

**Stourbridge Area Committee – 25th June 2012**

**Report of the Director of the Urban Environment**

**Lye & Wollescote Cemetery Chapel – Update on progress of finding a suitable new use and securing external funding from the Heritage Lottery Fund (HLF).**

**Purpose of Report**

1. To provide Committee with:-
  - An update on the work of the West Midlands Historic Building Preservation Trust (WMHBT) undertaken in partnership with the Council to find a new use for Lye and Wollescote Cemetery Chapel that is financially viable and sympathetic to its setting.
  - An update on the progress of securing external funding from the Heritage Lottery fund (HLF) for the building in order to undertake the necessary repairs and to convert it into a new use and the actions required in order to move the project forward.

**Background**

2. The Lye & Wollescote Cemetery Chapel is a grade II listed building in Council ownership that has been redundant since 1993.

Since 2006 this committee has received reports with the purpose of identifying funding to enable the chapel to be repaired and brought back into a productive use.

The table below identifies the work undertaken to date by the Council in partnership with the West Midlands Historic Buildings Trust (WMHBT) together with the outcome of reports brought to this committee for consideration.

**Table 1**

<b>History</b>	<b>Outcome</b>
13 <sup>th</sup> February 2006 Report to Stourbridge Area Committee	Director of the Urban Environment to work in partnership with WMHBT and to accept finance from the Architectural Heritage Fund (AHF) to deliver an Options Appraisal for the Chapel re potential uses including public consultation and financial viability.

5 <sup>th</sup> September 2007 Report to Stourbridge Area Committee	Results of the Options Appraisal and consultation found that most favoured offices/community use. Funding to be pursued through Heritage Lottery Fund bid, utilising WMHBT.
12 <sup>th</sup> December 2007 Report to Cabinet	Agreement in principle of Council agreeing to dispose of the building to the WMHBT. Stourbridge Area Committee supported WMHBT to pursue proposals and prepare bid.
10 <sup>th</sup> March 2008 Report to Stourbridge Area Committee	Update position: <ul style="list-style-type: none"> <li>- WMHBT made a successful application to the AHF for a grant to allow conservation architects to put together a bid for HLF.</li> <li>- Agreed that WMHBT would submit HLF bid in partnership with DMBC.</li> <li>- Recognised planning and listed building consent required.</li> <li>- Recognised that an application to the Diocese of Worcester to deconsecrate the Chapel was needed.</li> </ul>

3. Table 2 below outlines the completion of activity since March 2008:

<b>Date</b>	<b>Activity</b>
September 2008	Application to HLF was turned down. HLF recognise significance of the Chapel but bid rejected due to lack of funds and no end user found for the building.
October 2008	Listed building consent and planning approval obtained.  Request by WMHBT and DMBC to Diocese of Worcester to remove legal effects of consecration on the Chapel approved.

4. Since the notification of the unsuccessful bid to HLF was received in 2008, the WMHBT and the project steering group have pursued ways to move the project forward.

A successful application for 'Awards for All' funding by the WMHBT has provided funding for site interpretation panels in the grounds of the Chapel. A website has been created – [www.lyeandwollescote.info](http://www.lyeandwollescote.info) and a book by local historians has been published. The authors, Jean Weston and Marlene Price provide guided tours of headstones and volunteers host public viewing events.

It is hoped that the building will be open to the public for viewing, in September 2012 as part of a national Heritage Open Day organised by English Heritage.

5. The project has also received funding support as a 'pilot project' under the Government's 'Advancing Assets' programme administered by Locality (formerly the Development Trusts Association or DTA). The wider aim of the programme is to assist local authorities to establish a strategy for the transfer of assets to community groups. Part of the Advancing Assets funding is available to support specialist work and in this case it has enabled WMHBT to continue to coordinate the project and to appoint a commercial agent to market the property and to pursue meetings with prospective tenants. The project steering group has agreed the vision for the building to be "a financially secure mixed commercial (or educational) and community use, with a preference for a creative industries related use."
6. Against the background of a very difficult commercial property market the agent has made good progress in generating interest. In 2011 a marketing initiative was launched with the assistance of Lex Allen and enquiries have proceeded to the point of expressions of interest being registered with WMHBT by two prospective tenants both of which would provide a community use for the building. The level of interest expressed carries enough weight for the WMHBT to go back to the HLF as they now have been able to demonstrate potential end users.
7. Pre-application discussions have been held with HLF and the WMHBT has been invited to submit a first round Heritage Grant application on the basis that WMHBT uses the 'project development phase' between a first round award and the second round application to negotiate details with each potential tenant to identify the preferred tenant and to finalise the design of the repairs and conversion of the building to suit that use. WMHBT believe a strong case can be put in a re-application to HLF when potential end users have been identified for the building.
8. In support of the WMHBT application to the HLF and in order to address the concerns raised by the HLF in the previous bid, the Council is required to confirm that a grant of £25,000 will be made available if the HLF bid is successful, as partnership funding to support the WMHBT scheme. The nominal sum of £25,000 is necessary if the bid is to be successful as the HLF expect the WMHBT to provide at least 5% (around £60,000 - £70,000) of the overall project costs from its own resources. The WMHBT is a registered charity with very limited resources of its own therefore the £25,000 from the council would be of great assistance with the balance to comprise of grants

from other charitable bodies and contributions of volunteer time by Trust members.

9. In advance of the application being submitted to the HLF it is also necessary that the existing 'Heads of Terms' agreement between the Council and the WMHBT be renewed. This effectively 'gifts' to the WMHBT the chapel and lodge buildings together with the lodge garden and a small portion of land, to provide WMHBT with the resources to implement the project and provide long-term maintenance and security for these heritage assets. The principle of the Council agreeing to dispose of the building to the WMHBT was established in the meeting of the Cabinet dated 12<sup>th</sup> December 2007.

### **Finance**

10. The cost of submitting the Stage 1 bid application to the HLF is to be found within budgets held by the WMHBT (who have received a grant from the AHF and DMBC under the Economic Regeneration Feasibility Funding Programme). If the HLF bid is successful, the Council will need to provide a grant of £25,000 partnership funding to support the scheme. This amount will need to be found within budgets held within the Council's Directorate of the Urban Environment.

### **Law**

11. The relevant provisions regarding listed buildings are contained in the Planning (Listed Buildings and Conservation Areas) Act 1990.
12. 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.
13. The consecration of land as a burial ground imposes perpetual sacred uses upon it and subjects it to the jurisdiction of the Consistory Court of the Diocese. Thus no change in it or change in its use can lawfully be made without a Faculty of the Consistory Court.
14. The Chapel, whilst consecrated, could not be sold. It could be de-consecrated by a Scheme under the Pastoral Measure 1983 or by order of the Bishop under Section 22 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991.

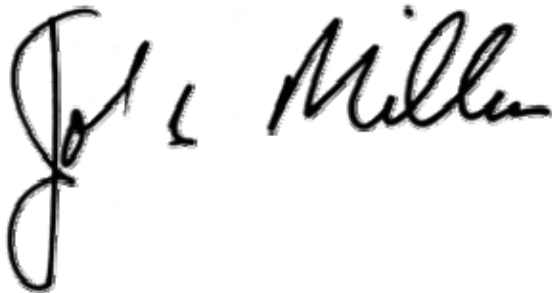
### **Equality Impact**

15. The proposals contained in this report are in full accordance with the Council's equal opportunities policies and should in no way have any impact of different racial groups, disabled people, both genders and/or other relevant groups.

### **Recommendation**

16. That Committee notes:-

- The ongoing work undertaken to date by the WMHBT in partnership with the Council in order to progress the project further.
- That the Committee recommends to the Cabinet Member for Environment and Culture that the existing 'Heads of Terms' agreement between the WMHBT and the Council be renewed and that the Council confirm a grant of £25,000 be made available if the HLF bid is successful.
- That an application be submitted to the HLF in June 2012 by the WMHBT (in partnership with the Council) for a Stage 1 bid. The outcome of the application to the HLF will be reported back to this Committee at a later date.



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**List of Background Papers**

1. Stourbridge Area Committee report dated 15<sup>th</sup> September 2003
2. Stourbridge Area Committee report dated 9<sup>th</sup> February 2004
3. Letter from the Heritage Lottery dated 8<sup>th</sup> July 2004.
4. Correspondence from DCMS dated 8<sup>th</sup> March 2005 confirming that Lye Chapel had been added to the Statutory List of buildings.

5. Copy of the feasibility study specification sent out Consultants on the 26<sup>th</sup> August 2005.
6. Correspondence from AHF to the WMHBT confirming the success of the application for an Options Appraisal Grant.
7. Stourbridge Area Committee report dated 14<sup>th</sup> November 2005
8. Stourbridge Area Committee report dated 30<sup>th</sup> January 2006
9. Stourbridge Area Committee report dated 5<sup>th</sup> September 2007.
10. Halesowen Area Committee report dated 6<sup>th</sup> September 2007.
11. Meeting of Cabinet 12<sup>th</sup> December 2007 – Capital Programme Monitoring Report.
12. Stourbridge Area Committee report dated 10<sup>th</sup> March 2008.
13. Heads of Terms for the partnership agreement between the Council and the WMHBT, 31<sup>st</sup> March 2008.
14. Planning application P08/1333 and Listed Building Consent P08/1334 submitted to local planning authority.
15. Letter dated 11<sup>th</sup> September 2008 from the HLF to the WMHBT informing them of the outcome of their application for a HLF bid.
16. WMHBT informed that their application for 'Awards for All' funding had been successful.
17. 22 January 2010 – 'Expression of Interest' application form to the Development Trust Association (DTA) indicating a desire to participate in the fourth round of the Advancing Assets for Communities Programme.
18. April 2010 - publication of the book 'The Lye and Wollescote Cemetery and Chapels' by Jean Weston and Marlene Price.