



**Executive**  
18<sup>th</sup> June 2007

**Report from the Director of  
Environment and Culture**

Wards Affected:  
Kensal Green

**Former Willesden Social Club and adjacent toilets,  
Rucklidge Avenue, Harlesden NW10**

Forward Plan Ref: E&C 07/08-067

**The appendix to this report is not for publication**

**1.0 Summary**

1.1 The Council received a petition organised by Kensal Green Ward Councillors and containing 63 signatures requesting that the derelict buildings at the corner of Rucklidge Avenue and Park Parade be acquired by the Council in order to bring the site into more productive use. Officers have inspected the site and contacted the owners and subsequently served a Notice under Section 215 of the Planning Act. This report considers other action that the Council may wish to take.

**2.0 Recommendations**

2.1. To note the action that the Council have taken to remedy the poor appearance of the building.

2.2. That in order to bring the site back into beneficial use in the longer term:

- (i) The impact of the Section 215 Notice be monitored to see if the notice is complied with and the buildings are repaired and brought back into use;
- (ii) That a further report be brought back to the Executive regarding use by the Council of its Compulsory Purchase powers to facilitate

the redevelopment of the site if the actions set out in (i) above fail to achieve a successful outcome.

### **3.0 Detail**

- 3.1 The premises in question is the former Willesden Social Club which is located on the corner of Rucklidge Avenue and Park Parade. The premises also includes a former toilet block. Both sites were owned by the Council and originally sold on 30 March 2000. A plan identifying the site is attached to this report.
- 3.2 A petition has been submitted by the Kensal Green Ward Members containing 62 signatures. The petition reads: 'We the undersigned note that the derelict buildings on the corner of Rucklidge Avenue and Park Parade are an eyesore and environmental health hazard and we call on Brent Council to make a Compulsory Purchase Order in order to bring the site into a more productive use'.
- 3.3 The premises have been inspected and there is no evidence of any current use or activity, although it is clear that rubbish has been dumped and unauthorised entry taken place in the past. The site is fenced and the gates are currently locked. Both original buildings remain on the site although the upper floor windows of the former social club are all broken. The owners were approached by Officers regarding their intentions for the site which is capable of beneficial redevelopment for mixed or residential use. They confirmed in early February that they had instructed architects to develop proposals allowing the redevelopment of the site. To date no approach has been made to the Council to discuss a scheme, and no planning application for redevelopment has been made.
- 3.4 The petitioners have requested that the Council uses its compulsory purchase powers to acquire the site and ensure beneficial development. The Council currently has no proposals or funding set aside to re-acquire the site. The owners have confirmed that their intention to redevelop the site although there is currently no first hand evidence to demonstrate that this is being progressed.
- 3.5 In order to address the detrimental effect of the site on local amenity a Notice has recently been served under Section 215 of the Planning Act. This section allows action to be taken when land is detrimental to visual amenity. The notice requires that the windows be repaired or, as an alternative option, that both buildings be removed. Compliance with the Notice would improve the visual appearance of the building/the site. The owners have an opportunity to appeal to the Magistrates Court against this notice.
- 3.6 Environmental Health Officers have had previous, significant involvement with the site. Notices have been served under Section 80 of the Environmental Protection Act in 2002 (twice) and 2003, with substantial works carried out to clear the site in default in 2003, including an accumulation of needles. Section 4 of the Prevention of Damage by Pests Act has also been used in

2004 and at the beginning of 2006 to remove rubbish. Following the more recent notice, the owners also placed fencing to the boundaries, and that fencing remains in place. A recent inspection confirms that there is no justification for any further action by the Council on environmental health grounds.

- 3.7 In the event of the measures required through the Section 215 Notice not bringing the site back into beneficial use, the Council can pursue a compulsory purchase of the site. Such action would allow the site to be disposed of to a developer for housing or predominantly housing use and remove the current blight. Authority for compulsory purchase would need to be the subject of a further report to the Executive.. Further financial information relating to the sale of the site and its value is set out in a not for publication, below the line appendix to this report.

#### **4.0 Financial Implications**

- 4.1 There are no direct costs arising out of the actions taken to date on the site, though if a section 215 notice was not complied with, there would be the cost to the Council in entering the property and carrying out the works itself. If this were the case the Council would carry out the works under works in default powers and would raise a charge on the property if we were not reimbursed within a stipulated period of the invoice being raised. Also interest would accrue until the charge was repaid.

#### **5.0 Legal Implications**

- 5.1 Section 215 of The Town and Country Planning Act, allows the local planning authority to serve a notice if it appears to them that the amenity of a part of their area is adversely affected by the condition of land specified in the notice. The notice must specify the steps to be taken to remedy the condition of the land. A person on whom a notice is served can contest it by appealing to the Magistrates Court.
- 5.2 Compulsory Purchase Orders (“CPOs”) to acquire land for the provision of housing can be made using powers under section 17 of the Housing Act 1985. It will be necessary to show that there is a compelling case in the public interest for the CPO which primarily entails showing that it is the only viable route for bringing the land back into use. As part of showing this, the Council will need to establish that there is a real likelihood of the land being reused. Accordingly if works to it were required before it could be reused it will be necessary to show that the funding is available for redevelopment for housing to be carried out and that the redevelopment can be carried out within a reasonable timescale. It is also necessary to have regard to the Human Rights Act to show that an interference with the landowner’s property rights is justified. This is not normally problematical provided that the other requirements above can be met.
- 5.3 There is a widely drawn power under section 222 of the Town and Country Planning Act 1990 to compulsorily acquire land to “facilitate the carrying out of development, redevelopment or improvement on or in relation to land”. If the

land was intended to be redeveloped for some purpose other than housing then this power could be relied on. Again, it would be necessary to show that there was a compelling case in the public interest for the CPO and that the intended purpose was likely to be fulfilled in a reasonable timescale.

- 5.4 If the Council wished to proceed with a CPO then the approval of the Executive to the specific CPO proposed would need to be obtained. The CPO would then need to be made and advertised and served on owners. If there are no objections then it needs to be confirmed by the Secretary of State, who will need to be satisfied that all the requirements mentioned above have been met.
- 5.5 Anyone with an interest in the land has 21 days from advertisement/service of the CPO to make an objection. It is rare for objections not to be made to CPOs. Owners often make objections in the hope that this will persuade the Council to reach a voluntary agreement to acquire the land on terms more beneficial to the owner. If objections are made, then it is necessary for a public inquiry to be held. Depending on the length of inquiry needed, this will normally take 6-12 months to arrange. Assuming that the inspector recommends that the CPO should be confirmed this will then normally take place about 2-4 months after the holding of the public inquiry.
- 5.6 There is nothing to prevent the Council attempting to negotiate an agreement with the owners to acquire the land voluntarily, even though the CPO procedure is continuing, indeed the Government encourage this if possible.

## **6.0 Diversity Implications**

- 6.1 There are no diversity implications of this report.

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

- 7.1 It is estimated that the amount of officer time taken to pursue this matter to its conclusion is between 7 and 14 hours depending on whether the section 215 notice is complied with voluntarily. This can be actioned through existing resources.

## **Background Papers**

Brent's Planning Enforcement Policy  
The Adopted Unitary Development Plan  
Town and Country Planning Act 1990 Section 215 Best Practice Guidance.

## **Contact Officers**

Any person wishing to inspect the above papers should contact Tim Rolt, Enforcement Team Manager, The Planning Service, Brent House, 349–357 High Road, Wembley, Middlesex, HA9 6BZ (Tel 020-8937-5242).

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