

IN THE CONSISTORY COURT AT LINCOLN

In the matter of the St Chad, Dunholme

Judgment

1. By a Petition dated 9/10/19 the Petitioners seek a faculty to reorder internally St Chad's as well as undertake external works. In my determination dated 21/1/21 I granted an interim faculty for the external works subject to some conditions. In respect of the internal works I asked that the current version of the proposals should be scheduled and re-served on the DAC, the CBC, HE and the amenity societies who had commented on the proposals. This was to aid clarity so I could understand better the concerns that had been raised about the state of the proposals as they now stood. I also raised some specific questions about aspects of the internal proposals.
2. No consultee has chosen to become a party objector, but there remain significant objections to aspects of the internal reordering proposals.
3. I am grateful to Mr Rosier, Churchwarden and Vice Chair of the PCC, for his extremely helpful schedule setting out the proposals and the objections/ comments of those consulted. He has re-served on the consultees and the DAC and CBC all the final proposals and incorporated their up to date comments into the schedule. I have read all the submissions, both the latest and earlier, from all those consulted.

4. The papers were resubmitted to me for this Judgment on 15 April 2021. I must apologise to the Petitioners and those with an interest in the outcome for the time it has taken for me to determine this Petition since then.
5. The DAC are in support of the proposals in their advice to me.
6. St Chad's is Grade 1 listed within a conservation area. It is mainly medieval in construction and comprises a tower, nave and chancel with narrow north and south aisles and a south porch (added in 1914- an earlier one had disappeared before 1850). The tower, pillars and arches of the nave are 13th century and part of the external walls are believed to have been constructed then. In the 19th century the floor of the church was raised and pews were installed. There was a Victorian restoration in 1856 when the organ and a clergy vestry were added and the chancel was restored. From the Statement of Significance (revised February-November 2018) and the Heritage Assessment I can assess the significance of this Church. The CBC in their letter dated 16/12/19 confirms that all the fittings are 19th and 20th century save for the 15th century font and some figurative carvings defaced during the Reformation. However, I also note that this church was a gathering place for those involved with the Lincolnshire Rising of 1536.
7. The interior works proposed are listed (i) - (x) in the 21/1/21 determination and Mr Rosier has helpfully adopted that structure in the schedule and in the re-service of the proposals upon the consultees.
8. In considering whether to grant a Faculty for these works I apply the principles of In re St Alkmund, Duffield 1/10/12. These principles are

- (i) Would the proposals if implemented result in harm to the significance of the church as a building of special architectural or historic interest?
- (ii) If the answer to (i) is 'no', then the ordinary presumption in favour of things as they stand applies which can be rebutted 'more or less readily' depending upon the nature of the proposals
- (iii) If the answer to (i) is 'yes', then I must assess how serious the harm would be
- (iv) How clear and convincing is the justification for carrying out the proposals
- (v) Bearing in mind the strong presumption against proposals which will adversely affect the special character of a listed building, will the resulting public benefit (including liturgical freedom, pastoral well-being, opportunities for mission, and putting the church to viable uses consistent with its primary purpose) outweigh the harm? The more serious the harm done, the greater will be the level of benefit required to permit the proposal. Serious harm should only exceptionally be allowed in a Grade 1 or 2* building.

A: Tower works: remove toilet, replace with servery and construct mezzanine with staircase and screen facing the nave

- 9. The proposal is for the repositioned font to be placed in front of a wooden screen with a baptismal motif (not the Cross as shown in the photographs) with a stair orientated to the south which is ambulant (but not fully ambulant) with a platform where it changes direction.

This will require the removal of the existing screen at the base of the tower which is being moved to the north aisle. The stairs will go up to a mezzanine where there will be a servery. On the ground floor of the tower will be another room.

10. CBC do not object to the mezzanine in the tower given the need for extra space, but they are concerned about the extent to which the proposed staircase takes up in the nave. They also advise that it should be orientated to the north to avoid congestion around the lavatory. They are also concerned that the staircase is not fully ambulant with a handrail on one side only. They suggest a stair within the tower to keep more space in the nave. They are also concerned that provision should be made at ground floor for those who cannot ascend the stair to the servery.
11. SPAB are concerned that the mezzanine will cause too much harm to the significance of the building because of the 'curved' screen and the projecting mezzanine. They suggest that the ground floor of the tower should be used rather than a mezzanine because of the problems with disabled access to the upper level.
12. VS were very critical of the mezzanine/stairs/screen proposal in their original comments dated 23/4/18 and they reiterate these criticisms on 10/3/21 in their response to Mr Rosier. Although they are not opposed in principle to 'sympathetic, informed reordering' they do not consider that the Petitioners have approached this proposal with an adequate assessment of the significance of the Church as it currently is, and therefore have not weighed adequately the harm these proposals would do to the significance of the church. They consider that the stair and mezzanine jutting out into the nave would be too intrusive. In their letter 23/4/18 they did not object to

the adaptation of the tower screen in principle, but they considered that the screen proposal as then put forward was crude.

13. In my assessment of this part of the Petition I note that what is proposed for the tower area is fully reversible. The stone structure of the ancient fabric will not be changed. The mezzanine floor will be supported by a lightweight timber frame standing on the tower floor and not fixed into the ancient fabric of the walls. I also note that these proposals have undergone considerable redevelopment since first discussed in 2018. The current proposal for the screen is not curved on the footprint. The latest proposal is significantly different from the one considered by the VS in 2018. The overall design has changed in response to the comments of HE who were concerned that clear sight lines should be maintained of the tower arch. The design of the screen has also developed over the years that this proposal has been discussed. I note that HE comment about the final design proposals include the following:

'the clever design of the stairs and screen around the font would retain the visibility of the whole tower arch from a significant area within the nave which reduces the harm caused'.

14. I note the concerns expressed about access for less ambulant people. SPAB suggest the staircase could be located at ground level of the tower (if there was to be a mezzanine), but suggested that there would be no need for a mezzanine if the servery was located in the nave. In my judgement a servery in the nave would be much more intrusive than the current proposed design. I am also not convinced about requiring the stair to be orientated towards the north rather than the south. I accept the careful judgements that have been made over a lengthy period of consultation that the orientation should be

to the south. I do not think that the concerns about congestion near the lavatory are of sufficient weight to justify changing the orientation.

15. Clearly this proposal does some harm to the significance of the Grade 1 listed church in that the screen/stairs do intrude into the nave, where no intrusion was present before. In assessing the harm I bear in mind the wooden structure upon which the mezzanine is to be constructed means that the mezzanine is fully reversible. In considering this harm, I note that the sight line to the tower arch is not interrupted, as it was before in an earlier iteration of the proposal, and the design of the screen is in sympathy with the flow of the tower arch above it. The improved opportunities for 'public benefit' in the work of the church being enhanced must also be taken into account. The servery will provide enhanced pastoral opportunities, and for church community-building, and the central position of the font in front of the screen will also emphasise the sacrament of baptism as a first step in the Christian life as the congregation turn and support the newly baptised and welcome them.
16. There is a balance to be struck in the construction of the ambulant staircase. There is a handrail on the lower flight and a platform for the change in direction to assist those using the stair. However, it is not fully ambulant with 2 handrails. I note that there has been extensive discussion with the DAC about other staircase options including a spiral staircase within the tower footprint (which would be less easy to ascend for those less ambulant). Having fully assessed these options the DAC recommends this configuration with

this degree of ambulant assistance as appropriate given the setting of the church. I accept that advice.

17. I am satisfied that the harm done by proposal A is limited and it is ameliorated significantly by the design of the screen and the staircase in the context of the arch, taken together with the movement of the font in front of the screen. When assessed with the 'public benefit' achieved by this design, it is appropriate to grant a Faculty for this proposal A.

B: remove pews and pew platforms in the nave and chancel and replace with chairs

18. The pews are plain 19th century examples with very high pew platforms (see CBC letter 16/12/19) and CBC do not object to their removal. The pew platforms are beetle infested with wet rot to the joists. By removing the pews and replacing them with chairs capacity is increased from 96 to 131. I note the VS suggest a partial removal of pews. If pews are removed they advise that the Theo chairs identified should be stained to match the retained historic joinery.
19. I am not satisfied that there is harm done to the significance of this church by the removal of pews and the replacement by Theo chairs stained dark in the nave. I agree with the VS that the chairs should be so stained. I note they can be beech, ash or oak: they should be in the darkest colour (oak) to match the remaining joinery. I note that they are not upholstered (I could not permit upholstered chairs).
20. I am satisfied that it is appropriate to grant a Faculty for this proposal B.

C: lay a new stone floor

21. The proposal is to take up the existing floor, setting aside the sound flagstones and relaying the new floor using the retained flag stones in conjunction with new flag stones in matching character and colour. The work to the new heating will require much of this work. The area where the pews have been removed will be demarcated as the DAC required. It has been assessed that there are only 30% of the existing floor slabs which are sound, and it is proposed to use these to demarcate the pew platform areas. There are also old ledger stones which are not in their original position (see Archaeological Investigation report by Naomi Field October 2011) which could be re-incorporated into the floor. Ms Field also notes that relaying the floor would involve 'minimal disturbance' to underlying deposits.
22. The Petitioners are seeking to 'maintain the character and appearance of the interior' as much as possible.
23. I have noted the concern of CBC that the use of different floor coverings will create a 'very busy' floor given the size of the church. They suggest that entirely new stone be used throughout with a subtly different toned stone delineating the pew platform areas and perhaps also the area of the old location of the font.
24. The VS urge that all existing stone lifted for the heating works should be reinstalled. They are against the delineation of old pew and font areas. SPAB suggest leaving the existing stones as they are but using new stone to delineate the pew platform areas: they are against delineating the font area because to do so will make the design 'busy'.
25. It is clear that the Petitioners are seeking to avoid a 'clinical' look and want to incorporate as much of the existing stone as possible.

26. The removal of the pews (and the font) will leave an area of floor which needs to be treated in a sensitive way. Taking up the floor to change the heating system will inevitably mean that some stones will not be able to be replaced. I note that Mr Rosier estimates only 30% may be sound.
27. I am satisfied that although there is some harm to the significance of the church by the taking up of the stones and then relaying them as proposed, this harm is modest. Replacing the floor entirely with new stone would, in my judgement, do more harm to the significance of the church than what is proposed. What is being sought is to maintain the look of an 'historic floor finish'. What is proposed will achieve that and thus the harm will be modest. The 'public benefit' achieved through the installation of a new heating system will outweigh that modest harm. I am satisfied that it is appropriate to grant a Faculty for this proposal C.

D: move the font

28. The font and the base are created from a single piece of stone and are 15th century according to the EH listing (<https://historicengland.org.uk/listing/the-list/list-entry/1064139>). It is finely decorated with fleurons on the base, seated saints and the Annunciation against the stem and further seated figures around the octagonal bowl. The Statement of Significance has not recorded the date of the font which should be added to this document for the record. I note the date is easily obtained from the EH listing.
29. CBC do not object to the proposal to move it from the cramped location on the south side (albeit this is liturgically the correct place) and move it into the nave in front of the new screen at the west end

in front of the tower. Thus the font, and thereby the sacrament of baptism, will have a central focus placed upon it.

30. SPAB's concern arises from their understanding that the font base 'appears to run under the existing pillar' and therefore they raise the question that it may pre-date the church. I am satisfied from the photograph produced by the Petitioners and the explanation that this is not correct, and that the font rests on 2 flagstones and overlaps a third and is secured to those flagstones.

31. VS note the incongruous base involvement with the nave arcade pier and wish to retain it and thus are opposed to the movement of the font.

32. Canon F1 requires that

'The font shall stand as near to the principal entrance as conveniently may be, except there be a custom to the contrary or the Ordinary otherwise direct; and shall be set in as spacious and well-ordered surroundings as possible.

33. The basic rule for baptismal fonts is that they should be as near the principal entrance to the church as conveniently possible, but there is no legal, liturgical, or theological bar to a font being situated elsewhere, in exceptional circumstances. The Canon requires that the font should be in a spacious and well ordered surrounding as possible.

34. I am satisfied that where the font is currently located is not as spacious a surrounding as possible , and moving it from the south to the area in the nave in front of the new screen in at the west end of the nave complies with the requirement of the Canon. It is still near

the entrance of the church (thus maintaining that symbolic link) and it is in a spacious area.

35. I am not satisfied that there is any harm done to the significance of the church by moving the font to the proposed new position. There is good reason to do so in bringing the font and thus baptisms out into a more central place in the church thus emphasising the importance of the sacrament of Baptism.

36. The work of removal must be carefully planned and executed by specialists in this field given the antiquity of this font. I require that no work starts on this until the contractor's assessment and method statement to be provided to the DAC within 56 days of this Faculty being granted and with 28 days for the DAC to seek further directions from me. If no such directions are sought within this period by the DAC, the font may be moved in accordance with the assessment and method statement of the contractor. Subject to this, I am satisfied that it is appropriate to grant a Faculty for proposal D

E: replace the electrical system with a new one

F: install a new lighting system

G: install a new heating system

H: install a new audio-visual system

37. I consider proposals E-H together. There are no objections or concerns raised in respect of these proposals save in respect of the heating system by CBC. They are concerned that the heating report appears to suggest a base level temperature of 19 degrees when 12 degrees is more usual. The Petitioners have confirmed that the base temperature will be in accordance with CBC guidelines at 10-12 degrees boosting only when required.

38. CBC also raise the issue of a renewable energy source suggesting an air or ground source heat pump. The CofE has now set a target of being net zero by 2030.
39. The Petitioners acknowledge that this would be a major project (having researched this in other churches) but the system they are seeking to have installed is compatible with integration with an air/ground heat source heat pump in the future.
40. It is clear that the Petitioners are keeping open the possibility of a further project to integrate a renewable energy source into this system by 2030, and this is to be welcomed. I am satisfied that these proposals will not harm the significance of the church and are justified. I grant a faculty for proposal E-H.

I: internal redecoration

41. The Petitioners seek to strip the acrylic paint from the walls and limewash them. The CBC have asked that the method to be adopted should be approved by the DAC and I note the Petitioners state they have the required expertise within the design team to advise them on this. There is also to be an archaeological watching brief to ensure that there is no damage to any underlying material on the wall during the removal process which I welcome.
42. I grant a faculty for the proposal on condition that the assessment of the paint contactors and their method statement are shared with the DAC before work commences (I will allow 56 days from the grant of the Petition) with 28 days for the DAC to seek further direction from me on the topic if required. No work to

commence on the walls until those directions are given – or if the DAC do not seek a direction within the 28-day period.

J: relocate the chancel screen from the west of the arch to a new position (and removal of existing seating and replacement with chairs)

43. The proposal is to move the screen to just inside the chancel arch. This will enable the arch to be better emphasised where it is currently obscured by the screen. It will provide more space for the pulpit and for the area in front of the screen to address a congregation.
44. I note that the screen with the Rood upon it is being retained which is to be welcomed. I agree with the VS that there is little detail about how the work of removal will be achieved. It will have to be carefully planned to ensure there is no damage done.
45. The chancel pews are also proposed to be removed. I have asked what is to be done with the child choristers seating. Mr Rosier has responded that the best quality pews will be kept for heritage and recording purposes. If they are of adequate quality they will be reused in the 2 new rooms being created in the tower. I note that the replacement seating will be to use Theo pews as used in the nave.
46. I am satisfied that these proposals do no harm to the significance of the church and are well justified. The chancel screen will still be in view and the chancel area in front of the altar will be used as a place for quiet worship and prayer at any time. It will be a condition no work to the chancel screen shall start before the assessment and method statement of the contractor who is to move the chancel screen to its new position is provided to the DAC within 56 days of this Petition, with the DAC having 28 days from receipt to

seek any further direction on this from me. If no such direction is sought then the work may commence. It will also be a condition that the Theo seating is stained 'oak' as in the nave.

Conclusion.

47. I have considered each of these proposals separately. I now 'step back' and consider the project as a whole to decide whether it meets the Duffield test. I am satisfied that both considered separately and as a whole these proposals are such that a faculty can be granted in accordance with the Duffield tests, subject to the conditions that I have imposed.

48. I am grateful for the careful and thorough way in which Mr Rosier has prepared the documents for me to consider and the process in which the Petitioners have been engaged for some time. I repeat my apology for the delay that has occurred before I was able to deliver this Judgment. In the circumstances I waive my fee.

Revd HH Judge Mark Bishop

Chancellor

31st July 2021

Conditions to the faculty

1. The 'Theo' seating in the nave and the Chancel should be stained 'oak'.
2. The assessment of the work by the contractors instructed to move the font with their method statement must be supplied to the DAC within 56 days of this Faculty. The DAC have 28 days to seek further directions from the court about the method by which the font is to be moved. If no such direction is sought the work may commence.
3. If any disarticulated human remains are uncovered during any work to the flooring and it is necessary to remove the same for the work to continue, the remains may be removed and reinterred elsewhere within the consecrated ground under the supervision of a priest.
4. The assessment of work by the paint contractors instructed to strip the acrylic paint and limewash the walls with their method statement must be supplied to the DAC within 56 days of this Faculty. The DAC will have 28 days to seek further directions from the court about the method by which this is to be done. If no such direction is sought the work may commence.
5. The assessment of work by the contractors instructed to move the chancel screen with their method statement must be supplied to the DAC within 56 days of this Faculty. The DAC will have 28 days to seek further directions from the court about the method by which this is to be done. If no such direction is sought the work may commence.
6. Any requirements of the insurers set out in their letter dated 29/10/19 (or any other requirements they may have) must be met before the works begin.

7. There is an archaeological watching brief in respect of excavations and work to the walls.
8. The work should be completed within 24 months.
9. The PCC holds the funds for these works or has them pledged thereto before works commence.