

<u>MEETING</u>
COMMUNITY LEADERSHIP AND LIBRARIES SUB-COMMITTEE
<u>DATE AND TIME</u>
WEDNESDAY 19TH DECEMBER, 2018
AT 6.30 PM
<u>VENUE</u>
HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

This was submitted by Solicitors acting for the freeholder of the property in relation to Item 7 on the agenda:

Community Right to Bid: Greensquare, the Land between Briarfield Avenue and Rosemary Avenue accessed From Tangle Tree Close, N3 2LG

Item No	Title of Report	Pages
6.1	ADDENDUM	3 - 22

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Community Right to Bid

Greensquare: Land Between Briarfield Avenue and Rosemary Avenue AGENDA ITEM 6a

Comments and response

This second nomination following the removal of the land from the Council's list of assets of community value ("ACV") is opposed. The ACV regime has been complied with by the owner and it is now not an ACV.

During the five year period the opportunity to acquire that part of the land edged and numbered 2 on the attached plan ("the Bowls Club Land") for community use has been given by the owner (as described in the attached marketing report by Mr. J. Leaf BSc FRICS FNAEA FARLA) but not taken up. Rather the bowling club, which was a major factor in the original ACV listing, has vacated the Bowls Club Land pursuant to a consent order in the proceedings in which the club originally sought a renewal of the lease in its favour. Since then the former clubhouse has remained vacant and boarded up.

The opposition to this nomination is based on two separate grounds. The first is that the site is not being used for purposes which further the social wellbeing or social interests of the local community. The area previously leased to the bowling club is boarded up and unused. The bowling club voluntarily vacated the Bowls Club Land in July 2017 pursuant to the consent order.

The remainder of the site has not been used in a manner which can qualify as use for the purposes of the ACV regime. This is not a case in which locals have entered on unfenced land without dissent from the owner. Although technically a trespass that does not necessarily (on the basis of current authorities) prevent the use resulting from such entry being use for the purposes of the ACV regime. With the part not comprising the Bowls Club Land however, those on the land have only achieved entry by breaking down the fencing and blatantly ignoring the owner's direction not to come on to the land or taking advantage of such breakages.

There is a crucial difference between the two types of entry on to land described. Trespass which is the result of action damaging property and known to be directly contrary to the owner's directions cannot constitute use which causes an asset to qualify as an ACV.

Further it must be borne in mind that in rejecting the application to register the land as a village green the inspector held that the use up to 2007 had not been significant and was overstated by the applicant's witnesses (paragraph 149 of the decision).

The second ground of opposition is that it is not realistic to think that there will be a use which furthers the social wellbeing or social interest of the local community. It is not just that the bowling club has vacated the Bowls Club Land and the former club house been boarded up. The owner has placed the Bowls Club Land on the market and sought offers by way of lease. This is explained in the marketing report attached. The former bowling clubhouse is in a poor state of repair. The greens are overgrown. There is no interest in acquiring or leasing this property. No one wishes to take on the burden of repair and maintenance. The history set out in the Inspector's report with regard to the village green application illustrates how such burden resulted in the cessation long ago of historic activities such as allotments and tennis.

There has been no significant response to the marketing and no offer at all made. There is no desire by anyone, let alone a community group to take on responsibilities with regard to any part of this land. This point was considered in *Fernwick Limited v Mid Suffolk* DC CR/2015/0024 by Judge Simon Bird QC who stated at paragraph 27:

"Whilst there is community support for retention of the Cross Keys as a pub, that has to be seen in context. The support is for the continued protection of the use rather than any clear support in the form of willingness to take on the Cross Keys and to attempt to run it as a going concern. On the evidence, the Parish Council's priority is, understandably, the Village Hall. It has no apparent interest in acquiring or assisting in the running of another licensed premises to serve the Parish. Likewise, the Second Respondent as nominator for inclusion in the ACLV, acted to protect and not to involve itself in the acquisition and/or operation of this pub."

This led the judge to conclude at paragraph 29:

"that it is not realistic to think that the building could be used for any other use that would further the social well-being or social interests of the local community. Whilst the building might be of a form and/or design which might be suitable for such a use, there is no evidence that there are any realistic proposals for such uses or that there is any prospect of

such proposals emerging in the next five years. Whilst there is no requirement that there be business plans or similar to support suggested uses which might be made of buildings, there must be more than mere speculation to support a finding that it is realistic to think that they could materialise in the next five years in a building located some distance from the settlement(s) it would principally serve. There is no such evidence in this case.”

The circumstances surrounding the area of the land previously leased to the bowling club is akin to the bowling green in *Hickinbottom v Telford & Wrekin DC* CR/2017/0017 which was held by Judge Simon Bird QC not to qualify as an ACV. At paragraph 179 he stated that:

“The Bowling Green is now disused and overgrown. Whilst the costs of restoration lack robustness for the same reasons as the other cost estimates, there has been no suggestion that the costs of restoring the Bowling Green to a playable surface for bowls would be anything other than substantial. There is also no evidence before me that there is any prospect of the former members of the Bowls Club or anyone else being either able or willing to incur the likely expenditure for the required restoration.”

In doing so the judge applied the dicta of Judge Peter Lane said in *Evenden Estates v Brighton and Hove City Council* CR/2015/0015 that:

“it should not be assumed that the requirement of section 88(2)(b) will necessarily be met, merely by a Micawber-like hope that something will turn up. A fact-sensitive analysis is called for”.

Such a fact-sensitive approach in this case shows that the former bowling club house is in a poor state of repair; the greens are not being maintained; the remainder of the land is overgrown; no offer to buy or lease has been received; no sources of funding has been obtained for a community purchase; no acquisition plans have been provided in support of the nomination. As in the *Fernwick* case the nominators desire to retain the use, but not to take responsibility, which is insufficient to satisfy the second condition and so the land does not qualify as an ACV.

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FORMER WEST FINCHLEY BOWLING CLUB,
6A DUDLEY ROAD, FINCHLEY, LONDON N3 2QR
MARKETING REPORT



INTRODUCTION

I have been asked to report on the marketing of the above property.

By way of background, I am a member of the Royal Institution of Chartered Surveyors (RICS) and an RICS Registered Valuer. I obtained a BSc degree in Estate Management in 1977, RICS status in 1979, and became a fellow of the Institution in 1995.

I am a former chairman of RICS Residential, its housing spokesman for over 20 years, a member of various RICS committees and have represented the Institution in discussions with ministers, senior civil servants as well as at many conferences, seminars etc. I continue to speak frequently about property matters on TV, radio and in national as well as trade media.

I established Jeremy Leaf & Co Chartered Surveyors in 1979 and added an estate agency department when opening an office on High Road, North Finchley, London N12 in 1984. A further office was opened in High Road, East Finchley, London N2 in 1987. Both branches are still trading.

Jeremy Leaf & Co has always been known for residential and commercial surveys, valuations, sales, new homes, lettings and management. My work involves appraisal, valuation, planning, investment and development consultancy on behalf of clients. Over the past few years my firm have become involved in the sale and letting of D1 and D2 buildings in the London Borough of Barnet, and Finchley in particular.

Although direct comparable evidence is always difficult to establish, Table 1 (attached) shows the asking rental of the subject property is competitive.

PROPERTY DESCRIPTION

This property comprises a single storey brick pavilion of approximately 154sqm (1660 sqft) including a small bar, lounge and kitchen. There are adjacent toilets, changing and store rooms in separate buildings . An open bowling green, which is presently overgrown, lies in front of the pavilion to the south east. Further land is situated beyond this green bounded by a row of tall trees which forms part of our client's ownership but is not included in this proposed letting.

Access to the land is gained from a pedestrian-only entrance in Dudley Road on the north western boundary between houses known as 'Al Araf' and No 6 Dudley Road. The subject property is now vacant after previously being occupied by West Finchley Bowling Club.

The site is located in a predominantly residential area approximately 0.3 mile from the A406 (North Circular Road). Bus 143, which runs between Brent Cross and Archway, is accessible in Manor View N3 off Rosemary Avenue, about 0.25 mile from access to the property. Finchley Central (Northern Line) Underground station lies around 0.4 mile away. The land is also convenient for other open spaces (including leisure facilities) but not particularly close to local shops. More general purpose shopping (including a Tesco superstore and other multiple shops) is available in Ballards Lane approximately 0.6 mile distant.

MARKETING CAMPAIGN

Jeremy Leaf & Co were instructed to market this property to let in May 2018 at an initial rent of £35,000 pa with other terms to be agreed between the parties.

Our particulars described the property (attached) as 'suitable for similar' D2 uses - eg sport, gym, leisure, assembly hall or D1 - eg nursery, medical, religious etc, subject to necessary consents'.

We expected to receive considerable interest from children's nurseries, gyms, community and sports clubs bearing in mind our knowledge and experience of selling/ letting similar property in the area recently.

A 'To Let' board was erected at the entrance to the property in May 2019. It appears on our website, has been circulated on ECH, Rightmove, Zoopla etc.

MARKETING OUTCOME

Response to our marketing has been disappointing with only 7 viewing requests to date as follows:-

Applicant details	Use		Viewing date	Comments
Jenny Beckwith	Nursery		20 th June 2018	Toilets and outbuildings not covered accessibility?
Glanix Properties	Nursery	EC1	1 st August 2018	Property requires too much work
Mightee Fit	Gym	N2	4 th September 2018	Ceiling heights too low accessibility
PRICE REDUCTION 17 TH OCTOBER 2018				
Paul Karoulles			21 st October	Cost of works, accessibility
Larcomys Sylans	Nursery		8 th November	Too much improvement needed, parking
Elaine Rogers	Nursery		16th November	Poor access, parking
Steve Evermore	Gym		21 st November	Too small

The asking rental was reduced to £ 30,000 a year on 17th October 2018 which has resulted in several more requests for particulars and four further visits to date.

We will continue to market the property unless and until we are instructed to the contrary.

BRIEF HISTORY OF THE CLUB

Local residents confirmed our own research that the Bowls Club was originally sustained by members living within walking distance whereas in later years, it became more of a social club when many were unable to play as frequently, or at all. The well-documented decline in bowls nationally is another factor.

MARKETING SUMMARY

Dudley Road as well as the adjacent Rosemary Avenue and Briarfield Avenue adjoin a controlled parking zone. As parking is unrestricted here, commuters have been attracted to these roads as Finchley Central station is only 0.4 mile level walk away. Most of the semi-detached and terraced houses in the immediate vicinity were built in the early 20th century without off-street parking or garages which adds to demand, at almost any time.

Lack of parking and vehicular access to the property making it extremely difficult for parents to drop off or collect children safely has deterred children's nurseries from submitting offers. Gyms and sports' clubs have been put off for similar as well as other reasons such as the size, shape and condition of the premises. We further understand from local people that the controlled parking zone may be extended to include Dudley Road which will of course only exacerbate the problems and reduce lettability further.

The property is in a poor state of repair internally and externally, suffering from a lack of maintenance and investment over many years. Access to the toilets and changing rooms is via an

uncovered walkway which could be undesirable in poor weather (see photos) . The low ceiling height has also been mentioned as a negative factor. The property appears to be of mainly single skin brick construction which is likely to result in a low energy efficiency (EPC) rating.

We have not carried out a full building survey of the property, so are unable to state it is free of major defects but anticipate the structure would be more suitable in better weather (see photos) so expensive to heat in colder periods without considerable investment. The principle reason for lack of interest in letting this property is its inaccessibility, condition, lack of vehicular access and on street parking.

In my opinion there is little demand for, or likelihood of us ever letting this property for community use based on the evidence of the marketing undertaken so far. Furthermore, the building as it stands is only suitable for use as a bowls club (recreational use) for which demand is in decline, rendering the property in its current state as unviable.

Jeremy Leaf BSc FRICS FNAEA FARLA
Principal
Jeremy Leaf & Co

ONLINE ADVERTISING OF THE PROPERTY

Property Search

DUDLEY ROAD, LONDON £30,000.00 Per year



- More Details**
- [View Picture Gallery](#)
- [View Brochure](#)
- More Details**
- [Request a Viewing](#)
- [Request a Brochure](#)
- [Request a Call Back](#)
- [Email details to a friend](#)
- [Print Details](#)

Property Details

WEST FINCHLEY BOWLING CLUB TO LET

MOVEHUT

MOVEHUT
The commercial property website

Property Details | Location

Property Information
 Address: Dudley Road, London, N3 2QR
 Price: Rent: £35,000 Per Annum
 Size: 50A
 Primary Category: Commercial Property
 All Categories:
 Property Ref/Movehut: MH602855
 Property Ref/Agent: 2091_4611300
 *Please use the agent ref when calling the agent directly.

Property Date Information
 Last Updated: September 4, 2018

Property description
 WEST FINCHLEY BOWLING CLUB TO LET
 Property Ref: 201_2091_4611300

MOVEHUT Home Search Locations Categories

Home > Dudley Road, London, London, N3 2QR



Dudley Road, London, London, N3 2QR

Property marketed by:

020 8446 4295
 Quote enquiry ref: 2091_4611300

ENQUIRE BY EMAIL

Name

Email

Telephone

Message [+](#)

EACH

N3 Finchley **West Finchley Bowls** 154 sm

 **Health/Sports Club with grounds** 633079

N3 VOA 154 sm **Jeremy Leaf & Co**

West Finchley Bowls Club Lease £ POA LONDON N12

Adjacent to No 6 Dudley Road 020 8446 4295

Finchley Agency

London Barbara Franks

17:40 ACE email sent to 317 Agents [less](#)

B Franks A new Property

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Commercial Properties To Let in N3 2QR

1 results Sort: Relevance Grid List Map

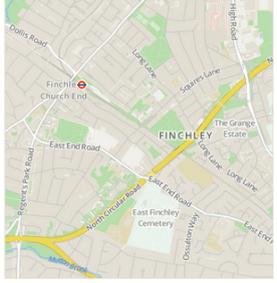


Commercial property
Dudley Road, London
WEST FINCHLEY BOWLING CLUB TO LET

Marketed by Jeremy Leaf & Co, Residential Development

£2,500 pcm

020 8012 7481
Local call rate [Email agent](#)



TO LET BOARD



IMAGES













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These are the notes referred to on the following official copy

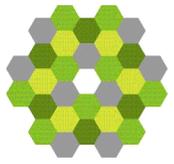
The electronic official copy of the title plan follows this message.

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