



Executive
9th October 2006

**Joint Report from the Directors of
Environment and Culture and
Finance and Resources**

For Action

Wards Affected:
Dollis Hill/Dudden Hill/Mapesbury

The Future of Dollis Hill House

Forward Plan Ref: ES-05/06-009

1.0 Summary

1.1 This report provides Members with an update on proposals to reinstate Dollis Hill House, Gladstone Park, as a community facility and on future options for the House.

2.0 Recommendations

2.1 That Members note the following future options for Dollis Hill House, all of which are considered in more detail in paragraph 3. 7

(i) To redevelop Dollis Hill House and for the Council to contribute to costs, both capital and revenue.

(ii) To continue to wait for the Dollis Hill House Trust to finalise and submit a business plan.

(iii) To sell the site for commercial development

(iv) To demolish the building, following the procedure laid out in the main body of the report.

2.2 That Members note the Dollis Hill House Trust have written to the Leader of the Council asking Brent Council:-

“that it pledges matched funding towards the capital costs”

“provides full time officer with suitable expertise to work with the Trust”

2.3 That Members instruct officers in relation to 2.1 to market openly the site for a period of three months to anyone (including any community based Trust) who can renovate the listed building and provide it with a viable future, in a manner which is likely to gain planning permission and protect the park setting, and to report back to the Executive before option (iv) is considered.

2.4 In the light of the detail outlined in paragraph 3.2, Members instruct officers not to pursue option 2.1 (i) nor the request in 2.2.

3.0 Detail

3.1 Dollis Hill House is a grade II listed building located within the grounds of Gladstone Park, NW10. The house has been in local authority ownership, and the park used as public open space, since May 1901. It has historic links with the former Prime Minister, William Gladstone and the American author Mark Twain. See attached site plan and photographs in Appendix 1.

3.2 Until the mid 1990's the house was used by the Council mainly as a catering training centre managed by the Brent Education Service. The house was declared surplus to requirements by the Education Service in 1994 and has since been the subject of continued debate. During this time the house has been subject to three arson attacks, June 1995, April 1996 and June 2003 and currently is in a derelict condition. It is in a continually deteriorating state despite having a temporary roof covering and support scaffolding. There is an insurance fund which is slowly being depleted in ensuring what remains is in a safe and steady state. The House attracts continued support for full restoration from a part of the local community. The Council has to date refused to commit itself to funding a full restoration of the house but has supported attempts by the Dollis Hill House Trust [DHHT] to seek funding for the house to be restored and run as a community facility. To this end, the Council released two amounts of money from the fire insurance fund of £30000 [report November 2001] and £28350 plus VAT [report 17th September 2002] for use by DHHT to look at options to attract external funding to restore the house.

Background

3.3 At the Executive in December 2003, members received a report on the proposal by DHHT to reinstate the House as a community facility. It was not felt that the business case submitted by the DHHT added up in that it would leave the Council exposed to too great a financial risk if the DHHT were unsuccessful in their plans. As a result, at this meeting Members decided to “subject to capital funding being identified, demolish the remainder of the premises and create a new landscaped area, which could include a café, or

alternatively it could be a landscaped feature with statuary, or it could be both”.

- 3.4 Following the above decision, the GLA showed an interest in the House, wanting to see it restored as a community facility. Then the Brent tPCT expressed an interest in restoring and extending the House by converting it to a health clinic and community centre with public access. A PCT project team was established to work up a proposal and this was presented to the PCT Board in February 2005. The PCT Board requested further information as it was felt their business case did not add up. A further report was presented to the PCT Board in May 2005 and the Board made the decision not to progress any further with the scheme. This was formally put in writing to the Council.
- 3.5 The GLA have recently written to the Council (August 2006) stating that they continue to support the renovation of the House for community and other purposes “provided that a viable business plan and future for the House can be established”. To this end, the GLA have stated they are “willing to seek to provide a contribution of up to half the capital costs of the renovation provided this is matched by the Council”. Officers have requested a clarification of what “seek to provide” means. The GLA are unable to commit to any on-going revenue support for any future proposed use of the House.
- 3.6 Following the withdrawal of the PCT it was agreed that the Council would consider a revised proposal from the DHHT and Officers contacted the Trust to agree a timetable. The DHHT requested time to finalise the business plan and agreed to submit it to the Council in October 2005. They have subsequently requested a number of extensions to this timetable and in March 2006 stated they would submit it to the Council in May 2006. To date it has not been submitted. The DHHT have recently written to the Leader of the Council asking Brent Council:-

- “that it pledges match funding towards the capital costs
- provides a full time officer with suitable expertise to work with the Trust”.

The issues relating to capital funding are detailed in paragraphs 3.7, 4.1 and 4.2. As explained in paragraph 3.2 the Council has previously released funding from the Insurance Fund to support the DHHT to use a consultant to help them develop a business plan. In 1999 the Council commissioned consultants (Torkilsen Barclay Leisure Management) to conduct a feasibility study to examine the viability of establishing a charitable trust to undertake the restoration and future management. Their conclusion was that the ongoing viability of a trust would be doubtful without guaranteed revenue support.

- 3.7 Officers believe that the DHHT have been given sufficient support and time to submit a viable business plan and that given the financial issues detailed in section 4 below Members now need to decide how they wish to move forward. There are four main options the council could take, outlined as follows:

Option One: The Council decides to redevelop the House as a community facility itself, funding capital and revenue costs. As mentioned in paragraph 3.5 the GLA have stated that they would be willing to fund 50% of the capital costs if the Council were to fund the other 50%. Any capital contribution from the Council is not currently contained within the Council's costed four year capital programme. It may be possible to secure some capital funding from the Heritage Lottery Fund (HLF) but this would be subject to the issues outlined in paragraph 4.1. The Council would still need to fund all on-going revenue costs or find uses for the building which satisfy the HLF education requirements and generate significant income to cover the revenue costs in full.

Option Two: To continue to progress the Trust option. As outlined above the DHHT has not submitted a business plan to the Council for consideration. However, the Council has considered previously that a trust option for Dollis Hill House is unlikely to succeed without assistance from Brent Council in terms of both capital and revenue funding. The Council need to underwrite any such proposal by a Trust. A small Trust with no track record of managing such a project would expose the Council to a significant degree. In the meantime the lack of action is continuing to have a financial drain on revenue and does not lend itself to the attempts to improve the visual amenity of the Park.

Option Three: To sell the site for commercial development. The site is within an open space and therefore planning permission will restrict certain developments. The Council has marketed the site twice before and, whilst interest has been shown by commercial operators for pub/restaurant type activities, local people have objected to commercial uses which they perceive will create a 'pub in the park' and so these schemes have not progressed. However in order to explore all possible avenues it is likely to be appropriate to re-examine this option perhaps in tandem with option four.

Option Four: To demolish the remainder of the House and either a) make good the remaining site with basic landscaping or b) create a feature for the site such as landscaping, statuary and a small café. Should members choose this option permission will need to be granted as outlined in section 5. Consent for demolition will only be granted after the Council has been able to demonstrate that all reasonable steps have been taken to restore the house. It is recommended that, as part of this option, a final 'market test' is undertaken on the site to ensure all alternative proposals have been fully considered under the most recent market conditions. As part of this process both commercial operators and Trusts could be invited to put forward proposals.

- 3.8 In examining the various options Members will need to be mindful of the clear approach to development, re-use or demolition of Listed Buildings that is set out in government planning advice [Planning Policy Guidance Note No.15]. The preference is always for restoration of the original use, and Members will need to be satisfied that if this cannot be achieved, alternative uses are examined in detail. In examining the recent planning history and attempts to find a viable alternative use, Members will need to assess the feasibility of the options for re-use and whether uses such as a public house or pub/restaurant are acceptable in planning terms, given the impacts that such uses would have. If Members are of the view that having given careful consideration to the re-use of the building there is no viable alternative, only then can demolition be properly considered as an option. Members can have regard to the cost of repairing and maintaining the building relative to its importance and to the value derived from its continued use. This sequential approach is one that Members will need to apply and that the Council will need to demonstrate to make the planning case for changes to the building or the site.

4.0 Financial Implications

- 4.1 It is estimated that the capital costs of restoring the House will be in the region of £3M. A proportion of this funding could be sought from the Heritage Lottery Fund (HLF) although it is likely that the Council, or any Trust trying to secure such funding, would need to provide at least 50% of the total capital. Officers believe that a project of this scale would need to compete on a national level for funding. As the building is grade II listed it will be competing against grade I and grade II* listed ones which are likely to be higher up the list of buildings at risk/ heritage assets that the HLF are asked to support. Unless the bid was accompanied by a very robust business plan it is unlikely to be successful. This position was clearly stated in an email from the HLF to the Dollis Hill House Trust last Autumn. The email went on to state that unless a project “could demonstrate an excellent business case, value for money and excellent access and learning works, your application is unlikely to succeed”. It should be noted that the House is listed as a result of its historical connections and not for architectural reasons. The HLF therefore are not so much interested in the fabric of the building itself but in its associations and therefore are particularly keen to see an education programme linked to the history of the site.
- 4.2 As stated in Paragraph 3.7, there is no provision included in the Capital Programme to re-develop the House. If the Council were to provide £1.5m (50% of the anticipated cost), this would incur annual financing charges of around £159k. These would have to be funded from the revenue account, in addition to any subsidy required if Members wished to pursue options 1 and 2.
- 4.3 No funding has been identified to pay for the demolition costs or any replacement facilities (i.e. a café) or for landscaping of the area. £133,500 remains in the insurance fund as of September 2006 which is reducing at a rate of approximately £20K per year. The insurance fund could be used to pay

for the demolition of the structure. Demolition costs alone are estimated to be approximately £100K. If the site is to be marketed there will be a cost associated with this which will also need to be met from the insurance reserve.

5.0 Legal Implications

- 5.1 The Planning (listed Buildings and Conservation Areas) Act 1990 does not impose a duty on the owners of listed buildings to keep them in good repair but paragraph 3.3.7 of PPG 15 states “the Secretaries of State ask authorities to deal with their own buildings in ways which will provide examples of good practice to other owners. It is particularly important that every effort should be made to maintain historic buildings in good condition, and to find appropriate new uses for buildings in authority ownership which are no longer in active use”.
- 5.2 There are legal covenants on the property; the property is subject to the Indenture dated 19th February 1900 between RA Finch and others and the Willesden UDC. The land (Dollis Hill House and other properties) was conveyed to the Council in “fee simple for the perpetual use thereof by the public”. There has been debate over the years as to whether “for the perpetual use thereof by the public” created a trust and had the effect of the Council holding the land on charitable trust or not. A number of legal opinions have been sought in the past and it is felt that the land is not held on charitable trust. On this basis the Council could demolish the existing building, subject to the necessary planning consents. Given the time gap since the last legal opinion, the council sought further external Counsel opinion in March 2006. This concluded that the House is not held on trust. This means the Council could demolish the building, subject to planning consents, without first having to obtain permission from the Charity Commission. Note Charity Commission is of the view that the building is not held on trust but it is open to the Attorney-General to seek a court declaration that there is a charitable trust if he saw fit.
- 5.3 If the Council did decide to progress with demolition there are two approaches that could be taken; de-list the building and then demolish or make an application to demolish a listed building. Consent to demolish a listed building is fairly exceptional and will require a strong justification that all efforts have been made to retain the building and have failed. The council will need to convince the Secretary of State that real efforts have been made to continue use or seek an alternative use. This would include having made the offer of a long lease (125 years or more) at a price reflecting the building’s condition. The offer of a short lease only would be seen as having restricted the chances of finding a new use. If demolition of the House was authorised, the Council would be required to give notice to the Royal Society for a period of at least one month for the purposes of recording the building. The final decision on demolition would rest with the Secretary of State. The decision could be challenged by an appeal to the High Court. The appeal would have to be on the same grounds as those for judicial review and it is unlikely that the Secretary of State would deal with a decision in such a way as to make a challenge likely.

5.4 If it is considered that demolition is the only option to take (assuming that a final marketing exercise does not produce a viable alternative) then it is felt that an application to demolish rather than an application to de-list is the better route to take. If an application to de-list was refused, the Council would then have to start again with an application to demolish. It is therefore more sensible to apply for permission to demolish in the first place.

5.5 An unsuccessful application was submitted to register the park as a town green during 2005. The House was not included within the area to be registered. The application was refused on the basis that the necessary 20 year period of use by the public had not been shown. The applicant has suggested that she may re-apply. If an application were successful prior to demolition, then even if this excluded the House, the Council would need to ensure that any demolition/redevelopment of the site did not take place on or interfere with the registered area. Registration as a town green would restrict any use of the registered area for car parking or any other developments.

6.0 Diversity Implications

6.1 Non specific to this report

7.0 Staffing/Accommodation Implications

7.1 None

Background Papers

Torkilsden & Barclay Leisure management report 20th June 1999

“Dollis Hill House – Development of a Community Trust” – report to the Public Services deciding Committee, 27th June 2001

“Dollis Hill House Restoration Project” – Client Brief for Project Management Consultancy

Dollis Hill House Project – Interim Report, May 2002 Dollis Hill House Steering Group

Dollis Hill House Project - Outline Business Plan, July 2002 Dollis Hill House Trust

Dollis Hill House – progress report on the development of a community trust 17th Sept 2002

Dollis Hill House progress report 2002-3

Dollis Hill house Trust Executive Summary of progress 2002

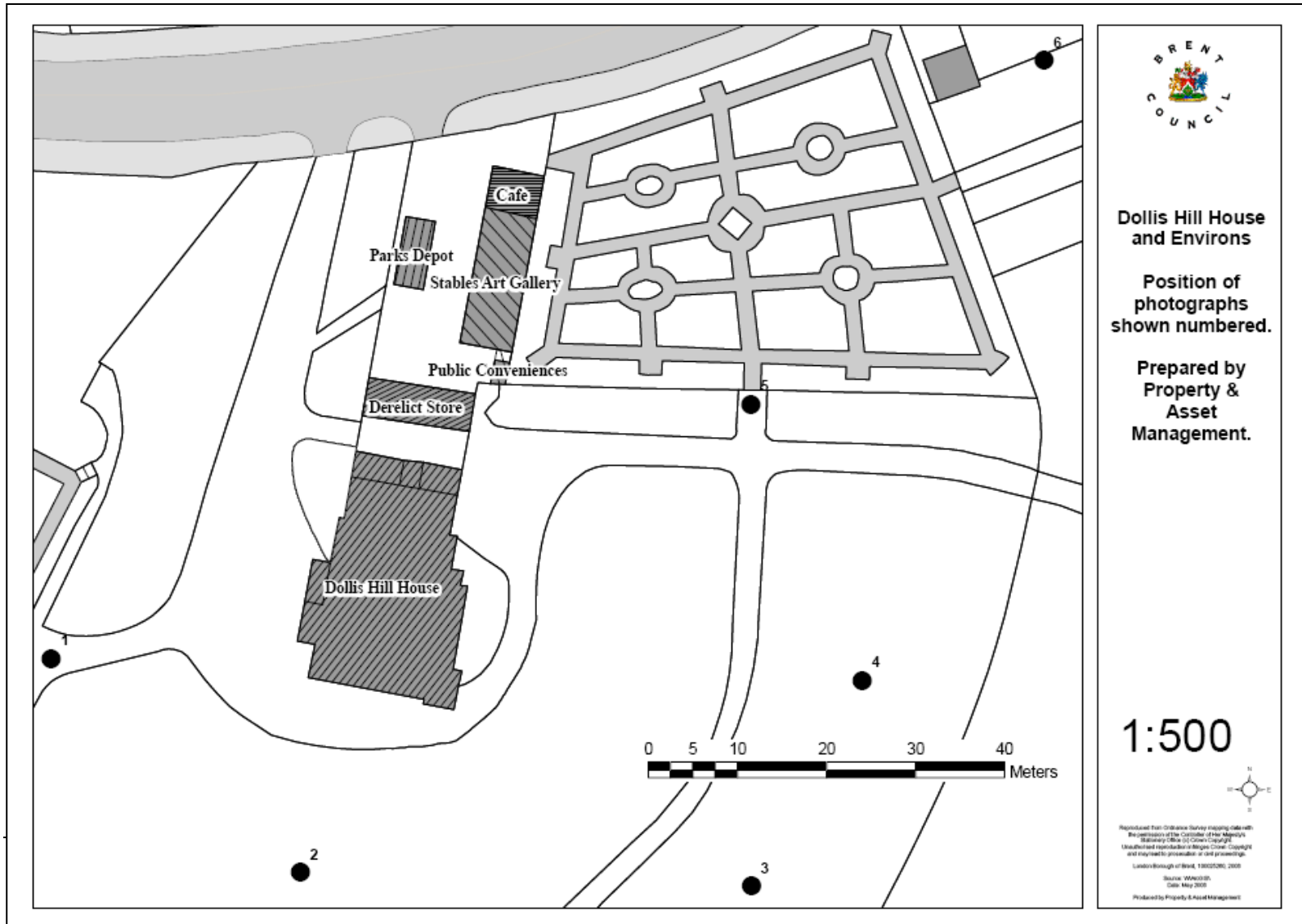
Dollis Hill House Business Plan –October 2003

Dollis Hill House and Stable Arts Gallery – Executive Report, December 2003

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**Dollis Hill House
and Environs**

**Position of
photographs
shown numbered.**

**Prepared by
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1:500



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Dollis Hill House & Environs.
Photographic Schedule.



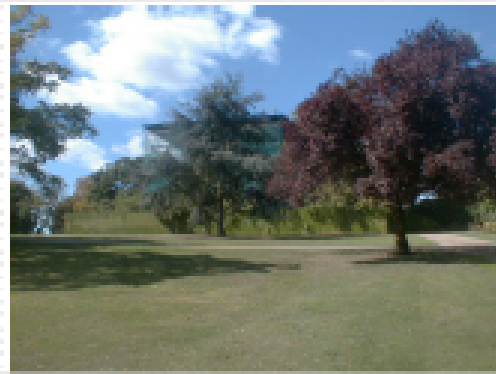
1. House viewed from the west.



2. House viewed from the south.



3. House viewed from the south east



4. House viewed from the east.



5. House viewed from the north east.



6. Park terraces with house in distance.

