

**STROUD DISTRICT COUNCIL**  
**STRATEGY AND RESOURCES COMMITTEE**

**THURSDAY, 20 APRIL 2023**

<b>Report Title</b>	<b>Stroud Cemetery Chapel</b>			
<b>Purpose of Report</b>	To consider options for the future use of Stroud Cemetery Chapel			
<b>Decision(s)</b>	<p><b>The Committee RESOLVES to:</b></p> <p>a) <b>Grant a Lease of the Cemetery Chapel to the Stroud Preservation Trust on terms to be agreed by the Head of Property Services (subject to any objections received in response to the advertisement referred to in the legal implications being satisfactorily dealt with);</b></p> <p>b) <b>Subject to the advice from One Legal on Subsidy Control, agrees to use the Repairs and Replacements reserve to fund a Grant of £75,000 payable over a 5-year period to the Stroud Preservation Trust for essential works to the Cemetery Chapel during the Lease period; and</b></p> <p>c) <b>Delegate authority to the Director of One Legal in consultation with the Head of Property Services and the Director of Resources to enter into the relevant legal documents in respect of the Lease and Grant funding.</b></p>			
<b>Consultation and Feedback</b>	Consultation has taken place with the local community (in 2019) and by Stroud Preservation Trust in 2021/22 as detailed in the report.			
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<b>Options</b>	<p>The Council could</p> <ol style="list-style-type: none"> <li>1. Grant a lease to the Stroud Preservation Trust</li> <li>2. Attempt to dispose of the property on the open market</li> </ol>			
<b>Background Papers</b>	<a href="#">Feasibility Reports by Donald Install Associates</a>			
<b>Appendices</b>	Appendix A – Site Plan			
<b>Implications (further details at the end of the report)</b>	Financial	Legal	Equality	Environmental
	Yes	Yes	No	Yes

## 1. INTRODUCTION / BACKGROUND

- 1.1 The Cemetery Chapel of Rest is a Grade II listed building dating from the mid-19<sup>th</sup> century located in a prominent position in Stroud cemetery overlooking the town and countryside (see Appendix A). Stroud Cemetery was transferred to Stroud Town Council in 2017 further to them managing it for a number of years. The Chapel was retained by the District Council and used by Stroud Town Council as a ground's maintenance depot for a number of years until it relocated it.
- 1.2 The Chapel is a surplus asset, i.e. the Council has no operational use for it, and it needs significant money spent on it to maintain, convert or renovate it. There is a risk that the Council will be exposed to significant costs to keep the fabric of the listed building in good repair if it retains ownership of the Chapel. The decision to dispose of the Chapel on the open market was originally made by made by the Strategy and Resources Committee in

October 2016. The Town Council was given first refusal but declined to acquire the property because the costs were too high. It was allowed to remain in occupation until it had found and moved to a new grounds maintenance depot in 2018.

- 1.3 Once vacant, the intention to dispose of the Chapel was advertised, as part of the property could be deemed to be open space. This resulted in many objections from the local community. Following a public consultation event in 2019 (held by the District and Town Councils to discuss the future of the building) the District Council offered the community time to come up with a proposal as there was local opposition to the disposal of the building and tarmac areas surrounding the Chapel in particular. Representatives from the Stroud Preservation Trust attended this meeting and later confirmed their interest in carrying out a more detailed feasibility study.
- 1.4 In October 2020 Committee resolved to agree terms for a transfer of the Cemetery Chapel to the Stroud Preservation Trust for £1 subject to detailed feasibility studies, further public consultation, a further report to Strategy and Resources Committee and compliance with S123 of the Local Government Act (by securing the promotion or improvement of the economic social or environmental well-being of the area).

## **2. MAIN POINTS**

- 2.1 Over the last 2 years the Trust has commissioned a feasibility study and held public consultation events. The feasibility study has provided the Trust with clear and current information of the buildings condition, maintenance needs and large conservation deficit. The conclusions of that study were that short term uses would be possible if essential works (estimated at £29-50K) were carried out. Full repair and conversion to best contemporary standards was estimated to be £1.3 to £2.2 million which isn't financially viable.
- 2.2 Instead of a transfer, the Trust has now asked the Council to consider the grant of a 5-7 year lease to enable it to carry out physical improvements to the Chapel which would make it viable for simple community use and provide time for it to explore end use options. The Trust's experience of the refurbishment and re-use of the Brunel Goods Shed in Stroud has led it to conclude that undertaking basic essential work may unlock a long-term future for the building. This would entail; roof patching and clearing of rainwater gullies and soakaways, external pointing, work on external doors, opening blocked window openings and installing temporary glazing and internal removals and preliminary works.
- 2.3 Without these essential repairs the building is unusable. The works would only be possible with a Grant of £75K from the Council payable in stages allowing the Trust to raise funds (using it as match funding). This would enable the Trust to plan and manage the works, seek out users and research the effective use of the building which would save it from further deterioration.
- 2.4 The position would be reviewed after 5 years to assess the repairs, the community use and fundraising potential and to agree on the future of the building. The Trust has also asked that the Council's planned maintenance programme continues. This is currently approximately £5k per annum.

### **3. CONCLUSION**

- 3.1 This is an opportunity to work with a local, well thought of, and experienced Trust to bring this landmark building back into use by carrying out basic essential repairs and preventing further deterioration for a relatively small amount of money.
- 3.2 Should the Trust conclude that there is no viable community use, the Council's investment would have been used for essential repairs and maintenance to the building.
- 3.3 It is therefore recommended that the Council grants a lease of the Cemetery Chapel to the Stroud Preservation Trust on terms to be agreed together with a £75k staged Grant.

### **4. IMPLICATIONS**

#### **4.1 Financial Implications**

The recommendation is to make a payment of £75k which would be used for essential repairs to a Council owned property, potentially to unlock further long term uses. This funding will be taken from the repairs and replacements reserve.

The annual maintenance cost of £5k per annum would continue and is included within existing budgets.

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#### **4.2 Legal Implications**

Prior to the payment of the £75,000 grant to the Trust, advice should be sought from One Legal to ensure compliance with the Subsidy Control Act 2022. This Act regulates the giving of financial assistance by public bodies. Provided that the intended use of the building once operational, is for community use, then there should not be a subsidy to which the Act applies. A grant agreement will need to be prepared by One Legal setting out the obligations for use of the grant and to secure repayment if grant terms are not met.

As the owner of the property, the Council should ensure that it approves the plans for the works via a licence for alterations granted pursuant to the lease. The Council should also seek collateral warranties from those contractors carrying out significant or structural works for the Trust. This will give the Council a contractual relationship with those carrying out the works enabling it to take any action in respect of any defects discovered after the proposed lease expires.

Under Section 123(2A) of the Local Government Act 1972, before disposing of public open space, the Council must advertise the proposed disposal for a period of 2 consecutive weeks in a local newspaper circulating in the area in which the land is situated and consider any objections. It is noted that this process was undertaken in 2019 but given that some time has elapsed and a number of objections were received, and that the proposed disposal is on different terms and for different purposes than as originally advertised, the Council should repeat this process to advertise this specific disposal.

Section 123 of the Local Government Act 1972 requires the Council to secure the best consideration reasonably obtainable when disposing of land. However, land can be disposed of at less than best consideration with the consent of the Secretary of State. The Secretary of State has given a general consent to disposals where the purpose for which

the land is to be disposed is likely to contribute to the improvement of economic, social or environmental wellbeing and the difference between the value of the land and the consideration for the disposal does not exceed two million pounds. This should be taken into consideration when agreeing terms, and advice sought from One Legal where appropriate. Secretary of State consent is not required for leases for a term of less than 7 years. If any disposal is for less than best consideration and does not meet these criteria, specific consent will need to be requested from the Secretary of State.

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#### **4.3 Equality Implications**

There are not any specific changes to service delivery proposed within this decision. Access around the chapel would be maintained.

#### **4.4 Environmental Implications**

Implications will need to be addressed as part of any listed building applications. There are bat species present in the chapel and further surveys will need to be undertaken and mitigation measures agreed if the project proceeds.