



**Executive**  
15<sup>th</sup> January 2007

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

For Action

Wards Affected:  
Dollis Hill/Dudden Hill/Mapesbury

**Dollis Hill House: Update on Marketing Exercise**

Forward Plan Ref: E&C-06/07-029

**1.0 Summary**

- 1.1 This report provides Members with a progress update on the marketing of Dollis Hill House with a recommendation to include the Stables Block. It details the proposed approach to the marketing and the timetable which Members are asked to agree.

**2.0 Recommendations**

- 2.1 That Members agree the proposed approach to marketing the Dollis Hill House, including the Stables block.
- 2.2 That Members agree the timetable for marketing the Dollis Hill House and Stables block as set out in paragraph 3.6.

**3.0 Detail**

- 3.1 At the October Exec 2006, Members received a report which detailed the history of previous attempts to achieve the restoration of this building and set out a broad approach to a new initiative to seek to resolve the future of Dollis

Hill House. The report outlined a number of failed attempts to reinstate the House and Members instructed Officers to 'market openly the site for a period of three months to anyone (including any community based trust) who could renovate the listed building and provide it with a viable future, in a manner that is likely to gain planning permission and protect the park setting, before reporting back to the Executive and option d) is considered'. Option d) being to demolish the building.

- 3.2 Since then a project team has been formed and a detailed strategy devised in order to ensure the best possible chance of the House securing interest from a viable party. As such officers have produced a planning framework document that will be made available to any organisation interested in submitting a tender. The framework is an informal guide with a planning perspective, explaining the development potential of the site. In addition, officers have been in contact with English Heritage who have agreed to have an input into the marketing process and to be a partner on the final evaluation panel.
- 3.3 Officers were originally intending to start the marketing period at the beginning of December for a period of up to three months, with a view to evaluating tenders in March 2007 and reporting the outcome to the Executive in April 2007. This met Members previous decision to market openly the site for a period of three months'.
- 3.4 The project team has appointed specialist property consultants (Knight Frank) to oversee the actual marketing exercise. They have an extensive experience of marketing this type of property. Having had an initial consideration of the site, Knight Frank have made a number of suggestions that would make the proposed marketing exercise more robust. Firstly, they recommend that, in addition to the planning framework, a specification is prepared which will provide potential interested parties with a basic understanding of the costs involved in restoring the building to a simple wind and water-tight standard. Thus when bids are evaluated the panel will have a base-line financial comparison for each bid. An external surveyor was commissioned to undertake this work during December 2006 in order that the information can be provided to interested parties as part of the marketing exercise.
- 3.5 Secondly, they recommend that the curtilage of the area to be included in the exercise should be such that it outlines all of the site of the House as a bold red line. However, they also recommend that a dotted red line should be included around the Stables Block as the inclusion of this element may result in an increased interest in the overall site. The Stables block is currently used by the Brent Arts Council as an arts centre/gallery and also houses a small café. The Brent Arts Council have been occupying the building for a number of years but without paying any rent. Attempts to agree a fully repairing lease on the basis that the Council first carries out certain repairs have so far not succeeded. In the circumstances it is considered that the Brent Arts Council are only licencees and therefore can be required to vacate if this is needed as part of a scheme to redevelop the House. The cafe proprietor shares use of the courtyard where refreshments are served and, therefore, whilst terms for

payment have been agreed with her, she is also considered to only be a licensee. The consultants consider that there is a risk that as the Stables block form part of the listed building, if this approach is not taken and the marketing exercise fails to attract any interest, and the Council subsequently has to apply to the Secretary of State for permission to demolish it may be refused on the grounds that the marketing exercise was too restrictive. (The map at Appendix A shows the area to be included for the purposes of the marketing exercise, including access rights).

- 3.6 Knight Frank also suggest that an eight week period for marketing is sufficient for a project of this nature. Therefore taking account of the issues outlined above, the following revised timetable is recommended:

15<sup>th</sup> January 2007 – Members agree area of site to be included within a marketing document.

22<sup>nd</sup> January 2007 – Marketing exercise starts.

12<sup>th</sup> March 2007 – Marketing exercise ends.

14<sup>th</sup> March – 11<sup>th</sup> April – Evaluation of bids received

29<sup>th</sup> May – Outcome of evaluation reported and future decided by Executive

#### **4.0 Financial Implications**

- 4.1 The costs of marketing the Dollis Hill House and completion of the survey are estimated to be £25K. There is no budget available for this and it will need to be met from the insurance fund reserve which stands at approximately £133K.

#### **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 19<sup>th</sup> 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. Including an option to also acquire the stables block will assist in demonstrating that all efforts have been made to find an alternative use for the building. 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 the 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.

The specific implications of the occupation of the stables block are addressed in paragraph 3.5 above.

## **6.0 Diversity Implications**

6.1 Non specific to this report

## **7.0 Staffing/Accommodation Implications (if appropriate)**

7.1 None

### **Background Papers**

Torkilsden & Barclay Leisure management report 20<sup>th</sup> June 1999  
“Dollis Hill House – Development of a Community Trust” – report to the Public Services deciding Committee, 27<sup>th</sup> 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 17<sup>th</sup> 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  
The Future of Dollis Hill House – Executive report, October 2005

### **Contact Officers**

Any person wishing to inspect the above papers should contact Sue Harper ext 5192/Richard Barrett, ext 1334

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# Appendix One

## Site Plan and Extent For Dollis Hill House Marketing Exercise

