

IN THE CONSISTORY COURT OF THE DIOCESE OF ROCHESTER

Re: LAMORBHEY HOLY REDEEMER

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J U D G M E N T

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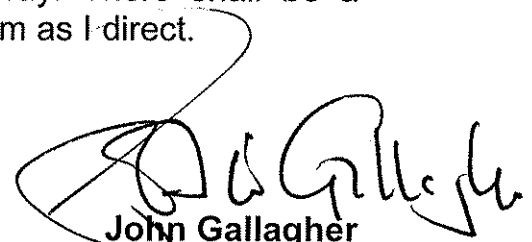
1. By a petition presented on 14<sup>th</sup> August 2018, the petitioners, being the Incumbent, the Reverend Mell Jemmett, and the Churchwardens, Ms Margaret Furlonger, and Ms Anne Wallace, of the Parish Church of the Holy Redeemer, Lamorbey, Kent, applied for a faculty for approval for a substantial reordering of the church, works to the church hall, which is a detached building, and other external works, involving the creation of an external play area, slight relocation of the war memorial, and widening of existing footpaths. I do not propose to rehearse the details of the proposed works here; they have been set out with full particularity in the petition and accompanying papers.
2. The estimated cost of the works is £925,478.00. When I had the opportunity of considering the petition on an initial basis I advised my Registrar that because of the size and cost of the intended works the petition would require careful consideration. I directed that the Twentieth Century Society should be invited to comment, if they so wished, on the works as now proposed, and asked that the petitioners provide details of the funding available to them. Last, I indicated that, provided the petitioners gave their consent in writing, I would be prepared to deal with the petition on the basis of written representations. By letter dated 20<sup>th</sup> August 2018, the Registrar communicated all of the above to the petitioners.
3. On 23<sup>rd</sup> August 2018, the appropriate consent in writing was provided by the Incumbent on behalf of the petitioners. Having reconsidered the matter, I am of the view that it is expedient and appropriate for me to deal with the petition on written submissions.
4. The P.C.C., at a meeting on 4<sup>th</sup> June 2016, unanimously resolved to approve the proposals. There were 12 members present and voting. There have been no objections to the public notices

displayed as required under **Part 6 Faculty Jurisdiction Rules 2015**.

5. The church, which was built in the 1930s, is not listed under the **Planning (Listed Buildings and Conservation Areas) Act 1990**. Planning consents, where necessary, have been obtained from the local planning authority, the London Borough of Bexley.
6. The D.A.C., in their Notification of Advice dated 12<sup>th</sup> July 2018, broadly approved the proposed works with certain recommendations, which are not, of themselves, controversial. These, in essence, have been dealt with in email correspondence dated 28<sup>th</sup> and 31<sup>st</sup> August 2018, passing between the P.C.C.'s architect and the D.A.C. Secretary.
7. The Twentieth Century Society, who have an interest in the church building and works, raised certain issues in particular relating to the North doors. I should say, at this juncture, that originally the works were proposed to be wider in scope, but that for a variety of reasons they were reduced. In turn, this meant that it was not easy for me to ascertain on my preliminary reading of the petition, whether, and if so to what extent, the Twentieth Century Society still had reservations and/or comments to make about what the petitioners are now seeking to do. In their email dated 21<sup>st</sup> August 2018 the Society has indicated that they: "will raise no objections to the scheme as currently proposed."
8. I have read the Statement of Needs, which runs to 13 pages, and which has been carefully put together. The proposed works are extensive and ambitious. They are in my judgment both needed and appropriate. There are now no objections to what is proposed.
9. There still remain, however, some areas of concern which require to be taken into account and/or resolved. The first of these relates to the cost of the project. In the petition it is stated that there is the sum of £775,478.00 available for the purposes of the proposed works. This, of course, is a large sum, and the P.C.C. is to be congratulated on having raised it, but that said, there still exists a substantial shortfall in what is required. In response to my request for more details relating to funding, referred to above, the Incumbent sent to my Registrar a memorandum dated 23<sup>rd</sup> August 2018. This reveals that whilst the majority of the cost of the works will be met from funds accumulated from the sale of a house and parsonage land, and from a trust grant, an application has been made to another charitable trust for a substantial grant, and to the

diocese for a loan. Unfortunately the outcome of these applications will not be known for some time. Accordingly, and not least for the protection of the P.C.C., there must be attached to the faculty that I propose to direct should issue, a condition to the effect that before any works are commenced, or any contract is signed, the petitioners must lodge and file with the Registrar written particulars, to his satisfaction, to show that at least £900,000.00 has been raised, or irrevocably pledged towards the proposed works.

10. Thereafter, it is not apparent whether or not Building Regulations Approval has been granted. This must be clarified, and if necessary, the relevant approval obtained. There must, then, be a condition attached to the faculty to the effect that throughout the works, there must, at all times, be compliance with the Building Regulations and with any relevant planning consents.
11. The D.A.C raised an enquiry about joinery and fencing items which are to be designed and constructed by M&E Services. As yet the petitioners have not been able to provide the information sought, but, as I understand it, it will be forthcoming. There should be a condition that the design and materials to be used in the construction of the joinery and fencing items to be provided by M&E Services must be submitted to the D.A.C for their approval and/or comment.
12. Finally, but not as a condition, I recommend that the petitioners and their contractor take into account that it will not be possible, under the current control design, to have the boilers operating under outside compensated control whilst they are heating the hot water.
13. In the premises, and subject to what I have said above, I direct that faculty issue.
14. The petitioners must pay the Registry and Court costs of and incidental to the petition, in the normal way. There shall be a correspondence fee to the Registrar in a sum as I direct.



**John Gallagher**  
Chancellor  
6th September 2018