

# Friends of Kensal Rise Library

51 Burrows Road  
Kensal Rise, London  
NW10 5SJ

2<sup>nd</sup> November 2012

To the Warden and Fellows of All Souls College, Oxford

We write to ask you, as a matter of urgency, not to proceed with the sale of Kensal Rise Library to property developers, specifically a Mr Andrew Gillick of Platinum Revolver Limited.

As set out in more detail below, we consider that we have been misled by the College, and in particular the Bursar, Mr. Thomas Seaman, as to your intentions in relation to Kensal Rise Library. We understand that this sale is likely to proceed within a matter of a few weeks, and due to the circumstances we hope that the Fellows will agree that the proposed sale should not proceed.

Our own detailed proposal, which has been rejected without explanation, was prepared on the basis of what in retrospect seems to have been misinformation from the College. Possibly the College's intentions changed after our meeting with them on 3<sup>rd</sup> August, and if so, we would have hoped that they would have informed us of this. Further, the fundamental principles on which the College suggests that we should run a library service, in terms of cost, space, and legal protection, are unworkable.

As you may know, we met with Mr Seaman, the Bursar, last week. He informed us of the following:

1. The College has been persuaded of the importance of a library remaining at the site at Bathurst Gardens.
2. The College nevertheless rejects our proposal to retain the whole building, and run a library partly funded by other community activities in the building (*please refer to our Bid for further detail*).
3. The College plans to sell the library building to a property developer who will convert the majority of it into flats.
4. The Friends of Kensal Rise Library will be offered a secure lease for part of the ground floor, and they will have to pay a market rent. Some form of restriction will be imposed on the developer to preserve use of that part of the building as a library.
5. The College will subsidise the rent payable by FKRL to the developer for a limited period of time, paying 100% of the anticipated rent for the first five years (£7,500 pa, being a discounted rate of half of the expected market rent), and 50% for 15 years thereafter (the contribution remaining at £7,500 but the rent rising to £15,000).
6. The College will make a one off donation of £25,000 to FKRL on completion.
7. If FKRL do not wish to run a library on these terms, the College will find someone else who will.
8. The College plans to proceed with exchange of contracts with Mr Gillick within four to six weeks.

We have subsequently met with Mr Gillick, who has provided us with further information about his plans. Mr Gillick has advised us that he plans to demolish the children's library and build a new unit in its place, and that the ground floor of this new unit will be available to us as the library. We will not have any access to any of the original library building, the entirety of which is to be turned into flats. He did not share further details of his plans with us, and we do not know whether other parts of the building will also be demolished. Mr Gillick has said he is unconcerned about the current absence of planning

consent for flats, and said that he intends to persist with planning applications and appeals until he succeeds regardless of any public objections. In response to a request for negotiation he advised, that the sooner we accept the present situation, the better it will be for us and that we would get used to it in a few years down the line. When we expressed unease that a library on these terms would not be viable, he indicated that he was unconcerned whether or not there was a library at all, and that he felt other community groups could use the space instead.

We are greatly surprised by all of this, which is inconsistent with what we were previously told by the College and its agents. The existing planning use of the building is D1, community use. At a meeting with the College's agents, Cluttons, on 2<sup>nd</sup> May 2012, we were told by Mr Sam Graham that "...the College has no intention of applying for a change of planning use."

In fact, when we met with Mr Seaman and three other Fellows of the College on 3<sup>rd</sup> August, to clarify your intentions and the criteria on which proposals for future use would be judged, those representatives of the College told us explicitly (more than once) that the College did not intend the library building to be turned into flats. There was no ambiguity about this. Mr Seaman himself expressly stated that: "*I can assure you that this building will not be turned into flats*". The focus of the discussion was on other potential uses of the building within existing planning consents, such as use by a school or other community groups.

One of the trustees of FKRL, Paula Gomez specifically asked at the end of that meeting if it was fair to assume that the building would not be sold to a property developer, unless we put forward a proposal with such a plan, and the representatives of the College agreed.

Further, Mr Seaman wrote to a member of the campaign on 6<sup>th</sup> August 2012, when he stated as follows:

*"We have asked our Agents to explore whether there are parties who might be interested in buying or leasing the buildings with their current D1 planning consent, which means they must be used for non-residential institutional use. Virtually all prospective tenants, therefore, will be of the type which serves the local community. The Friends of Kensal Rise Library have discussed their plans and space requirements with our Agents."* (our emphasis)

It was on the strength of these statements by the College's agents and the College itself that we prepared and delivered a plan based on the existing planning conditions, allowing for use of the building by other community organisations, with a library at the heart of the project. In advancing our proposal in this form, we were endeavouring to meet the mutually expressed objectives of our two charitable organisations, forming our Bid to suit not only ours, but the College's interest as well.

As it stands, our primary concerns about the College's selected bid proposal are as follows:

- a. We are not aware of any other public or community library in the country that is required to pay a market rent, and we consider that this would be unsustainable. A public library, in itself, cannot generate the surplus revenue needed to pay market rent. Our proposal to pay a market rent after a seven year rent free period was premised on the ability to generate revenue from those parts of the building that were not used as library space. The necessity of paying a market rent on a much reduced space seems almost designed to ensure that a library will not survive on the Kensal Rise site.
- b. The space being offered is very small. It was asserted by Mr. Seaman at our meeting last week the space designated for library use was equivalent in size to what had been contemplated by our proposal. This is not the case: in our own proposal any loss of space to a prospective tenant on the ground floor (and there had been no final agreement about this) would have been more than offset by the preservation of space on the upper floors for library purposes.

- c. While Mr Seaman confidently promised in his meeting with representatives of FKRL on 25<sup>th</sup> October that the College would insist on a restriction on development to protect the future of the library, he was not sure what form this would take. So far as we are aware, the only possible form would be a restrictive covenant affecting freehold land. Such a covenant can be modified or removed by application to the Lands Tribunal under s.84 of the Law of Property Act 1925, and any decision about such an application would not rest with the College but with the Lands Tribunal and the appellate courts. Mr Gillick or a successor in title would be free to apply to remove the covenant. Given that we are told that the Fellows have agreed that the maintenance of a library service at the Kensal Rise site is essential, you must see that this form of protection is inadequate. Mr Gillick's statements about his intentions when he met with us on 31<sup>st</sup> October revealed that in truth he does not consider the maintenance of a library service is essential or even important.
- d. We are also surprised by Mr. Seaman's suggestion that if FKRL did not want to run a library on the terms offered the College would find "someone else who would". Given that we among others in this community have campaigned tirelessly for two years to preserve library services in Kensal Rise, we are astonished that the College should take such a cavalier attitude towards us. We are not aware of any alternative organisation willing or able to take on this service, and no other organisation could bring with it the legitimacy and capacity born of the goodwill and support of the local community.

Had the College warned us that it would consider selling the property as a *residential development or commercial use* when we met with your agents and representatives over the summer (rather than tell us the opposite), we would have looked for developers or commercial partners we could work with ourselves. We are confident that we could have obtained better terms than those presently on offer, and proposed this as part of a resolution.

Indeed, some time ago, we were approached by a developer, Mr Jonathan Chattey of J&K Builders, who wanted to develop the building into flats. He was willing to give us a much larger space than is presently on offer - within the original library building, and was also willing to give us the freehold of the building itself. Mr Chattey would not have required the Friends to pay any rent, and was willing to give us the space. We did not co-operate with the advancement of his proposal due to the apparent incompatibility of this framework with the expressed wishes of the College and the D1 usage of the premises.

Mr. Chattey is still interested in the library building, and he has now submitted a proposal to the College's agents. He has previous experience of similar and larger projects, including the Blackfriars Settlement in the City of London. Given the circumstances, and the more favourable terms of Mr. Chattey's proposal so far as the FKRL are concerned, we hope and trust that the College will give it proper consideration.

We also note that if the College had informed us of its true preferences, we would have focused our efforts on raising funds to buy the building outright rather than on preparing a proposal for the College based on community use of the building with a leasing arrangement which appears not to be the preferred option.

We are, of course, grateful that the College has committed itself to supporting the presence of a library in the building. However, we hope that you understand that we see the offer from the College in the context of the substantial sum that the College hopes to receive on the sale of a library building that should never have reverted to the College's possession. In comparison to the windfall you will enjoy, the small space offered to us to provide a library service to the community is disproportionate in scale, and carries rather onerous terms.

While the College is not responsible for the folly of the Brent Council officers and councillors who caused the library to be returned to the College, we had hoped for a resolution that would advance our mutual charitable purposes in a more meaningful and sustainable manner.

Moreover, we represent a larger community that sees the College's current proposal as nothing short of a breach of faith with this relatively poor area of north-west London, from which it has already profited handsomely. Although the College donated the land, the library building from which the College and Mr Gillick now seek to profit was not paid for by the College, but by public subscription and a donation from Andrew Carnegie, the philanthropist.

The College has benefitted from its assets in this part of London over many years: the original gift of the Fellows recognised this. This community now looks to the College to help to provide for the viable, long-term library service we have fought for, rather than making a proposal which is unworkable for us, and which allows a developer to profit disproportionately from a building that should continue to be a community asset.

We would like to reiterate our observation from our covering letter of 7<sup>th</sup> September, that given the alignment of our respective charitable purposes, it is not necessary for the College to require the FKRL to pay a full market rent or a market purchase price for the building.

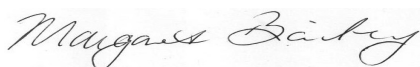
We are copying this letter to the Chancellor and Vice-Chancellor of the University as we are aware of the considerable efforts made by the University to encourage applications from students from deprived backgrounds. We consider that the University should be aware of the intention of the College to proceed with a course of action that will have the effect of removing educational opportunities and study space from the young people living in this area. Our proposal included renting out space in the building to IntoUniversity, a charity who work with and mentor disadvantaged young people, helping them to attain university places. The approach taken by the College is in contrast to the recently adopted policy of Oxford University of building links with schools in less advantaged areas with a view to enabling their pupils to have greater access to higher education. We are also sending a copy of this letter to the President of Magdalen College, as we note that Magdalen is the college responsible for the outreach programme for young people living in Brent.

We are also copying this letter to our proposed partners, so that they can make independent representations to the College if they wish to do so.

We urge the College to reconsider our original proposal, which would allow the whole building be used for the benefit of the community with a sustainable library service at its heart. Failing this, we should be given an opportunity to work with a partner whose proposal is likely to ensure the future of the library, rather than forced to work with one who seems to perceive us, and the library, as a necessary nuisance, ultimately to be dispensed with.

We look forward to hearing from you as soon as possible.

Yours sincerely,



Margaret Bailey

Director and Trustee, signed on behalf of The Trustees of The Friends of Kensal Rise Library  
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Please note that the FOKRL bid proposal can be found at:  
[www.savekensalriselibrary.org](http://www.savekensalriselibrary.org) and <http://fokrl.tumblr.com/>