

**Name of meeting:** Cabinet  
**Date:** 22<sup>nd</sup> January 2019  
**Title of report:** Dewsbury Townscape Heritage Initiative Grant  
 Application DTHI-014 -9 Market Place

**Purpose of report**

To seek approval for a Dewsbury Townscape Heritage Initiative (THI) grant towards improving 9 Market Place, Dewsbury.

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	<b>Yes - as spend shall be more than £250k</b>
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a></b>	<b>Yes (Private Appendix 2)</b> <b>Registered - 10<sup>th</sup> December 2018</b>
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	<b>Yes</b>
<b>Date signed off by <u>Strategic Director</u> &amp; name</b>  <b>Is it also signed off by the Service Director - Finance (S151 Officer)?</b>  <b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b>	<b>Karl Battersby - 08.01.2019</b>  <b>Eamonn Croston - 09.01.2019</b>  <b>Julie Muscroft - 14.01.2019</b>
<b>Cabinet member <a href="#">portfolio</a></b>	<b>Cllr Peter McBride - Economy</b>

**Electoral wards affected:** Dewsbury East

**Ward councillors consulted:** Cllrs E. Firth, P. Kane and C. Scott

**Public or private:** Public (Appendix 2 in private)

Appendix 2 of this report is in Private, as the information it contains, includes personal data of the applicant/consultants and to the financial or business affairs of persons (or the Authority holding that information); and specifically, information relating to the applicant's financial status and contractors' tender prices. It is considered that disclosure of the information would adversely affect the companies concerned. The public interest in maintaining the exemption, which would protect the interests of the Council and the company, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making.

**GDPR**

There is no personal data contained in this report.

## 1. Summary

1.1 Dewsbury Townscape Heritage Initiative (THI) is a Heritage Lottery Fund (HLF) regeneration programme in partnership with Kirklees Council which aims to:

- preserve and enhance certain key buildings located within the Conservation Area, through grant assistance;
- stimulate economic activity through creating a quality environment;
- raise awareness of Dewsbury's heritage through training and education.

1.2 Kirklees Council was awarded £2m by the HLF, matched by a further £1.7m from Kirklees Council to make a total fund of £3.7m initially over five years. The match funding element is already factored in to the Council's capital plan. The Dewsbury THI was formally launched in June 2014 and was extended to run until end of December 2019.

1.3 During the course of the THI programme, 9 Market Place, prominently located in Dewsbury town centre became vacant, sold at auction, suffered a 1<sup>st</sup> floor fire and has become increasingly dilapidated. It was highlighted at the outset of the programme as a reserve property and following progression of the neighboring property of the Black Bull, the owners have now also expressed an interest in a grant.

1.4 The new owners of 9 Market Place, intend to submit a grant application for the restoration and rehabilitation of the property. It is eligible for grant funding and if approved will operate as a 'Frankie's', a high end local burger and dessert restaurant, together with function space. This grant is subject to Cabinet and HLF approval.

1.5 The proposed scheme, the detail of which is set out in section 2 below, is consistent with work undertaken to other properties throughout the THI scheme, delivering a uniformity of high quality traditional frontages, which considerably enhances the streetscape, improves perceptions therefore adding to the economic confidence in the town.

1.6 Appendix 2 which is to be considered in private, contains details of the tenderer selected to carry out the proposed works.

## 2. Information required to take a decision

2.1 Property owners and tenants (with a minimum of a 10 year lease) can apply for grant aid funding for works on their properties which can include:

- i. Exterior repairs to properties, including structural works;
- ii. The restoration and reinstatement of architectural features, such as traditional shop fronts;
- iii. Bringing empty space within buildings back into use, such as unused space above shops or derelict parts of buildings.

2.2 THI grant rates are as follows:

- where a property is in use, the grant may cover up to 75% of the cost of eligible repair and structural works, and 90% for reinstatement of architectural features
- for vacant properties and floor space, the grant is calculated using a 'Conservation Deficit Formula', based on current value, end value and cost of eligible works.

2.3 The project at 9 Market Place is for vacant property and floorspace, and is therefore subject to the Conservation Deficit Formula. The application is for the restoration and rehabilitation of the whole of the property, with works to include:

New frontage and entrance, awnings, Internal reconfiguration, structural alterations, new internal stairs, toilets, kitchen, basic provision of heating, lighting, fixtures and fittings throughout, fire escape, roof, windows & doors, Ceramic cladding, Rain Water Goods, pigeon deterrents, decoration, utilities and drainage.

2.4 The scheme received full planning permission and listed building consent on the 12<sup>th</sup> October 2018 (2018/62/92397/E).

2.5 This will be the 9<sup>th</sup> grant awarded under the THI Scheme, 5 have successfully been completed to date, with 3 currently on site.

2.6 An outline of the grant application can be found in Appendix 1 of this report. Appendix 2 (in private) outlines the financial aspects of the grant application that is due to be submitted.

### 3. **Implications for the Council**

#### 3.1 **Working with People**

3.1.1 From the outset of the THI, relationships have been built in particular with tenants and owners, which has allowed for 'on the ground' communication. This has enabled views and opinions to be obtained, which aid the understanding of issues and how they can then be best addressed.

3.1.2 In the case of 9 Market Place, the proposals have been formalised based on the applicant's vision and requirements, which through collaboration with the THI have ensured a good design which satisfies the criteria of THI and that of the 'Conservation Area' too.

#### 3.2 **Working with Partners**

3.2.1 The THI has partnership at its core, being a programme which is jointly funded between the Council and HLF. It is delivered by the Council through engaging with a variety of partners locally ranging from: Kirklees College, to the Chamber of Trade and community groups such as Dewsbury Forward and Dewsbury Photography Group.

3.2.2 It also ensures it ties in with other complementary initiatives, such as the Heritage Action Zone, and in particular projects of the North Kirklees Growth Zone (NKGZ), enabling a strategic overview not just locally but also in the context of Leeds City Region too.

#### 3.3 **Place Based Working**

3.3.1 The THI which is located within Dewsbury Town centre, reflects the diversity of its immediate population, which is mixed and evident particularly through the

retail / food offer in the town. The diversity of the area is a strength of the town, which certainly can be built upon, to bring vibrancy and stimulate activity in the town centre.

- 3.3.2 Through delivery of the THI over the past four years and engaging directly with property owners, tenants, residents, and local groups, with the support of local ward cllrs; it has gained a real understanding of the issues and needs of the area.
- 3.3.3 Through this understanding it has allowed the THI to tailor it's approach, in helping and encouraging applicants, with their formulation of property improvements, which not only meets their operational needs, but also that of the THI in terms of 'Conservation Standards' and the Council's objectives of improving 'Place' and 'Economy'.
- 3.3.4 The refurbishment of 9 Market Place will contribute to the attractiveness of the area by bringing a derelict premises back in to use, thus being more welcoming to customers and improving the perception of the area. There is also a wider benefit to this work in terms of it being consistent with other grant aided improvements that have been undertaken throughout the THI area. The scheme will enhance the streetscape and raise the quality of the town centre environment, particularly in this key central location and complement the neighbouring THI grant property of the 'The Black Bull', which together will be a big lift, bringing both confidence and quality through their refurbishment.

#### 3.4 **Improving outcomes for children**

No implications

#### 3.5 **Other (eg Legal/Financial or Human Resources)**

##### **Financial**

- 3.5.1 The THI was initially a five year programme, extended until end of December 2019. The Council is committed to providing £1.7m match funding to the project. This match funding is already factored in to the Council's capital plan.
- 3.5.2 The Council is committed to paying the grant to the applicant in full, which the Council will then claim 54% back from the HLF. Claims are made to the HLF each quarter, at the end of the quarter.
- 3.5.3 The THI programme was given approval to commence third party grant payments, as approved by Cabinet on 23rd September 2014. Under that decision, grants in excess of £50,000 must be individually approved by Cabinet - hence this report. This is the second empty property grant in the programme and specific due diligence information is required. This work is ongoing and the grant will be offered subject to confirmation that there are no issues following due diligence.
- 3.5.4 Due to this likely being the last grant in the THI, a small amount of additional capital resource may be needed to supplement the existing THI funding. This will be identified from existing budgets.

##### **Legal**

- 3.5.5 The application process has received approval from the Council's Audit, Procurement and Legal teams, as well as from the HLF.

3.5.6 Legal implications relate to the Council agreeing to the conditions applied by the HLF for release of grant funding. A grant agreement shall be drawn up by the Council's legal team, which incorporates both the conditions of the Council and the HLF. The conditions are consistent with similar previous schemes and focus on the eligibility, 'clawback' situations, and keeping the property in good repair.

3.5.7 Clawback is applied to ensure that no profit is made as a result of the grant, should the property be sold. Applicants are made aware of the risk of clawback which is a part of the grant agreement, and the Council subsequently takes a legal charge on the property.

3.5.8 Legal have confirmed that the application can be submitted as it is in compliance with the European Union 'State Aid' General Block Exemption Rule (GBER), of Article 53.

3.5.9 The applicant will enter into an agreement with the Council for the grant; the agreement for the works is between the applicant and contractor. The applicant is then responsible for paying the contractor and a 10% retention is also held until final completion of the project.

#### **4. Consultees and their opinions**

4.1 Ward councillors were consulted in December 2018. One question was received about the potential for the applicant to convert the upper stories in to a residential use. A response was provided explaining that a planning application for change of use would be required for this. The issue around permitted end use is also covered in the THI grant agreement.

#### **5. Next steps and timelines**

5.1 The report will be presented to Cabinet. Subject to Cabinet approval a grant offer will then be made to the applicant and a grant agreement will be drawn up by the Council's Legal Services.

5.2 The Applicant must then appoint their contractor for a start on site within three months of acceptance of the grant offer.

#### **6. Officer recommendations and reasons**

6.1 It is recommended that Cabinet approve the award of a THI grant up to the maximum amount specified in Appendix 2; and that delegated authority is given to the Strategic Director - Economy and Infrastructure in consultation with the Cabinet Portfolio holder, to agree the amount of grant and authorise payment of the grant, subject to HLF approval, satisfactory completion of the due diligence process and all necessary supporting information being supplied and in accordance with the terms of the grant agreement.

6.2 Subject to Cabinet approval it is recommended that delegated authority is given to the Service Director - Legal Governance & Commissioning, to enter into and seal all grant agreements legal charges and ancillary documents relating to the grant.

#### **7. Cabinet portfolio holder's recommendations**

7.1 The Cabinet portfolio holder for Economy, recommends approval as per the Officer recommendations and reasons, as outlined in section 6 of this report.

8. **Contact officer**

John Lambe - Dewsbury THI Officer

[john.lambe@kirklees.gov.uk](mailto:john.lambe@kirklees.gov.uk)

Tel: (01484) 221000

9. **Background Papers and History of Decisions**

Appendix 1 (public): 9 Market Place Grant Overview Form

Appendix 2 (private): 9 Market Place Grant Overview Form - Financial Summary

Cabinet Decision 23rd September 2014 - Dewsbury Townscape Heritage Initiative:  
Council permission to offer third party grants:

<https://democracy.kirklees.gov.uk/Data/Cabinet/201409231600/Agenda/Cabinet20140923DecisionSummary.pdf>

10. **Service Director responsible**

Karl Battersby

Strategic Director - Economy and Infrastructure

[karl.battersby@kirklees.gov.uk](mailto:karl.battersby@kirklees.gov.uk)

(01484) 221000

## **APPENDIX 1 (Public)**

### **Dewsbury Townscape Heritage Initiative Grant Application 9 Market Place, Dewsbury**

#### **Grant Overview Form**

**Property – Grant Ref: DTHI-014**  
9 Market Place, Dewsbury, WF13 1AE.

**Applicant (s):**  
IAS Properties Ltd.

**Architect**  
DK Architects

#### **Works**

The project is based on a 'Vacant Floor space Grant' for the restoration and rehabilitation of the whole of the property for a restaurant and function space, to include:

New frontage and entrance, awnings, Internal reconfiguration, structural alterations, new internal stairs, toilets, kitchen, basic provision of heating, lighting, fixtures and fittings throughout, fire escape, roof, windows & doors, Ceramic cladding, Rain Water Goods, pigeon deterrents, decoration, utilities and drainage.

#### **Planning Approval**

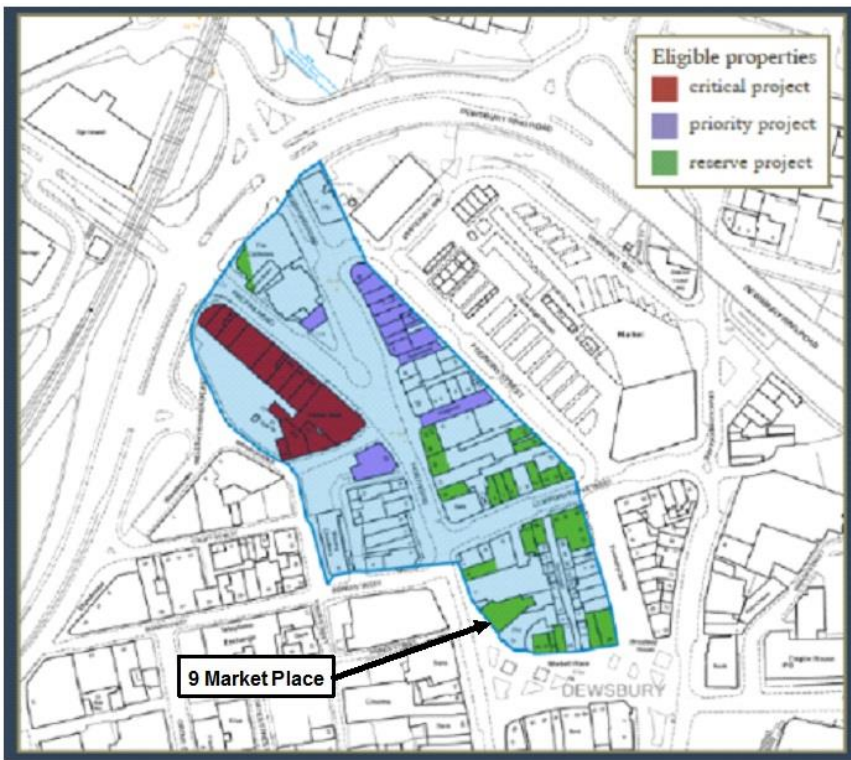
Planning permission and Listed Building consent Approved 12<sup>th</sup> October 2018 –  
App. No: 2018/62/92397/E– <https://goo.gl/gmHpR9>

Building Regs - : Ref: 262340/WK/18 – JHAI Ltd. (approved 30.10.18)

#### **Officer Recommendation**

To proceed with appointment of Broadley Construction Ltd. based on being lowest price and ability to undertake the works, with an award of a THI Grant to the applicant (subject to full grant application and HLF approval).

#### **Property Location**



Property:



Dewsbury Townscape Heritage Initiative – 30<sup>th</sup> November 2018