

WARDS: Lye & Wollescote

AGENDA ITEM NO

DUDLEY METROPOLITAN BOROUGH COUNCIL

STOURBRIDGE AREA COMMITTEE – 9TH FEBRUARY 2004

REPORT OF THE DIRECTOR OF THE URBAN ENVIRONMENT

LYE/WOLLESCOTE CEMETERY CHAPEL

1.0 PURPOSE

- 1.1 To advise the Committee of the outcome of the investigation into sources of potential external funding which may be available to repair, preserve or sympathetically convert the chapel building.
- 1.2 To inform the Committee of the outcome of discussions with the Church authorities with regard to potential future uses of the chapel and the possibility of having the legal effects of consecration lifted.

2.0 BACKGROUND

Outcome of investigation into sources of potential external funding

- 2.1 The following external organizations were consulted and asked to provide suggestions as to the best possible way forward for Lye/Wollescote Cemetery Chapel:-
 - West Midlands Historic Buildings Trust (WMHBT)
 - The Friends of Friendless Churches
 - The Churches Conservation Trust (CCT)
 - The Victorian Society
 - The Chapels Society
 - Council For The Care of Churches
 - English Heritage (EH)
 - Heritage Lottery Fund (HLF)
- 2.2 All of the above responded that an application should be made to Department of Culture, Media and Sport (DCMS) for the building to be listed. To be listed is an essential eligibility requirement for the major sources of grant assistance relating to historic buildings, furthermore it would allow VAT advantages in terms of any necessary alterations and it would provide much greater protection to the cemetery and the chapel building. The Secretary of State

consults English Heritage on all applications for listing. They generally aim to reach a decision within 3 months.

- 2.3 All of the above consultees felt that Lye/Wollescote Chapel had great potential to attract external funds. With regards to 'accessing' any potential external grants, two possible routes have been identified.

2.4 **Option 1 - Heritage Lottery Fund**

There are grants available from the Heritage Lottery Fund for the formulation of projects as well as multi-million pound grants to execute them. Heritage Lottery Fund grants are available to help Local Authorities, BPTs (Building Preservation Trusts) or Local Community Groups acquire, maintain, preserve or sympathetically convert historic buildings.

- 2.5 *Project Planning Grants* are available in order to provide assistance with formulating a project, prior to applying for a full Heritage Lottery grant. The grants are between £5000 and £50,000 and require the Council to have raised 10% of the project planning costs (which can either be in cash or in kind, i.e. Council Officers time). The purpose of the grant is to provide assistance with certain types of preliminary work such as:- access plans; conservation management plans; audience development plans; all types of specialist reports; and employing a project officer to help develop the scheme.

- 2.6 On completion of the Project Planning stage the Council would then enter into 'Stage One' of a 'Two-Stage' application process. If the HLF think that it is a project likely to deliver then they are able to provide a Stage-one pass. The Council would then be eligible to apply to the HLF for a Project Development Grant.

- 2.7 A *Project Development Grant* is when the HLF will consider contributing up to 75% of the cost of working up a project after the initial project planning stage and once the project has had stage one approval. Development grants are designed to contribute towards the costs of preparing and producing detailed architectural designs; and the costs of employing qualified professionals to manage development work (such as a project manager, quantity surveyor, archaeologist, landscape designer etc).

- 2.8 Once a stage one pass has been awarded and the project development grant has been completed, applicants proceed onto 'Stage Two' where a decision is made on whether to award the actual project grant. For the project grant the HLF requires partnership funding of 10% for projects with a total cost under £100,000 and 25% for projects costing £100,000 or more (which can be either in cash or kind).

2.9 The Heritage Lottery will only support projects that provide wider public benefit and that generate sustainable social, economic or environmental benefits. The above option will therefore depend heavily on the building remaining in Council ownership, it being listed and the public/local community having some degree of access to the building.

2.10 It is therefore recommended that Council Officers formally contact the Heritage Lottery and enter into pre-application discussions in order to establish the potential for the Council to be awarded a Heritage Lottery grant for Lye/Wollescote Cemetery Chapel.

2.11 **Option 2**

If however it is concluded that the Council do indeed wish to dispose of the Chapel, all the above consultees recommended that the most suitable future owner of the chapel (in terms of what is best for the buildings and the smooth running of the cemetery) would be a Building Preservation Trust such as the *West Midlands Historic Buildings Trust*. The West Midlands Historic Buildings Trust is a Building Preservation Trust dedicated to the conservation of historic buildings in the West Midlands. It is a charity, which acts as a 'rolling fund'. The Trust purchases a 'problem' building, repairs and converts it for a new use, sells it and reinvests the proceeds of the sale in another 'problem' historic building. As a Registered Charity, the Trust is favourably placed to attract the grants and easy-term loans not available to most other developers, enabling it to therefore tackle the 'problem' buildings others cannot. The Trust are not only able to guarantee that they will have the money to undertake the necessary repairs they are also able to guarantee that the repair work would be undertaken in a short space of time. Other potential owners may not be able to guarantee how long they will take to undertake any repairs and could potentially cause long-term disruptions to the cemetery.

2.12 As part of the consultation exercise the West Midlands Historic Buildings Trust (WMHBT) were consulted and made the following suggestions:-

- An application should be made to DCMS for the building to be listed. To be **listed** is an essential eligibility requirement for the major sources of grant assistance relating to historic buildings.
- As soon as the building is listed a Building Preservation Trust (BPT) can then apply to the Architectural Heritage Fund (AHF) for grant-assistance towards the costs of undertaking a **feasibility study**.

2.13 The purpose of the feasibility study is to demonstrate the importance of the building, consider all possible options for its future, recommend the most beneficial option and establish the likely viability of the project (if necessary, with the aid of grants and other funds and to indicate possible sources). This report provides the fundamental evidence to support all applications for support towards the project. Given a successful application, the AHF grant can be to a maximum of 75% of the cost of the feasibility study. The BPT will need to find the remaining 25% (a donation from the Council for this part of the cost would remove any delay caused by the need otherwise to find a willing

sponsor). The potential cost of any feasibility study is between £5000 and £11,000 of which the council would have to find 25%. As result of the Council acting as a Sponsor to the study this would enable them to have access to the results of the report; the Trust however would have 'ownership' of the report. The feasibility study would take up to approximately 8 weeks in order to issue the instructions (prepare the brief, go out to tender etc) and between 8 to 10 weeks to undertake, therefore a total of approx 20 weeks is required to do the feasibility study.

2.14 Implications of undertaking feasibility study

Provided the building is listed and sufficient funding is in place to cover the cost, the feasibility study can be commissioned at an early date and without any change of ownership of the building at that time. Furthermore, the feasibility study can be carried out without any need for a prior decision regarding the lifting of legal effects of consecration of the building and land to the front.

2.15 There are potentially three possible outcomes from a feasibility study:-

- The most positive is to have identified a beneficial use that is also commercially viable, in which case the project could proceed normally.
- The more usual outcome (because of the complexities when dealing with historic buildings) is to identify a beneficial use that is only viable given grant assistance. A decision to proceed with the project is then dependant upon making successful applications for grant assistance and other funding, with the Heritage Lottery Fund often being seen as a major potential contributor.
- The third and least desirable outcome is to fail to identify any viable beneficial use (although the Trust doubts this will be so in this case).

2.16 If a feasibility study is a consideration, the Chairman of WMHBT has given permission for a date to be arranged for Trustees to visit the building prior to them meeting to consider our request.

Outcome of discussions with the Church authorities

2.17 The Archdeacon of Dudley the Venerable Fred Trethewey has viewed the building with Council Officers (11th December 2003) and all the future options for the chapel were discussed.

2.18 The Church authorities are to be kept informed of any developments and confirm their support of an initiative that would led to the building being repaired and modified for community use, as it no longer serves any ecclesiastical, liturgical or pastoral purpose in the area. The Church authorities would look favourably on a request to initiate the process within the Diocese that would lead to the legal effects of consecration being removed, if this would facilitate the conversion of the building for the benefit of the community.

2.19 The land used for burials is not affected by any future decision on this matter.

3.0 PROPOSALS

That the Committee request the Director of the Urban Environment to:

- 3.1 Apply to Department of Culture, Media and Sport for Lye/Wollescote Chapel to be considered for designation as a listing building.
- 3.2 Undertake pre-application discussions with the Heritage Lottery Fund in order to establish the viability of option 1 and to report the results to this Committee.
- 3.3 Undertake discussions with the West Midlands Historic Buildings Trust in order to establish the viability of option 2 and to report the results to this Committee.

4.0 FINANCE

- 4.1 Where as the proposals have no financial implications at this stage, however, for future reference and indicative purposes only, here follows a brief summary of the financial implications of options 1 and 2.
- 4.2 **Option 1** - Heritage Lottery Project Planning Grants are between £5000 and £50, 000 and require the applicant (Dudley MBC) to have raised 10% of the project planning costs (which can either be in cash or in kind i.e. Council Officers time).
- 4.3 **Option 2** - Given a successful application, the AHF grant to the West Midlands Building Preservation Trust can be to a maximum of 75% of the cost of the feasibility study. The BPT will need to find the remaining 25% (a donation from Dudley MBC for this part of the cost would remove any delay caused by the need otherwise to find a willing sponsor). The potential cost of any feasibility study is between £5000 and £11, 000 of which Dudley MBC would have to find 25%.

5.0 LAW

- 5.1 The relevant provisions regarding listed buildings are contained in the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.2 The Council's powers to manage and improve Cemeteries are contained in a variety of legislation, including Section 214 and Schedule 26 of the Local Government Act 1972 and the Local Cemeteries Order 1977.
- 5.3 Lifting the legal effects of de-consecration is by order of the Bishop under Section 22 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991.

6.0 EQUAL OPPORTUNITIES

6.1 The report accords with Council's Equal Opportunities Policy.

7.0 RECOMMENDATION

7.1 That the proposals set out in Section 3 of this report be approved.

.....

Director of the Urban Environment – John B. Millar

Contact Officers: Duncan Lowndes – Assistant Director of Culture and Community Services (Ext:5500).

Elizabeth Mansell – Head of Bereavement Services (Ext.3972).

Jayne Pilkington – Historic Environment Team (Ext.4168).

Background Papers:

1. Correspondence the Heritage Lottery Fund and various societies' in connection with old chapels/churches.
2. Correspondence with the Archdeacon of Dudley.