

ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER IN CONSULTATION WITH CABINET MEMBER(S) (EXECUTIVE FUNCTION)

Subject	Land at Northwest side of Cricklewood Lane
Officer taking decision	Director of Economic and Community Development
Cabinet Member(s)	Cabinet Member for Resources Cabinet Member for Performance, Partnerships and Best Value
Date of decision	16 August 2004
Date decision comes into effect	

Summary	To report the terms agreed to acquire the freehold interest in the land adjacent to B & Q Plc on Cricklewood Lane shown outlined in black on Plan no: 1.
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Officer Contributors	Siobhan O'Donoghue, Principal Valuer, Economic and Community Development
Status (public or exempt)	Public – with a separate exempt section.
Wards affected	Golders Green
Enclosures	None
Reason for exemption from call-in (if appropriate)	N/A

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Serial No. VAL/DP/31/04

1. RELEVANT PREVIOUS DECISIONS

- 1.1 Town Planning research Committee 24 April 1985 – application by Charterhall Properties for planning permission for the retail shopping development incorporating a retail superstore with grocery warehouse, service yard, associated parking, new public conveniences and a garden area for use by the public on Cricklewood Lane.

2. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 2.1 The Corporate Plan commits the Council to “plan and manage land use and development in Barnet to enhance the quality of life and provide tangible benefits for the community”. The proposal in this report does this by ensuring that practical steps could be taken to manage and maintain the land to a suitable standard if the freehold interest was vested in the Council.

3. RISK MANAGEMENT ISSUES

- 3.1 Even though the Council do not currently own the land, they do undertake some low level maintenance, however because it has no legal interest in the land, no practical steps can be taken to stop the improper and in-appropriate uses by vandals, drug users and alcoholics who frequent the site. However, there is a chance that the level of maintenance will need to initially increase substantially as a method of prevention which would result in added pressure on revenue funds.
- 3.2 I have considered whether the issues involved are likely to raise significant levels of public concern or give rise to policy considerations. The acquisition of this land is considered to be beneficial to the public.

4. FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS

- 4.1 The purchase price of the land has been agreed with the Crown Estate details of which are set out in the exempt report.
- 4.2 There are no staffing or ICT issues.

5. COMMENTS, IF ANY, OF THE COUNCIL’S STATUTORY OFFICERS (Head of Paid Service, Chief Finance Officer, Monitoring Officer)

- 5.1 Borough Solicitor – cleared.
- 5.2 Borough Treasurer – cleared.

6. BACKGROUND INFORMATION

- 6.1 In April 1985 a planning application was received in respect of the retail shopping development on Cricklewood Lane. The development comprised of a retail superstore and service yard, carparking and public conveniences. The plans also included an area of public gardens. This land is shown on the attached plan outlined in black.
- 6.2 An agreement was issued pursuant to Section 52 of the Town and Country Planning Act 1971. This provided details of the works to be undertaken by Charterhall Properties Ltd.

- 6.3 The agreement included road works, public works and work on public gardens. Charterhall Properties Limited were responsible for undertaking works at their own expense whilst using approved contractors.
- 6.4 Upon completion of the works Charterhall Properties Limited were required to convey the freehold of the public conveniences site to the Council so the facility could be maintained at public expense. However, there was no provision in the section 52 agreement for the transfer of the garden. The only provision made was for the Council to maintain the land at public expense.
- 6.5 The freehold of the garden land remained within the ownership of Charterhall Properties (Cricklewood) Limited, whilst the freehold of the remainder of the development was sold to Tepbrook Properties Ltd. Charterhall Properties (Cricklewood) Ltd subsequently changed its name to Campden Developments and the company was dissolved on 2 December 1997.
- 6.6 B & Q Plc purchased the retail store in December 1999. It has continued to raise concerns in connection with the management and maintenance of the garden. Over the years the gardens have been abused by alcoholics as well as frequent bouts of vandalism and drug users to the extent that its use by the public has been detrimentally affected. The Council is restricted in regard to the preventative steps it can take without being the legal owner of the land.
- 6.7 With the dissolution of the company (Charterhall Properties) its remaining assets including the freehold of the garden land, became vested in the Crown as bona vacantia pursuant to Section 654 of the Companies Act 1985. Following prolonged negotiations the Crown Estate has agreed to transfer the freehold interest of this land to the Council for a minimum consideration plus payment of the Crown Estates reasonable legal fees. The site area of this land is approximately 0.45 acres.
- 6.8 The Crown Estate has agreed to transfer the land to the Council subject to the following restriction:
the land is not to be used for any other purpose other than a public garden, public amenity area or as a public highway. No buildings are to be erected on the site or alterations or additions to any buildings on the existing site.
- 6.9 Whilst the land does not currently fall within the current proposals put forward by Cricklewood Redevelopment Ltd for the regeneration of a large area of Cricklewood, this may change in the future. If the Council owns the freehold interest in the gardens, as well as being able to provide more effective management and control on the current uses, it can be used to assist in the regeneration proposals if appropriate. Any proposal for future development, that is contrary to the restrictions affecting the use of the site, will need to be agreed with the Crown Estate at the appropriate time.

7. LIST OF BACKGROUND PAPERS

- 7.1 None.

8. CONSULTATION WITH CABINET MEMBER(S)

- 8.1 The Cabinet Members for Performance, Partnerships and Best Value and Resources have been consulted and have agreed the action taken.

9. OFFICER'S DECISION

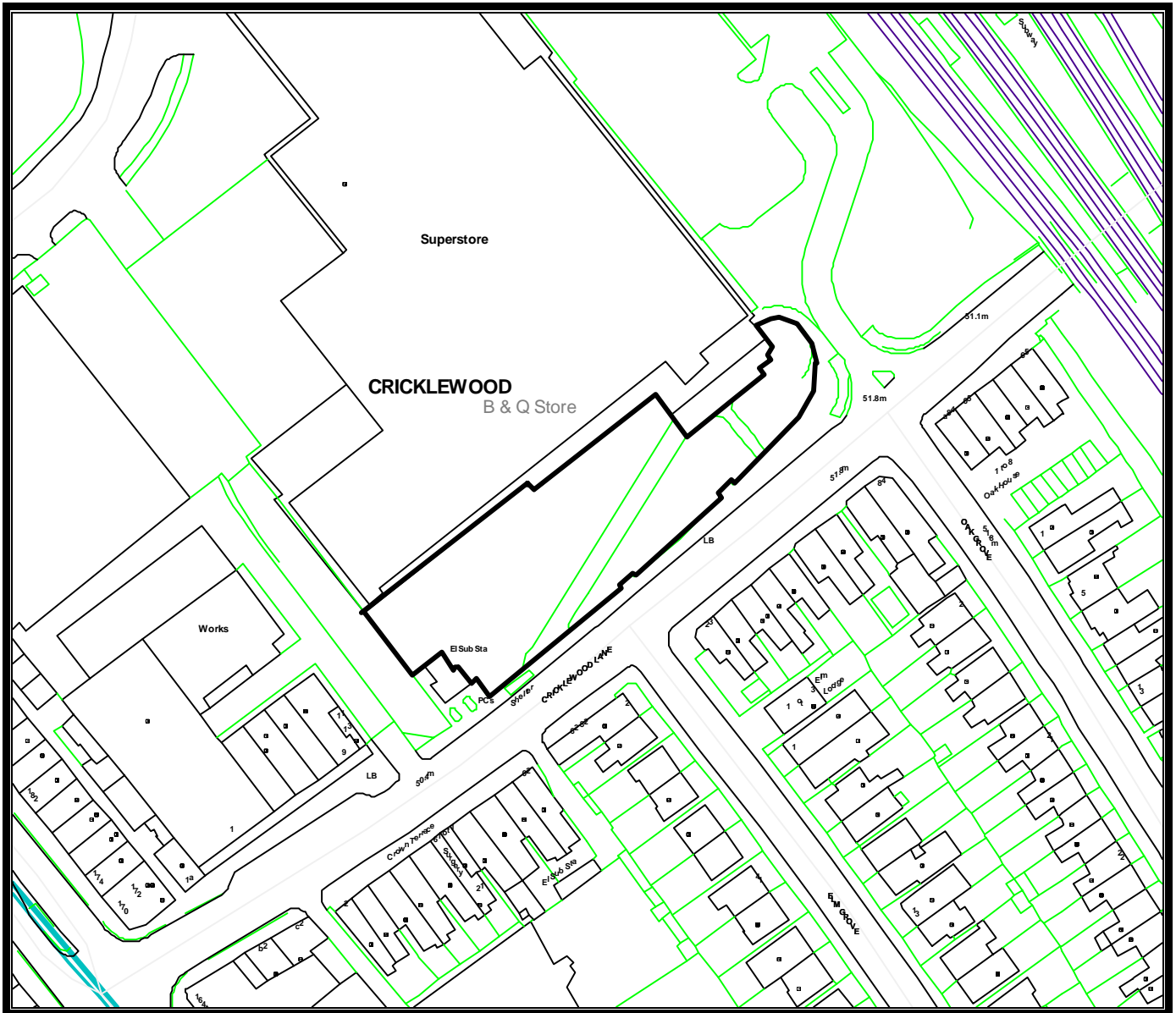
I authorise that in accordance with the terms agreed with the Crown Estate, the Council purchases the freehold interest in the land adjacent to B & Q Plc, at Cricklewood Lane and the Borough Solicitor completes the purchase in a form to his approval.

Signed

**Chief Valuer and Development Manager
for Director of Economic and Community
Development**

Date **16 August 2004**

Plan No 1 – Land adjacent to B & Q Plc, Cricklewood Lane, Cricklewood, NW2



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