a minimum of 36 student units.

### Financial Implications

10. The capital receipt will be utilised to address required capital expenditure within the Capital Plan.  
The Council will save the costs of managing and maintaining the facility

### Legal Implications

11. The Council's powers to dispose of land comprised within the General Fund are contained within Section 123 of the Local Government Act 1972 for best consideration. Furthermore, as this land is still in use as open space, (as defined under Section 270 of the Local Government Act 1972 and Section 336 of the Town and Country Planning Act 1990,) the any proposed disposal will need to be advertised for two consecutive weeks in the local press, and any objections received must then be considered by the Council

The transaction is also conditional on Brookes being satisfied that any earlier covenants affecting the site have been discharged

### Equalities Implications

12. There are no direct equalities implications arising out the contents of this report.

### Risk Implications

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

### Recommendations

14. Note the contents of this report.

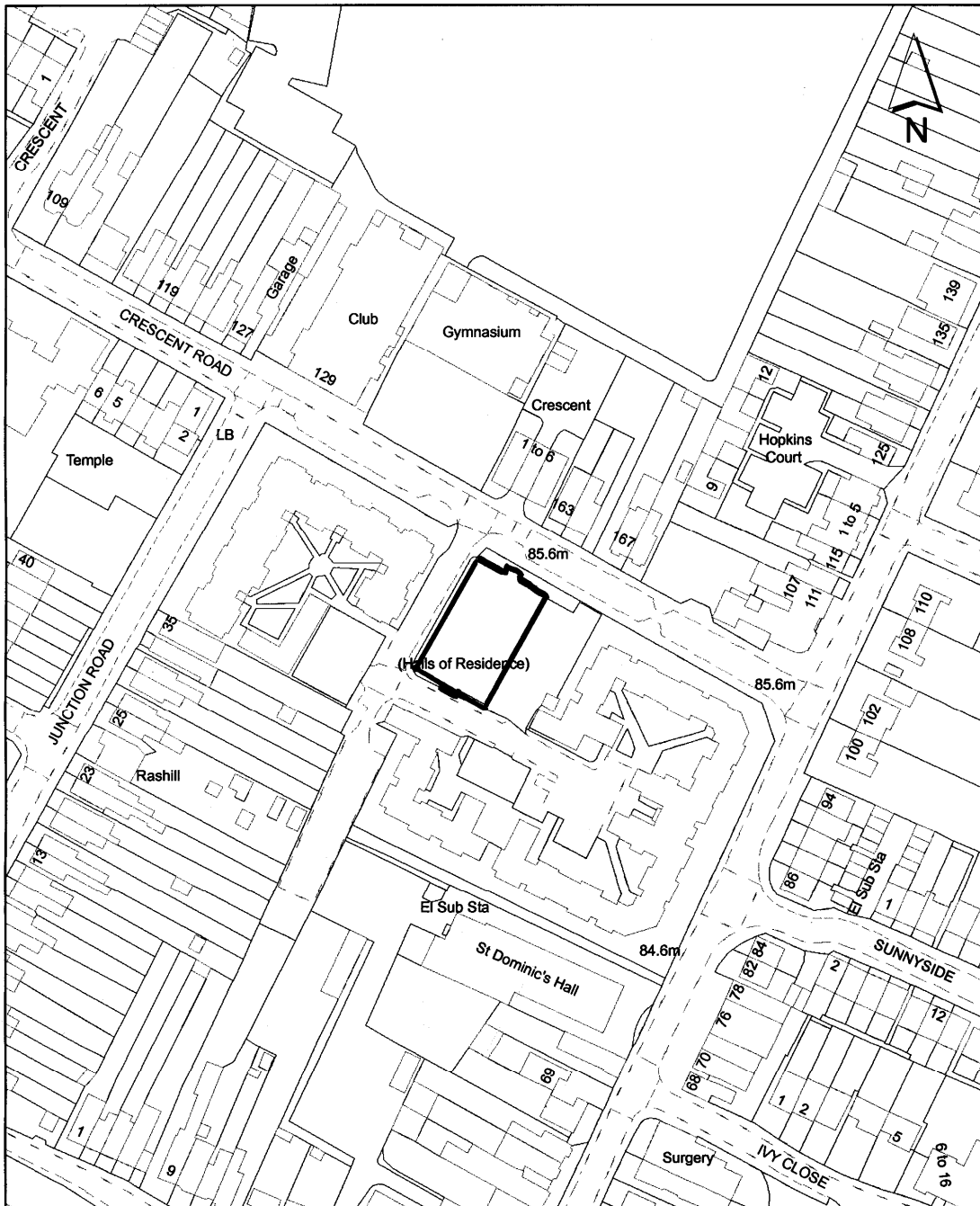
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| <ol style="list-style-type: none"><li>15. To approve the freehold disposal of approximately 0.067 hectares (0.166 acres) shown edged red on the plan attached at Appendix A to Oxford Brookes University on detailed terms and conditions to be approved by the Interim Head of Property &amp; Facilities Management.</li></ol> |
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**Name and contact details of author:** Martin Lyons

**List of background papers:** None

Version number: 6

APPENDIX 1



<p>Crescent road Kickabout area</p>	
<p>Scale: 1:1,250</p>	
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## Appendix 2 - Risk register

### CEB Report Risk Register

Risk Score	<b>Impact Score:</b> 1 = Insignificant; 2 = Minor; 3 = Moderate; 4 = Major; 5 = Catastrophic <b>Probability Score:</b> 1 = Rare; 2 = Unlikely; 3 = Possible; 4 = Likely; 5 = Almost Certain
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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							Q	Q	Q	Q	I	P
1	Planning permission for site development scheme not forthcoming	4	3	Objections to planning application	Mitigating Control: Brookes and OCC property officers to maintain communication with all parties  Level of Effectiveness: Medium	3	2	Action: maintain dialogue with all parties. Action Owner: M Lyons  Mitigating Control: Regular monitoring meetings Control Owner: M Lyons	Outcome required: Milestone Date:	1 ☹ ☺	2 ☹ ☺	3 ☹ ☺	4 ☹ ☺		
2	Challenge to decision to continue disposal of open space	3	2	Objection to disposal of open space	Mitigating Control: Brookes and OCC property officers to maintain communication with all parties  Level of Effectiveness: Medium			Action: maintain dialogue with all parties Action Owner: M Lyons  Mitigating Control: Regular monitoring meetings  Control Owner:	Outcome required: Milestone Date:						

3	Challenge to development from former owners of site	3	2	Existence of covenant predating OCC ownership	Mitigating Control: Further negotiations with third parties ,if required following legal advice Level of Effectiveness: Medium			Action: Maintain dialogue,if rquired Action Owner: M Lyons  Mitigating Control: regular meetings Control Owner: M Lyons	Outcome required: Milestone Date:								
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