

ANGUS COUNCIL

POLICY AND RESOURCES COMMITTEE – 5 JUNE 2018

MORTUARY CHAPEL ARBROATH

REPORT BY THE HEAD OF INFRASTRUCTURE

ABSTRACT

This report seeks Committee approval for a long term lease of the Mortuary Chapel, Arbroath to The Patrick Allan- Fraser of Hospitalfield Trust 2010.

1. RECOMMENDATIONS

1.1 It is recommended that the Committee:

- (i) approve the granting of a long term lease of the Mortuary Chapel, Arbroath to The Patrick Allan- Fraser of Hospitalfield Trust 2010 (“Hospitalfield Trust”);
- (ii) delegate authority to the Head of Infrastructure in consultation with the Service Leader – Legal and Democratic to agree the terms and conditions of the lease.

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN / CORPORATE PLAN

ECONOMY

- 1. An inclusive and sustainable economy

PEOPLE

- 2. More opportunities for people to achieve success

PLACE

- 3. Safe, secure, vibrant and sustainable communities
- 4. An enhanced, protected and enjoyed natural and built environment

3. CURRENT POSITION

3.1 Information Report 77/17 Schedule 6 Repairs To Listed Buildings, Monuments And Structures reported to Communities Committee on 28 February 2017 reported the situation with the Mortuary Chapel as follows, and this remains current:

- “2.3 *The Mortuary Chapel, Arbroath is the ultimate responsibility of the Hospitalfield Trust to ensure the building is maintained and preserved in accordance with its ‘A’ listed status.*
- 2.4 *The Mortuary Chapel was gifted to the then Arbroath Town Council in 1886 and the Hospitalfield Trust inherited a condition of the transfer that they would continue to be responsible for the repair and maintenance of the chapel. In June 2008 the chapel was placed on the Buildings at Risk Register and still remains on the register.*
- 2.5 *The Mortuary Chapel is not integral to the delivery of any council services but the building is a regular feature in the Angus Doors Open Day event each September. Maintenance expenditure by Angus Council to date has been restricted to a strict health and safety and security priority only basis.*
- 2.6 *Negotiations were undertaken between Senior Officers of the Council and the Hospitalfield Trust representatives in 2010. These negotiations determined that the Trust, due to their financial position, did not have the funds to undertake the list of urgent and necessary repairs to this building.*
- 2.7 *The Hospitalfield Trust has recently submitted Planning and Listed Building applications for buildings within their overall estate. Their Conservation Plan submitted as part of this application makes reference to the Mortuary Chapel as part of their overall estate however does not identify any specific works to be undertaken.*

- 2.8 *As part of Tay Cities Deal bid to support economic growth across the region, Hospitalfield Trust supported by Angus Council are submitting a bid for new investment in infrastructure which contains the potential to include the Mortuary Chapel as part of proposals to support tourism and international activity.”*
- 3.2 Repairs were necessary to the rails and walling around the Chapel due to spalling of stonework resulting in instability of the railings. Some of these repairs are ongoing.
- 3.3 There remains an extensive list of repairs and maintenance works required for the building and with reducing council budgets for property maintenance there is no prospect of any works beyond interventions on the grounds of safety being undertaken by the council. With the current constitutional arrangements with Hospitalfield Trust and the way that the building was gifted to the council, there is little opportunity for the Trust to fund repairs.
- 3.4 There have been previous attempts to resolve the maintenance obligations of the building by means of agreements with Hospitalfield Trust but none have come to fruition.
- 3.5 This position has endured for some considerable time and is documented in meeting notes from the 1950's. There is therefore a need for a different approach to endeavour to resolve the existing lack of funding and pursue a route which offers means of maintaining and restoring this remarkable architectural building.

4. PROPOSALS

- 4.1 Whilst the Chapel is ultimately the responsibility of Hospitalfield Trust, the Trust has limited funds, and limited ability to raise funds for a building which is actually owned by the council. However the Trust is looking to take a proactive and pragmatic role in the Chapel, and is part of their ambition for Hospitalfield. The paper in **Appendix 1** sets out opportunities for the Trust going forward and the Trust are seeking a long lease for the Mortuary Chapel from the Council..
- 4.2 The Chapel is and remains a resting place for the Patrick Allan-Fraser family members and as such is governed by legislation for burial grounds. As the building was gifted to the Council's predecessor and sits within a burial ground an outright transfer of the building to Hospitalfield Trust is not considered to be appropriate and there are legal difficulties with proceeding in this manner. A lease is the most viable option as this will allow Hospitalfield Trust to secure funding but will allow the Council to retain control of the building as the Landlord and to ensure that it's use is in accordance with the wishes of Patrick Allan Fraser and does not conflict with the use of the burial ground.
- 4.3 The details of the lease need to be developed in detail and at this stage are anticipated to include a long term of 99/125 years; pedestrian access rights through the cemetery only; restrictions on the use of the building including timing of use to prevent conflicts with funerals; full repair and maintenance requirements for the building. The lease will specifically state that Hospitalfield Trust will not be entitled to transfer their rights under the lease to any other party. The potential of a parking area outwith the cemetery will be investigated subject to funding provision. The Head of Infrastructure will agree the terms of the lease, in consultation with the Head of Legal and Democratic Services and the committee is asked to delegate authority to these officers to agree the terms of the lease and to enter into the lease.
- 4.4 The Trust would be able to pursue funding avenues if the building is leased which is not currently an option. Members of the Trust have been involved in Watts Cemetery Chapel in Surrey which is a similar project resulting in benefits to the Grade I listed building, and would develop on this experience for the Mortuary Chapel

5. FINANCIAL IMPLICATIONS

- 5.1 There are no direct financial implications to the council as a result of this report. The lease would be at a nominal amount, and there is no budget for property maintenance.
- 5.2 The proposal gives an opportunity for the avoidance of future costs by the council, in terms of emergency safety repairs, and gives an opportunity for the Hospitalfield Trust to apply for funding for the necessary repairs and restoration of the 'A' listed building.

NOTE: The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

- Report 77/17 Schedule 6 Repairs to Listed Buildings, Monuments and Structures - Communities Committee - 28 February 2017

REPORT AUTHOR: Ian Cochrane, Head of Infrastructure

EMAIL DETAILS: CommunitiesBusinessSupport@angus.gov.uk

List of Appendices – Appendix 1 Details provided by Hospitalfield Trust

The Patrick Allan Fraser Mortuary Chapel, Arbroath

Everyone who visits it realises that it [the Patrick Allan-Fraser Mortuary Chapel] is a remarkable building, possibly the most unusual and most instantly appealing of the many fine buildings within Arbroath. However, it is also very important on a national scale. It could claim to be one of the best buildings of its date in Scotland. What makes it remarkable is its association with a particular artist, the wonderful personal creation of an amateur architect based on the philosophical and political writings of John Ruskin. Ruskin stressed the importance of giving masons the freedom to express themselves in the gothic style with fine carving. Although Ruskin's ideas had a massive effect on popular taste throughout the second half of the 19th century, it is rare to see a building which adopts Ruskin's principles quite so thoroughly. The building is also remarkable for its eclectic mix of styles, including reference to Scottish, English and possibly other precedents from East European Gothic. Every part of the building is important because every part received great care in design. This obviously includes the ironwork around the building which was unusual in style. The permanent loss of ironwork would be serious damage to this listed building.

John Sanders Architect Simpson & Brown



For many decades the future of the Chapel has been uncertain as unwittingly, the arrangements that Patrick Allan Fraser left behind for its use, maintenance and general upkeep in 1880 has not lasted the test of time. If the building is to have a future, being in

the ownership of Angus Council with an ambiguous arrangement for maintenance between Hospitalfield and the Council is not a workable situation.

Funds are required to restore certain aspects of the building and a plan for its future use and maintenance is essential to this important little building's future. To this end a survey was commissioned about seven years ago that gave an in depth report on the condition of the building and estimates of cost for a full restoration. This remains a useful document.

The Governors of the Hospitalfield Trust have for decades been very risk averse regarding responsibilities relating to the chapel but there is a new situation.

Some months ago a new Chair of the Trustees started in post, Sir Mark Jones. He and the current director both feel that the best way to break the deadlock and plan a future for the Chapel is to take the building back or to agree a long lease on the building with the council. The latter seems the most practical as a lease could include various conditions and agreements that would provide a structure for the future. Such a document would allow all stakeholders to move on from the out of date language from the Victorian period.

Items covered within a modern lease might include:-

- Repair
- Access to visitors
- Control of vehicular access to the cemetery
- Agreement of land use for parking
- Contingencies in case the Trust fails
- Issues relating to insurance

With a clear and contemporary lease Hospitalfield would be in a position to raise funds for the initial restoration and then on-going annual maintenance. It was discussed briefly that income from parking might be a good contribution to the maintenance 'pot'. If an income can be established then this should be restricted to investment in to the Chapel's maintenance.

Agencies who are likely to support an application for this project:-

- Historic and Environment Scotland (HES)
- Heritage Lottery Fund (HLF)
- The Tay Cities Deal.

Regarding the above sources of funding:

Hospitalfield has a relationship with HES as they have awarded funding towards the current programme of capital works that the organisation is undertaking.

- Heritage Lottery Fund – again Hospitalfield has succeeded in raising funds towards its current capital programme and therefore shows a track record in raising funds from HLF. HLF have key aims and the highest priority is that any programme of capital works should include a programme of activity that will ensure that people are engaged with the heritage that they contribute to supporting. Hospitalfield would devise a programme of activity and interpretation to meet these aims and then run this as the first year of activity after the capital investment is made.
- The Tay Cities Bid – The director of Hospitalfield has submitted a bid which has been enthusiastically supported by Angus Council. This bid includes the sum of £750,000 towards the restoration of the Chapel. We hear about this funding in June.

The Future

There are a few complex issues to solve however we know that the agreements must be reached in order to secure a future for this important building.

Hospitalfield would take on the responsibility of raising the funds, managing the restoration project, we would then establish a maintenance plan for the building.

The organisation would include this building in the wider offer that Hospitalfield is working to achieve. The Chapel is part of the Hospitalfield story and will be drawn in as such. We believe that there is great potential in open the building to the public and making this, in combination with Hospitalfield, an appealing and fascinating destination for visitors to Angus and also a great source of pride for people living in Arbroath and Angus.

Author: Lucy Byatt, Director Hospitalfield
May 2018