

Neutral Citation Number: [2021] ECC Yor 1

IN THE CONSISTORY COURT OF YORK

PARISH OF THE MOST HOLY AND UNDIVIDED TRINITY, HULL

HULL MINSTER, THE CHURCH OF HOLY TRINITY, KINGSTON UPON HULL

**IN THE MATTER OF A PETITION TO CARRY OUT WORKS TO THE SOUTH SIDE OF THE
CHURCH BUILDING**

Unopposed Petition

**The Right Reverend Frank White
Ian Alexander Ogilvie
Robin Alden**

Petitioners

JUDGMENT

The Petition

1. I have before me a petition to carry out extensive works to the south side of Holy Trinity Church Hull, also known as Hull Minster
2. The petitioners are The Right Reverend Frank White, the Interim Minister when the petition was filed, and Messrs Ian Alexander Ogilvie and Robin Alden, churchwardens.
3. The petition seeks a faculty to carry out the following works on the south side of the church, namely to:
 1. construct a glass and stone extension with metal tracery and grillage at the south west corner ('the Trinity Room');
 2. remove the iron gates to the Vicar's Porch and replace with new glazed doors, lower the Porch floor, form a new door opening in the west wall of the Porch and remove the stone infill to one of two existing blind arched openings in the east wall of the Porch to form a new doorway;

3. construct a new Plant Room to replace the existing;
4. provide new accessible WC facilities in place of the existing;
5. renovate the Choir Vestry;
6. block access to the Crypt at the south east corner and create a new Crypt access at the north west corner of the building;
7. remove and relocate the wooden 'Mousey Thompson' inner porch from the Vicar's Porch to the North Transept to replace the existing inner North Porch; and
8. introduce heritage interpretation resources;

(together referred to as Phase 3 Faculty A)

all in accordance with the following:

- (i) the Design Statement ref. HME-BLA-HM-NA-RP-A-0651-P02 and Layout Variations Booklet ref. HME-BLA-HM-NA-RP-A-0650-P03 both dated March 2020, and the Specification ref. HME-BLA- HM-NA-SP-A-0001-D2-P02 dated August 2020 together with the drawings listed in the Architectural Drawing Issue Register ref. HME-Drawing Issue Register-P05 dated 27th October 2020, all by Bauman Lyons Architects;
- (ii) the drawings listed in the Drawing Issue Register (Structural) dated 26th June 2020 and in the Drawing Issue Register (Civil) dated 24th August 2020 all by Alan Wood & Partners, Consulting Civil and Structural Engineers;
- (iii) the Mechanical Specification ref. 6916/M/T01 dated June 2020 together with the drawings listed in the Mechanical Drawing Issue Sheet dated 5th March 2020, and the Electrical Specification ref. 6916- SCE-HM-XX-SP-E-600/T01 dated June 2020 together with the drawings listed in the Electrical Drawing Issue Sheet dated 24th August 2020, and the Electrical Strategy Drawing ref. 6916-SCE-HM-GF-DR- E-601/P01 dated 4th March 2020, all by Sutcliffe Consulting Engineers; and
- (iv) Drawing ref. 2641-402-Crypt Access dated August 2019 by Ferrey & Mennim, Architects.

Public Notice

4. Given the extensive nature and significance of the proposals and given the impact of the current pandemic on people's freedom of movement and having regard to the

Diocesan Practice Direction then in force effectively putting on hold any public notices during periods of restricted movement, on 20th November 2020 I directed that:

The Practice Direction [2020] No. 1 (as further amended on 10th November 2020) shall not apply to this petition.

Consequently, in addition to the Public Notice requirements as set out in Rule 6 of the Faculty Jurisdiction Rules 2015, namely that notice should be displayed on a prominent notice outside the church in accordance with Rule 6.3(e)(ii) and in the present circumstances if the church is open for private prayer in a prominent position inside the church in accordance with Rule 6.3(e)(i), and if not now open for private prayer to be so displayed as and when the church is again open to the public,

I direct under Rule 9(2) that the Petitioners shall publish the details of the proposed works in a local daily newspaper and seek to achieve as much publicity therefrom as they are able.

5. I am informed that the Hull Mail published the notice on 2nd December 2020 and also subsequently published an article about the proposals. The petitioners have returned the certificate of publication. I am told that no objections have been received in the Registry.

Consultation with the amenity societies and others

6. I will deal with this more fully in due course, suffice at this point to say that I caused the several bodies who had been involved in consultations and had expressed views about the proposals to be approached and asked whether they wished to make any further representations and/or to receive formal notice under Rule 9.3 of the Faculty Jurisdiction Rules 2015 as amended and/or if they wished to formally object to the proposals or any part of them. The responses indicated that none wished to make any formal objection, none wished for formal service of a Rule 9.3 notice but all asked that in coming to my decision I take account of their various written representations made at different stages. That of course I will do. I will set out the substance of the different approaches made by each of those respondents in due course.

History of the development proposals

7. The Secretary to the Diocesan Advisory Committee (DAC), Catherine Copp, has provided me with quite remarkable assistance in relation to this petition, which I wish to recognise and acknowledge publicly. The hours she has spent in compiling various documents to identify and on occasions to summarise the hundreds of pages that have been submitted with the online petition must have been many indeed. I am very grateful to her.
8. One document she has provided sets out for me in one place a summary of the proposals with links to the various key documents in the online petition, a full

account of the responses by all the consultees, and finally the minutes of each DAC meeting at which these proposals were discussed. There have been many such meetings since May 2014 when the proposal was first put forward to the DAC. I shall make unashamed use of her work, in order to summarise some of the meetings and in other places I will be quoting directly from parts of her document.

9. But I begin by including an aerial photograph taken of the south side of the church. I have found myself coming back to that time and again in order to understand what is being spoken about and to be able to consider how details relate to the overall appearance. The photograph is taken from the south and shows well the splendour of this magnificent church and its setting. One can also see how, since the wall round the church yard at the west end was removed, the church's relationship to Trinity Square to the west of the church was transformed. That is a matter that was specifically referred to by Historic England in its written response to the consultation.



10. Historic England in its written response (16th April 2020) referred to the long-term development plan that has been taking place over the last six years. Kerry Babington said: "the improvement works to Trinity Square ... made a major contribution to 'Hull's UK City of Culture' year in 2017 and the legacy continues to grow. The external landscaping works have been a great success and it is clear that the proposal site now offers enormous potential to develop facilities which will continue to contribute positively to the regeneration of the surrounding areas and enhance the communal heritage value of the building. We therefore continue to recognise that the proposed Trinity Room extension is a key part of the overall vision for the future sustainability of Hull Minster and the contribution it makes to the city, its community and its visitors."

11. The photograph shows what currently lies to the south of the south aisle wall of the church. Working from west to east there is first a porch, generally referred to as the south porch, although it is not to be confused with the porch leading into the south transept. It is also sometimes referred to as the Vicar's Porch. Between the south porch and the south transept entrance is a boiler room and the choir vestry. To the east of the transept lies the Broadley Chapel, and then various ancillary rooms including a small kitchen, the current toilets and the vicar's vestry.

12. Work is currently taking place to repair the masonry, roofs and drainage to the east of the transept and also to carry out some internal reorganization of the spaces in that area. That work is being carried out under a faculty issued on 5th June 2020. In giving directions in relation to that faculty I recorded in my directions that:

"I have considered the proposals with great care, having regard to the further petition I anticipate receiving in due course concerning a proposed extension to the south west end of the church. I was also concerned about the matters raised by SPAB in relation to long-standing issues of damp in the South Vestries, East End and Transepts. I enquired of the DAC secretary how far these were being dealt with 'under the more general headings' of these proposals. The outcome was a discussion between the Church Buildings Officer and the Inspecting Architect and a full report to me about what are understood to be the causes of these areas of dampness and what is proposed to remedy them. I am satisfied that the parish has a plan to deal with them so far as it reasonably can and that the currently proposed works will in part contribute to remedying the problems. I note that those were the only major areas of concern that were raised about these otherwise uncontroversial proposals."

13. The current proposal, described as Phase 3 of the development project, is for two single-storey extensions to the east and west sides of the south porch. The western section of the extension, the Trinity Room, will include a café and visitor /interpretation centre. The café will have provision for outdoor seating and a separate access to the Minster through the west wall of the south porch as well as direct access onto the street at its western end. The extension will be capable of functioning independently and without disturbing worship or other activities within the main building. The eastern section will include lavatory facilities and the plant room and will in part replace the 20th century stone-built boiler room and choir vestry. The access to the eastern section will be through a doorway in the eastern side of the south porch. That will not be the first time there has been a doorway at that location. Previously there was a doorway leading to the Alcock chantry chapel. These two doorways in the south porch will create a corridor running from the west end of the Trinity Room through to the entrance to the Broadley Chapel.

14. I also include two artists impression provided by the architects as to how they envisage the development will look.



History of the proposals

15. In May 2014 the parish, principally through its development group, made the first presentation to the DAC – they outlined the broad scope of proposals in relation to the church including a café outside the present building. At that stage the proposal included the possibility of breaking through the south wall of the church.
16. In September 2014 DAC members undertook a site visit. The cafe was only one part of the proposals which then included taking down the western end of the churchyard wall, felling a number of trees in that area and opening up the churchyard into the Square beyond it. Another part of those proposals was to reorder the church internally and remove the pews.

17. In October 2014 significant discussions took place around the relationship of the development group, the project architects and the PCC and the need for the development group and architects to understand how church processes and conservation elements would be a very significant aspect of the development as it progressed. In relation to specific proposals it was noted that the potential for a new toilet block beside an improved south porch and the general upgrading or reconfiguring of all the spaces along the south wall of the church were regarded as comparatively uncontentious, but as they involved probable intervention in or effect on the historic fabric they would require wide consultation with many bodies which it was noted had not yet commenced.
18. At the November 2014 DAC meeting continuing concern was expressed about the lack of understanding that the development group and architects appeared to have about working on historic church buildings.
19. In December 2014 at a meeting between the then DAC Secretary, Phil Thomas, the project manager and the project architect, procedures and timetables were discussed. It was agreed that the submission to the January meeting would be for further advice on a revised scheme whilst a process of wider consultation with English Heritage, the CBC and other amenity societies was started.
20. In January 2015 the DAC meeting was updated about the various discussions that had been taking place.
21. The February 2015 DAC meeting heard about the initial approaches to the various amenity societies. Again there was discussion about the various proposals which included demolishing the existing boiler house, the WC block and the link between the choir vestry and the south aisle wall, and constructing a new café, kitchen and service areas, a new WC block, a new glazed corridor and other facilities along the south side of the nave south aisle and around existing structures. All members agreed that they had no in-principle objection to the idea of an extension, and that the proposed site to the south of the nave south aisle, and to either side of the south porch was the most appropriate location for such proposals. It was agreed that the design had the potential to create a series of elegant and atmospheric spaces. On balance, the attitude of the members was cautiously positive and supportive. However there were concerns about some of the practical aspects of the design. Neither a specification nor any clear drawings of constructional details, which might shed light on many technical and conservation-based aspects of the proposal, had been submitted with the application, and without them members felt unable to recommend the proposal unequivocally at that time. Members asked whether the extension had the potential to work effectively as a café on its own, and not merely a kitchen and over-spill accommodation for a larger, permanent café within the body of the church. The Committee also expressed concern about a number of specific issues in relation to the drainage of the roof of the proposed new structure. That latter matter was to become something of a recurring theme.

22. At the September 2015 DAC Meeting it was reported that the development group had decided not to pursue the proposals for the southern extension at the present time given the high costs involved, and the unlikelihood of meeting their self-imposed deadline of 2017 which was related to the City of Culture year. They would thereafter concentrate on an alternative version of a proposed internal re-ordering which would allow all or most of the proposed activities to take place within the envelope of the present building, whilst being capable of future expansion should money for the extension be forthcoming. So thought and discussion about the south west extension lay dormant whilst other matters were progressed
23. The proposals for the re-ordering and upgrading of the churchyard came before me and I issued a judgment on 16th November 2015 granting a faculty for that work which included:
- (1) lifting and recovering (where possible) the existing ledger stones and other paving in the churchyard;
 - (2) removing the existing churchyard wall and gates;
 - (3) felling the existing trees;
 - (4) introducing new foul and surface water drainage systems; and
 - (5) introducing new car parking, paving, seating and decorative features together with associated minor works.
24. The proposed internal re-ordering was also taken forward. The proposal to remove the pews was hugely controversial drawing a number of objections. It came before me on a contested petition in which the lead objector was the Victorian Society. I dealt with the matter by way of written representations and issued a judgment on 1st January 2017 - [2017] ECC Yor 1. I found that the loss of the permanent fully pewed state of the nave would be a serious loss to this aspect of the Victorian heritage which forms a part of the architectural and historical heritage of Hull Holy Trinity (para 51 of judgment). I then considered the alleged needs that the petitioners argued justified such loss. The petitioners sought to justify the loss on account of their liturgical, practical and financial needs. I was not persuaded that either the liturgical or practical needs would justify the loss but I was satisfied that the financial need did.
25. The work under both those petitions has now been completed. It is apparent that the combination of the two sets of works has had a profound impact on the church and on its mission. In paragraph 10 above I have quoted what Historic England says about the effect of the churchyard re-ordering. Putting it another way it has opened up the church to the world and the world to the church – one step across the western threshold takes you from the church into the busy Trinity Square, and equally for the outsider it is an easy step into the church. I understand that in the last 2 years, prior to the pandemic, many have taken that step who would not previously have done so.
26. In February 2019 the parish was wanting to look again at the possibility of carrying out its proposals on the south side. The DAC Meeting in February recommended a

proposal to undertake an archaeological investigation of the south porch and the area to the south side of the church to inform future development works. A faculty was granted and that work was carried out.

27. At that time the DAC understood that Highways England was willing to make a very significant grant which would enable the church to carry out substantial fabric repairs which were needed on the south side and also to fulfil their long-held ambitions of having a café/visitor centre on the external south-west corner of the church. Towards the end of March 2019 it was announced that a grant of £3.9 million would be made available by Highways England for those purposes.

Statement of Need

28. This is an appropriate point to deal with the need that drove the project from that point onwards. In a submission addressed to me the petitioners say “the spacious Minister is now blessed with a large open and adaptable space allowing a great variety of worship services and missional events to take place. The drawback is that this building is one large room and the availability of the Trinity Room will offer complementary and discrete smaller space. With the need to improve the financial position of the Minster, the Trinity Room and their new facilities will promote the interaction of commercial and worship activities. We believe that this will go a long way in helping us to achieve our mission goals on a stable financial base.”
29. Another document described as “Business Options Appraisal” contains more detail about the café. The current café in the south aisle has 80 covers which are frequently full in high season, but in the autumn, winter and spring it is cold and its location means it is unknown to passing footfall. Part of the work in the south vestries is the upgrading of the kitchen which serves that café. It is intended that a servery in the Trinity Room would be open from 10 a.m. to 5 p.m. every day except Sunday when it would be from 1 p.m. to 5 p.m. and would be serviced from that upgraded kitchen. That would not be the only use of the Trinity Room. When not in use as a servery it would be used for community groups, playgroups and children’s work, education activities, evening meetings and clubs and for external hires and lets. It would also provide space for a Sunday School. All of these are current needs which are not able to be met on site.
30. The church does currently rent a property on the far side of Trinity Square, which it is able to use for some meetings but it has the disadvantage of being located across the square; further the lease arrangements are described as precarious.
31. Additionally, the extension to the east of the south porch will provide much-needed lavatory facilities, and also a further meeting room.
32. One of the aspects of the glazed construction of the Trinity Room is that it will make visible to those outside what is happening within the Minster. Currently the activity within the church is largely shielded behind solid masonry walls.

33. In the course of the consultations about these proposals, no one has doubted that these needs are real, or that the provision of the facilities and the spaces that are intended, would meet those needs.
34. I am satisfied that the needs described in the two documents to which I have referred, and also in the Statement of Needs filed with the petition, are real and genuine and are unlikely to be met other than by an extension in some form or other along the south side of the church.

The Proposals

35. The Architects, Bauman Lyons, have produced a document entitled "Hull Minster Phase 3 Design Statement". It not only describes very helpfully the overall design as envisaged in May 2019, but it was subsequently updated in July and September 2019 to outline the various alterations to the design as they made them in response to the consultations.
36. In it they describe the needs that they were meeting in this way:

The proposals in 2015/6 to build an extension to the south side of the nave have been revisited with fresh eyes and new needs. The need to develop overall church-wide visitor experience by developing both our existing spaces and creating new, for example conserving the current choir vestry and developing it internally to provide flexibility to ensure it is a well-equipped learning resource. The creation of much needed additional storage for equipment (staging and tables, education resources and exhibition materials, etc.) and a new plant room for updated mechanical and electrical services and controls to support the extension and existing accommodation.

37. They describe the overall design concept in this way:

The proposed Trinity Rooms extension at Hull Minster has been designed as a striking contemporary building which provides a focal point on the newly refurbished Trinity Square, but which pays due deference in terms of scale and position to the existing entrance to the church and the historic fabric, with the new work being built from complimentary and high quality materials. The extension will comprise an area with seating, visitor interpretation and display for arts and heritage, with flexible spaces for meetings, talks, and community activities, and a small café providing drinks and simple food. A wide corridor with heritage displays, cupboards and access to the crypt will be formed along the existing external south wall of the nave. On the east side of the existing Vicar's porch, toilet facilities join the extension directly to the existing choir vestry which will be developed to become a flexible meeting room and learning room. Importantly the extension opens up to the public realm and is transparent, revealing the activity taking place inside the Minster to the wider town. Currently the activity within the church is largely shielded behind solid masonry walls.

The new extension has been designed to touch the existing fabric as lightly as possible, and this is expressed by the provision of a top lit, pitched roofed corridor running along the south wall under the cill level of the existing south aisle south windows. The new structures created between this corridor and the south boundary will be of similar massing and height to the existing choir vestry adjacent to the west wide of the south transept. This creates a balanced symmetry either side of the existing Vicar's vestry and by stepping back the extension either

side of the porch, retains the prominence of its gable elevation onto the street on South Church Side.

38. They further describe the proposed new structures in this way:

Two new pitched roofed stone volumes which respect the height of the stonework up to the window cill level on the south elevation of the church will house the Trinity Room, plant room and toilets, whilst the circulation space between these blocks and the church and the Western end addressing the square will be of glass, clearly separating the volumes from the church, affording views of the south elevation of the church internally and allowing activity in the extension to interact with Trinity Square via glass doors to the western elevation. The stone will be a magnesian limestone to match the church with tall bed heights to match the south wall (approximately 350mm).

The roofs to the new extension will be a shallow pitch terne coated stainless steel standing seam roof with part glazing. This echoes the form of the roofs over the porches and the Choir vestry and acknowledges that these volumes will be overlooked from the buildings opposite. The glazing occupies the northern 25% of the roof lying along and lighting the corridor that runs along the south of the church wall.

The areas between the buttresses will be lower shallow pitch roofs covered in single ply membrane (lead grey) that fall to gutter that runs between the end of the buttresses and the vertical glazing of the new extension. Rooflights in these flat roof areas provide views up to the south wall of the church. Flat roofed sections alongside the Vicars' porch will return this gutter to roof outlets and overflow weirs located and accessed behind gates to either side of the Vicar's porch. This prevents the gutter being an internal valley gutter and the risk of water ingress.

39. The most controversial aspect of the scheme has been the tracery screen or 'grillage' that surrounds the 'glass box'. They describe that as follows:

A patinated brass screen echoing the proportions of the window tracery will stand in front of the west and south wall. It will provide some contextual texture to the facade, conceal the structure required behind the glass, soften the skyline, provide solar shading and security and animate the internal and external spaces through the play of light through the screen. The tracery will stand in front of the western glass elevation with a roof to create a portico. Perforated hinged screens (referred to as grillage in dialogue with the DAC) will provide security and shading to the lower doors and windows. The diamond pattern of these screens is derived from the leaded lights of the church windows including a margin to the pattern to reflect that often found in leaded windows. The screens can be opened independently of the glass doors so that the whole west facade can be closed, the screens open and the glazing closed, the glazing open and the screens closed or both open to allow the internal space to flow out to Trinity Square. This allows the facade to change in relation to activity, the seasons and the time of day. It continues past the line of the roof to retain its proportion, to conceal the roof and to soften the roofline in the same way as the stone pediment around the church.

The tracery's rhythm respects the rhythm of the vertical sections of the tracery to the main church windows. The height of the tracery respects stone detailing on the Vicar's porch, a key stepping point in the buttresses and the fenestration and stone coursing to the retained Choir vestry.

Stone piers which correspond to the stone buttresses on the church are expressed on the south elevation and south west corner of the extension.

The design of the tracery and screens has been the subject of much discussion with the DAC and the Fabric Committee and we feel that we now have a proposal which is contextual and sympathetic to the rhythm, portion and pattern of the windows of the church.

Examining the proposals

40. So it was that in May 2019 this proposal for a south western extension came back before the DAC. The discussions picked up where they had left off more than four years previously. There was no questioning that the parish had established a need that would be met by the proposals. But as before, concerns were expressed about drainage, the cleaning of the glass and some aspects of the metal 'grillage', all of which matters which had last been of concern to the DAC in February 2015.
41. On 24th June 2019 a site meeting was held to which all interested parties including the amenity societies and other interested stakeholders were invited. A number of issues emerged but in particular the primary use to which the Trinity Room area would be put – there seemed to be some confusion between its roles as a café and as a visitor centre. There was also some concern expressed that the historic south porch was being enclosed by two modern extensions.
42. On the 23rd September 2019 the present petition was presented.
43. The October 2019 DAC meeting had that petition before it. Members of the DAC were frustrated as they considered that they had not received sufficient detailed drawings to enable them properly to assess many of the details of the scheme and they judged that they could not approve in principle matters about which they regarded any judgement being dependent on the detail. Members agreed that the need for an extension had been demonstrated and in principle they could support one, but they could not agree to the design proposed without being clear as to how the extension would be attached to the existing church building. There were a number of unresolved "junctions" between the existing building and the new build and this was worrying. Also questions remained to be answered regarding the adequacy of the rainwater goods, cleaning and maintenance liabilities, metal reactions and longevity of the materials. There were questions too about the design of the metal grillage. Members still had concerns regarding the high-level tracery, the robustness of the grillage and whether the material to be used would fade or flake, or be easily scratched or damaged by ladders when cleaning, leaving the parish with an ongoing maintenance burden. Did the tracery elements need to be so high? Could they be less complicated and lower to eliminate the DAC's concerns? They felt that a clear message needed to be sent to the parish that the design as submitted was simply not good enough and therefore the DAC could not even give it 'in principle' support.
44. The initial responses from the amenity societies were also being received. In July 2019 the Church Buildings Council (CBC), who had attended the 24th June meeting, wrote in support of the principle of the extension and the proposed new openings in the south porch, but they also raised some questions about the design of the

structure and also expressed some concern about displaying items in the new space rather than in the church. The Society for the Protection of Ancient Buildings (SPAB), who had also attended the June meeting, wrote a letter in September 2000. They expressed their concerns about the priority which should be given to the fabric repairs in the south vestries, east end and transepts (see paragraph 12 above) and also their concerns about the design which they regarded as disagreeably 'showy'. I will deal in more detail with their comments both then and more recently in due course. SPAB has effectively taken the lead on behalf of the amenity societies. In 2015 both the Victorian Society and the Ancient Monuments Society (AMS) said that they would defer to SPAB in relation to the south-western extension. Each of them was contacted when the matter was revived and neither responded which did not surprise me given their 2015 position. However, I caused them to be contacted to see if there was anything more they wanted to say before I determined this matter. By email on 11th December 2020 James Hughes of the Victorian Society said: "I confirm that the Society remains content to defer to the SPAB on the impact of the proposed extension." AMS however has not responded, which I will take as being a continuation of their position that SPAB should address the amenity issues.

45. There were further meetings of the DAC in February, July and September 2020. Some changes had taken place in relation to the design in response to some of the comments made during the consultation processes. For the most part, these were seen as positive. The change of material for the external tracery from powdered aluminium to pre-patinated brass was regarded as positive as the structure would be stronger. More drawings had also been made available, although in July members of the DAC still felt they lacked sufficient detail, particularly about the adequacy of the rainwater goods and the finesse and robustness of the grillage. By September written responses from the architect had been received in relation to many of the questions that the DAC had been asking. These satisfied the members about a number of their concerns, but they remained unconvinced that the design was good enough. In September the DAC proposed that the architect should be asked to create a mock-up, using material other than metal, that would be quick and cheap to construct, which members of the sub-committee that had been meeting to review this project regularly since early 2019, could discuss on site with the architect. That was done and the DAC sub-committee met the architect on site on 21st October 2020 and examined and discussed a full-size wooden mock-up of a section of the grillage and also a smaller section made of the proposed brass material. The sub-committee reported to the DAC Meeting on 3rd November 2020.
46. At the 3rd November DAC Meeting the committee reviewed the proposals (numbered 1 to 8) in the petition (see paragraph 3 above). Items 2-7 they regarded as uncontroversial. They then turned to Item 1 – "to construct a glass and stone extension with metal tracery and grillage at the south west corner ('the Trinity Room')".
47. They had for a long time been concerned regarding the roof gutters and rainwater disposal arrangements, and also regarding the design, fabrication and robustness of the metal grillage and ongoing maintenance.

- I. In response to the former, the rainwater downpipes from the South Aisle roof would now discharge onto the extension roof rather than passing through it. The project architects were confident that the gutter would cope and an overflow parapet would be installed to ensure that water would not back up in the gutter during a storm event.
- II. In response to the latter concern, the tracery and grillage would now be fabricated from pre-patinated brass. A margin around the grillage panels had now been introduced (at the committee's suggestion) which reflected that often found in leaded windows; this made the panels look and feel bespoke and fitted rather than look as though a pattern had simply been applied to the tracery. The grillage also extended higher into the tracery pattern now, strengthening the perpendicular proportion. The windows to the south elevation were now to be openable and the grillage fixed to reduce ongoing maintenance implications.
- III. Having seen the mock-up members of the sub-committee had raised further issues –
 - i. Firstly, the position of the grillage in relation to the tracery screen. As to the position of the grillage in relation to the tracery screen: ...the project architect was understood to have been keen to push the 'leaded' infill as much to the front of the framing as possible but the architects ... had now agreed that the back position was preferable. Having checked with the fabricators they confirmed that this detail was achievable. The architects had revised the Tracery Bay Details Drawing 0540 to Revision P04 to reflect this change
 - ii. Secondly, sub-committee members had found the heavy horizontal at the top of the opening sections (which lined up with the Aisle window's cill) to distract from the verticality of the lower tier 'lights' the architects now proposed to use a 25x 50mm angle that the top frame of the hinged door would sit into. This would be set back from the front face and would only be around 25-33mm thick rather than 60mm on the existing mock-up. That change had also been included on drawing 0540-P04.
 - iii. Thirdly, sub-committee members had expressed reservations about the solid blanking panel attached to the back of the mid-level. ... The architects did not share the sub-committee's view and maintained their belief that the lantern concept being expressed was achieved by providing illumination up to roof-line level ... After considering comments received previously from the DAC about the tracery and grillage being clunky and losing its refinement, the architects wanted to retain this element of their design as they believed that to allow the roof to be visible at this junction would complicate the vertical

visual and detract from the overall aesthetic and rhythm of the tracery.

- iv. Fourthly, having made the mock-up the architects thought that they could make the lower tier out of 50mm section at the face and their fabricator had confirmed that this was possible. Sub-committee members encouraged them to do just that and the architects have amended drawing 0540 P04 to reflect that change.
- v. Lastly, the sub-committee had suggested that the architects reconsider stepping back the tiers as they rose; the drawings and mock-up all seemed to indicate an intention for the sections to step back from the front face, retaining a flat vertical at the rear. Members were not convinced that this stepping-back worked but the Design Team having reviewed this aspect in the light of members' comments decided that it was the intended effect and they would like to maintain it.

IV. Concluding their discussions the DAC wanted me to be made aware of the wide-ranging and detailed discussions that had taken place over several years and the fact that they still had some concerns particularly in relation to drainage provisions as in their view the gullies were far too small and would not be able to cope with the volume of water likely to come down from the roof areas. They wondered whether to impose a proviso to any recommendation that that the project architect should confirm in writing that the gullies were adequate for the needs of the building.

V. Finally, they concluded unanimously that they should recommend the proposals in the petition.

48. What is apparent from this review of the DAC's involvement in this project is that from their very first awareness of it they had no concerns about the scale, shape and fit of the design against the south side of the church, but from the start they have had concerns about the detail. The first concern was that they did not have the detail, but then when they did they had concerns which they addressed to the architects. It is also apparent that little by little and with the changes that resulted from their exchanges, with one exception namely drainage, they are now satisfied that the design will work.

49. I will return to the drainage in due course.

The consultation process

50. I must now against that background consider the submissions made by those who have been consulted about these proposals. These submissions run in parallel with the consideration that the DAC was giving to the developing proposals.
51. **The CBC** gave its initial response to the first proposal back in March 2015 following a site visit on 27th November 2014. That covered many issues including the proposal to extend to the south west, regarding which they said: ... “Construction of extensions to the south to house a kitchen/cafe, new toilet block and access corridor: although this is a sizeable intervention, the Council recognised that it has the merit of being entirely located along the south elevation, which has to some extent already been compromised by C19 and C20 vestries and boiler house. The northern elevation and the highly significant exterior of the north transept would remain intact. The Council thought that this aspect of the proposals had much to commend it in principle. The churchyard, and Trinity Square beyond, is a shabby and poorly maintained space which would benefit considerably from planned re- landscaping, and the kitchen/café extension would play a role in this regeneration while at the same time providing a direct link to the church within. The volume of the church is such that, with careful design, even an intervention on this scale might remain visually subordinate to the historic building. However, while understanding the argument that the kitchen extension should be proportional to the main building, the Council thought that this had resulted in a design that was overly tall and unnecessarily intrusive: both the roof height and the rather fussy detailing of the kitchen elevations would benefit from further thought. New openings in the medieval fabric would be necessary under the current plans and while that connecting the kitchen extension to the internal café via the wall of the south aisle (which has been re-faced externally) might be acceptable, the Council did not feel able to support a new opening in the medieval porch.”
52. Then in July 2019 following the 24th June site meeting they reported that they were pleased to see that the former proposal to pierce the south wall of the Minster to provide access to the new development was no longer part of scheme. They supported the principle of the extension and the proposed new openings providing an archaeological investigation into the fabric of the west porch wall was carried out to inform the methodology for creating the new openings. Regarding the design of the extension, the CBC encouraged the parish to consider setting the west (front) wall back behind the buttress, allowing the extension to be fully subservient to the main building. They noted that the proposed design of the powder coated aluminium screen to the extension included intricate and utilitarian geometric detailing, at odds with the solid stone construction and flowing curves of the Minster; they encouraged the parish to reconsider this decorative approach and made some suggestions such as incorporating into the screens images or texts or artwork rather than geometric designs. They felt that the design and detailing of the extension needed to relate more to the host building, to complement and not compete with it.

53. Most recently (30th December 2020) they observed with respect to the location of the extension, that they had previously expressed concern about its relationship to the buttress at the south east end of the church, although not with the principle of the development. However, on reflection, the Council said it was now content with the proposed relationship. With respect to the openings from the porch to the east and west extensions, the Council reiterated that it was in support of the principle. The Council noted that the proposed design of the aluminium screen to the extension had been altered and although it would still include intricate geometric detailing, the amended design now takes its cues from the diamond shapes of the Minster's leaded windows.
54. The CBC did continue to express its concern that the collections should be displayed within the church rather than this extension, taking them away from steam and condensation associated with hot drinks and food preparation.
55. In summary the CBC has no concern about the concept and location of the extensions provided, as has now been proposed, that their precise location in relation to the existing building ensures the subservience of the extensions to the main building. They did initially question the geometric pattern, but are not pressing any point about that now and in any event the nature of that geometry has now been changed to pick up on the diamond pattern in the leaded windows. And I note in passing that the CBC has not involved itself in any of the discussions about some of the practical details that concerned the DAC and SPAB.
56. **Historic England** (HE) first expressed its views in 2014 following the site visit that year. They supported the location for new WCs and the overall remodelling of this area to include a glazed link which introduced unbroken sightlines from the new café area to the west entrance of the Broadley Chapel. They thought that this would have a positive impact on the significance of the building by opening up a new key view. As for the new café – the proposed active frontage to the new south facing café area was welcomed. However, they suggested that a design which adopted clear architectural language that was resolutely and confidently contemporary should be explored. They had no objection to the new opening in the south aisle external wall because the loss of fabric would be outweighed by the public benefits of easy and convenient access between the church interior and the new café
57. Then following attendance at the June 2019 meeting they next commented in April 2020, noting that the comments made at the June day had been taken on board. They said that "Hull Minster is a Grade I listed building of outstanding special architectural and historic interest in a national context. A multi-phase, largely medieval structure, it also exhibits significant Victorian phases of restoration in 1841-45 by HF Lockwood and 1859-72 by George Gilbert Scott. The church lies at the heart of the Old Town Conservation Area and acts as a landmark building of major local importance. HE has been involved in advising on the development of these proposals for six years. We continue to welcome the positive approach taken by the Development Group to reorder and update the facilities at this iconic building to provide welcoming and flexible space capable of accommodating many different

functions Our view remains that we consider the overall form and scale of the proposed extension is respectful to the church. The design is striking and contemporary.

58. They noted the positive changes that had been made to the scheme. They recorded that further investigations into the critical issue of gutter capacity and the rainwater disposal system had led to positive detailing changes.
59. They welcomed the omission of the proposed new opening directly into south side of Minster nave in favour of access created through west and east sides of the Vicar's Porch. They noted that the building archaeologist had assessed the fabric in these areas and determined that the fabric here had been previously disturbed and refaced.
60. Further positive changes included revisiting the material for the grillage and the proposal to use pre-patinated brass. They welcomed the intention to produce a full mock-up of these key elements to test durability and stability. The pattern for the grillage creatively and thoughtfully responded to the aesthetic qualities of the church in the sense of both strengthening the design integrity of the elevations, as well as continuing to reflect the rhythm of the vertical sections of the tracery to the main church windows.
61. They welcomed the setting back of the proposed gates on the south elevation either side of Vicar's Porch to maintain the definition of the buttresses, as well as the general rhythm and balance of this elevation in relation to the south elevation of Minster.
62. In conclusion they confirmed that HE had no objection to the proposal on heritage grounds and continued to urge that matters of detail relating to the new extension should be agreed to the satisfaction of the DAC.
63. As already indicated **The Society for the Protection of Ancient Buildings (SPAB)** has effectively been nominated as the lead commentator for the amenity societies. As always I value their views and take careful note of all their comments.
64. I have been interested to see how their views have developed alongside the developing concept and the provision of the detailed designs. It is clear that their major concern throughout has been, and not unreasonably, that they would have wished to have been consulted before the design concept was created, or much closer to it being created and feel that all their comments since then have been against what they regard as an overriding commitment by the parish, the development, group and the architect to an idea which they would have preferred not to have been on the table.
65. Throughout they have been concerned with the overall appearance and impact on the views of the church from the south and west. They have also addressed specific issues, some of which are shared by others including DAC members. These have

been principally to do with the metal grillage, the roof structure and issues about where it joins the fabric of the church, also drainage capacity and issues around maintenance, cleaning and security. A number of matters have been resolved to their satisfaction – bin storage, and the improved quality of the metal to be used. They are also pleased with the movement of the gates/grillage from being set flush with the front face of the buttresses of the porch to being set further back. But a number of their concerns remain.

66. I will deal first the with overall concept and appearance. The initial concern about the puncturing of the south wall is of course no longer relevant. Some concerns remain about the new doorway in the west side of the porch. They acknowledge a number of the advantages of the concept of an extension on the south side. They say they acknowledge the benefits the scheme would provide in i. providing a secondary route along the south side to ancillary spaces, and ii. to allow movement east-west through the church and to and from the new visitor area without disturbing/allowing other functions to be undertaken in the nave.
67. However they were and are concerned about its visual impact. They note that “Experiencing the Minster from the south-west corner offers the most beautiful views of the building which reveal the majesty of its architectural composition and elements. The view of the Minster from this point also highlights the strong vertical character and rhythm of the exterior, and the significance of the south porch in the overall architectural composition.” In relation to the original proposals they said: “One of the regrettable effects of extending in the locations as proposed is that the importance of the south porch, and its clear articulation within the historic architectural composition, is greatly lessened as it effectively becomes submerged in the midst of the new additions. The resultant arrangement (of extensions either side of the porch) would also significantly erode the sense of entrance that the south porch provides (when in use). The alignment of the café extension with the existing historic corner buttress also results in a degree of loss of architectural grounding offered by the original design.”
68. By September 2019 there had been some amendments to the original design which SPAB acknowledged as improvements, in particular referring to some stone piers which had been added. However they were still concerned that the design retained a “disagreeably showy appearance” which they felt was “inappropriate in the context of the ‘architectural hierarchy’”. They thought that the proposed West elevation of the extension with the tracery screens open or removed remained the most successful aspect of the proposal with the vertical division between the glazing bays responding to the vertical character, light and shadow, and rhythm of the south elevation (while not slavishly copying the original church design). It was their view that it also offered an intriguing and inviting elevation whereas the proposed designs with the grilles/tracery appear somewhat cage/fortress-like and unapproachable.
69. In their final submission (7th May 2020) they said that the Society welcomed the number of the improvements made and the clarifications provided but they noted that the proposed scheme is largely the latest iteration of that which has gone

before and that they both remain unconvinced of the design and maintain a number of their concerns in respect of certain technical and practical matters. But given the Minster's position they had no further comment to make on the principal and general design and concentrated their final response on some technical and practical matters about which they offered both observations and advice.

70. I will come to those practical matters in due course but will deal now with the overall design concept. I begin by noting that at no point have SPAB objected to the overall design concept. They have always been 'unpersuaded' or 'unconvinced' by it and have not been satisfied that it fits as well as some other less "showy" concept would have done.
71. Over and against that I observe that HE's view is that "the pattern for the grillage creatively and thoughtfully responds to the aesthetic qualities of the church in the sense of both strengthening the design integrity of the elevations, as well as continuing to reflect the rhythm of the vertical sections of the tracery to the main church windows".
72. I am aware that in 2016 SPAB made written submissions in relation to Phase 2 – the proposed internal reordering. On that occasion they specifically stated "We do maintain our serious concerns about the proposals and the substantial harm they would cause to the special interest of this grade I listed building We consider that the proposed scheme would cause substantial harm to the building. Not only would the proposals cause considerable visual harm and physical loss but a major and significant portion of the nineteenth century would be effectively wiped clear from the building's history as part of this reordering."
73. Their submissions in relation to Phase 3 use the word 'harm' on one occasion. That is in the letter of 9th September 2019 where they speak about having "previously expressed concern at both the poor state of certain areas of the building/fabric and the potential impact/harm of certain aspects of the previous iterations of the proposed scheme". That is very much in the context of their concerns about the state of the fabric and damp issues in southern vestries and east end (see paragraph 12 above). In my judgement it is significant they do not go so far as to say that the impact of this design on the beautiful views to which they refer would amount to heritage harm of any significance. Their language in that same passage about the view highlighting the strong vertical character and rhythm of the exterior, is exactly what HE says that this creative and thoughtful design reflects. I am satisfied that this is one of those areas where people may have different views, but their differences reflect nothing other than their different subjective experiences in a given situation. The bottom line is that I accept that SPAB would have liked something different than what is proposed. I also respect their approach in that that, unlike in their submissions about the internal re-ordering, they do not seek to prevent the development by suggesting that the introduction of this extension would cause harm

to the character of the building in respect of its special historic, architectural, archaeological or artistic interest or its setting, which clearly it would not.

74. Sometimes it is the word loss rather than harm that is used in assessing impact on heritage. Again, I note that it is not suggested that there is any heritage loss of significance caused by this proposal. I will return to this in my final conclusions.
75. I have set out the history of the DAC's consideration of the developing design over many months because it demonstrates how a number of the matters raised in relation to materials and practicalities of use and maintenance were grappled with and addressed by the project team. A number of these matters were also mentioned by others who were consulted and I have referred to a number of these as I reviewed what they said in the consultation process. I am satisfied that by the end of the meeting on 3rd November almost all of them had been addressed. Also, through the examination of the mock-up and discussions with the architect as they had stood around it in October 2020 quite a number of further improvements in the design were achieved.
76. SPAB were concerned as several detailed drawings had not been provided by the date of their September 2019 letter. Those have now been supplied and the architects on the DAC have examined them and have raised no issues about them. The same goes for their concerns about floor levels on the east side of the south porch. As already noted a more robust material is now proposed for the grillage and the proposals have now been seen "at a larger scale" with the provision of the full size mock-up.
77. The other outstanding matter for SPAB and others was that of the drainage. It appeared from the minutes of the various meetings that the consulting architects on the DAC had expressed their views that the drainage was inadequate and that the project architect had responded by saying that it was adequate. At one point the architect did increase the size of the rainwater chutes and the down pipes. Within the paperwork submitted in support of the petition were some calculations by Alan Wood & Partners dated 11th March 2020 in relation to 'storm sewer design', but they seemed to me to relate to the size of the manholes and sewers rather than the rainwater goods. But if that sort of calculation was possible for sewers I wanted to know whether similar work had been done or could be done in relation to the rainwater goods and downpipes. I was aware of Hull's sensitivity to flooding given the events of 25th June 2007. I was also aware that there is general concern that climate change is leading to an increase in sudden downpours and resultant flooding for which previous provision might not be sufficient. I therefore caused the Diocesan Church Buildings Officer, Keith Halliday to contact Alan Wood, Consulting Civil and

Structural Engineers, who had been involved with the drainage issues, about my concerns.

78. I received a speedy response for which I am grateful. Given the degree to which this issue has concerned members of the DAC I set out the response in full.

Following the Chancellor's query, our Civil Engineering Director, James Gibson MEng (Hons), CEng, C.WEM, MCIWEM has double checked the above ground rainwater drainage and so please see below substantiation for the rainwater goods design rationale:

Basis of Design - Area and Rainfall Intensity

The existing roofs equate to approximately 500m² (allowing for the slope) and due to wind-blown rain you need to allow for 50% additional area due to the wall between the two existing (upper and lower) roofs (allow 100m²) and the new roof (allow 200m²) therefore a total of circa 800m².

NB2.1 of BS EN 12056 (Gravity Drainage Systems Inside Buildings Part 3 Roof Drainage, layout and calculation) states that for Category 3 buildings (those in which the degree of protection should be enhanced, over and above a Category 1 and Category 2 building), the rainfall return period used to size the above ground drainage should be '4.5 x the building's lifetime', so taking the lifetime as 100 years (in line with the below ground drainage design principles based on planning policy) then the return period should be 450 years. Figure NB.4 of BS EN 12056 stipulates the rainfall intensity for the 1 in 500 year return period as 0.072l/s.m² for Hull.

Based on the above, the peak flow rate can be calculated using the area multiplied by the intensity (800 x 0.072) which comes to around 60l/s.

However, this flow rate will be dealt with via two main RWPs (either side of the vicar's porch), taking roughly half of the peak flow each, or circa 30l/s.

RWP Assessment

Table 8 from BS EN 12056 shows that a 200mm downpipe has sufficient capacity to deal with the discharge rate of 68l/s using the standard 'filling degree' (the proportion of cross-section filled with water). It follows therefore that the RWP downpipes will have sufficient capacity to deal with the rainfall from the new and existing roofs.

Gutter Assessment

The existing (upper and lower) roofs discharge via existing RWPs, therefore the discharge from each RWP based on an area of around 150m² (50% of 50% of the roof and 'wall') should be around 10l/s.

Based on Manning's equation, a 450mm wide, 150mm deep rectangular 'gutter' will have a flow depth of around 25mm at 10l/s. For a total flow rate of 30l/s the flow depth is around 70mm. Therefore there should be a 'freeboard' of between 125mm and 80mm.

Outlet Hopper Assessment

Based on the below extract with a 200mm rainwater outlet pipe the depth of water in the hopper at 30l/s is predicted to be 130mm, which is less than the depth of the gutter. The hopper has an integral weir should this be overwhelmed through freak conditions or blockages. This will act as a visual warning and prevent backing up of the system and ensuring water is dispelled externally.

Conclusion

Based on the above and our review, the gutters, outlets and down pipes appear to be suitably sized. Additional safety inclusions such as a weir and road gully at the base of the outlet will provide additional risk mitigation.

79. The conclusion to which I therefore come is that this matter was given full and careful consideration by the architects and those advising them. Further I am satisfied that the provision made for drainage is entirely adequate for any rainfall that might be anticipated.

Conclusions

80. I have already noted that there is no significant harm or loss to the character of this Grade I listed building in respect of its special historic, architectural, archaeological or artistic interest or its setting. However there is still a strong presumption against change on account of its listed status. In the absence of significant harm or loss that presumption is rebutted if the need for the change is established. The need that the petitioners have for the provision of ancillary rooms and other facilities such as lavatories is accepted by all who have been consulted. It is also widely accepted that there is no appropriate space within the building to make that provision. Further that the most appropriate spaces for it are within the current south east vestries and if as is accepted more space is required then that can be found at the west end on that south side. Clearly any such additional external structure must not only cause no harm to what is already in place but must also respect and complement what is there.

81. The building is not only Grade I listed but is almost certainly the most significant building in the Old Town of Kingston upon Hull and so widespread consultations are required in relation to any proposals that might affect that significance. I have provided a full account of the course of those consultations. As I have described the consultations have produced significant alterations to the initial design so as to ensure that that necessary respect has been given appropriate effect.

82. The overall shape of the design is said to “reflect well the strong vertical character and rhythm of the exterior of the building”. The use of grillage has been considered appropriate by some but not by others. But given my judgement that grillage is acceptable the pattern for that grillage “creatively and thoughtfully responds to the aesthetic qualities of the church in the sense of both strengthening the design integrity of the elevations, as well as continuing to reflect the rhythm of the vertical sections of the tracery to the main church windows”. Further “the proposed design of the screen now takes its cues from the diamond shapes of the Minster’s leaded windows”. In all these circumstances I am satisfied that the use of pre-patinated brass and the design of the grillage is acceptable. Finally as to the details that have been much debated particularly between the DAC, the petitioners and their advisors, I am satisfied that the design in relation to those details is also acceptable.

83. There are some matters that have been raised in the course of the consultations that are not yet resolved to my satisfaction and which I propose to deal with by way of conditions. The first is one raised by SPAB about the lintel over the new opening to be created in the west side of the south porch. In their letter of 7th May they note that “The lintel to the new opening in the west wall of the Vicar’s Porch is proposed

to be formed with a steel beam and the thin stone outer face. The Committee thought this a fiddly and unsatisfactory detail. We advise that the proposed detail should be avoided and that the new lintel be stone throughout the whole depth of the wall. A stone lintel would also help future proof this intervention when the extension comes to the end of its life.” I am not aware that that proposal has yet been adopted by the petitioners. It will be a condition of the faculty that it is. Although I will allow liberty to apply to me if the petitioners wish to argue otherwise.

84. SPAB also advised that the laying of the stone ledgers should be undertaken or supervised by a stone conservator. I understand that the current proposal is to use a stonemason. However, I accept the wisdom of ensuring that whoever does the work either themselves has appropriate conservation qualifications/experience, or is supervised by such a person. That also will be a condition.
85. The third issue is one that has concerned the CBC throughout which is the appropriateness of exhibiting the Minster’s collections in the Trinity Room. I am not aware that the particular concerns have been addressed. I therefore propose to make it a condition that the petitioners shall discuss the concerns raised by the CBC with Dr Louise Hampson before coming to a final decision about what if any of the collections should be displayed within the Trinity Room or adjacent to it, and if following that discussion some items are to be so displayed whether any particular precautions need to be taken. The petitioners shall inform the Registrar and the DAC Secretary of the outcome of those discussions and a note should be added to the file.
86. So, being satisfied that the Petitioners have made out a case for these proposals, I direct that a Faculty shall pass the seal until further order.
87. I will allow 36 months for completion of the proposals.
88. There will be the following conditions attached to the faculty:
 - I. The lintel to the new opening in the west wall of the south porch shall be of stone throughout rather than a steel beam with a thin stone outer face.
 - II. The laying of the stone ledgers is to be either undertaken or supervised by a stone conservator.
 - III. The petitioners shall discuss the concerns raised by the CBC in relation to displaying items from the Minster’s Collections in the Trinity Room with Dr Louise Hampson before coming to a final decision about what if any of the Collections will be displayed within the Trinity Room or adjacent to it, and

whether any particular precautions need to be taken in relation to any items which are so displayed.

89. There will be liberty to the petitioners to apply to the Court to vary any of these conditions in the event that they wish to proceed otherwise than in accordance with any of them.

HH Canon Peter Collier QC
Diocesan Chancellor

8th January 2021