

Application Number: 23/002

Nominated Asset:	Former Co-operative Nursery
Site Address:	2 Cuddeson Way, Oxford, OX4 6JP
Ward:	Blackbird Leys
Applicant:	Jacqui Gitau, African Families in the UK (AFIUK)

Recommendation: The Head of Planning & Regulatory Services is recommended to:

1. **Disagree** that the Nominated Asset should be confirmed as an Asset of Community Value
2. **Disagree** to include the asset on the City Council's Register of Local Assets of Community Value Register and place the asset on the Local Land Charge Register.

Background to Report.

1. The Localism Act and the Assets of Community Value Regulations set out the opportunities and procedures to follow for communities wishing to identify assets of community value and have them listed.
2. The City Council is able to list a nominated asset if, in its, opinion:

An actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community; AND

Is it realistic to think that there can continue to be non-ancillary use of the building or other land that will further (whether or not in the same way) the social wellbeing or social interests of the local community.

OR

There is a time in the recent past when an actual use of the building or other land that was not ancillary use furthered the social wellbeing or interests of the local community; AND

It is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

3. These definitions have been taken from the Government's Regulations. There is no national guidance as to what the key terms in these definitions mean. It is for the nominating organisation in the first instance to argue why it considers the nominated asset meets the definition in the Regulations.

4. If the owner objects to their property being placed on the List, they have a right in the first instance to an internal review by the City Council of this decision.

Nomination

5. Jacqui Gitau on behalf of African Families in the UK has submitted a nomination for the inclusion of the Former Co-operative Nursery at 2 Cuddeson Way in the Blackbird Leys ward (referred to henceforth as 'the premises' or 'the site') on the Council's register of Assets of Community Value. The nomination letter was received by Oxford City Council via email on 27 July 2023. A plan of the nominated area is attached to this report.
6. The nomination has been made in order to secure the site for "meanwhile uses" while it is being redeveloped, for the benefit of community organisations delivering vital community services from the community centre. The group has also expressed longer term aspirations to purchase the leasehold subject to successful fundraising efforts.

Response to consultation

7. The freehold for the premises is held by the Property Services of Oxford City Council, and the Co-op Group currently has a long-term leasehold. Both parties were notified of the nomination in writing on 6 June and 24 July 2024 respectively.
8. The property and estates services of the City Council did not have a specific objection. The Co-op group have objected to the nomination, and a representation was submitted on their behalf by their legal representatives on 16 August 2024.
9. The objection is on the following grounds, in summary:
 - a. The nomination is purely speculative, with no evidence in terms of funding sources ,business plans, surveys etc. provided on how the premises will be acquired or reinstated for community use.
 - b. The property has been vacant for 16 months as at the time of submitting the representation, during which time no approach has been made to the Co-op Group from a local community group with an acceptable offer.
 - c. The Former Bullnose Morris PH, currently listed as an ACV, is available as premises suitable for community organisations which negates the need for the nominated premises to also be listed as an ACV.
 - d. The Co-op has agreed a contract sale of the premises with a buyer that proposes to make use of the site as a veterinary practice. The uses is proposed to be for 5 years, which undermines the contention that a community use within that timescale is realistic.

Assessment

10. The Regulations require the City Council to consider whether the premises meets the definition of an Asset of Community Value as set out in section 88 of the Localism Act, i.e. in this case that it is currently, or in the recent past has been, in a use that furthers the social wellbeing or social interests of the local community, and also that it is realistic to think that

there can continue to be non-ancillary use of the building or other land which will further the social wellbeing or social interests of the local community (whether or not in the same way).

The Regulations require that the nominating group should be an eligible body as set out in section 89 of the Localism Act, i.e. that they are a voluntary or community body with a local connection, which broadly means that the group must demonstrate that its activities are wholly or partly concerned with the Oxford City Council area.

Eligibility of nomination

11. The nomination was submitted by the AFiUK on behalf of a number of other locally based community organisations and interest groups. The nomination was also supported by the local ward members for Blackbird Leys and Northfield Brook. All members are resident in the Oxford area and have a local connection to the nominated site. The nomination meets the requirements section 5c of the Regulations.

Whether the current use furthers the social wellbeing or social interests of the local community

12. While the premises have been subject to a long term leasehold by the Co-op, they have been vacant for some time. It is not currently performing any supporting function to the local community.

Whether it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

13. The representation from the leaseholder indicates that a sale has been agreed with a buyer proposing a different use. On this basis community uses are unlikely to occur on the site in the near future.
14. The stated intention for the premises as part of the nomination is for a meanwhile space while there is ongoing redevelopment. How this will be applied, or who the beneficiaries of such an arrangement, are in this instance is not described in the nomination – although there are no specific requirements in the regulations. Access to a site for meanwhile use during redevelopment can be negotiated with the freeholder and/or leaseholder, and does not require ACV listing.
15. It is noted that listing a premises as an ACV makes it subject to a moratorium in the event of the site being disposed of, and does not oblige the leaseholder or freeholder to sell or accept an offer.

Decision

I confirm that:

Nominated Asset: Former Co-operative Nursery
Site Address: 2 Cuddesdon Way, Oxford, OX4 6JP

Should not be an Asset of Community Value and not included on the City Council's Register of Local Assets of Community Value Register and not placed on the Local Land Charge Register.

Name: David Butler
Title: Head of Planning & Regulatory Services

A handwritten signature in black ink, appearing to read 'D Butler', with a horizontal line underneath.

Signature:
Date: 30/09/2024

Background Papers: Nomination letter, Site location map

Contact Officer: Arome Agamah
Extension: x2360
Date: 5 September 2024

Site location Map

